

Ethics and Discrimination in the Hiring Process: An Overview of Gender and Race

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Abstract: A look into the current research on both gender and racial discrimination has called into question ethical decision making in organizations. When organizations claim to be ethical but still exhibit evidence of discrimination in their processes, minority groups suffer the consequences. This overview considers the experiences of various genders and nationalities during the hiring process in order to conclude how discrimination persists currently. White individuals and men were found to be favored while women encountered the most restricted path. Transgender applicants were also found to receive a disproportionate number of responses though the relationship between gender and responses was more complex in this case. Though little differences were found between White Americans and Native Americans, the research was exceedingly limited.

Introduction

Principally, it could be assumed that one's decisions are based on personal values; however, what we fail to realize, is that decisions are shaped by a set of beliefs and principles called ethics which differ from one's personal values. The word ethics is derived from the Greek word *ethos*, meaning character. Nowadays ethics can be defined as a facet of philosophy, which can recommend the actions people should take and the rules surrounding the justification of those actions (Aguinis & Henle, 2008). Those rules ultimately allow us to distinguish between right from wrong, while guiding us towards behaviors that are morally more appropriate. Ethics applies to an overarching group of people whereas personal values vary between individuals. Since everyday choices

hold moral weight and influence our social environment, making ethical decisions ensures that the consequences of choices align with the moral standards or legal expectations of the community (Reynolds, 2006; Jones, 1991).

Clegg et al. (2007) suggested that ethics is mainly used in ambiguous situations, where an individual does not have the unanimity of a larger group. Authors used practical applications to better understand the relationship between rule following and ethics, specifically rule following and rule violation and the interactions between subjects and rule systems. While investigating a practice-based understanding of ethics, Weiskopf and Willmott (2013) addressed ethics through an organizational lens. They defined it as a method of

questioning and addressing organizational practices through morality and transformative processes. Velasquez et al. (2010) proposed that ethics should stand on norms as to what is right or wrong, mainly having to do with rights, obligations, and virtues.

In the past few decades, researchers have utilized various models to demonstrate the processes behind ethical decision-making in organizations. Jones' issue-contingent model proposes that ethical decision making is based on both moral intensity and organizational factors interacting as independent variables that affect ethical decision making (Jones, 1991). The model suggests that an employee who promotes ethical decision making in an organizational climate is more likely to consider ethical implications when making individual decisions. Kelley and Elm's model, similarly to Jones' model, describes an individual's moral intensity as originating from external organizational factors and their subsequent effects (Kelley & Elm, 2003). This suggests that an organizational climate putting more emphasis on ethical conduct will foster more ethical decisions from its employees.

Discrimination occurs when one group of people is treated differently than another group of people due to divergence from other groups or individuals (Aguinis & Henle, 2008). This could include acting differently or maintaining an appearance that strays from the social norm. In a workplace, discrimination occurs when individuals go against the ethical code or rules of an organization to treat a person or a group unfairly (Lippert-Rasmussen, 2020). Therefore, an ethical decision would be one in which discrimination is avoided or minimized to ensure impartial treatment of everyone. In terms of the hiring process, ethics can be overlooked due to complacency,

lack of time and other priorities (Duggan, 2018). Ethical decision-making in the workplace is crucial because it leads to various positive outcomes, such as adequately dealing with harassment, treating all employees and prospective employees equitably, and correctly utilizing power in leadership roles (Clegg et al., 2007). On the other hand, unethical decisions in the workplace can cause discrimination, bias, leadership problems and an overall toxic workplace culture (Craft, 2013). These negative effects can destroy the workplace climate, a company's reputation, and employees' trust in their superiors or coworkers. Negative consequences of unethical behavior can also lead to unjust treatment of potential employees, not just those who are currently employed (Clegg et al., 2007).

Although selection decisions are largely dependent on an applicant's qualifications, they are also dependent on the interviewer and how the interviewer translates the entire hiring process of an applicant. Since an organization, as a whole, is unable to make a decision regarding one prospective employee, the fate of a selection decision lies in the hands of a single interviewer, or a few interviewers, who act as organizational representatives (Bowen et al., 1991). The interviewer and interviewee are forced to determine if their standards and values match up. The individual conducting the interview interprets information about candidates and makes subsequent decisions based on everything they have seen from an applicant up until that point (Bolander & Sandberg, 2013). Interpretation of the application materials is always going to contain some degree of subjectivity and the information available to them can be inaccurate. Ultimately these interpretations, despite the subjectivity of such, affect

organizations' hiring decisions (Cable & Judge, 1997). Apart from an interviewer's perspicacity, there is an assumption in the field that they can judge a prospective employee with some degree of validity. Throughout the hiring process, interviewers use their knowledge to construct an overall impression of the candidates: the information they gather categorizes candidates by attributes (Bolander and Sandberg, 2013).

The attributes assessed during the hiring process do not always correspond with important organizational measures such as potential job performance or organizational fit. Bias, an innate human construct, is a seemingly inevitable factor in hiring decisions. Organizations can knowingly or unknowingly perpetuate hiring applicants from majority groups at the expense of qualified applicants from minority groups due to biases (Luzadis et al., 2008). During selection, interviewers tend to fill in any ambiguous information with particulars based on stereotypes (Uhlmann and Cohen, 2005). This type of prejudice is inherent in decision making and can ultimately lead to skewed evaluations and ineffective outcomes (Zeni et al., 2016). Therefore, noting these biases beforehand can aid in actively working against them thus avoiding these consequences.

The current paper will concentrate on organizational ethics as it pertains to the hiring process, more specifically focusing on bias towards gender and race.

The Effect of Applicant Gender and Gender Identity on Hiring Decisions

Despite consistent policies to deter discrimination based on gender in the workplace, such unfairness persists (Lippert-Rasmussen, 2020). Due to gender identity and gender expression being historically

disregarded, federal law does not explicitly prohibit discrimination on these grounds—such policies differ by state in the US due to different interpretations of court rulings and state government definitions (Tyus & Hentze, 2021).

Cisgender Differences

Extensive research has been conducted to analyze distinctions in the hiring process between males and females. The bulk of the literature shows bias against women, especially when the interviewer is a man.

Hoover et al. (2019) sought to observe how gender discrimination is affected by power levels. The study found that men placed in low power positions are more likely to discriminate against women. The men in low power conditions, meaning they were told they were a subordinate working underneath a supervisor, rated females as less qualified and recommended a lower salary. The same study (Hoover et al., 2019) also found that men in the high-power role, those assigned the role of superior or supervisor, showed no bias in how they rated men and women. Hoover et al. (2019) theorized that men are particularly sensitive to gender-identity threats and that being in a low-power role was threatening to the male subjects. It can be theorized that the low-power men acted with discrimination as a way of restoring their masculine identity.

A meta-analysis by Koch et al. (2015) examined the decision maker's gender, the amount and content of the information available to them, as well as the type of evaluation, and their motivation to make gender conscious decisions. Their findings suggested that female applicants were more likely to face discrimination in a male dominated environment, while in a female

dominated environment, neither males nor females experienced any advantage. Koch et al. (2015) suggested that women tend to face the most discrimination during the hiring process in jobs that produce the highest pay and status. Moreover, the study found that male interviewers favor male applicants regardless of the sex distribution of the job.

Rice and Barth (2016) conducted a study to evaluate how individual characteristics of an evaluator affected practical decisions, namely in the hiring process. Before the main study, the researchers primed participants with a gender stereotype task in which participants were asked to associate traditionally male or female names with stereotypically male or female traits such as Richard-assertive and Jessica-comforting. The main study presented participants with a hiring task for the opening of a professor in either a masculine or feminine field. Feminine occupations often include nursing, child development, education, and performing arts; whereas masculine fields include engineering, finance, economics, and computer programming. Their results showed that females were preferred over males in more feminine occupations, and males were more strongly preferred in masculine occupations. The study also implied that individuals with more traditional beliefs favored male applicants and conversely those with less traditional beliefs demonstrated less gender bias in their evaluations.

Chang et al. (2019) examined the effects of gender combined with how many people were being hired in a given situation. Isolated choice effect, a concept formulated by Chang et al. (2019) for this study, highlights the effects of how many people are being hired. They conducted six experiments in which making a single hire or multiple hires was considered. Their results showed

that isolated choices, instances in which only one person was hired, led to decisions discriminating for women and created a less gender-diverse environment. In non-isolated conditions, women were still chosen less often but the difference between the two conditions was significant. The implications of these results encourage companies to hire collectively rather than individually or in the terms of this study, in an isolated way.

Nadler et al. (2018) conducted an experiment with interview simulations to examine participants' hiring decisions based on gender and marital status. They explored sexual orientation, as well as whether an applicant being single or married influenced employment decisions. The study used employment interviews to create a realistic hiring simulation, and the fictitious applicants were asked questions in which they revealed their marital status and sexual orientation, indirectly related to a question regarding relocation. Ultimately, their findings suggest that there is a relationship between sexual orientation and marital status in ratings of women but not in ratings of men. In other words, single lesbian women were preferred over married lesbian women, and married heterosexual women are preferred over single heterosexual women. These conclusions could add to the bias towards women seen in the previously mentioned studies.

The above research, though different in objectives, paints a comprehensive picture of male versus female bias in the hiring process. Overall, women have a more obstructed path when pursuing a male dominated profession and, correspondingly, a less obstructed path in female dominated professions. Furthermore, gender differences were attributed to the relationship of power roles within an organization and the number of candidates being hired. In conclusion,

women are in fact discriminated against at higher rates than men during the hiring process.

Transgender Differences

Furthermore, as the world and cultures progress, more gender identities are recognized; for example androgynous, pangender, third gender or transgender, to name a few (Richards et al., 2016). Those individuals lack common conveniences that cisgender individuals may take for granted; these include, but are not limited to, gender neutral bathrooms, protection in housing, health care, and employment protection (Jones, 2020). Unfortunately, everyone identifying outside of cisgender deal with the effects of being perceived as existing outside of the norm. Minority racial groups often suffer the consequences of biases benefiting those in the majority, and minority gender groups are no different. Despite the existence of minority gender groups other than transgender, there is very limited research exploring said groups and the hiring process.

Reed et al. (2015) conducted a study on hypothetical hiring situations in which applicant descriptions included whether the applicant was cisgender or transgender and whether their presenting sex was male or female to measure whether participants had ill reactions towards transgender applicants. The participants rated the applicants on two levels: their willingness to hire the applicant and their perceived mental health status of the applicant. The results of their study showed an indirect relationship between gender identity and job recommendations through perceptions of applicants' mental health. Hypothetical transgender applicants were rated as more likely to have mental health issues which resulted in participants being less willing to hire them. Reed et al. (2015) found the relationship to be stronger

for female-to-male trans men and weaker for male-to-female trans women.

Furthermore, Van Borm and Baert (2018) explored fictitious hiring decisions for both cisgender and transgender female candidates. Participants acted as recruiters, hiring for roles in three fields: male dominated, female dominated, and mixed gender representation. The participants were debriefed on the roles that were to be filled and then were randomly assigned cisgender and transgender applicants. Transgender applicants were designated by a line beneath their name giving the name they were born with. For example, an applicant heading of Sarah Smith would have a line below it reading 'born as Scott Smith'. The participants then rated the applicants on two levels: their intention to hire the candidate and how much they would enjoy working with the candidate. Other questions included asking participants to rate client and coworker perceptions of the fictitious applicants and if applicants were likely to be sick in the near future. The results of this study showed that participants did not rate transgender applicants as worse but feared unfavorable perceptions from their clients and coworkers. The results also showed evidence of health-related stigma against transgender when participants rated the women based on their likeliness of becoming ill or going on maternity leave. Conversely, participants showed favorable perceptions of transgender women in autonomy and assertiveness and rated them as less likely to be on maternity leave in the future.

Hart and Hart (2018) conducted a survey of 14 school leaders from different districts in North and South Carolina in order to observe considerations from hiring teams when potentially hiring a transgender candidate. Each participant was interviewed with a series of questions detailing their own

views as well as the views of their community. The results of the survey highlighted confusion and unease on hiring transgender individuals. Many responses from the participants mentioned backlash and reactions from parents in their district. However, overall reactions from the participants showed a desire for more diverse faculty and highlighted a transgender teacher's ability to connect with students who are also transgender. Hart and Hart (2018) found a lack of preparedness in these districts for approaching a situation in which a transgender teacher is hired as well as a lack of acceptance in the district.

Concisely, employers' perceptions of transgender applicants are complex and misunderstood. The above studies suggest transgender applicants experience bias and that there may be other factors affecting the relationship between gender and bias.

The Effect of Applicant Race on Hiring Decisions

Hiring discrimination, though made illegal through the Civil Rights act of 1964, is still prevalent throughout the United States (Lippert-Rasmussen, 2020). US law prohibits racial discrimination at any point in the employment process which includes hiring (U.S. Equal Employment Opportunity Commission). Perceived race or racial cues in the context where discrimination occurs is the driving force behind most prejudice (Quillian & Midtboen, 2021).

Quillian and Midtboen (2021) conducted a review of 140 field experimental studies focusing on fictitious applications from different ethnic and racial minority groups. The findings of this review focus on the idea that bias against non-white individuals can be found everywhere. In the United States, White Americans received

38% more call backs, hire offers or qualified for the next round of recruitment than Black Americans and 23% more call backs than Hispanic or Latinx individuals. Samples and experiments yield different results in Europe and in Asia, pointing to the influence of culture on hiring discrimination.

Ziegert and Hanges (2005) aimed to replicate the study by Brief et al. (2000), which investigated the correlation between modern racism and organizational climate. Brief et al. (2000) found this relationship to predict discrimination during the hiring process. To recreate the previous study, Ziegert and Hanges (2005) implemented two self-report measures of racism, as well as an implicit racial attitudes measure. Two other measures, one of motivation to control prejudice and one more sensitive measure of racial discrimination, were used to compare the ratings of White Americans and Black Americans. Although they were unable to replicate the finding of Brief et al. (2000), which calls into question its generalizability, Ziegert and Hanges (2005) were able to illustrate that implicit attitudes play an important role in understanding employee discrimination. The authors also demonstrated that implicit racist attitudes interacted with an organizational climate for racial bias to predict discrimination in a hiring context.

To explore the deviation from impartiality during the hiring process, Reynolds et al. (2021) measured a novel predictor, resentment, as well as elitism when evaluating assessors making hiring decisions. Reynolds et al. (2021) define resentment as a mixture of hostility, anger, and resentment towards individuals who hold power over others. They hypothesize that assessors who feel resentment towards those in positions of social power, a member of congress for example, will act in ways to

impose vengeance on the socially elite. The results of the studies showed that those experiencing higher levels of resentment preferred Black applicants over White applicants. Those who showed signs of elitism showed a preference for White applicants over Black applicants and conversely, those who supported egalitarianism showed a preference for Black applicants. Moreover, conclusions from their study suggest asymmetric evaluations occur in hiring decisions, whether that favors White applicants or Black applicants, and that assessors do in fact deviate from impartiality.

When addressing racial discrimination in America, it is important to consider the experience of Native Americans. Button and Walker (2020) conducted a field experiment to explore the experiences of Native Americans during the hiring process. They sent out nearly identical job applications of White and Indigenous people to examine the effects of indicating Indigenous ethnicity on an application. To signal an Indigenous background, Button and Walker (2020) used a few different methods including applicant name, listing Indigenous languages under special skills, and jobs or work experience. After sending out almost 14,000 applications their results indicated no differences between callbacks to White and Native applicants, even when controlling for the region and types of jobs.

A study by Streuli (2021) investigated Native American ex-felon employment rates after incarceration. The first hypothesis of this study was that Native American applicants would be less desirable than an equally qualified White applicant. Streuli (2021) found the opposite. The results showed that Native American applicants in this study were preferred over White applicants. Secondly, Streuli (2021) aimed to measure whether criminal history alone had

an effect on candidates being chosen for a job and found that criminal history does in fact negatively impact whether or not an applicant gets offered a job. Lastly, this study investigates whether a White job candidate with a criminal history will be preferred over a Native American job candidate without a criminal history. When analyzing the results of this particular relationship, the results of the study found that employers prioritized no criminal history over race in that both White Americans and Native Americans without criminal history were preferred over the converse. When considering the lack of differences between White Americans and Native Americans, Streuli (2021) points out that this study was conducted at an unprecedented time in America, in the height of a pandemic and in the wake of George Floyd's murder, which could have had the effect of making Americans hyper-sensitive to race related issues.

In conclusion, racial differences are prevalent throughout the United States in hiring decisions. White Americans were shown to receive the highest number of responses in fictitious hiring decisions when compared to other races. On the other hand, studies concentrating on differences between Native Americans and other groups found mixed results.

Conclusions and Limitations

Through this literature review, a comprehensive view of past research brought a few overarching conclusions regarding biases and ethical decision making in the workplace. Studies indicated that women have a more obstructed path when pursuing a male dominated profession and thus a less obstructed path when pursuing jobs in a female dominated profession. The mechanisms behind gender differences can be attributed to the relationship of power

roles within an organization and the number of candidates being hired. Ultimately, the general finding was that women are discriminated against at higher rates than men throughout the hiring process. Comparatively, transgender applicants, both male and female, experience bias, but multiple studies have pointed towards the idea that there are other factors affecting the relationship between gender and bias such as perceived mental health of the job applicant. It is important to mention that mental health holds stigma on its own and could be used as a way to offset true bias against transgender candidates. Cisgender and transgender are not the only gender identities to exist in America, but research on nonbinary or third gender individuals is not prevalent. This is a major limitation when attempting to draw comprehensive conclusions about gender bias during the hiring process.

When examining racial differences during the hiring process, White Americans were shown to experience the most responses in fictitious hiring decisions when compared to other races. Conversely, Native American applicants were shown to experience the same number of callbacks for a job or were chosen for a job more times than White Americans. Because of recent events in the United States and the effect of the Black Lives Matter movement, it is possible that employers are more attuned to racial issues such as discrimination. It is important to monitor these relationships as time passes to observe if they persist.

Future Directions

As previously mentioned, minority groups experience bias at higher rates than majority groups. The specific relationships behind these biases are difficult to uncover due to the lack of research. In order to promote ethical decision making throughout the hiring process, it is crucial for companies and organizations to understand how certain groups are disadvantaged. Future research should focus on bringing to light the disadvantages of identifying outside of the norm or coming from a different background than the majority. More research is needed specifically on bias within the hiring process against individuals identifying as neither cisgender nor transgender and against more specific racial minorities within the United States such as Asian Americans or Latinx individuals. By publishing research on more minority groups in America, organizations will be better equipped to train their employees to create the most effective hiring process and eliminate bias in the subsequent hiring decisions. A more comprehensive pool of literature could mean more opportunities for groups that have been discriminated against in the past.

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