

Excellence through Ethics™

Session 5

Balancing Profits and Safety



High School



Junior Achievement®



Excellence through Ethics
High School
Session 5

Balancing Profits and Safety

Content: Ethics, Business Profits, and Work Safety

Methods: Case Studies

JA Foundational Pillars: Ethics, Work Readiness, and Entrepreneurship

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Acknowledgements

Sponsorship

JA Worldwide® (Junior Achievement) gratefully acknowledges Deloitte & Touche USA LLP for its commitment to the development and implementation of the supplementary program *Excellence through Ethics*. JA Worldwide appreciates its relationship with Deloitte & Touche USA LLP to develop and implement vital and innovative programs designed to foster ethical decision-making skills.

Balancing Profits and Safety

Overview

Students make decisions based on the right of workers to safety and the right of businesses to profits.

Objectives

Students will be able to:

- Examine the responsibility of businesses to provide safe conditions for workers.
- Recognize the role of government in ensuring business compliance with safety rules.
- Make ethical decisions about creating safe working environments.
- Recognize legal terms used in civil suits.

Preparation

Review the activity. Prepare the necessary copies and session materials.

Group work is incorporated into this session. You may consult with the teacher to determine how best to form the groups.

Post Key Terms and definitions in a visible place.

- **Ethics:** The standards that help determine what is good, right, and proper.

Recommended Time

This session typically takes 45 minutes to complete. Ask the teacher to help you keep track of time.

Materials

- Case Study (1 per student)
- Roles for Case Study (1 per student)
- Legal Vocabulary for Case Study (1 per student)
- OSHA Fact Sheet (1 per student)
- Pens or pencils (1 per student)
- Markers (optional) (1 per student)

Presentation

Introduction (10 minutes)

Greet the students. Ask how many of them have jobs after school or on weekends. Ask a few students to name or describe their jobs. You can describe one of your own high school jobs, if appropriate.

Ask if any of them work, or have worked, around large machines, hot surfaces, or hot substances. If any students have experience in this kind of workplace, ask them the following:

- What safety procedures do you have to follow?
- Were you informed about job hazards and trained in safety procedures?
- Do you know the type of accident insurance your employer provides you?

Next, ask students:

- Have you ever known anyone who was injured on the job? How did it happen?
- Do you know who paid the medical bills?
- How much responsibility for the accident did the employer assume?
- Do unions provide protection for workers from unsafe working conditions?
- Are there laws that require employers to provide safe working environments?
- What is the role of the government in this area? Is there a specific agency assigned to this task?

Tell students that today's activity will focus on safety issues for workers. They will discuss who's responsible for worker safety.

Activity

Case Study (30 minutes)

Tell students that they will read a case study about a worker named David Peterson, who was injured on the job at Waynewood Smelting Company. Explain that a smelting company melts down metal and casts it into parts.

Separate the class into four groups. Distribute the Case Study and the Roles for Case Study handouts, and ask students to read them to themselves. When most students have finished reading, assign each group a role from Roles for Case Study.

Next, ask each group to prepare a memo, based on their role, advising David whether he should accept Waynewood's offer. The memo should highlight the advantages to David if he follows their advice and should be in the best interests of the role they represent. Allow students five minutes to complete this exercise. When they are finished, have each group select a spokesperson to present each memo.

As a reminder, write the directions on the board:

- Write a memo advising David whether he should accept Waynewood's offer.
- Highlight the advantages to David if he follows your advice.

Tell students that most companies do their best to create a safe work environment for their employees and would not knowingly send workers into an unsafe situation. Business benefits from a safe working environment, and companies know that injuries reduce productivity—costing both time and money. Companies that have safety problems also tend to have quality problems, resulting in higher costs and reduced profits. Because these added costs are generally passed on to the consumer in the form of higher prices, such companies usually cease to remain competitive in today's market.

The Waynewood Smelting Company case shows the impact of government regulation in those rare instances when businesses act unethically. Discuss how David was injured. Ask students why they think Waynewood Smelting Company repeatedly ignored safety concerns at their factory.

Now, ask the class why OSHA would want to get involved in this case. **Answer:** If Waynewood isn't brought into compliance with the safety rules, more workers could get hurt or killed.

If the factory was constantly breaking safety laws, why didn't David and his coworkers join a union to help negotiate improved working conditions? **Answer:** Because they were unskilled workers, unemployment was high, and they were afraid of losing their jobs.

If Waynewood Smelting Company is non-union, why is the union trying to get involved in David's lawsuit? **Answer:** The union wants workers at Waynewood to realize that they need to unite and force Waynewood to make the workplace safe.

Have students calculate David's total earnings if he had continued to work for the company at his current wage until he was 65. **Answer:** $65-48 \text{ years} = 17\text{years} \times \$30,000 = \$510,000$.

Ask students if they think the Waynewood offer is fair. Note that it more than pays for the medical bills and exceeds the salary David likely would have earned had he not been injured and had he remained at the company.

Calculating the costs and benefits for Waynewood, ask why the company probably made the offer. **Answer:** They wanted to pay David just enough to keep him satisfied; keep the lawsuit quiet; keep the factory from unionizing; and keep OSHA out of the picture. Settling would help them avoid higher penalties and even criminal prosecution, not to mention not having to pay another \$2 million or more to bring the plant into compliance with safety regulations.

Now, distribute the Legal Vocabulary for Case Study handout to introduce terms used in a lawsuit. Have students read it. Answer any questions regarding the terms. Now, ask the four groups to think about their advice to David. What would the most ethical advice be? Have each group spokesperson tell the class whether they would change their advice to David, and why.

Summary and Review (5 minutes)

Briefly review the vocabulary introduced in the session.

Remind students that there are laws that require employers to provide safe working environments.

Tell students that OSHA plays a necessary role in business. Cases like David's do happen. Many work-related injuries happen to drivers of company vehicles. Sometimes, employees are injured from falls on the job. Since OSHA was created by Congress in 1970, all interested parties have worked hard to improve working environments in the United States. As a result, on-the-job deaths have been cut in half. Distribute the OSHA Fact Sheet; have students take it home to read.

Ask students why they think some companies resist investing money in workplace safety. Is it ethical?

Next, ask them why a seriously injured worker would reject a settlement and sue an employer for millions of dollars. Is it ethical? What are some of the factors the plaintiff needs to bear in mind when deciding whether to sue or accept a settlement?

Session Outline

Introduction

- Greet the students.
- Ask students if any of them have after-school or weekend jobs.
- Ask them if they have had safety training.
- Ask students if they know anyone who was ever injured at work. Who took responsibility?

Activity

- Distribute Case Study and Roles for Case Study.
- Separate the class into four groups; assign each group a role.
- Have groups prepare memos advising David whether to accept the company's settlement.
- Discuss the goals and interests of each group in this case.
- Introduce legal terms by distributing Legal Vocabulary for Case Study.
- Ask groups to give the most ethical advice to David.
- Distribute OSHA Fact Sheet.

Summary and Review

- Briefly review the vocabulary introduced in the session.
- Remind students that laws exist that require safe working environments.
- Ask students why some companies resist investing in workplace safety. Is it ethical?
- Ask students why an injured worker would sue his employer for millions of dollars. Is it ethical?
- Thank the students for their participation.

Case Study—David Peterson vs. Waynewood Smelting Company

David Peterson works for the Waynewood Smelting Company. Recently, he suffered a crushing, on-the-job injury that has confined him to a wheelchair for life. The injury was caused by a malfunctioning elevator that fell on him as he was working in a sandpit. In the past, Waynewood Smelting Company has been cited frequently by the Occupational Safety & Health Administration (OSHA) for violating safety rules. OSHA had already cited the company for the faulty elevator in question and had previously fined Waynewood more than \$200,000 for the violations. OSHA ordered the company to replace the elevator and make other repairs, which would have cost the company \$2 million. Waynewood was slow to respond to the order.

When the Waynewood Smelting Company refused to provide David with workman's compensation and fully pay his medical bills (\$600,000 and growing), he sued them for \$50 million in damages.

Shortly after a trial date was set, Waynewood attorneys approached David and offered him a settlement of \$5 million. Their conditions were clear: David would forego all future medical claims against the company and sign a confidentiality agreement that would prevent him from making his story or the lawsuit public.

Should David accept the offer?

Roles for Case Study



The Peterson Family

- David Peterson is 48 years old and has worked for Waynewood Smelting Company for 17 years. He is an unskilled laborer and worked at odd jobs before the company hired him. He earned \$15 per hour with partial health benefits. His total gross income was about \$30,000 per year, including overtime. He drives a battered 1988 Chevy truck; he lives with his wife and three children in a rented house.
- Sarah, David's wife, works part-time as a nurse's aide in a retirement home. She has been ill with a severe asthmatic condition for several years.
- Cathy, their oldest daughter, attends Georgetown University on a partial scholarship. The Petersons are very proud of Cathy's academic accomplishments, but they are very concerned by the substantial college loans their daughter has acquired to attend the university.
- Robert, their son, is a sophomore in high school and a promising musician. He dreams of attending a prominent music conservatory, but he is worried about how he will finance it.
- Amy, the youngest child, is a third-grader and is enjoying her childhood.



Waynewood Smelting Company

- Waynewood was started by the CEO's great-grandfather.
- Through dogged determination, cost-saving efficiencies, and brilliant strategies to beat cutthroat competition, the company is the largest and most profitable enterprise in the industry.
- Waynewood executives have battled with federal OSHA regulators for years over safety issues, but have never publicly admitted that they violated any regulations.
- They regard federal oversight as an unwelcome threat to their profitability.
- As such, they contribute large sums to political candidates who advocate deregulation of their industry.



OSHA

- OSHA is the federal agency responsible for enforcing safety regulations in most industries.
- It has continually struggled with Waynewood over safety violations.
- It has cited Waynewood for violations, assessed fines, and ordered factory safety improvements, but has been frustrated by the company's slow responses and efforts to circumvent oversight.



Unions

- Unions have continually tried, with little success, to unionize the workers at Waynewood Smelting Company.
- Waynewood usually locates its factories in depressed, rural areas with high unemployment rates to dissuade workers from organizing.
- Unions regard this lawsuit as an opportunity to finally galvanize workers under their leadership.
- After they organize the workers, they plan to force Waynewood to pay a living wage with benefits, and improve working conditions.



Legal Vocabulary for Case Study

Compensatory Damages: Money awarded to one party (plaintiff) in a civil suit for earnings lost as a result of injury.

The Occupational Safety and Health Administration (OSHA): OSHA is a regulatory agency of the federal government that oversees working conditions to ensure safe and healthy work environments.

Pain and Suffering: Money awarded to a party (plaintiff) in a civil suit for mental and/or physical distress.

Punitive Damages: Money awarded in a civil suit to one party (plaintiff) to punish the other party (defendant) for a serious wrong.

OSHA Fact Sheet

The Occupational Safety & Health Administration (OSHA)

- The mission of the Occupational Safety & Health Administration (OSHA) is to save lives, prevent injuries, and protect the health of America's workers.
- To accomplish this, federal and state governments must work in partnership with the more than 100 million working men and women and their 6.5 million employers who are covered by the Occupational Safety and Health Act of 1970.

Services

- OSHA and its state partners have approximately 2,100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards; enforces those standards; and reaches out to employers and employees through technical assistance and consultation programs.
- Nearly every working man and woman in the nation comes under OSHA's jurisdiction (with some exceptions, such as miners, transportation workers, many public employees, and the self-employed). Other users and recipients of OSHA services include: occupational safety and health professionals, the academic community, lawyers, journalists, and personnel of other government entities.

OSHA Saves Lives

- Case 1. Should one doubt the wisdom of using fall protection during construction, you might want to ask one fortunate construction worker from Michigan-based National Riggers and Erectors. In September 2002, while working at the Lambeau Field Renovation project in Green Bay, Wisconsin, the worker slipped from a steel beam, six stories above ground. Thanks to his use of full fall protection, serious injury—or death—was avoided. He was back at work shortly after his rescue. Less than two months later, a second worker slipped from a beam, but also escaped injury because of his fall protection equipment. Like his predecessor, he returned to work the same day. OSHA has a Strategic Partnership agreement with Turner Construction, the Lambeau Field general contractor, which requires 100 percent use of fall protection above six feet. Strict adherence to that requirement saved two lives in the first year of the project.
- Case 2. Workers on a deteriorating floor at a building undergoing demolition in Chicago in July 2002 also appreciated OSHA's intervention. Following a complaint about the site, OSHA Inspector Vince Blakemore visited and found workers standing on deteriorating flooring, joists, and support beams while demolishing the second level of the building. He told the owner to get workers off the rickety second story and find another method of demolition. The owner responded to Blakemore's concern and complied with OSHA's request immediately, moving the workers to the first level in another section of the building. Thank goodness, because the very next day the building collapsed—right where the workers had been.

OSHA Facts

- OSHA conducted 35,778 inspections in Fiscal Year 2001.
- OSHA's budget for Fiscal Year 2002 was \$443 million.
- Since OSHA was created in 1971, deaths on the job have been cut in half.
- Over the past 30 years, workplace injuries and illnesses have declined by 40 percent.

Source: www.osha.gov

Appendix

Welcome to Junior Achievement's

Excellence through Ethics

As a Junior Achievement (JA) volunteer or teacher, you are joining other teachers and volunteers from across the United States in providing students with a unique educational experience. Junior Achievement's *Excellence through Ethics* offers students learning opportunities to share knowledge and information regarding ethics in business. JA strives to show students how business works, and to better evaluate organizations that conduct their operations in the right way.

Excellence through Ethics is designed to equip volunteers and teachers with supplemental, ethics-based activities for use with JA in-class programs for grades four through twelve. All these activities provide students with current and essential information about business ethics.

These activities are designed to reinforce students' knowledge and skills, teach them how to make ethical decisions, assist them in learning to think critically, and help them to be better problem-solvers. All the activities are hands-on, interactive, and group-focused to present the material to students with the best instructional methods.

Within these supplements, you will find sections to help you effectively implement the activities in your volunteer experience. Materials include: (a) an introductory discussion of business ethics, marketplace integrity, and the growing capacity of students for ethical decision-making; (b) activities and student materials that connect to and expand current classroom-based Junior Achievement programs; and (c) a functional glossary of terms relating to a wide spectrum of ethics, quality, service, and social responsibility considerations in business.

JA greatly appreciates your support of these important and exciting activities. If you have comments about the *Excellence through Ethics* program content, curriculum, and/or instruction, please access <http://studentcenter.ja.org.aspx/LearnEthics/> and choose the “*Excellence through Ethics* Survey” link located in the middle of the page.

Appendix

Introduction and Overview

- *How do I do the right thing in this situation?*
- *Should I be completely honest, even if it puts others in jeopardy?*
- *What kind of community do we want to be?*
- *How do we do what's best for the long term?*
- *Who should cover the cost of "doing the right thing"?*

These are all questions having to do with business ethics. They are valid and necessary questions, and good business people have asked them for generations. They form the backdrop of vital discussions as business, community, and political leaders grapple with significant issues. Many students would ask these questions, even if Junior Achievement hadn't developed this ethics curriculum.

Business Ethics Discussions Are Here To Stay

Business ethics has been in the spotlight for much of the past decade, especially as examples of wrongdoing come to light in the media. New technologies and international competitive pressures cause a steady focus on the question, "Is it possible to be competitively successful in business today and still operate in an honest and ethical manner?" The past decade has seen individuals search for deeper personal meaning in the workplace, which has contributed to lively ethics discussions in the business realm. For these reasons, the discussion of business ethics is not a passing fad; it's here to stay.

Many graduate schools of business have either required ethics coursework or integrated ethics principles throughout all areas of study. That is commendable. We believe this vital area of exposure and instruction also should happen at earlier ages and continue throughout the students' educational journey. Many of today's students haven't had access to a well-rounded education in economics and free enterprise or have come to see these in a very negative light. They have limited awareness of the extent to which good business leaders engage in the challenging exercises of ethical decision-making amid heavy competitive pressures. As students learn the general principles of economics and business, it's critical that these be underpinned with a strong foundation in ethics. This will accentuate the best in American business traditions, while laying the groundwork for students' continued evolution into future generations of leaders.

Integrity in the Marketplace?

Many adults and young people choose to believe that the marketplace is driven only by greed. They view it as bringing out only the worst in human behavior, demoralizing the human spirit, and driving out any sense of idealism. While elements of greed and extreme self-interest among some individuals cannot be denied, solid research has shown time and again that companies with a long-term focus on ethics and a broad consideration of stakeholders' interests are much more profitable than those lacking such a focus.

James A. Autry, in his book *Love and Profit: The Art of Caring Leadership*, said it well: "I do not doubt the presence of greed in the marketplace because I do not doubt the presence of greed in people. But, I also do not doubt the ennobling aspects of work, of the workplace, of the community, of endeavor, of

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the marketplace. So I choose to believe that most of the marketplace is driven by people who want to do good work for others and for themselves.”

Excellence through Ethics accepts the challenge of educating youth in the basics of economics and business while establishing a positive balance on the side of well-informed, ethical business practice. This may appear to place a heavy burden on Junior Achievement volunteers, who are not trained ethics experts. The following informational pages will not turn you into an ethics expert. That’s not what we’re striving for here. What students need most is meaningful interaction with people who are willing to engage in a discussion of these vital issues.

Lively Practitioners Rather Than Dry Theorists

This program is more about day-to-day ethics practice than the nuances of ethics theory. Some believe that working in business requires a disconnect from one’s personal ethics. We do not believe this is the case. Students need to know that what they learn about fairness and honesty in general also applies to business. While business ethics may address some specific areas of business practice, it’s not a separate and distinct specialty to be set apart from the general ethical principles that apply in other areas of life. Young people need to encounter the wisdom of age and experience that volunteers bring to the classroom.

Students’ Growing Capacity for Ethical Decision-Making

Excellence through Ethics is designed to foster discussions at the appropriate level for each age group. The curriculum developers have designed the ethics activities with sensitivity to student’s mental maturity. At the late elementary and middle-grades levels, students’ capacities for ethical reasoning tend toward good personal behavior as determined by adult rules and authority. In relationships, personal trust, loyalty, and respect are of paramount importance. For these students, corporate ethical behavior is viewed in much the same light as their own personal behavior: it’s governed by rules.

As students advance into high school, their ethical decision-making moves into the larger arena of social contracts and systems that guide and govern societal and group behavior. Here the rationality and utility of laws are scrutinized, as students become more capable of higher-ordered, principled thinking. Students are increasingly aware of the diversity of values among different cultures and communities. At this level, students’ capacities for processing the complex, ethical dilemmas that may be encountered in business are greatly enhanced.

You will gain confidence as you come to realize that conducting a robust, provocative discussion with students is more important than “having the right answer.” The activities have been designed to leave room for lively discussion and multiple points of view. Having the courage to share your own experiences is very valuable to students.

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You don't have to apologize for the excesses students may see in business. Don't assume responsibility for actions that are not your own, and do not try to defend the indefensible. While accentuating the fact that most businesses operate ethically, it's okay to scrutinize the unethical players in the marketplace who give business in general a bad name.

Continuing Education

Teaching this material to students will no doubt strengthen and enhance your own ethics awareness and continuing education. Some students will challenge your best reasoning capacities. Having your own support network of professional colleagues with whom you can share and discuss some of these issues is very valuable. It's also helpful to seek out colleagues with philosophical views that differ from your own. This serves as a valuable "cross-pollination" function because you will be able to understand and discuss a variety of views with students, as well as share students' perspectives with your colleagues. In this way, everyone learns.

Finally, please be assured that your contributions here have tremendous value to students and will serve to upgrade business ethics in the future. We're dealing with the future generation of leaders in their formative years. We can take pride in the fact that we've had a hand in shaping the very people who will be responsible for business ethics and social responsibility in the future.

Appendix

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Many educators, economists, businesspeople, and consultants have contributed to the development of *Excellence through Ethics*. We would like to acknowledge the following individuals and groups for their efforts, creative talents, and support in creating these materials:

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Appendix

Excellence through Ethics Evaluation

Junior Achievement has discontinued all paper versions of program surveys. However, we greatly appreciate your comments and feedback about *Excellence through Ethics*. Please help us improve the quality of *Excellence through Ethics* by sharing your comments through our new online survey process. The online survey should take less than 10 minutes to complete.

If you have comments about the *Excellence through Ethics* program content, curriculum, and/or instruction, please access <http://studentcenter.ja.org/aspx/LearnEthics/> and choose the *Excellence through Ethics* Survey link located in the middle of the page.

Thank you for participating in JA!



Excellence through Ethics Volunteer Survey

1. Including this session, how many individual sessions of Excellence through Ethics have you presented? _____

2. Do you feel that the students were engaged through this session?
 - A. Not at all
 - B. Somewhat engaged
 - C. Engaged
 - D. Very Engaged
 - E. Unsure

3. Do you feel the session was relevant to students?
 - A. Not relevant
 - B. Somewhat relevant
 - C. Relevant
 - D. Very relevant
 - E. Unsure

4. Do you feel students are more prepared to make ethical decisions after participating in this session?
 - A. Significantly more prepared
 - B. Somewhat more prepared
 - C. Somewhat less prepared
 - D. Significantly less prepared
 - E. Unsure

5. On a scale of 1 to 10 (10 being excellent), how would you rate the overall quality of the Excellence through Ethics session? _____

6. After this JA experience, how likely are you to volunteer for JA again?
 - A. More likely to volunteer
 - B. Less likely to volunteer
 - C. No more or less likely to volunteer
 - D. Unsure

7. What comments or suggestions do you have regarding the overall session (including format, content, etc.)?

Optional: City _____

State _____ Country _____

Email _____

Excellence through Ethics Student Survey

1. What grade are you in? _____

2. Please fill in the circle that best describes how you feel about the following statements.

There is no right or wrong answer.

	Strongly Disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree
This topic is very important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am able to apply what I learned in this session to the real world.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The activities were interesting.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I learned something about ethics from this session.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Do you feel more prepared to make ethical decisions after participating in this session?

- A. Significantly more prepared
- B. Somewhat more prepared
- C. Somewhat less prepared
- D. Significantly less prepared
- E. Unsure

4. I saw someone at my job taking money from the cash register, I would:

- A. Ask someone I trust what I should
- B. Tell a supervisor
- C. Talk to the person taking the money
- D. Do nothing
- E. Not sure

5. To help us better understand who you are, please answer the following questions: How do you describe your ethnicity (family background)? (Fill in all that apply)

- A. African American
- B. Asian American
- C. Latino (a) or Chicano (a)
- D. European American (white)
- E. Native American
- F. Other – how do you identify yourself? _____

6. Do you have any additional comments regarding this session?

Optional: City _____ State _____ Country _____