NATIONAL HIGH SCHOOL
ETHICS BOWL

REGIONAL CASE SET

2023–2024

Last Updated: September 8, 2023

FROM THE EDITORIAL BOARD

ABOUT THIS DOCUMENT

The cases in this set were compiled for affiliated Regional Competitions during the 2023-2024 National High School Ethics Bowl season. Authored by a diverse group of community members, cases have been edited for content, clarity, and pedagogical focus by an Editorial Board composed of NHSEB's Executive Committee and Case Advisory Committee. More information on NHSEB personnel is available at **nhseb.org/people**.

DISCUSSION QUESTIONS

The Discussion Questions provided by the Editorial Board in this set are designed to identify and get students thinking about the various moral issues and potential angles of consideration involved in each case. Discussion Questions do not (and are not designed to) exhaust the range of possible considerations on a given topic. Discussion Questions *will not* be used for officially-sanctioned NHSEB Regional Competitions or Divisional Playoffs. The Moderator Questions asked at each NHSEB-affiliated event will remain confidential until they are revealed in-match to preserve competitive fairness. For more information about competition procedures, please review NHSEB's **2023-2024 Rules Manual**.

CASE REFERENCES AND RESEARCH

Cases designed for use in the National High School Ethics Bowl are often directly based on or otherwise inspired by real-world events, debates, etc. Throughout this case set, citations and references are included to provide further context on these events and issues where appropriate. Source materials cited in this document will only be identified once per case, though may be referenced more than once within a given case.

While NHSEB's rules do not actively discourage students from conducting outside research as they develop their arguments for competition, such research is *not* of primary importance when it comes to evaluation under the **NHSEB Scoring Criteria**. A well-researched and well-cited argument is not necessarily an indication of a good normative argument that displays inventive thinking, deliberative reasoning, or other core features emphasized by the Ethics Bowl format. For more information on the role of research, official match and scoring procedures, and more, please review NHSEB's **2023-2024 Rules Manual**.

Intellectual Property, Unplugged...

Generative AI programs are not able to only create text, but many can also create images based on user prompts. AI image programs are able to do this because they have "viewed" hundreds of thousands of paintings and photographs created by human artists that have been paired with descriptive tags. In doing so, they identify commonalities between these inputs, attach them to particular input tags, and thereby "learns" to produce an original output.

The emergence of these visual AI programs has created new dilemmas for copyright law and intellectual property rights more broadly. Copyright law aims to protect an individual's intellectual creations (as opposed to their physical property, like jewelry or a car). Though specific rules and their application vary from jurisdiction to jurisdiction, in general, copyright law protects original (often, but not exclusively, artistic) creations such as novels, paintings, songs, and poetry. The purpose of copyright has historically been twofold: first, it protects the creator from having their work used in contexts that they do not approve of (for example, in the campaign of a politician they do not support); second, it stops individuals from financially profiting from work that they did not create (for example, selling prints of another person's painting without their permission).

However, generative AI programs may undermine this longstanding reasoning. Though AI images are technically original creations, their "author" is not a human being. As a result, some argue that AI images cannot receive copyright protections because such an entity does not have preferences for the use of its creations, nor does it receive any benefit by being financially compensated for their use.

Others argue that the creator of an AI program should benefit from the artworks generated by that program. Like the work that an artist puts into creating a painting, the work that programmers put into writing code and testing the program entitles them to control over the artworks it generates and financial compensation when those artworks are used.

Still others argue that the artists whose work the AI program was trained on should be given rights to any artwork the program generates. Without their original creations, the AI would have had no inputs on which it could train.

Finally, there are those who argue that the individual who comes up with and inputs the text prompt that produces the artwork should receive copyright protections. Without their work to come up with these phrases, the AI would have no text inputs to turn into visual artworks.

DISCUSSION QUESTIONS

1. Do artworks produced by an AI deserve copyright protection?
2. Who, if anyone, should have control over the artwork once it is produced: the creator of the AI, the artists whose work the AI "learned" from, or the individual whose verbal prompt generated the piece? If control is to be shared between multiple parties, how would that function?
3. How should society respond to the rapid advances in technology which invite revision to existing laws, practices, etc.?

Doomsday Deterrence, Or: How I Learned to Stop Worrying and Love the Bomb

In January 2023, the Bulletin of the Atomic Scientists moved the Doomsday Clock—a symbolic estimation of humanity's proximity to complete annihilation—to 90 seconds to midnight.[1] After the Cold War ended, the dangers of nuclear war became less salient to much of the world. Yet many now fear that the risk of nuclear war is increasing in light of Russia's implicit threats to use nuclear weapons in Ukraine, the proliferation of nuclear weapons by North Korea, and rapid developments in artificial intelligence that could facilitate the development and use of nuclear weapons.

Historically, nuclear deterrence—in which one state credibly threatens to respond to a nuclear attack with a nuclear response of its own—has been the dominant strategy to mitigate the risk of nuclear war.[2] The idea underlying this strategy is that the threat of significant retaliation—perhaps even complete destruction—provides a very strong disincentive for any state to ever use nuclear weapons. Proponents of nuclear deterrence thus argue that—perhaps counterintuitively—credibly threatening to use nuclear weapons is actually the best way to ensure that nuclear weapons are never used. Yet this strategy raises a host of vexing ethical questions.

Some defenders of nuclear deterrence claim that, in principle, it could be morally permissible to respond to a nuclear attack by using nuclear weapons against military targets. Others argue that even if actually using nuclear weapons is always wrong, merely threatening to retaliate with nuclear weapons—or leading other states to believe or suspect that one might retaliate with nuclear weapons—is a morally permissible form of deterrence.

Those who categorically oppose the use of nuclear weapons reply that using nuclear weapons is never a proportionate military response, and that it is difficult to ensure that using nuclear weapons against military targets will not inadvertently harm civilians. Moreover, many argue that using nuclear weapons against any target weakens the nuclear taboo and makes escalatory uses of nuclear weapons more likely in the future. Some critics contend that even threatening to use nuclear weapons is morally wrong.

Yet proponents of nuclear deterrence point out that this strategy has been remarkably effective not only at preventing nuclear war but at preventing direct armed conflicts between great powers. Because there do not appear to be any feasible ways of achieving complete nuclear disarmament in the foreseeable future, they argue, continuing to employ some version of the strategy of nuclear deterrence is (at least for now) our least bad option.

DISCUSSION QUESTIONS

1. If performing some action would be morally wrong, is it ever morally permissible to intend to perform the action, threaten to perform it, or lead others to believe or suspect that you might perform it?
2. When the most likely way of averting a morally catastrophic outcome requires acting in a way that violates a moral rule, should you ever perform this action?
3. If there were a nuclear holocaust causing most life on earth to go extinct, would it be bad primarily because it would kill currently existing individuals, or primarily because it precludes the existence—and potential flourishing—of future individuals, civilizations, and/or non-human species?

[1] BBC, "Doomsday Clock signals highest ever peril level"
[2] NATO, "NATO's nuclear deterrence policy and forces"

’Til Death Do My Part

High school sweethearts, Isaac and Ella, had been happily married for over 60 years. However, Ella was hospitalized with a very aggressive form of leukemia. After being told her diagnosis, Ella was upset and asked only about treatment options, clearly not wanting to know the survival rate. An anxious Isaac searched online and asked her doctors about the likely prognosis , discovering that Ella probably had less than a year to live—maybe up to two years if she could receive a stem cell transplant. Given the gravity of Isaac’s research and her initial reaction, he did not immediately share this information with his wife. However, as the next year went on, she would often ask “Am I going to live?” and “Are we going to beat this leukemia?”

Isaac ultimately chose to answer “yes” and “yes” every time. It’s important to emphasize he didn’t merely answer a couple yes or no questions; instead, he resolved to behave every day in such a way that assured Ella that they had a future together. He was determined to never waver and never show doubt. He struggled deeply with this decision, but he ultimately believed that truth and giving hope to Ella were mutually exclusive. While Isaac deeply valued the truth in his personal and professional life, often repeating the refrain “the truth shall set you free,” upon deliberation, he determined that acting in accordance with the truth is not always the best thing—in fact, he believes, sometimes one must sacrifice one’s own ideals for the sake of someone they love.

Thinking over his decision, Isaac also considered the duties of a relationship generally, and a marriage more specifically. One thought he had is that the foundation of marriage is a radical self-disclosure. Your good news is my good news, and your bad news is my bad news. Another thought is that the foundation of marriage is a selfless serving of the other, and that, as a partner, you have privileged access to what your partner needs; with this in mind, Isaac felt confident that what Ella needed most was confidence that it was going to be okay.

DISCUSSION QUESTIONS

1. When, if ever, is it permissible to deceive someone for their own good?
2. Isaac considers a couple “foundations of marriage.” What do you make of his proposals of self-disclosure and selfless serving? What else might serve as the foundation of such a relationship?
3. When might duties to serve others override duties to broader ethical principles?
4. How might Isaac’s duty to share the information with Ella change if his relationship to her changed (e.g., if he were a nurse or doctor as opposed to a husband)?

Tears of the Koroks

Players of one of 2023's hottest video games are committing war crimes, according to recent coverage of the launch of Nintendo's latest *The Legend of Zelda* title, *Tears of the Kingdom*.[1] Alongside an adventurous main quest to save the eponymous Princess Zelda from mortal danger, periodic side stories introduce the playable character, Link, to various inhabitants of the kingdom of Hyrule – humanoid citizens, friendly critters, and vicious monsters alike. One such class of characters are the fairy-like Koroks, also known as Forest Spirits. Roughly the size of a small human child, these cuddly critters are rendered in-game as having spry wooden bodies, and wearing leaf-like masks of varying sizes and colors which express their various personalities.[2] Koroks are surfaced to the player in a scavenger-hunt like mechanic, often seeking Link's help to reunite with lost friends positioned nearby on the game's open map.

Players are encouraged to complete these tasks creatively via a popular new gameplay mechanic which sees Link use his magical abilities to craft vehicles, weapons, and more from raw materials and mysterious devices strewn about the game's vast open world. What might have been a collection of cute moments of good samaritanism has taken a dark turn, as gameplay footage of players using their abilities to maim and torture Koroks has gone viral on social media. Players have dragged the creatures with horses and flung them skyward attached to gliders and rockets. In a particularly infamous case, a player fashioned materials into machinery to facilitate a rotisserie spit to simulate roasting several Koroks at a time, while another took the time to stage a mock crucifixion for one of the woodland creatures.[3]

Dan Kois of Slate writes of these behaviors as "mostly harmless and delightful," and much discussion online has rendered the scenes as amusing experimentation with a novel mechanic in a fairly low-stakes way.[4] Players insist that Koroks are immortal in the game's lore, and tend to respawn on the nearest solid surface when dispatched by players. Nintendo has historically been known for its family-friendly franchises, including *Super Mario Brothers, Pokémon, Donkey Kong*, and the *Kirby* series. Even the company's foray into the ever-popular first person shooter genre, *Splatoon*, trades typical ammunition for paintballs in a kid-friendly cartoon environment. In such settings, many think, any potential negative consequence of simulated violence would be minimal if not mitigated completely, and this thinking seems to have made Nintendo's products sure-fire winners among the sector's youngest consumers.

Others, however, find players' treatment of the Koroks a disturbing use of an otherwise creative gaming mechanic, and worry that enabling gratuitous acts of violence–simulated and cartoonish as they may be–could have real consequences for young children.

DISCUSSION QUESTIONS

1. Is there anything morally wrong with acts of cruelty toward video game characters who don't actually exist? Why or why not? Would it make a difference if the character treated cruelly was an avatar of another player? Why or why not?
2. Does the fact that The Legend of Zelda series is marketed to young children make a moral difference to your thinking about this issue? Why or why not?
3. Would it make a difference to your consideration if the Koroks were revealed to be the villains (and not just a class of side characters) of The Legend of Zelda series?

[1] IGN Daily Fix, "Zelda Players are Committing War Crimes On Koroks in Tears of the Kingdom"
[2] Zeldapedia, "Korok"
[3] The Verge, "Zelda players turned Tears of the Kingdom into a Korok torture chamber"
[4] Slate, "A Complete Guide to Sending Zelda's Cute Little Forest Spirits Straight to Hell"

Well, That's Debatable

In early summer 2023, Robert F. Kennedy Jr., a democratic primary challenger to President Biden for the 2024 election, appeared on the Joe Rogan podcast.[1] Kennedy is strongly opposed to vaccines and discussed his views on how vaccines cause harm. In response, Peter Hotez, a renowned vaccine researcher, criticized his views, the podcast, and Spotify, the platform on which the podcast appears, for not doing enough to "stop misinformation."[2] Rogan then offered to donate $100,000 to a charity of Hotez's choosing if he would appear on the podcast alongside Kennedy for a debate about vaccines. Hotez refused, but soon others, like Elon Musk, began offering additional larger amounts to charity if Hotez would agree to a debate. So far Hotez agreed to appear on the podcast, but he has refused to engage in a debate with Kennedy.[3]

Part of the reason for this refusal is that Hotez and others say that 'debate' is not the way science works. Findings are supported by evidence and then presented. But the deeper resistance to engaging Kennedy on this issue is not about vaccines specifically, but instead is about the claim that ideas that are considered conspiracies and misinformation are not legitimate views that are deserving of debate. Responding to such claims, according to this argument, legitimizes ideas that are clearly and unequivocally false. It also provides a platform for misinformation that can be quite harmful. Others respond that although we might not like to admit it, lots of people believe in conspiracies. Ignoring these views and making no effort to refute them is itself dangerous. The way to fight misinformation is not to de-platform it, but instead to engage it and demonstrate that it is false.

Philosophers Paula McAvoy and Diana Hess draw a distinction between what they call 'open' and 'closed' questions. They say, "The open–closed distinction rests on whether there are multiple and competing reasonable answers (open) or whether there is an agreed-upon answer (closed)."[4] Thus, questions like 'Should women have the right to vote?' or 'Is smoking harmful?' are closed, and not subject to debate, while other questions like 'How do we make a more just society?' or 'Is an experimental cancer cure effective?' remain open. This distinction is helpful, but there may be topics that are not clearly either open or closed, or even more significantly, some may consider a particular question as closed, while others see it as open.

DISCUSSION QUESTIONS

1. What are the responsibilities, if any, of social media platforms that enable the spread of disinformation?
2. Are there certain ideas, like conspiracy theories, , that should not be engaged or debated? Why or why not?
3. How do we decide which ideas are open for debate, and which ideas are closed?

[1] The New York Times (Opinion), "It's Not Possible to 'Win' an Argument With Robert F. Kennedy Jr."
[2] Peter Hotez, via Twitter
[3] RealClearPolitics, "Dr. Peter Hotez: I Will Not Debate The Vaccine With RFK Jr. On Joe Rogan's Podcast. It Will Turn Into The Jerry Springer Show"
[4] McAvoy, Paula, and Diana Hess. "Classroom deliberation in an era of political polarization." *Curriculum Inquiry* 43:1 (2013), 38.

Pain Au Chocolat

A suggested new policy from the U.S Department of Agriculture (USDA) proposes to phase out flavored milks from school lunches as part of a new strategy to combat childhood obesity. In May, USDA opened the proposal which seeks to rethink school nutrition guidelines around added sugars for public commentary. According to the proposal from USDA, "this approach would reduce exposure to added sugars and would promote the more nutrient-dense choice of unflavored milk for young children when their tastes are being formed."[1] The policy option under consideration specifically targets perennial student favorites—chocolate and strawberry milks—which would be limited in high school settings, and removed from elementary and middle school cafeterias.[2] USDA contends that these milks often contain as much added sugars as soda.[3] "Fat-free and low-fat milk contain essential nutrients that kids need to grow and thrive, while staying within the calorie and saturated fat limits recommended by the Dietary Guidelines. The proposed rule continues to encourage consumption of fat-free or low-fat milk, while allowing some flavored milk to be offered in school meals," reads a statement from USDA. This proposal is not without attendant controversy. The Department has to date received nearly 100,000 comments from many sides of a growing debate.

Proponents of the policy applaud USDA's effort to strengthen school nutrition standards, citing a worrying upward trend in cases of childhood obesity and related physical, social, and emotional complications in the United States.[4] Some teachers praised the move, and others have focused on its benefits to the health of the nation's children. Erica Kenney, a nutrition professor at Harvard's T.H. Chan School of Public Health told The Wall Street Journal: "From a public-health perspective, it makes a lot of sense to try to limit the servings of these flavored milks because they do have quite a lot of added sugar."

Critics slammed the proposal, worrying that it would cause children to refrain from drinking milk altogether, making the conversation about nutritional benefits moot. They argue that even flavored milk has important benefits: "Calcium, Vitamin D, and potassium," New England Dairy Director of Youth Wellness Erin Wholey told CBS News. "Those are three ingredients that we know kids aren't getting enough of and the reality is, kids love flavored milk." Some parents argue that their child's dietary choices should be a private matter, left up to families rather than schools. Other critics, like Representative Glenn Thompson (R-PA), the Chair of the House's Committee on Agriculture rendered the new proposal from USDA as a kind of government overreach. Thompson told Fox News: "I'm proud to stand with America's dairy farmers against intrusion into our school cafeterias. Chocolate milk is a calcium-rich childhood favorite, and it is here to stay!"[5]

For its part, the dairy industry has responded with a significant willingness to comply. A group of 37 milk processors accounting for 90% of the milk at US schools announced that they would commit to offering flavored milk that adheres to the USDA's limits on added sugar in the dairy product.[6] USDA's comment period on the policy proposal has closed, and the Department plans to announce any rule changes to take effect in time to plan for the 2024-2025 school year.

DISCUSSION QUESTIONS

1. Who, if anyone, should be responsible for constraining and regulating children's dietary choices?
2. Do public schools have a responsibility to ensure the nutritional health of their students? Why or why not?
3. To what extent if any should the desires of the children themselves be taken into account when it comes to regulating their dietary intake?

[1] USDA, "Comment Request on Proposed Rule: Child Nutrition Programs - Revisions to Meal Patterns Consistent with the 2020 DGAs"
[2] ABC News, "Why the USDA might ban chocolate milk from school cafeterias"
[3] CBS Boston, "Chocolate milk ban in school cafeterias reportedly considered by USDA"
[4] CDC, "Childhood Obesity Facts"
[5] FOX News, "GOP lawmakers slam Biden admin for proposing chocolate milk ban in schools: 'Brazen government overreach'"
[6] IDFA, "IDFA Announces 'Healthy School Milk Commitment' to Provide Nutritious Milk with Less Added Sugar for Students in Public Schools, Surpassing USDA Standards"

A Phenotypic Prometheus?

In Mary Shelley's *Frankenstein*, Dr. Frankenstein's creature famously asks him, "How dare you sport thus with life? Do your duty towards me, and I will do mine towards you and the rest of mankind."[1] This question regarding a creator's responsibility for and moral obligations to their creation is becoming increasingly salient as advancements in technology make it possible to take a more active hand in the creation of human life.

Adam Nash, also known as "Frankenstein child," was born in August 2000 as a "savior child" for his sister, Molly, who suffers from Fanconi Anemia, a rare, life-threatening disease largely affecting bone marrow. The idea of "savior children" is a way for parents to, at a surface level, help their sick child. An embryo is created through in vitro fertilization (IVF) and immediately after birth, stem cells from the child's umbilical cord are harvested to be promptly used on a sick sibling.[2] In many cases, the use of stem cells can extend to bone marrow and even organ transplants. As opposed to a donor, the "savior child" has a higher probability of being a blood match to the sick child. In the case of Adam Nash, 15 embryos were tested for genetic matches through preimplantation genetic diagnosis (PGD) before he was selected to be brought to term.

Proponents of the concept of "savior children" argue that it can rescue their sick child with minimal hindrance to their sibling. Adam Nash's mother comments, "We wanted a healthy baby, and it doesn't hurt [Adam] to save [his sister's] life."[3] Using "savior children" also eliminates the obstacle of finding donors in urgent situations and can even make the operation safer. Studies have shown that transplant rejection, in which a patient's body rejects a donor's organ, is far less likely in genetically related donors.[4] Adam Nash comments on his feelings about his sister, saying "I like being able to help her, it gives you a very heavy purpose."

Still, some are hesitant to embrace a new medical paradigm in which selecting embryos for their potential to save the lives of others is standard practice. According to Dr. Jeffrey P. Kahn, director of the Center for Bioethics at the University of Minnesota, ''we've crossed the line that we really never had crossed before, selecting based on characteristics that are not the best for the child being born, but for somebody else."[5] Moreover, one might worry that the normalization of "savior children" invites further — and perhaps less justifiable — experimentation with the genetic characteristics of children. After all, is there really such a great difference between using technology to create a child with a particular blood type and using it to create a child with blue eyes rather than brown? Both children are, in some sense, made to their parents' specifications.

DISCUSSION QUESTIONS

1. Who, if anyone, is morally obligated to look out for the protection of "savior children?"
2. How far can parents ethically go to save a child?
3. Is it morally permissible to bring a new child into life for the purpose of helping an existing child?
4. Is it unfair to Adam to saddle him with this responsibility to save his sister?

[1] Shelley, Mary. *Frankenstein*. Edited by J. Paul Hunter, 3rd ed.
[2] Alejandra Zúñiga-Fajuri, "Born to donate: proposals for "savior sibling" regulation in Latin America." Colomb Med 49(3): 2018, 228–235.
[3] The New York Post, "WE'RE CREATING LITTLE FRANKENSTEINS"
[4] Denver 7, "17 years later, Nash family opens up about controversial decision to save dying daughter"
[5] The New York Times, "Son Conceived To Provide Blood Cells For Daughter"

Is Watney Worth It?[1]

The Apollo program, which first landed humans on the moon, closed in 1972 and since then there have been no manned space flights to our lunar neighbor.[2] In 2017, the National Aeronautics and Space Administration (NASA) began the Artemis program which has reinvigorated the public's excitement for space exploration.[3] In Artemis I, an Orion module successfully orbited the moon. Artemis II, set to launch in November of 2024, will be a ten-day mission around the Moon and back with a crew of four astronauts. However, the enormous cost of sending four people to the moon has caused some to balk. The projected cost of the mission from 2012 to 2025 is $93 billion, and the price-tag raises concerns about how best to spend public funds.[4]

According to Mike Sarafin, the lead flight director for Exploration Flight Test-1, "Together, these test flights will demonstrate the capabilities we need to land humans on the Moon and enable long-term missions for decades to come. We will take the experience gained exploring the Moon to prepare for the next giant leap to Mars."[5] Such capabilities include the performance of life support systems, such as providing crew members with breathable air and carbon dioxide removal, along with ensuring optimal performance of the communication and navigation systems of the Orion.

The exploration of space has led to many discoveries with terrestrial benefits, including cordless drills, the laptop computer, UV water purification, efficient insulation, and many more.[6] These innovations tied to space exploration have been economically beneficial and made our existence on Earth more comfortable. Further, the exploration of asteroids, the moon, and other planets for resources raises the exciting prospect of nearly limitless resources and possible new frontiers to explore or even inhabit. Some hope to mitigate this expensive governmental endeavor by outsourcing or partnering with private enterprises to gain competitive efficiencies.

Critics maintain that even more efficient space programs would still be expensive. Given the high cost of solving problems related to carbon emissions and sustainable food production, it may be that the costly space program is an inefficient use of our scarce resources. If the needs of humanity are paramount, we are faced with the question of whether these needs are best met by investment in the exploration of space.

However, many argue that our planet is already too far gone and we should look beyond our Earth for new homes. One of the long-term goals of NASA and other space agencies is to land on Mars, a planet many scientists have coveted as a possible second home for humans due to its similarity to Earth's gravity and stores of water. By investing in Artemis II and subsequent missions that are predicated on its success, we will be able to study Mars and possibly find ways to terraform its surface making it habitable for humans.

DISCUSSION QUESTIONS

1. Do agencies like NASA have an obligation to maintain transparency and engage the public in decision-making regarding the allocation of funds for space exploration projects? Why or why not?
2. Is it justifiable to divert resources toward space exploration and/or colonization efforts when pressing environmental issues exist on our home planet?
3. What are the ethical implications of shifting the onus of some space exploration efforts from government agencies like NASA to private enterprises, like SpaceX?

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[1] A version of this case appears in the APPE Intercollegiate Ethics Bowl's® 2023-2024 Regional Case Set. It is reproduced here with permission. For more information about APPE IEB®, please visit appeieb.org.

[2] Encyclopedia Britannica, "Apollo Space Program"

[3] Encyclopedia Britannica, "Artemis Space Program"

[4] Venditti, Bruno. "The Cost of Space Flight Before and After SpaceX." Visual Capitalist.

[5] Hambleton, Kathryn. "First Flight With Crew Important Step on Long-Term Return to Moon." NASA.

[6] California Institute of Technology. "20 Inventions We Wouldn't Have Without Space Travel." NASA Jet Propulsion Laboratory (JPL).

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