

## Forensics as a Business A Business Ethics Approach to Ethical Violations

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In a way, I consider myself to be an outsider in the forensics community. Although I did major in Speech Communication, I also received a major in Management with minors in Marketing and Business Administration. Due to this background I view the activity of forensics differently, while I think it is one of the greatest educational activities, I also see it as a business. Just like businesses, forensic programs have stakeholders they are responsible to and trophies are considered to be the profits that we can show our “supervisors and investors.” Because of this idea that forensics is a business, I have decided to utilize a business ethics approach to viewing and solving current ethical violations occurring in forensics.

### Professional Codes of Ethics

There are quite a few unwritten rules of forensics as well as codes of ethics that are written. Shaw (1999) stated:

somewhere between etiquette and law lie professional codes of ethics. These are the rules that are supposed to govern the conduct of members of a given profession [or community]. Generally speaking, the members of a profession are understood to have agreed to abide by those rules as a condition of their engaging in that profession. (p. 9)

In the forensics community we have two primary professional codes of ethics, the National Forensic Association (NFA) Code of Ethics and the American Forensic Association (AFA) Code of Standards. All forensic programs fall under either or both of these professional codes, even if a program does not attend either the American Forensic Association—National Individual Events Tournament or the National Forensic Association National Tournament, they still attend regional tournaments that abide by the description of events from both organization. However, there are problems with these codes. One major problem is the codes are out of date not adjusting for technological advancements. For example, the NFA’s code was last updated in 1991, since 1991 the Internet—which was not readily available in 1991—has in a sense reinvented the activity. With the advent of the Internet comes the ability to copy and paste directly from news sources instead of putting it into a competitor’s own words, buy speeches online,

or scan news articles during extemporaneous speaking preparation. Another problem with the professional codes of ethics is the rampant disregard for them. Simply having a code of ethics is not enough, there needs to be some form of enforcement. While both codes do state their policies of what will happen if they are violated, these policies are ineffective and do not stop violations from occurring or allow effective means to deal with a reported issue of abuse. In order to attempt to curb ethical violations, it is important the community undertakes a project to create a committee of people that place a great deal of importance on ethics in the activity to develop updated universal codes and an effective means to deter violations.

### Regulation

The activity could have a rule and/or policy for any number of potential situations; however they are nothing if an effective means of regulation and enforcement does not exist. Without regulation and enforcement, the policies are simply words on a piece of paper. While both the NFA Code of Ethics and the AFA Code of Standards lay out penalties and sanctions, in my opinion, these penalties do not stop violations from occurring. A type of regulation that might be effective is to form committees in various regions of the nation made up of respected members of the local forensics communities. These committees should first try to solve the problems by educating violators of the codes and how it is possible to abide by the codes and still be competitively successful. If education does not help deter the violators and the violations continue to occur, penalties that are already on record in the codes of the two governing organizations should be enforced and regulated.

### Whistleblowers

When violations do occur, there is not an effective system set up to ‘blow the whistle’ on those who have committed violations against the professional codes. The accounting problems of the early 2000s as well as numerous other ethical violations in the corporate and governmental sector would not have been brought to light if not for whistleblowers. For example, if a Graduate Assistant witnessed the director of his/her program violating ethical norms by writing a speech for a student, there would be no way to effectively get the program to stop violating these norms without getting in trouble themselves,

with the director, program, and forensics community as a whole. Although the United States Supreme Court ruled in *Garcetti v. Ceballos* that the First Amendment does not protect government employees from retaliation if they were to 'blow the whistle' on their employers, this does not mean the forensics community should turn their back on any member of the community that decides to be a whistleblower. If a whistle blowing does occur, it should occur only because the whistleblower is trying to improve the educational aspect of the activity, not to promote their own agenda or further their career.

### **Oligopolies**

Shaw (1999) stated, "Capitalism breeds oligopolies that eliminates competition and concentrate economic power" (p. 136), furthermore, "high costs and intense competition work against the survival of small firms" (p. 136). Oligopolies exist when there are few large corporations—or programs—and numerous smaller corporations that struggle to compete due to not being as large as the leading programs. This is occurring in the forensics community, programs lose funding because they cannot show their administrations the results the administrations are expecting and they cannot produce the expected results due to not being as large of a program. The National Forensics Association does a good job with their long time policy of having separate divisions for different sizes of entries; some state tournaments have a similar division of entrants. It would be helpful however if it were to go further, more regional tournaments should recognize divisions in entry sizes to allow smaller programs to contend for awards. I am not saying tournaments should just simply give awards away to teams, but should instead create divisions of awards so smaller programs have something to show for their work. Because trophies—especially team trophies—are expensive, the trophies for smaller sized entries do not need to be expensive trophies and could even be just titles or certificates.

In these various ways, forensics is shown to be a business. Because forensics is a business, a potential solution to ethical problems in the community should be to look at it through a business ethics approach and see that although it is a business, the purpose is still that of an educational activity.

### **REFERENCES**

Shaw, W. H. (1999). *Business Ethics*. Belmont: Wadsworth.