

ETHICS IN TERTIARY EDUCATION, POST-GRADUATE STUDIES AND BUILT ENVIRONMENT (BE) PROFESSIONAL PRACTICE

GAYE LE ROUX, cidb 26th February 2018

Can ethical behaviour be taught?

NO

- *“In theory, theory and practice are the same. In practice, they are not.”* Albert Einstein
- *“...one cannot train someone to be [passionately] ethical – it’s either in their DNA or it’s not.”* (With apologies to Sir Richard Branson)

BACKDROPS, BOUNDARIES, BARRIERS

1. Common Law
2. Legislation / Regulation
3. Rules / Standards / Codes
4. Morality / Principles / Discipline
5. Ethics / Values
6. Expediency

TERTIARY EDUCATION, POST-GRADUATE STUDIES AND BE PROFESSIONAL PRACTICE require

**Law, Legislation / Regulation, Rules /
Standards, Codes / Morals / Principles /
Discipline / Ethics / Values**

and all of these apply to

Service providers

and

Consumers

(students; Clients)

QUESTION

**FOR PROVIDERS OF TERTIARY EDUCATION,
POST-GRADUATE STUDIES AND BE SERVICES, IS
THERE ROOM FOR
MOVEMENT OR MANIPULATION**

**of Common Law,
Civil Law (*Legislation / Regulation*),
Rules / Standards, Codes / Morals /
Principles / Discipline /
Ethics / Values?**

And in the face of
Common Law,

Civil Law (*Legislation / Regulation*),

Rules / Standards, Codes / Morals / Principles /
Discipline / Ethics / Values?

does

EXPEDIENCY?

fit in anywhere?

**(EXPEDIENCY: Turning a blind eye...the end will
justify the means.)**

1. Common Law - overall-absolute

2. Legislation / Regulation -
the Consumer Protection Act No 68 of 2008

3. Rules / Standards / Codes - specified
and published in terms of Legislation and
Regulations (explicit / non-negotiable)

4. Morality / Principles / Discipline –
personal, within boundaries set by Rules,
Standards and Codes

5. Ethics / Values - individual; inherent;
cannot be ‘taught’; what happens when
tested?

6. Expediency - questionable

EXPEDIENCY: How does it relate to VALUES?

VALUES: How do they relate to DUTY OF CARE and DUE DILIGENCE?

DUE DILIGENCE / DUTY OF CARE: Does it mean 'ethical practice'?

ETHICS: Do ethics enhance 'best practice'?

What is the link between
TERTIARY EDUCATION, POST-GRADUATE
STUDIES, BE SERVICES
and
Common Law, Civil Law ,
Rules / Standards, Codes / Morals / Principles /
Discipline / Ethics / Values?
(and Expediency?)

**IN SOUTH AFRICA, THE LINK IS
THE CONSUMER PROTECTION ACT No 68 of
2008**

HOW?

**TERTIARY INSTITUTIONS AND
PROFESSIONAL SERVICE PROVIDERS ARE
SERVICE PROVIDERS WHO PUBLISH
MISSION STATEMENTS, ADVERTISEMENTS
AND MARKETING BROCHURES**

True or false?

**A MISSION STATEMENT IS A
PUBLISHED MESSAGE**

**to consumers (clients and customers)
about products (goods and services)**

True or false?

**A MISSION STATEMENT IS
AN**

ADVERTISEMENT

which

**informs the Public about the aims and
objectives of an organisation / enterprise**

True or false?

A MISSION STATEMENT

**conveys to consumers (customers / clients)
what they can expect**

**if they purchase or make use of specific
manufactured goods or products**

**or
services**

True or false?

**AN ADVERTISEMENT
qualifies as a
MISSION STATEMENT**

**Advertisements are subject to parameters
set by the**

**Advertising Standards Authority
of South Africa**

**The 'ground rules' applicable to
all types of Franchises and Auctions
are published in the**

REGULATIONS (2011)

attached to the

THE CONSUMER PROTECTION ACT (2008)

Some advertisements and Mission Statements make amazing claims

Can those claims be tested?

Yes - “all things being equal”
(e.g. physical conditions of the test site;
availability of resources,)

A well-known dishwashing liquid comes to mind

TRUE OR FALSE?

Advertisers bank on the probability that consumers will not go as far as challenging the terms of their adverts

What you see is not always what you get

WHAT you see advertised in a photograph is not always what you get after ordering a meal. In the case of James Lea, it was the avocado – or guacamole – that was missing from his chicken burrito in Durban.

Lea lodged a consumer complaint over a pamphlet promoting a combo meal consisting of potato chips, a soft drink and chicken burrito from a Mochachos franchise in Overport, Durban.

The burrito was depicted as a tortilla filled with grated cheese, chicken strips, green peppers, onion, and avocado (or guacamole).

"Upon receiving his order, he realised that there was no avocado in the burrito. He inquired about lack of the avocado in the burrito and he was informed that the avocado was sold separately as an extra," a ruling handed down



As franchisor, it argued, it could not be held liable for the actions of franchisees, but added that it had established the issue was "duly dealt with" and that Lea "left the store fully satisfied".

Mochachos also pointed out, in its response, that it was not a member of the ASA.

The crux of the issue was to determine whether the advert was misleading.

TRUE OR FALSE?

For

**CONSUMER S of GOODS AND SERVICES,
there is no difference - IN PRINCIPLE -
between information stated in an
ADVERTISEMENT, a MENU
a CATALOGUE, a PROSPECTUS
or a
A MISSION STATEMENT**

**WHAT IS A PREDICTABLE RESPONSE
BY**

**A CONSUMER WHO READS
a MISSION STATEMENT or
other similar marketing material?**

Expectations (positive? negative?)

**Some organisations publish
MISSION STATEMENTS**

and

‘VISION STATEMENTS’

**Others publish only
‘VISION STATEMENTS’**

**What do our respective organisations
publish?**

Do we act accordingly?

**DOES
THE CONTENT
OF
A MISSION STATEMENT
or other institutional marketing material
MAKE PROMISES?**

- How can those promises be achieved?
- What if the content is challenged by a dissatisfied Consumer?

Mission Statements - Examples

- We are confident about the quality of our products. If you are not 100% satisfied with our product, we will gladly exchange or give you your money back
(P'nP)
- *To offer a diverse range of quality educational opportunities that will make a critical and constructive contribution to regional, national and global sustainability.* NMU
- A truly South African university that is academically excellent, innovative in research, critically engaged with society and demographically representative, redressing the disadvantages, inequities and imbalances of the past. UKZN

Mission Statements - Examples

- In fulfilling its vision, [the University] will support its students to achieve their highest potential in a safe, enabling and conducive environment by fostering a scholarship of teaching and learning, providing relevant and competitive academic programmes with seamless articulation pathways, investing in state-of-the-art technology and conducting relevant research and promoting innovation, engagement and social enterprise. TUT

Mission Statements - Examples

- The mission of the University is to grow its global stature as a leading research-intensive university and a gateway to research engagement and intellectual achievement in Africa. This it will achieve by building on the principles of intellectual excellence, international competitiveness and local relevance. As an institution built on principles of intellectual excellence, we are committed to providing high-quality, internationally competitive education, founded on high academic standards, cutting-edge research, public engagement, and productive partnerships with leading institutions throughout the world. WITS

**What principle links the foregoing discourse
to**

ETHICS IN

- **TERTIARY EDUCATION,**
- **POST-GRADUATE STUDIES**
- AND**
- **BE PROFESSIONAL PRACTICE ?**



DUE DILIGENCE

otherwise expressed as

DUTY OF CARE



- **What are minimum DUE DILIGENCE standards for tertiary institutions? Individual academics?**
- **What are minimum standards of DUTY OF CARE in supervising post-graduate research work?**
- **What constitutes DUE DILIGENCE in professional practice?**

DUE DILIGENCE or DUTY OF CARE?

Is it 'theory'? Is it 'best practice'?

In theory, theory and practice are the same. In practice, they are not. Albert Einstein

Contractual terminology?

An obligation? Implied, or explicit?

What do brochures, advertisements, mission statements say?

- Can DUE DILIGENCE be taught?
- Can DUTY OF CARE be taught?

NO

Sir Richard Branson:

“The first thing that has to be recognized is that one cannot train someone to be passionate – it’s either in their DNA or it’s not.”

*For ‘**due diligence**’ and ‘**duty of care**’,
read ‘**ethics**’*

In any field, the textbook theory of ethical behaviour can be learned ‘parrot fashion’

In practice, nobody can be “*trained to be ethical – it’s either in their DNA or it’s not*”

Consider how

- 1. consultants name and advertise their firms' skills and experience to attract Clients**
- 2. the current academic environment**
- 3. organisations and institutions present themselves in the public domain**

For academics and BE professionals, how compelling is

- Client opinion?
- ‘word of mouth’?
- public-domain image?
- social media communication?
- reputational risk / risk management?
- best practice?
- accountability in terms of ‘duty of care’?
- liability in terms of ‘due diligence’?
- a sense of ‘ownership’?

Whether in **tertiary education, post-graduate research or BE professional practice**, how compelling is

- who - or what - comes first?
- why?
- what if...?
- “Is there **ANYTHING** else I should / can do?”
- “Is there **ANYTHING** more I can do?”
- “Have I done **EVERYTHING** I possibly can?”
- **TRUST?**

Lack of 'due diligence' / 'duty of care'
= unfinished business

How can 'unfinished business' be explained?

**Laziness? No commitment? Incompetence?
Cutting corners? Ineptitude? Inexperience?
Poor administration? Discounted fees? Bad
planning? No sense of responsibility? No
sense of 'ownership'? Wilful neglect? No
supervision? No checking of completed
tasks?**

The answer lies in our own hands:

**Legislation, Regulation, Rules,
Standards and Codes
indicate **minimum** compliance levels**

**The extent of our personal commitment to
due diligence and duty of care is**

NOT LIMITED

**by Legislation, Regulation, Rules,
Standards and Codes**

**The extent of our
personal commitment
to
due diligence and duty of care
is governed and demonstrated
solely
by
the integrity of our own
Principles, Discipline, Ethics and Values**