

**WHAT A LITIGIOUS WORLD WE LIVE IN!
LEGAL IMPLICATIONS OF THE TREATMENT OF CONFIDENTIALITY IN STUDENTS' MARKETING
PROJECTS**

**Regina P. Schlee, School of Business and Economics, Seattle Pacific University,
Seattle, WA 98119, 206-281-3638, rschlee@spu.edu**

**Jeff Van Duzer, School of Business and Economics, Seattle Pacific University,
Seattle, WA 98119, 206-281-2970, vandje@spu.edu**

ABSTRACT

A Proquest search of the *The Chronicle of Higher Education* revealed that over 300 articles have been published with the word "litigation" in the abstract in just the last four years. As it has in the rest of our society (the U.S. Chamber of Commerce (2004) reports that the annual cost of lawsuits for U.S. businesses is now \$129 billion), the tidal wave of lawsuits has washed up on the shores of U.S. institutions of higher education. In fact, most educators are probably personally familiar with a one or more legal cases involving a faculty member, student, athlete, or student group (Academe 2004: Raftery 2004).

As a result of concerns for avoiding litigation, many schools have implemented specific standards to protect the university, faculty, and students from liability. For example, law schools, medical schools, and most undergraduate programs that require the supervision of students in an applied work setting have developed extensive ethical standards and guidelines to inform the actions of students and supervising faculty (Anderson, Kanter, and Slane 2004: Boon and Turner 2004).

The business education literature, however, includes very few studies of the legal risks associated with the supervision of students working on classroom assignments. In particular, we have located almost no such articles that deal with the increasingly common situation where an outside

organization agrees to participate with students in a classroom project and then raises questions of confidentiality and non-disclosure (Katz, Harshman, and Dean 2000). Such as they are, existing studies of ethical and legal issues in the supervision of student projects tend to focus on protection of survey participants and the related use of Institutional Review Boards (Jenson, Machiewicz, and Riley 2003). But, the confidentiality issues that impact student projects involving businesses most often pertain to the protection of trade secrets.

The American Marketing Association's Code of Conduct articulates the importance of maintaining confidentiality by indicating that it is the responsibility of marketing professionals to "Apply confidentiality and anonymity in professional relationships with regard to privileged information." But, do the same constraints with regard to the handling of privileged information also apply to students' marketing projects? This study examines alternative methods of dealing with client information in student projects and the advantages and disadvantages of each. The typical elements of Non-Disclosure (confidentiality) Agreements are discussed together with the implications of such agreements for the students and their faculty supervisor.

REFERENCES

References are available from the authors by request.