

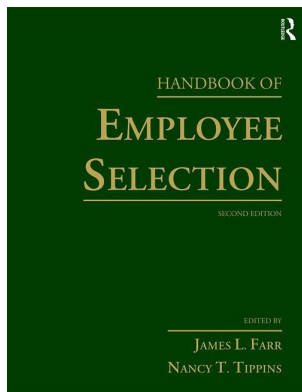
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Handbook of Employee Selection

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ETHICS OF EMPLOYEE SELECTION

JOEL LEFKOWITZ AND RODNEY L. LOWMAN

Each of the chapters in this Handbook focuses on determinants of how the organizational human resource (HR) practice of employee selection can be done well. That is, the contents are aimed at providing the guidance needed to develop selection and promotion procedures that are accurate, valid, and useful for organizations. In this chapter we suggest another standard. In addition to doing selection well, we add a concern for doing it right. Hence, added to the technical and procedural knowledge and empirical criteria that guide employee selection, this chapter emphasizes the normative or moral standards associated with notions of the good, right, fair, or just. We suggest that doing selection well (i.e., technical competence) is inextricably bound up with doing it right. This approach also opens to reflection the implicit values and moral justification underlying the practice itself, in addition to considering the manner in which its constituent activities are implemented. In other words, the ethics *of* employee selection are as relevant as the ethics *in* employee selection.

SOME META-ISSUES

The Inextricable Mix of Competence, Ethics, Judgment, and Values

In the selection enterprise, industrial-organizational (I-O) psychologists work at the intersection of no fewer than four domains that are conceptually distinct but that have ambiguous, uncertain, and probably overlapping boundaries. We make decisions that reflect simultaneously varying aspects and degrees of (a) technical competence, (b) ethical considerations, and (c) differences in professional judgment. Moreover, interpretations and conclusions regarding the substantive matters at hand also reflect (d) the individual I-O psychologist's views regarding such questions as "Whose interests matter?", "Who is to benefit?", or "What is the right thing to do?", as well as other personal beliefs, attitudes, assumptions, and social values. For example, the choices and decisions made to estimate population parameters from single-sample or mean validity coefficients involve the generally unrecognized melding of technical, normative, and values issues in which it may be difficult to disentangle one's professional judgment from one's personal preferences. One sometimes encounters parameter estimates that are based on national rather than local labor pool measures of predictor variability in the applicant population or that use low archival estimates of the reliability of supervisor criterion ratings when actual reliability data may be accessible. And perhaps most dramatically, the economic utility of selection tests based on the prediction of individual-level subjective criteria (supervisor ratings) may be extrapolated to estimates of organizational-level financial performance in the absence of data justifying such causal inferences, particularly at that level of analysis.¹

The point of the illustration is not to denigrate the attempt to better understand the validity and utility of selection systems but to point out the underlying nature of the estimation procedure and our critique. They both inextricably entail decisions reflecting not only technical knowledge and experience but also ethical considerations of appropriateness and professional judgment. Moreover, all of those actions are shaped in the context of motives that reflect personal, societal, and/or professional interests and values. Is it coincidental that the effect of each of the choices and common practices mentioned in the previous paragraph is to maximally increase the numeric value of estimated validity and utility? As noted below, one of the customary “gut checks” for those who consciously wrestle with ethical dilemmas is to look with suspicion on one’s tendency to opt for a solution that just happens to be self-serving.

Those who have given some thought to the matter have identified the values structure of I-O psychology as representing primarily managerial or corporate interests; historically, even, at times, to the extent of having an anti-labor bias (Baritz, 1960; Katzell & Austin, 1992; Lefkowitz, 1990, 2003, 2004, 2005, 2008; Lowman, 2006; Zickar, 2001). The viewpoint that informs this chapter differs in that we are greatly influenced by three values positions that are at variance with such a singular perspective. We will have more to say about them later, but we highlight them briefly here so that the reader may be clear about our values position and how it may agree with or differ from the reader’s own. First is the *universalist* principle in moral philosophy that suggests that no one’s interests warrant *a priori* preference over anyone else’s, although there may be factual reasons in specific instances that justify granting such preference (Rachels & Rachels, 2015; Singer, 2011). Second, and commensurate with universalism, is the normative version of the prominent business ethics model of *multiple-stakeholder management* (Freeman, 1984; Freeman & Phillips, 2002), which asserts that it is right and just that powerful organizations that have enormous impact on society should recognize the legitimacy of the interests of those affected by it. (The instrumental version of the model holds that an organization’s actual success is dependent on how well it manages its relationships with all of its key stakeholder groups.) Third, and complementing the first two, is the so-called professional ideal (Kimball, 1992) or professional model (Hall, 1975), which asserts that the power and authority granted by society to a profession, such as I-O psychology, entail reciprocal responsibilities of the profession extending beyond its direct clients to the society at large.

With respect to the practice of employee selection, there are at least 10 discernable groups of people who have a stake, directly or indirectly, in the process and/or its outcomes. They include (1) qualified job candidates who are recognized as such by the selection system and thus hired; (2) qualified candidates who are misidentified by the system and rejected; (3) unqualified candidates who are correctly identified and so not hired; (4) unqualified candidates who are misidentified and hired; (5) coworkers of the successful candidates, and other employees, whose own work is in some way impacted by them; (6) their direct supervisors, whose own success may be dependent on the work performance of the new hires; (7) higher-level supervisors and managers of superordinate work units whose success also may be contingent on the performance of the newcomers; (8) the owners or shareholders of the company, whose investments depend on the overall performance of the organization; (9) the company’s clients or customers, who purchase the goods or services produced by it; and (10) the local community from which the job applicants are drawn, which may be affected in various ways by the company’s actions and success. The nature of their interests or “stake” in the selection system differs for many of them, as does the extent of its impact on them, but they all potentially have some legitimate claim to have their interests considered.

An Underappreciated Constituency: The Participants in Validation Research and Selection Programs

One ethically relevant matter underlies research with human participants in the biological, social, and behavioral sciences and is often overlooked, including in selection contexts. It is that such research, with a few exceptions, is generally not aimed at directly benefiting the people who

participate in it as subjects (Lefkowitz, 2007a, 2007b). This statement is not to deny that research participants may ultimately benefit from the application of research findings (contingent on positive study outcomes) through the development of new drug treatments, more effective teaching strategies, more rewarding and satisfying jobs, or by not being placed in an ill-fitting job. But most of the applied research conducted by I-O psychologists is driven by the intentions of senior organizational policy makers in the service of organizational objectives or by the theoretical interests, curiosity, or ambitions of the researcher. For example, the development and validation of employee selection methods is generally not aimed explicitly at benefiting members of the validation sample(s). Whether the participants are current employees or job applicants, the results are applied to subsequent groups of job candidates to improve organizational effectiveness. Admittedly, however, those participants who are hired may benefit indirectly by having more competent coworkers in the future.

Because research participants are often, in this sense, used by us for testing and validation research in which they may have no personal interest in the outcome, we are ethically duty-bound to consider seriously issues such as the voluntary nature of their participation in the study, the extent of potential subjects' obligation to participate, obtaining their participation through use of various inducements or implicit coercion, providing informed consent, examinees' rights to access their own test data, and providing feedback. And when a testing program becomes operational, additional matters arise, including whether to provide an opportunity for retesting rejected applicants and the confidentiality and use of assessment data from incumbents. In the United States, researchers' obligations in some of these areas are incorporated in regulations promulgated by the Federal Office for Human Research Protection (OHRP) of the U.S. Department of Health and Human Services (OHRP, 1991).²

However, the circumstances under which I-O psychologists conduct employee selection testing are generally recognized to provide us with somewhat greater ethical latitude. For example, (a) informed consent for testing is ordinarily not required of educational or employment applicants because they are deemed to have implicitly given consent by virtue of having applied (American Educational Research Association, American Psychological Association, National Council on Measurement in Education *Standards for Educational and Psychological Testing*, 2014 [hereafter, *Test Standards*, 2014], Standard 8.4; American Psychological Association, *Ethical Principles of Psychologists and Code of Conduct* (with 2010 Amendments), 2010 [hereafter, *APA Code*], Ethical Standard 9.03[a]); (b) job applicants may acceptably be asked to waive (or be assumed to have waived) access to their test results and so might not receive any feedback (*Test Standards*, 2014, Standard 8.9 and 11.6; *APA Code* 2002, Ethical Standard 9.10); and (c) providing an opportunity for job candidates to be retested is not obligatory according to the *Standards* (2014, Standard 12.10), although the Uniform Guidelines on Employee Selection indicate that a reasonable opportunity for retesting and reconsideration should be provided. On the other hand, some ethical requirements are viewed as virtually universal, even in the operational employment setting, such as safeguarding to the extent feasible the confidentiality of test data and protecting against their misuse and informing employees or applicants beforehand of any limitations on confidentiality (*APA Code*, Ethical Standards 1.01, 3.11, 4.01, 4.02, 4.05, 9.04).

Moreover, we argue there are some very good reasons why we ought not always avail ourselves of all the legitimate ethical exceptions that have been ceded to the practice of I-O psychology and should instead behave as if the more stringent ethical research environment pertained. As one of us has noted previously:

A corollary of that advantage, or right, we enjoy as a consequence of employees' obligations [to cooperate with legitimate, non-threatening research] is the duty to see that their obligation is not abused or experienced as coercive. There is, obviously, an inherent conflict between the principle that all research participation should be explicitly voluntary and the existence of a relatively open-ended implicit obligation of workers to participate in legitimate organizational research. Notwithstanding the implied obligation, adherence to the moral principle of respect for persons requires that we treat research participation as genuinely voluntary and volitional to avoid even the semblance of coercion.

(Lefkowitz, 2003, p. 336)

To the moral arguments regarding respect for the worth and dignity of all people, we add some pragmatic considerations. To function effectively in an organization, I-O psychologists depend on the goodwill and cooperation of organization members, which in turn depend on the psychologist's reputation and the general reputation of the profession. Treating people cavalierly by taking their cooperation for granted is likely to produce adverse effects on future interactions, including those initiated by other I-O researchers and practitioners in that organization. In other words, it is in our own self-interest and in the interests of the profession to always treat those with whom we work honestly and with deference. A good principle to follow stems from the suggestion of the social psychologist Robert Rosenthal (1994), which is that we ought to think of our potential participants as a "granting agency" to which we must apply for necessary resources to implement our proposed investigations. Obviously, most of the selection work we do could not be accomplished without the input and cooperation of applicants, employees, and/or other subject matter experts (SMEs).

The Universalist, Multiple-Stakeholder, Professional Perspective

An implicit attribute on which all normative moral theories can be arrayed is the extent to which they are egoistic or universalist in nature. This meta-issue pertains to whose interests should be considered in understanding what is the good or right thing to do—only one's own, or also those of others (typically, all those affected by the actions contemplated)? For Aristotle, the ultimate aim of human behavior (i.e., the ultimate good) is one's own happiness. (In the Greek it is *endaimonia*—generally thought to connote personal fulfillment, actualization, or "flourishing," as well as simply feeling happy.) For Aristotle, happiness results from acting in accord with all of the human virtues, even the altruistic ones such as beneficence and sympathy. So for him there was no contradiction between self-interest and a broader-based, more altruistic conception of morality. Needless to say, contemporary ethical debacles in the world of business and elsewhere have displayed the ugly side of an unqualified pursuit of self-interest.

Modern philosophers such as Rachels and Rachels (2015) have outlined two arguments that seem to repudiate unrestricted ethical egoism as a basis for moral theory. First, if one accepts that a major objective of the ethical enterprise is to provide moral guidance that reduces conflict and enhances cooperation among members of a society, it is clear that the unqualified pursuit of self-interest is counterproductive of these aims (Samuelson, 1993). Second, unrestricted egoism can be classified as one of a family of moral perspectives that makes a priori distinctions between people and justifies treating them differently on the basis of those putative differences (as with racism, sexism, anti-Semitism). In this instance, the distinction is simply between oneself and everyone else. But "[w]e should treat people in the same way unless there is a good reason not to" (Rachels & Rachels, 2015, p. 79, emphasis in original). (In this context, the process of negatively stereotyping a minority group can be understood as an attempt to manufacture such "differences" as justifications warranting prejudicial treatment.) Singer (1995), in complementary fashion, observes that "Self-interested acts must be shown to be compatible with more broadly based ethical principles if they are to be ethically defensible, for the notion of ethics carries with it the idea of something bigger than the individual" (p. 10). (And, indeed, in the next section we turn to a discussion of those bigger ideas.) In other words, in the universalist tradition the interests and rights of all those affected by an action are to be considered equal with respect to moral judgments regarding the action, unless good and reasonable arguments to the contrary can be made.

The best-known reflection of moral universalism in the field of business ethics and the social responsibility of business institutions is the normative version of the multiple-stakeholder perspective (Freeman, 1984; Freeman & Phillips, 2002). *Instrumental* stakeholder theory is merely descriptive. *Normative* stakeholder models are prescriptive and stem from recognition of the enormous power, size, and widespread societal impact of corporations. From those observations it is concluded that they have an obligation to take into account the interests of the many constituencies that are impacted by their actions and with whom they may be thought of as having implicit social contracts. I-O psychologists are probably ahead of our colleagues in other subfields of psychology, who apparently are only now anticipating the likelihood of finding

themselves “increasingly drawn into situations where a multitude of social and political interests apply across hierarchies of individuals to whom we owe various degrees of professional duties” (Koocher, 2007, p. 381).

All of this suggests that in evaluating a selection system we ought to consider not only its effectiveness but also, from an ethical perspective, its impact on all of those affected. We always have an instrumental concern for the extent of productivity improvement our client company or employer can expect from cohorts of job applicants hired on the basis of validated predictor measures. That is, in the language of selection classification, we anticipate significantly increasing the proportion of those selected who are successful on the job (“true positives”) in relation to those hired who are unsuccessful (“false positives”), but we should also be concerned about the proportion of incorrectly rejected applicants who have been denied employment (“false negatives”) because of the imperfect validity of those predictors. In other words, enhancing the interests of the organization adversely and arguably unfairly impacts a substantial proportion of the applicant population. In addition, customary attempts to further increase productivity improvement by means of more restrictive hiring (decreasing the selection ratio) can generally be expected to exacerbate the harm by increasing the proportion of false negatives among those rejected—to a greater extent than the decrease in the proportion of false positives. The structure of this situation is that of a classic ethical dilemma—actions that benefit some directly hurt innocent others—yet to our knowledge it has never been addressed seriously in the literature of I-O psychology. We surmise that the reason is that I-O psychology, at least in the context of employee selection, tends to view the organization as the primary (or only) relevant stakeholder. The interests of applicants, especially rejected applicants who are not and will not be members of the organization, are generally not considered.

But that is an inappropriately narrow view for professionals to hold. Professions are characterized by attributes that distinguish them from other occupations (Haber, 1991), and among the more salient of those attributes is a sense of responsibility and obligation that extends beyond the paying client to segments of the broader society. This is generally thought to constitute a *quid pro quo* for the considerable amount of power, influence, and respect afforded by society to professions and their members. This broader perspective has been referred to as a “true professional ideal” (Kimball, 1992, p. 303) or “the professional model” (Hall, 1975, p. 72). In sum, the universalist tradition in moral philosophy; the multiple-stakeholder approach from the study of management, business, and society; and the professional model from the sociological study of occupations all coalesce around the notion that ethical evaluations of our selection programs require that their impact on all of those affected by them be considered. This could mean assuring that rejected candidates are afforded an opportunity for retesting and perhaps even, when circumstances and budgets allow, utilizing relatively low cutoff scores and relying on probationary employment as a selection device.

ETHICAL PRINCIPLES AND DILEMMAS

How does one know when he or she is faced with an ethical dilemma, as opposed to a mere technical, procedural, administrative, or professional problem? (They are not mutually exclusive. Ethical dilemmas may occur in any of those realms.) The study of moral thought has yielded three succinct criteria by which to answer the question (Wittmer, 2001). The problem will involve (a) the expression of fundamental moral or ethical principles like those discussed as follows and articulated in formal ethical codes such as that of the APA (2010), and the individual will be faced with (b) having to make a decision that (c) has significant impact on others.

Ethical Principles

Although space constraints preclude delving into the origins of the ethical principles presented here, it should be noted that they emerge from a long history of moral philosophy and more recent work in moral psychology (see Lefkowitz, 2003, for a review). They are reflected in various normative ethical theories that are generally either *deontological* or *consequentialist* in nature.

Deontological theories are concerned with right and wrong per se; they hold that the rightness or wrongness of an action is intrinsic to the nature of the act on the basis of whether it violates a moral principle. Deontologists are concerned with principled expressions of rights, duties, responsibilities, virtue, fairness, and justice. Some deontological principles are expressed positively in terms of affirmative duties (e.g., treat job applicants with respect; protect the confidentiality of test data), but many are expressed negatively in terms of actions that are disallowed versus what it is permissible to do (e.g., do not exaggerate or make “hyperclaims” to organization decision makers about the likely benefits of your proposed selection system). If one of us fails to protect the confidentiality of employee test data, the deontologist will view that person as having wronged those individuals even if there is no evidence of their actually having been harmed. Note, however, that harm may have been caused to the reputation of the profession.

Consequentialists, on the other hand, define right and wrong in terms of the good and bad (or benefits and harms) that will result from an action. The relative morality of alternative actions is directly reflected in the net amounts of goodness that can be expected to result from each. The option that leads to the greatest amount of net good or the least amount of net harm (considering all those to be impacted) is the morally imperative choice, not merely a permissible one, as with deontological approaches. Neither system of thought is free from legitimate criticism by proponents of the other perspective, and some situations seem more amenable to analysis by one rather than the other of the two strategies, so that the prudent professional should be familiar with both approaches to ethical analysis and decision making.

Respect

People have the right to be treated with dignity and respect and allowed to exercise their rights to privacy, confidentiality, freedom, autonomy, and self-expression. These rights are universalizable (i.e., applicable as much to anyone else as to oneself) and bounded by reciprocal obligations. For example, our right to pursue our research objectives should not supersede an employee’s right to not participate in the study. With regard to the principle of respect, psychologists are obligated in particular to be aware of and to eliminate the effects of prejudice and bias related to “age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status” (APA Code, 2010, Principle E).

Fairness and Justice

The notion of justice can be among the more nebulous ethical principles to conceptualize and implement, but it is important to distinguish between notions of justice in moral philosophy, political theory, or economics (Wolff, 2005), which usually refer to normative societal distributions of goods, versus “organizational justice” as it is usually studied in I-O psychology, which more typically focuses on perceptions of procedural fairness (Cuguer-Escofet & Fortin, 2014; Lefkowitz, 2009). For example, justice can be defined deontologically as each person having a fair balance of rights and duties, or in consequentialist fashion as each receiving a fair proportion of the available benefits and burdens associated with membership in a social system (e.g., organization or nation). However, alternative criteria of fairness represent social and moral values positions and so are influenced greatly by macro-level political and economic systems (e.g., the marked preference in the American free-enterprise system for the distributive justice criterion of *equity*, or “merit,” in comparison to our expectation of *equality* of treatment in the legal system).

Caring: Beneficence

The origins of this principle are in consequentialist theory and the “ethics of care” in moral psychology. It is reflected in the traditional service ideal of the professions: “Psychologists are

committed to increasing scientific and professional knowledge of behavior . . . and to the use of such knowledge to improve the condition of individuals, organizations, and society” (APA Code, 2010, p. 3) and “providers of I-O psychological services are guided primarily by the principle of promoting human welfare” (APA, 1981, p. 668). Although this principle is generally interpreted within the context of the universalist meta-principle that the interests of all those concerned are to be considered equal, it is also generally recognized that most of us justifiably care more for some people than others and/or there may be some to whom we owe a special obligation or duty (e.g., family, friends, neighbors, colleagues, clients, employer). Therefore, it is usually not viewed as unethical per se to act on those special concerns and obligations. However, there may be occasions when such actions slide impermissibly far down the slippery slope of favoritism, prejudice, bias, or nepotism.

Caring: Nonmaleficence

The obligation not to cause unjustifiable harm is generally thought to apply equally to all others, even strangers. It is especially pertinent with regard to those who are in potentially vulnerable positions (e.g., employees, students, job candidates, research participants). The primacy of non-maleficence is indicated in the APA Code (2010):

When conflicts occur among psychologists’ obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm . . . and [they] guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence.

(p. 3)

Moral Character

Many ethical treatises and professional codes of conduct include discussions of personal attributes having to do with the character of the person potentially faced with a moral dilemma rather than on the process of his or her ethical decision making. For example, the APA’s (2010) ethical code is explicit about the importance of *fidelity* and *responsibility* (to those with whom we work, to our communities, and to society) and of *integrity* (accuracy, honesty, truthfulness, and promise-keeping) (Principles B and C, respectively, p. 3).

In recent years, technological advances (e.g., web-based job applications and employment testing), changes in the nature and conditions of work (e.g., home-based work, increased use of teams), and other dramatic changes such as the globalization of organizations have impacted the way in which ethical problems in employee selection (and other professional domains) are manifested. Notwithstanding those changes in the manifest circumstances of contemporary work life, the importance of the five sets of fundamental moral principles noted above is reflected in the following observation:

The paradigmatic forms taken by those [ethical] problems, the character traits and motives needed to recognize them as such, the ethical reasoning used to address them, as well as the substance of the ethical principles on which such reasoning is based are all essentially unaffected and still pertain.

(Lefkowitz, 2006, p. 245)

We turn now to a consideration of those paradigmatic forms.

Forms of Ethical Dilemmas

Hoffman’s (1988) theory of moral development included three ideal types of moral dilemma from which the internalized sense of morality develops. Lefkowitz (2003, 2006) elaborated and extended those to four and later to five (Lefkowitz, 2007b, 2012) forms or paradigms of ethical

challenges that seem to represent a comprehensive taxonomy (with the understanding that there may be combinations of two or more of them).

Paradigm I. Preventing Harm: Possessing Foreknowledge of Someone to Be Harmed or Wronged

HR managers and organizational consultants frequently are privy to impending company policy decisions or personnel actions that may entail some harms or wrongdoing. For example, a manager may intend to promote someone generally known to be less qualified than other candidates. A senior HR administrator may be intent on implementing the latest selection test fad that you know is likely to have adverse impact on minority applicants and has virtually no credible validity evidence. Failing to act to prevent an impending harm or wrong may sometimes be motivated primarily by a sense of organizational loyalty rather than by self-serving objectives, but revealing, challenging, or resisting a contemplated action by a superior might also entail some personal risk, hence exacerbating the dilemma.

Suppose you are an internal consultant in the development section of the HR department of a large corporation and you are beginning to train a group of high-level managers to serve as assessors for a planned assessment center. When leading an evaluation discussion following a mock exercise engaged in by actors playing hypothetical promotion candidates, a senior executive—the apparent informal leader of the group—makes a demeaning sexist remark about the one female candidate being discussed, and all of the other managers laugh appreciatively. Responding appropriately and ethically may require an abundance of courage and social skill.

Paradigm II. Temptation: Contemplating a Self-Serving Action That Would Be Unjust, Deceitful, or Potentially Cause Harm to Another

Recent notorious examples of this sort of unethical action in the corporate world are well known. Other examples may be less extreme instances of acquiescing to inappropriate peer (or superior) expectations to “get along.” Of particular relevance to organizational life are instances in which one’s potential unethical actions serve the explicit or implicit policies, directives, or aims of the organization, rather than one’s own personal interests. Even so, given the prevalence of employees’ psychological identification with the organization, formal performance-based reward systems, and the informal recognition to be gained by accomplishing company goals and objectives, such (mis)behavior nevertheless might also be readily construed as self-serving.

Paradigm III. Role Conflict: Having Competing Obligations or Responsibilities to Two or More Persons or Other Entities Such That Fulfilling One Might Mean Risking the Other(s)

This type of dilemma is almost inevitable, given the universalist, multiple-stakeholder, professional perspective that acknowledges responsibility to several (perhaps conflicting) constituencies. Role conflict is especially salient for employees who are in internal boundary-spanning positions with responsibilities to multiple departments. It is also pertinent for those who operate at the external boundaries of the organization, such as salespersons and purchasing agents who may have considerable loyalty to longstanding customers, clients, or suppliers, as well as to their employer; or professionals who acknowledge their responsibilities to society and the common good as well as to the organization.

Consultants who are afforded the opportunity to work with multiple (i.e., competing) firms in the same industry should also be familiar with this form of potential dilemma. Relevant matters to be considered include (a) the consultant’s general representations regarding knowledge gained

from working with previous clients/competitors; (b) each party's understanding of the expectations of client #1 with respect to the consultant's prospective work with competitors; (c) what useful information, whether proprietary or not, was garnered from working with client #1 that might be useful in working with client #2 and by extension improve their competitive position; (d) client #2's expectations regarding accessibility of the consultant's cumulative knowledge of the policies of other firms in the industry; etc. For example, suppose a portion of the criterion-related selection test validation project paid for by client #1 consisted of the time-consuming development of a complex criterion measure based on an empirically derived composite of job performance indicators. Such sophisticated job knowledge, if shared, could be a persuasive part of the consultant's "sales pitch" for conducting a selection study for client #2. Is that appropriate? These matters are all best discussed with client #1 before beginning that project.

Paradigm IV. Values Conflict: Facing Conflicting and Approximately Equally Important Personal Values So That Expressing One Entails Denying the Other(s)

At a somewhat macro-level, this is the battlefield on which conflicts play out between the objectives of shareholder value and corporate financial performance (CFP) on one side versus the putative societal obligations of business reflected in the corporation's "social performance" (CSP; Lefkowitz, 2007c). At the level of specific HR systems such as selection, it gets reflected in the attempt to balance ostensibly competing objectives such as increasing economic utility and decreasing adverse impact on minorities (De Corte, Lievens, & Sackett, 2007). It is on a note of optimism that we point out that the most recent accumulations of evidence suggest that CFP and CSP may be entirely compatible or even complementary (Guenster, Derwall, Bauer, & Koedijk, 2005; Orlitzky, Schmidt, & Rynes, 2003).

Paradigm V. Pressure to Violate Ethical Principles³

Organizations value productivity, efficiency, speed, and profitability, which often get expressed in corresponding pressures for goal attainment on managers who may be the superiors or clients of an I-O psychologist. And it is possible that those pressures are directed to the I-O psychologist and conflict with professional ethical standards. For example, perhaps a senior executive decides that assessment data, which had been collected in the context that—and with assurances—it was to be used confidentially only for developmental-coaching purposes, would be very useful for performance management and appraisal. Standard 1.03 of the APA Ethics Code (2010 revision) indicates that if organizational demands conflict with the code,

psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the general Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

(APA Ethics Code, 2010, p. 4)

None of the five paradigms explicitly mentions matters of technical competence. Is competence an ethical issue? In fact, the APA Code (2010) contains six enforceable standards in the section headed "Competence"; for example, "Psychologists' work is based upon established scientific and professional knowledge of the discipline" (Standard 2.04) and "Psychologists undertake ongoing efforts to develop and maintain their competence" (Standard 2.03). Suppose an I-O psychologist conducts a well-done validation study for a client and reports a statistically significant validity coefficient for a set of predictors but fails to report several other nonsignificant coefficients with respect to other relevant criteria investigated. If the psychologist is ignorant of the statistical prohibition against exaggerating validation findings by capitalizing on

chance relationships, he/she is not competent. Now, what if the psychologist was not ignorant of these psychometric matters but had struggled with temptation and, ultimately, and with some misgivings, omitted the negative findings out of concern for disappointing the client? Or worse still, in a third variant, suppose he/she freely and deceitfully chose to distort the nature of the findings to justify having inappropriately guaranteed favorable results in advance?

Ethical analyses invariably include a focus on the “bottom line” of an action taken or actions contemplated (i.e., the consequences of the act(s) on all those affected). Each of these three scenarios represents an ethical transgression because of the potential harm to be caused to the client and job applicants by using an ineffective selection system and ultimate harm to the reputation of the profession when the ineffectiveness becomes apparent. However, the motives of the psychologist are rather different in each scenario, and in ethical analyses it is also true that motives matter. So, in what way do they matter? In each of the scenarios the psychologist is portrayed as increasingly venal: from merely inexcusably ignorant and failing to live up to one’s professional obligations, to defensively self-protective and disrespectful of a client’s rights, to premeditatedly self-serving and deceitful. Two observations are warranted. First, these different motives—implying different moral characters—make little or no difference in terms of the consequences of the incomplete data reporting. That is why “mere” incompetence is an ethical matter. Second, it is likely that the reader feels somewhat differently about each of our three hypothetical transgressors—perhaps feels that their degree of venality is related directly to their degree of culpability. That may, depending on circumstances, appropriately lead to differences in what we view as the suitable degree of penalty or opprobrium for each of our three transgressors for the “same” offense.

ROLE OF ETHICAL CODES IN PROFESSIONAL PRACTICE: HISTORICAL AND CURRENT PERSPECTIVES

Whether licensed or not, professional psychologists are expected to follow the ethics code of the APA (APA Code, 2010), although enforcement mechanisms pertain only to APA members. A brief history of professional ethics in psychology reveals the absence of a code for the first 50 years of the APA (Pope & Vetter, 1992), its initial empirical start based on critical incidents, and its evolution over more than 60 years. During the last 15 years, greater attention has been paid to I-O issues so that the current code even applies to selection work.

Professional codes of conduct typically derive from the practice of a profession; behaviors that arouse concerns about appropriate and inappropriate behavior work their way into a code of conduct over time. They also often inductively work themselves backward to a philosophical basis rather than starting that way. For example, consider the famous Hippocratic Oath for medicine, one translation (Edelstein, 1967) of which, thought to date back to the fifth century BC, is as follows:

I swear . . . that I will fulfill according to my ability and judgment this oath and this covenant:

I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.

I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect.

I will not use the knife . . . but will withdraw in favor of such men as are engaged in this work. Whatever houses I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief. . .

What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about.

(p. 6)

Note that the Hippocratic Oath does not emphasize moral principles underlying the ethical admonitions, despite having been created in a golden era of moral philosophy. It imposed on those taking the oath specific obligations to behave in certain ways and not to behave in

other ways. Some of its tenets are readily interpretable in terms of modern professional ethical standards, but others would be irrelevant or considered inappropriate in today's world. Another aspect of the oath that is relevant to contemporary I-O psychologists is, despite its pragmatic orientation, its explicit recognition of the broader professional and moral context within which the specific obligations are taken on. The doctor is not only to be technically competent (providing good dietary recommendations, not performing surgery), but is to be pure, prevent harm and injustice, and protect confidentiality.

Some professions favor a narrow and explicit approach to ethical practice—i.e., if it is not explicitly prohibited (e.g., by an ethics code), then it is not unethical. (An extension of this approach is the view that any action that is not clearly illegal is morally permissible.) Others see the need for a broader, more proactive approach in which moral principles and the values to which they give rise deserve expression, even when no specific ethical “violation” is identified. In its enforceable *Standards*, the *APA Code* (2010) is an example of the former pragmatic approach; in its *General Principles*, it exemplifies the latter. It bears reminding that for more than the first half century of its existence, the APA had no ethics code at all. This case of apparent arrested development reflects the historical growth of a field that for the early part of its existence was not as concerned with the practice of psychology as with the establishment of the field as a science. Only with the burgeoning growth of clinical psychological practice around the time of World War II did the need for a formal code of ethics for psychology become more intensely apparent.

The initial code of ethics for psychologists emerged from an empirical rather than an a priori theoretical or philosophical base (cf. Pope & Vetter, 1992). Members of the association were polled about incidents they had encountered that raised ethical issues, and from those data, an initial code of ethics was written. The field of I-O psychology is relatively new as an applied area of training and practice (cf. Lowman, Kantor, & Perloff, 2006). As a result, until the 2002 revision of the code there had not been included much in it to suggest that it was written with applied practice in I-O psychology in mind. A partial exception was the area of testing, a domain that is included in many types of applied practice, and so has had a long-time focus in the various editions of the code. However, more attention is paid in the code to issues associated with test construction and with applications in individual assessment contexts than explicitly to the mass testing often associated with employee selection.

However, the 2002 code did take modest steps to address how the ethics principles and standards applied to I-O and organizational consulting psychology. The code added several references to consulting and psychological work in organizations and includes “organizational clients” in most categories of service. For example, ethics Standard 3.11 explicitly concerns psychological services delivered to or through organizations. It clarifies the issues involved in working with individuals versus organizations and the responsibilities of psychologists to the individual organization members with whom they work when they are not themselves the defined client.

APA Standard 3.11 Psychological Services Delivered To or Through Organizations

- (a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.
- (b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

(APA Code, 2010)

The entire ninth standard, which is on assessment, has direct applicability to most employee selection psychology. It encompasses individual assessments and those done in the context of groups such as with applicant selection, and it indicates that consent may ethically be implied.

APA Standard 9.03 Informed Consent in Assessments

- (a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when . . . (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity.

(APA Code, 2010)

This section of the code also identifies the requirements for test construction, issues related to outdated assessments, and issues related to feedback on the results of tests. It also deals with release of information about tests, obligations of psychologists concerning test security, and situations involving obsolete tests.

However, it can be argued that the code says very little *per se* about the common situation in which psychologists who administer large testing programs in industry or government work for nonpsychologists, and the decisions about testing programs are made by persons with little psychological training. But two sections of the code do explicitly cover such situations as envisioned by the fifth paradigm or form of ethical dilemma noted above (external pressure to violate ethical norms), Standards 1.02 and 1.03. These were amended by the APA in 2010 following the exposure of the role of psychologists in U.S. government “enhanced interrogation techniques” with captives (see Hoffman et al., 2015).

APA Standard 1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

If psychologists’ ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

(APA Code, 2010)

APA Standard 1.03 Conflicts Between Ethics and Organizational Demands

If the demands of an organization with which psychologists are affiliated or for whom they are working are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

(APA Code, 2010)

There is also the following ethics standard, which imposes an ethical obligation to take appropriate action in response to misuse of one’s work:

APA Standard 1.01 Misuse of Psychologists’ Work

If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

(APA Code, 2010)

SOME SPECIFIC ISSUES AND SOURCES OF ETHICAL PROBLEMS⁴

In this section we present several specific illustrative ethical issues in the practice of employee selection and indicate the sections of the *APA Code* that provide some guidance.

Generic Ethical Issues in Selection

The Basics: Issues of Validity

As the reader is likely to be well aware, the overwhelmingly most important matter in selection—from technical, professional, and ethical perspectives—is the appropriate justification of the personnel actions taken; that is, the validity of the measures on which those decisions to hire or promote people (or to decline to do so) are based. Validity is inherently an ethical issue because it reflects the relative accuracy of selection decisions by which some are selected/hired and some are rejected; the absence of validity can result in serious harm to both applicants and employers. (Many of the ethical issues that seem associated with particular selection procedures represent manifestations of this generic issue.) That validity is a fundamental ethical requirement is suggested, among other APA Standards, by the following:

Standard 2.04 Bases for Scientific and Professional Judgments

Psychologists' work is based upon established scientific and professional knowledge of the discipline.
(APA Code, 2010)

Professional Competence

As noted earlier, competence in the conduct of one's profession is an important ethical issue for many reasons (cf. Ethical Standards 2.01(b), 2.06, APA Code, 2010). The issue of competence of course overlaps that of validity, but it also requires that psychologists base their practice on mastery of the relevant technical knowledge base associated with their area of psychology, as indicated by the following standard:

Standard 2.01 Boundaries of Competence

- (a) Psychologists provide services, teach and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

(APA Code, 2010)

Test Security

Psychologists are mandated by Ethical Standard 9.11 to maintain test security, namely:

Standard 9.11 Maintaining Test Security

The term test materials refers to manuals, instruments, protocols, and test questions or stimuli and does not include test data as defined in Standard 9.04, Release of Test Data. Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

(APA Code, 2010)

In the case of a psychologist administering intelligence tests in the context of a private practice or school system, the issues of maintaining test security may be straightforward. However, in today's employee selection context, tests may be administered to hundreds of thousands of applicants, tests may be administered electronically with no oversight of the test-taking circumstances, and a team of psychologists and nonpsychologists may help create and validate a test with little direct control by a psychologist of the security of the process. Although the psychologist's ethical mandate to protect test security is conceptually clear, the practical realities

of corporate and government testing contexts are often far more complicated and difficult than the code may have contemplated. In such complex situations, our best advice is to proceed cautiously and seek out advice from knowledgeable colleagues.

Multiple Responsibilities: Who Is the Client?

As noted earlier, an important hallmark of a true profession is the recognition by its practitioners of responsibilities that extend beyond the paying client. In the case of employee selection in organizations, those responsibilities extend in two directions: within the organization to individual job applicants and promotional candidates and beyond the organization to the community that depends on the continued success of the organization and that is impacted by its actions.

Some Issues Relating to Particular Selection Methods

Individual-Level Assessments

There are many ethical issues associated particularly with selection or evaluation at the individual level (see Jeanneret, 1998, for a review). Although standards of practice are well defined at the level of applying individual tests to clinical practice (e.g., assessing parents and children in the context of fitness-for-parenting in divorce proceedings), the literature on individual assessments in selection contexts is far less developed. Issues of validity for individual instruments (such as the selection interview, Fletcher, 1992) and, particularly, the proper metric for combining across domains of testing (such as in the domains of occupational interests, abilities, and personality characteristics, cf. Lowman, 1991) suggest that there is much work still to be done for valid conclusions to be drawn reliably. The use of multiple types of psychological assessment data and the translation of such data into predictions that have psychological validity entail at least three very significant issues: (1) whether all of the data can be quantified and, if so, the relative weights to be given each of the sources of information in arriving at a composite evaluation or prediction; (2) if not, how to meaningfully integrate qualitative and quantitative information about the candidates; and (3) what role the specific organizational context should play in any recommendations based on the assessments (e.g., factoring in what is known about the supervisor of the targeted position and the culture and expectations of the organization).

Additional ethical issues particularly relevant to the process of individual assessment include maintaining confidentiality, recognizing that the assessee and the client organization are both clients of the assessor, the qualifications and proper training of those administering and interpreting examinations, assuring that the client organization understands the limitations of the assessment process, and providing adequate feedback to the candidates (Jeanneret, 1998; Prien, Schippmann, & Prien, 2003).

Assessment Centers

Assessment centers (ACs) seem to have attributes that attract ethical challenges. Their notable early and well-publicized success has led to a faddish proliferation beyond the resources of those who are actually trained and skilled in their development, implementation, and administration. (Refer to Chapter 38, this volume.) For example, Caldwell, Thornton, and Gruys (2003) have itemized 10 “classic errors” in this area of practice, most of which have ethical implications (poor planning, shoddy exercise development, no pretesting of exercises, using unqualified assessors, etc.) Colloquially, experienced AC practitioners also have observed problems such as promotion by consultants of the utility of their AC entirely on the basis of the general research literature, which has little to do with the consultants’ specific proposed procedures; use of unprofessional assessors who receive virtually no training in behavioral observation, rating,

and evaluation and who may be unfamiliar with the particular exercises used; subsequent pressure on AC staff or consultants to use the data from an earlier developmental AC for personnel actions (e.g., retention decisions during a reduction-in-force, sometimes exacerbated by the age of the data); widely disseminating individual assessment data in the organization for various unintended purposes; and using generic exercises that have little or no demonstrable relationship to the target jobs. In addition, various administrative gaffes have been noted, such as failing to maintain the security of measures for days 2 and 3 of a multi-day AC; allowing nonassessors (e.g., senior managers) to influence assessment evaluations; and failing to provide appropriate feedback to candidates or providing inappropriate feedback, such as implying organizational actions to be taken (“you clearly have the talent to be promoted soon”), etc. All of these matters (and others, such as “rights of the participant”) are discussed carefully in *Guidelines and Ethical Considerations for Assessment Center Operations* (International Task Force on Assessment Center Guidelines, 2015).

Computer- and Web-Based Testing⁵

The administrative and financial efficiencies of computerized and web-based job application and selection testing procedures are often considerable. It is not surprising that the practice is growing. However, as is often the case with new technologies or procedures, the incidence of usage has probably outstripped careful consideration of potential problems in implementation (see Joint Task Force, 2013; Lowman, 2013b). We see three broad sets of problems to be considered. The first is largely pragmatic and has to do with administrative and technical problems associated with a computerized delivery system (e.g., provision of an adequate number of computer consoles). The second set of problems has more professional and ethical overtones, having to do with the *equivalence* of test results obtained by traditional means of testing with the results of the same tests administered via computer (Potosky & Bobko, 2004). That is, to what extent is empirical validity evidence from traditional test administrations to be taken as wholly applicable to web-based administration? It is at least possible, if not likely, that degrees of equivalence will vary as a function of the domain tested (e.g., cognitive ability vs. personality attributes), type of test (e.g., timed vs. untimed), response format (e.g., short-answer vs. open-ended), examinee attributes (e.g., facility with computers, degree of self-efficacy, etc.), and other factors. Psychometricians may be sanguine that the degree of correlation between paper-and-pencil and computer-delivered test administrations is high enough to conclude that the same measurement objectives are being met ($r \sim .6-.8$). From a fairness perspective, however, the same pass/fail cut score on the two forms of administration will include and exclude some different examinees, as may rank-ordered selection.

The third set of problems is associated with web-based assessment, independent of the equivalence issue. These include concern for test security, the possibility of cheating when the testing is unproctored, differential access to the Internet for different groups of potential applicants, etc. (cf. Tippins et al., 2006). Other ethical issues raised by online testing methods include the unintended consequences of delivery of tests, especially in global/international contexts (see Lowman, 2013a, 2013b). Suppose a test administered via the web contains a speeded component. In the case of slow Internet speeds, particularly those available in developing countries, the test stimuli are not equal, and those in poorer settings may be unfairly tested compared to those in more developed countries.

Concerning the use of unproctored Internet testing, psychologists must contend with many ethical issues. Even the recently issued revised Test Standards (2014) seem not to contend with the proliferation of online unproctored testing. For example, the Test Standards state:

Professionals who oversee testing and assessment should be thoroughly versed in proper test administration procedures. They are responsible for ensuring that all persons who administer and score tests have received the appropriate education and training needed to perform their assigned tasks. Test administrators should administer tests in the manner that the test manuals indicate and should adhere to ethical and professional standards. . . . If tests are administered by computer or other technological devices or online, the professional is responsible for determining if the purpose of the assessment and the capabilities of the

test taker require the presence of a proctor or support staff (e.g., to assist with the use of the computer equipment or software).

(Test Standards, 2014, p. 153)

It is difficult to imagine that the unsupervised mass use of unproctored testing for pre-employment screening would meet any of these standards. Both the APA Ethics Code (2010) and the Test Standards (2014) identify the need for professional oversight of all such testing. Psychologists setting up a testing program in which it is likely that cheating will occur, such that the results of the testing are compromised (see, e.g., standard 7.9 of the Test Standards, 2014), have an ethical and professional obligation to make known their objections to those responsible for making the selection decision (APA Ethics Code Standard 1.03).

Protecting the content of the test as intellectual property (see APA Test Standard 1.09 Test Security; APA Ethics Code, 2010) is also a factor to be considered in such testing. In today's era of cell phones being able to instantly capture the content of a test, this potentially further lessens the validity of the test, not just for the individual test takers but also for the further use of the test. Ethically, if a high-stakes test, despite the recommendations of the psychologist, is to be used in unproctored test-taking situations, consideration should be given to administering it in a way that maximizes the likelihood that people will not cheat and that minimizes the lessening of the integrity of the test (e.g., by showing test stimuli for relatively short time periods and not allowing test takers to return to earlier items).

The Use of "Big Data"

The recent growing use of so-called *Big Data* (BD; see Chapter 43, this volume, for additional discussion of BD) in organizations has been characterized as a "management revolution" (McAfee & Brynjolfsson, 2012), allowing us to

manage more precisely than ever before . . . make better predictions and smarter decisions . . . target more-effective interventions, and . . . in areas that so far have been dominated by gut and intuition rather than by data and rigor.

(p. 62)

It is not possible, in these pages, to evaluate the veracity of those claims; suffice it to say that in our opinion they represent perhaps as much wish fulfillment as fact, and they gloss over some limitations. To begin with, it should be noted that there is often disagreement and/or uncertainty concerning the definition of BD. Based on recent deliberations (Jin et al., 2015), there seems to be general agreement on the following attributes: (a) *volume*—i.e., huge amounts of data; (b) *variety and complexity*—e.g., intentionally collected, voluntarily offered information from known participants as well as passively collected, involuntarily obtained data from anonymous contributors, perhaps requiring linkage of multiple data sets, and multiple files across different systems; (c) *velocity*—exceedingly fast, even real-time, recording of the data; (d) *data analytics*—use of very sophisticated statistical techniques and graphical presentation methods to accommodate the enormous data sets; (e) accordingly, the preeminence in the area of *data scientists* more likely to be trained in computer science, information technology (IT), artificial intelligence (AI), economics, or marketing than in psychology; and (f) *prediction*—a focus largely, if not entirely, on extracting accurate algorithms or patterns from the vast data set(s).

At this point in time, I-O psychologists ought to be wary of the following issues regarding BD (as pointed out by our colleagues):

1. Many BD studies involve searching for patterns or relationships in existing data that were collected prior to any definition of the problem or specification of hypotheses (or, in the case of employee selection, theoretically relevant predictors) (Such, Tippins, & Corbet, 2015). The data are not necessarily, therefore, the "best" or even particularly good for the purpose intended (Guzzo, et al., 2015).
2. Similarly, the overriding aim of BD studies is prediction accuracy, not theory, explanation, or causal understanding (Dekas, Wette, Rivera, & Dubey, 2015). Hence, the results may be conducive to

developing applications—e.g., predicting employee turnover, but not have the information to reduce it (Such, Tippins, & Corbet, 2015).

3. A number of issues relate to the training, experience, and values of the data scientists who may be in charge of a BD project. For example, they may not be sensitive to the relevant ethical issues in research with human participants (respect, privacy and confidentiality, informed consent, risk reduction, debriefing) or to the importance of considering employees' reactions to HR projects (Guzzo et al., 2015; McCune et al., 2015; Meade, Sinar, Bokhari, & Villanes, 2015). They may not be equipped to understand and interpret properly the patterns uncovered in the data (King et al., 2015; Such, Tippins, & Corbet, 2015). As noted by McAfee and Brynjolfsson (2012), speaking generally—not in the context of I-O psychology or employee selection: “when it comes to knowing which problems to tackle . . . domain expertise remains critical” (p. 66). Finally, data scientists may not be (sufficiently) familiar with the importance of Title VII adverse impact issues and the ensuing requirement for demonstrating the manifest “job relatedness” of predictors used for employee selection.

BD might be thought of conveniently as just another among many substantial changes in the nature of work and employment that have occurred in recent years (Burke & Cooper, 2006). As noted earlier, conclusions drawn a decade ago concerning the ethical implications of those changes probably pertain to BD as well. The technological advances certainly have impacted the ways in which moral problems are *manifested*, but the moral nature of those problems, the personality attributes needed to recognize them as such, the ethical reasoning used to address them, as well as the ethical principles on which such reasoning is based all still pertain (Lefkowitz, 2006).

Some Issues Relating to Situational or Contextual Organizational Issues

Selection in the Context of a Unionized Organization

There seem to us to be at least four important matters to be considered:

1. The potential difficulties one might encounter in this regard in implementing a selection study are likely to be as much or more influenced by the history of union/management relations in the organization as by the attributes of the proposed program, so that one should become familiar with that history.
2. The parameters of the project may be set or limited by terms of the collective bargaining agreement, so one also needs to be knowledgeable about that.
3. Even if it were legal (by virtue of recognized management prerogative in the union contract) to implement a selection program for union members without obtaining prior union agreement, the prudent I-O psychologist (i.e., one who would like the project to succeed) would be well advised to proceed as if such approval were necessary—and not to proceed until some acceptable arrangement was achieved, preferably even actively involving the union in the project from its outset.
4. Because the topic of unions tends to be a volatile one on which people hold strong opinions, and because most I-O psychologists tend to view themselves as representatives of management, it is advisable to consider the extent to which one's personal values in that regard might conflict with a more universalistic set of professional values, including respect for all relevant stakeholders, including union members.

Ethical Issues Regarding Setting Cut Scores⁶

The purpose of a cut (or passing) score is to segment examinees into two groups: one deemed “unacceptable,” hence rejected for employment or promotion, and another thought to be “acceptable,” hence hired/promoted or deemed eligible for further screening. Consequently, the primary ethical issue is inextricably bound up with the technical psychometric issues having to do with the accuracy of those classification decisions. The generally preferred method of setting a cut score on a predictor is to do so empirically by predicting a specified minimum criterion score, which first needs its own justification (Green, 1996). Such predictor cutoff scores are affected by issues of criterion relevance, extent of predictor validity, measurement error around the predictor score, and the error of estimate associated with that prediction. Those sources of variability are often

not considered. Alternatively, when criterion-related validation is not technically feasible, cut scores sometimes are determined nonempirically by one of several subjective rating or *judgmental methods* using SMEs' knowledge about the content domain of the examination (Mills & Melican, 1987). In the absence of any criterion information, the issue of classification errors (particularly "false rejects") is exacerbated by virtue of there being no way to assess their extent, and generally no attempt is made to assess the accuracy of the classifications. The I-O psychologist may experience a dilemma when, perhaps for reasons of cost, criterion-related validation is not done although it is feasible. The resulting ignorance of classification (in)accuracy was potentially avoidable.

Ethical Issues Regarding Retesting

To acknowledge that even the most valid selection system entails classification errors, particularly applicants who are rejected incorrectly, suggests (by virtue of the ethical principles of fairness and nonmaleficence) that unsuccessful candidates should be allowed the opportunity for reexamination, if it is feasible. However, it is known that people do tend to improve their performance on ability tests when retested—on average, by about one-quarter standard deviation for cognitive abilities (Hausknecht, Halpert, Di Paolo, & Moriarty Gerard, 2007). Consequently, to allow those who request it to be retested raises an additional ethical issue with respect to unfairness to those unsuccessful candidates who have not requested retesting and, under some circumstances, even to those who passed initially (e.g., when all of those who pass are to be rank-ordered). However, a reasonably satisfactory solution seems attainable. First, the *practice effect* is reduced if an alternate form of the examination is used for retesting. Second, although the effect can be enhanced if accompanied by coaching, that is not likely to be the case in employment testing; and third, it declines with the length of time before retesting. Therefore, if it is financially feasible to develop alternative forms and to provide the administrative resources for retesting, and if the opportunity to request retesting is known and available to all candidates, then retesting seems feasible and fair. To reduce the possible practice effects, most organizations that adopt the policy generally specify a minimum waiting period.

Organizational Pressures for the Misuse of Test Data

Pressures on psychologists to use data in ways that are inconsistent with their ethical standards can be considerable, particularly for psychologists who are employed in industry and government. Such pressures arise from various sources, including the reality that most of those involved in leadership roles in such settings are not psychologists and may not understand the ethical constraints on psychologists or the complexities of standards associated with employee selection research. For example, the adequacy of sample sizes for establishing reliable validity coefficients may seem like an academic concern to an impatient manager who is eager to get on with implementation. Psychologists have an ethical obligation in such circumstances to "take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code" (Standard 1.03, revised).

Serving as an Expert in Litigation

This area is highly problematic and fraught with complex and difficult ethical issues. While I-O psychologists may address a number of topics as litigation experts, perhaps the single most common one involves selection issues. The breadth of considerations raised for I-O professionals who provide such services is too great and far-reaching to be addressed in this chapter. At a minimum, I-O psychologists should note the inherent role conflict of the enterprise, wherein one is putatively an objective professional expert but paid by and often emotionally involved with one side in an often highly contentious environment with a high-stakes outcome. One may also be put in the

position of “defending” one’s own work from what one perceives to be unfair criticism. At the very least, psychologists must be aware of the rules that govern the legal setting regarding expert testimony; they must clarify their independence from the party that retains them to testify; and they must be vigilant that their own behavior and that of others does not foist an ethical dilemma upon them. Given the complexities of the concerns and the level of the stakes, specific thought must be given to the ethical issues that may arise in advance of undertaking such assignments.

CONCLUSION

It seems most appropriate, if not necessary, to conclude by focusing on application and solution, that is, what to do. On the one hand, general ethical principles and written sources such as APA’s *Code of Conduct* and the Society for Industrial and Organizational Psychology (SIOP)’s casebook (Lowman, 2006) are readily available but may not explicitly include one’s particular problem(s). On the other hand, specific potential ethical issues—even within a limited domain such as employee selection—are innumerable, not entirely predictable, and so cannot all be itemized *a priori*. The best we can hope to do, aside from noting some particularly common examples, as we have done, is to present a general scheme emphasizing prevention (cf. Pryzwansky & Wendt, 1999), that is, highlighting the importance of trying to anticipate and prevent problems before they arise. Largely on the basis of the work of Canter, Bennett, Jones, and Nagy (1994), as well as Pryor (1989), we offer the following six-step plan.

1. Be Familiar with Applicable Ethical Codes and Professional Standards

Ethical guidelines are available from the APA (2010), the Canadian Psychological Association (2000), the Academy of Management (2005), the Society for Human Resource Management (2014), the International Task Force on Assessment Center Guidelines (2015), and other relevant organizations. Gaining familiarity with them can help one to avoid blundering into ethical indiscretions because of sheer ignorance, which is important because “lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct” (APA Code, 2010, p. 2). Indispensable sources of professional information include the Test Standards (2014), SIOP *Principles* (2003), and knowledge concerning how tests are often misused (Moreland, Eyde, Robertson, Primoff, & Most, 1995).

2. Be Familiar with Relevant Federal, State, and Local Laws and Regulations

These pertain to rules regarding conducting research with human participants (OHRP, 1991), one’s particular (U.S.) state laws regulating the licensing of psychologists, and federal and state laws governing employment practices such as the Civil Rights Acts of 1964 and 1991, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and the *Uniform Guidelines on Employee Selection Procedures* (Equal Employment Opportunity Commission, Civil Service Commission, U.S. Department of Labor, and U.S. Department of Justice, 1978). (Refer to Chapters 27–30, this volume, for in-depth treatments of these professional and legal standards.)

3. Know the Rules and Regulations of the Organization in Which You Work and/or Those of Your Client

Having that knowledge serves at least two purposes. First, it helps assure competent and appropriate professional practice by incorporating and meeting organizational expectations regarding

procedures and outcomes. The second pertains to the possible conflict between organizational practices or objectives versus our professional ethical and/or legal standards (e.g., some I-O psychologists have been directed to use confidential research or test data for purposes not originally intended or consented to; some have been told that the organization will not provide test feedback to employees who were candidates for promotion). As quoted earlier, but worth the reminder, the more “I-O friendly” revision of the APA ethical principles includes enforceable Standard 1.03, which requires I-O psychologists to

clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

(APA Code, 2010; revision, 2010)

4. Participate Regularly in Continuing Education in Ethics and in Professional/Technical Issues Affecting Competence

This admonition is obviously not entirely necessary for you, the reader. Attending courses, workshops, and professional conference presentations and seminars; subscribing to journals; and reading books that focus on ethical, professional, and technical matters are some of the means of keeping abreast of new technical developments and honing one’s ethical sensitivities and decision-making skills. Conferring with colleagues is often indispensable—most especially when one is in the throes of an uncomfortable ethical dilemma or sees the potential for one developing. In addition to our national association, SIOP, the regularly published newsletters of several local organizations of applied psychologists have proven to be consistently reliable sources of information.⁷

5. Maintain a Mindset of Ethical Watchfulness and Identify Potential Ethical Problems

To a considerable degree, the purpose of this entire chapter is to promote one’s ability to do just this. If we have been at all successful, it will have been by increasing the salience and the reader’s knowledge of ethical principles; the way in which those moral issues are enmeshed with matters of personal values, professional judgment, and technical competence; the typical forms or structures of ethical dilemmas; the role to be played by formal ethical guidelines; and some particular and somewhat predictable ethical problems associated with particular selection practices. Hopefully, this will help to avoid ethically ambiguous situations or to clarify them early on. We believe that such *moral sensitivities* (Rest, 1994) are learned attributes and can be enhanced with practice. All in all, we hope to have contributed to I-O psychologists’ “staying ethically fit” (Jeanneret, 1998), which leads to the last item.

6. Learn Some Method(s) for Analyzing Ethical Situations and Making Ethical Decisions in Complex Social Situations

Space does not permit delving into this process in this chapter. Fortunately, however, others have done so. Several ethical decision-making models and procedures have been reviewed by Wittmer (2001) and by Pryzwanski and Wendt (1999). We have (unsurprisingly) found one decision-making model to be helpful that was synthesized with I-O psychology in mind (Lefkowitz, 2003, in press), even though such models have been criticized with some justification as being simplistic (Ladenson, in Gellerman, Frankel, & Ladenson, 1990, p. 90); that is, as not matching the complexities of many ethical dilemmas. However, their value may lie in the psychologist becoming accustomed to the general process of ethical reasoning they promote, rather than in adhering to specific decision-making steps.

NOTES

1. A recent meta-analysis of the between-organizations effects of “high-performance work practices” (HPWPs) on organizational-level performance uncovered just 15 studies that investigated the impact of selection (Combs, Liu, Hall, & Ketchen, 2006). They yielded a mean validity coefficient of only .11 (.14 corrected for measurement error). Moreover, most such studies have used “postdictive” designs in which a claim that the HPWP has had a causal influence on the organizational outcomes is not warranted (Wright, Gardner, Moynihan, & Allen, 2005). Perhaps more importantly, we are not aware of any within-organization studies documenting the effect of selection systems on overall financial performance of the firm.
2. The regulations pertain to all research with human participants whether supported by government funds or not. And research is defined as “a systematic investigation, including testing and evaluation, designed to develop or contribute to generalizable knowledge” (§46.102[d]). Special note should be taken that “contribut[ing] to generalizable knowledge” is often operationalized as seeking to publish or otherwise make public the findings of the study (such as at a professional conference). The regulations are available at <http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html>.
3. Although this might be construed as a contextual factor or antecedent of any of the other four types, we emphasize its importance by listing it separately.
4. The authors are grateful for input on this section from Robert Hogan, Joel Moses, George C. Thornton III, John G. Veres III, and Michael J. Zickar.
5. See Chapter 39, this volume, concerning technology and employee selection for a more comprehensive presentation.
6. See Chapter 17, this volume, on the use of test scores for a more thorough treatment of this issue.
7. Information may be obtained from the following websites: <http://www.siop.org>, <http://www.metroapppsych.com>, <http://www.ptcmw.org>, and <http://www.ptc-sc.org>.

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