Technical Communication 12th edition Markel Solutions Manual

SKU: 9781319058616-SOLUTIONS

Chapter 2 Understanding Ethical and Legal Considerations

A. Summary

While there are many different points of view on ethics, four moral standards help students integrate several points of view: rights (concerning the basic needs and welfare of particular individuals), justice (concerning how the positive and negative effects of an action or policy are distributed among a group), utility (concerning the positive and negative effects of an action or policy on the general public), and care (concerning one's responsibilities to people in one's family, workplace, and community). In the workplace, employees have ethical obligations to their employer, to the public, and to the environment.

Technical communicators should know the basics of four areas of law: copyright, trademark, contract, and liability. Copyright law, which covers the protection of the rights of the author, is often deliberately vague. That said, students need to learn about protections for intellectual property so that they properly protect their companies' work and so that they do not misuse work that others have created. Trademarks are different from registered trademarks, which provide substantial legal protection. Expressing trademarks correctly in communication can help protect them.

Companies are responsible for abiding by their express (explicit) warranties and implied warranties. Companies can reduce the incidence of injuries that can lead to liability claims by understanding the users of a product, writing safety messages that follow the principles of effective tech comm, and testing instructions effectively and often.

Employees should be aware of their right to resist an employer's request or demand that they participate in an unethical action or that they look the other way while others participate. If an employee has exhausted all avenues to prevent or end the unethical practice, he or she is entitled to blow the whistle.

Companies face special challenges when they market their products and services to people from other cultures. They need to decide how to deal with situations in which the target culture's ethical beliefs clash with those of their own culture. When U.S. companies export goods and services to other countries, they need to adhere to those countries' federal and regional laws.

Technical communicators and technical professionals should abide by relevant laws and appropriate professional codes of conduct, abide by their organization's policies on social media, comply with accessibility standards, tell the truth, avoid misleading readers, use design to highlight important ethical and legal information, be clear, avoid discriminatory language, and acknowledge assistance from others.

B. Goals

By the end of the chapter, students should be able to do the following:

1. explain why technical communicators and technical professionals need to understand basic ethical and legal principles

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual

2. explain how the ethical standards of rights, justice, utility, and care can be applied in thinking through ethical conflicts in the workplace
3. articulate the basics of four different bodies of law relevant to technical communication: copyright law, trademark law, contract law, and liability law
4. analyze a code of conduct
5. define whistle-blowing
6. outline ethical and legal issues related to social media
7. describe the basics of communicating in cultures with different ethical beliefs and communicating in countries with different laws
8. list eleven principles of ethical communication and use these principles to meet workplace obligations

C. Teaching Guide

In one sense, it is very difficult to talk about the ethics of tech comm because the subject is subtle and complicated and there are no easy answers. However, most students have experienced ethical dilemmas at school or at work, and they are generally interested in talking about the subject.

Sometimes students want you to tell them what they should do when they confront ethical dilemmas, but of course you cannot. Sometimes students think that reading a chapter on ethics will make them ethical people. One of your jobs is to help them understand that they cannot "learn how to be ethical" quickly and easily; the purpose of the chapter is to help them understand how ethicists frame the issues, so that they can think about their own ethical dilemmas in clearer and more nuanced ways.

Discussions of legal considerations are similarly challenging because students do not necessarily see themselves as being representatives of their organizations. You should help them see that when they communicate they represent the ethical stance of their organization, and this ethical stance is often a matter of legal concern. Try to help them see that the law is our society's principal means of manifesting its deepest ethical beliefs. Often there are liability cases in the news that can help you focus students' attention on the relationship between ethics and the law.

Traditional-Classroom Approaches

For all Additional Exercises and Cases, see LaunchPad.

1. Help students learn the basics of copyright law, trademark law, contract law, and liability law by discussing current cases relating to these laws. You can find current cases by searching the Internet. Because these laws can be complicated, your goal should be not to give legal advice but to help students understand how each law focuses on different obligations that technical communicators have when writing technical documents. (15 minutes)

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual

2. Discuss the concept of *whistle-blowing*. Develop your own whistle-blowing case or search technical-communication journals to find a case applicable to technical communication. Prepare a handout or describe the case orally and then have students answer the following questions:

   a. Where does loyalty to the employer end and the employee's right to blow the whistle begin?
   b. What should an employee do before blowing the whistle?
   c. What is the difference between being *justified* in blowing the whistle and being *obligated* to do so?
   d. In what ways does doing what is ethical help or hinder an employee's career? (25 minutes)

Technology-Enhanced Approaches

1. **Additional Exercise:** "Finding a Code of Conduct on a Website" asks students to search for a code of conduct on the website of a large or important company in a field related to their major. (20 minutes)
2. **Additional Exercise:** "Analyzing Engineering Ethics Cases" emphasizes the importance of clear, honest communication by having students examine ethics cases in the field of engineering. (20 minutes)
3. Have students search the Internet to find information about a recent case of whistle-blowing. In a memo to you, have students summarize the case, state the impact on the organization and on the whistle-blower of the decision to blow the whistle, describe the case's relevance to technical communication, and respond to the questions in Exercise 2 under Traditional-Classroom Approaches above. (25 minutes)

D. Suggestions for Responding to the Document Analysis Activity

1. *The "Overview" section discusses the company's social-media policy guidelines in terms of etiquette. In what way is "etiquette" an appropriate word to describe the policy? In what way is it inappropriate?*
   "Etiquette" is somewhat appropriate because the word refers to general guidelines for social behavior, and employees are likely to interact with one another in online spaces. However, the consequences of breaching typical rules of etiquette are usually fairly small. Because Paragon is trying to prevent employees from doing or saying something that could have major consequences, "etiquette" might mislead employees about the severity of potential consequences.

2. *The "What Are Social Media?" section provides little useful information. What other information might it include to make the document more useful to Paragon employees?*
   This section needs to give examples. Networking sites, such as Facebook and LinkedIn, are one category of social media. Microblogging platforms, such as Twitter, are another. Blogs

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual

are another; the comments sections of blogs are common sites of social-media exchanges, and a good policy will steer employees away from making comments that could have negative consequences. Photo-sharing platforms such as Instagram are another set that a good policy should address.

3. *The bulleted guidelines are vague. Revise any two of them to include more specific information.*
   Always use your best judgment and be honest. →
   Use your best judgment. Do not make a comment that could be interpreted as an insult; do not make negative comments about our competitors, our customers, or any community.

   Be respectful of confidential information (such as clients, financials). →
   Protect confidential information. Do not release information about Paragon's financial status, our strategic plans, or how we operate. Do not release such information about our clients. If you have something to say but are worried about how it would be received in public, talk to your manager or supervisor first.

E. Suggestions for Responding to the Exercises and Case

Students may put their responses to these assignments in a memo. Because this chapter is often covered early in a course, students may benefit from a brief discussion of how to format and organize a memo (see Chapter 14).

Although responses to all of these exercises will vary, successful ones will directly mention principles discussed in the chapter, such as those from Velasquez (2011) in the section "A Brief Introduction to Ethics" or those outlined in the section "Principles for Ethical Communication."

1. It is hard to make a case that applying for the job without disclosing plans to quit at summer's end is a good ethical choice. Applying for the job without mentioning future plans would be dishonest; it deprives the employer of the right to honest information, it might unjustly deprive someone else of a job, and it could result in a negative relationship that will affect the student's future employment. However, it would be ethical to apply with a full disclosure of the student's limited availability. If the student gives the employer honest and complete information on which to base the hiring decision, the student will have behaved ethically, and the employer is likely to look favorably on that.

2. It is possible to argue that each course of action is an ethical one, although the arguments for supporting the department heads are likely to be stronger. A statement supporting the head of the bookstore is likely to focus on utility; the profits from selling the guides would benefit the bookstore and, ultimately, the students. This financial argument focuses on short-term consequences. On the other hand, a statement supporting the academic departments is likely to focus more on care and concern for students. By limiting students' access to the guides, which are seen as shortcuts to studying, the academic departments encourage students to reach their own conclusions about works of literature through careful, focused reading. Over

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual

the long term, students who do their own work when studying literature can improve their critical thinking and analysis skills and develop cultural appreciation, which those using the guides might not be able to do.

3. Although responses will vary, successful responses will refer to specific examples from the policy statement, chosen to support their points, and will take into consideration the discussion of corporate policy statements in the chapter.

4. **Team Exercise:** Students should demonstrate that they sought information about each organization's corporate values, code of conduct, and commitment to the environment. This assignment provides an opportunity for students to learn about and gain practice in citing electronic sources. You can refer them to the Appendix, Part B, for guidelines on the format appropriate to their discipline (APA, MLA, or IEEE).

Case 2: The Ethics of Requiring Students To Subsidize a Plagiarism-Detection Service

Although responses will vary, successful ones will analyze the case in terms of the four principles from Velasquez (2011): rights, justice, utility, and care. It is possible to argue that each course of action is an ethical one; students will find out that this case is complicated. The main question to ask is whether students base their analyses on the short term or the long term. Students should provide adequate evidence in support of their positions. If students find that some of the four principles are more relevant than others, they should mention that as well.

A student arguing against requiring students to subsidize licensing of the CopyCatcher.com system might raise some of these objections: it is unjust to require honest students to pay a fee caused by dishonest students; it is unjust for a company to profit from work done by students who not only are not paid for their work but pay for the privilege of doing it; it would be unjust for an honest student to be accused of plagiarism if he or she was in fact innocent; it would be unjust for students to have to pay for a service that their professors might not choose to implement; students have the right to be considered honest and innocent unless proven otherwise; and the principle of utility does not identify much practical benefit for honest students and focuses on the money they would pay. The short-term benefits of CopyCatcher.com for honest students do not seem strong.

A student arguing in favor of requiring students to subsidize licensing of CopyCatcher.com might raise some of these points: it is unjust for plagiarists to get grades for assignments they did not do themselves; it is unjust for plagiarists to get grades that are as good as or better than grades that honest students receive; it is unjust to honest students for plagiarists to damage the university's reputation; and the university would show care toward students by implementing a system that encourages honest work. The long-term consequences (utility) of implementing this system might outweigh the short-term financial costs.

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual

Case 2 Reflection

Ensure that students answer the following questions in their reflections:

- Were you initially in support of Provost Lingram's proposal, or did you share the concerns of the students in the case scenario?
- Did your opinion about the proposal change after you considered it from the perspective of the four ethical standards? Why or why not?
- Did you find using the standards to be an effective method of evaluating this ethical dilemma?

© 2018 Bedford/St. Martin's. All rights reserved.

Technical Communication 12th edition Markel Solutions Manual