

## *Revisit the Hospitality Law Curriculum*

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### **Abstract**

Traditionally, hospitality education emphasizes on vocational training. Schools tend to focus on producing skilled personnel for the industry, where the skills can be instantly applied on the first day of the job. As a result, very limited universities offer law subjects in the hospitality program in Hong Kong. This exploratory study aims to examine from the students' perspective (1) the importance of the law subject in the hospitality program curriculum, (2) whether the law subject can equip students to handle the legal issues they face in the workplaces and (3) what legal topics should be further strengthen in the law subject. Survey results concluded that a comprehensive hospitality curriculum should include law subject. Students found the law subject useful and practical for their career developments. They also considered "employment law" crucial and useful to their workplaces and expressed the need to study the topic further. Considering the scarcity of institutions offering hospitality law subjects in Hong Kong, these results provide the academic community with insights into possible areas for improvement and some new perspectives in hospitality and tourism program planning.

Keywords: Hospitality and tourism education; legal issues; curriculum.

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## **Introduction**

Tourism is the one of the four key industries in Hong Kong, the valued added of the tourism industry has grown more than double from US\$ 5,731 million to US\$ 13,577 million during the period from 2008 to 2013. The number of employees in the industry has likewise increased from 194,800 to 269,700 in the same period (Census and Statistics Department, 2014). The role of higher education in hospitality and tourism, particularly in providing relevant trainings to the right talents, is crucial to the aim of meeting the increasing demand of the tourism industry.

The educational institutions in Hong Kong started offering higher education programs in hospitality and tourism in the mid-1990s. Lo (2005), who presented a comprehensive revision on the development of hospitality and tourism higher education in Hong Kong, pointed out that the School of Hotel and Tourism Management of the Hong Kong Polytechnic University (PolyU) has modified the curricula in 2005 to increase competitiveness. Currently two universities in Hong Kong offer government-funded undergraduate programs in hotel and tourism management, namely, PolyU and The Chinese University of Hong Kong (CUHK). PolyU offers compulsory ethics subject, whereas CUHK offers compulsory law subject. As for the non-government-funded undergraduate programs, five institutions offer honors degree in hospitality or tourism management. However, only the School of Professional Education and Executive Development, The Hong Kong Polytechnic University (PolyU SPEED) has assigned compulsory status to the law subject. The other four institutions do not offer hospitality law subject.

Previous studies concluded that the law subject is an important component of good hospitality curricula. As stated by McConnell and Rutherford (1988), confronting legal risks are inevitable in the hotel and restaurant management. The number of law suits encountered by employers has drastically increased over the years. Sherwyn (2010) pointed out that in 1989, approximately 120,000 discrimination charges were filed; and in 2008, that number exceeded 190,000, an increase of almost 60%. In such cases, staff members with a certain level of legal knowledge can minimize company loss and liability.

In designing subject curricula, integrating the stakeholders' feedback is crucial. This paper reveals students' opinions on the hospitality law subject, the legal issues important to them and their workplaces, the practicality of the subject contents, and finally, what students want to learn. This paper helps schools to identify the strengths and weaknesses of the hospitality law curriculum in the hospitality and tourism programs. The results can be used for further improvement on the subject contents and curriculum planning.

## **Literature Review**

Butler (1999) and Morgan (2004) stated that not too many hospitality and tourism degree programs offer law subjects; one of the major reasons is the tourism education traditionally emphasizes on technical/vocational training. Educators tend to focus on training skilled staff for the employers, where the skills can be immediately practiced on

the first day of the job. To increase the employability of students, subjects tend to focus on facility management, human resources management, event management, catering operations, wine and spirits studies, marketing management, and accounting and finance (Busby, 2003). Studying the legal issues in the industry is seemingly unimportant to schools because knowledge from these issues is not immediately applicable.

On the contrary, Whitney (1989), Martin (1998) and Schrag (1993) established the importance of ethics elements in the hospitality curriculum. Lundberg (1994) examined the topic from students' perspectives and found that students in hospitality program strongly agree that ethics should be taught in their programs of study, and that the subject has brought about positive effects on their careers. Yeh et al. (2005) further studied how hospitality educators perceive ethics knowledge and the needs of hospitality students and found that educators believe the importance of ethics to hospitality students; interestingly, many hospitality programs have not incorporated and implemented ethics education into their curricular, although faculty members have an impression that they have.

Other than the importance of ethics elements in hospitality programs, the effective pedagogical approach to ethics teaching has been discussed in previous studies. McMinn (1988) concluded that real life case studies seem to be the most effective for teaching ethics. Watras (1986) suggested that teaching materials should be based on some real-life dilemmas, and group discussions are effective in learning ethics. Pratt (1993) stressed that understanding the values and principles put forth in the ancient ethics theories is important to students; such understanding is also important to educators because it assists them in producing ethical industry participant. Jaszay (2002) examined a philosophically justified model for teaching ethics in hospitality programs and provided suggestion on how to teach ethics more effectively.

“What to teach” is another major research direction. Weaver et al. (1997) studied students' perception of ethical issues in hospitality industry and found that the conditions of employment, solid waste disposal and sexual harassment are the most important ethical issues. Vallen and Casado (2000) developed 12 core ethical principles and invited general managers in the hospitality industry to rank them; they found that leadership, accountability and commitment to excellence are the three most important ethical principles in the successful operation of a hotel. Yeung (2004) conducted a survey with hospitality employees as respondents to identify the importance of 39 ethical issues in the hospitality industry and concluded that the two most important issues are “theft of company property by employees” and “sexual harassment on the job”. He recommended that schools should consider including ethical issues in the curricula.

Comparatively, only a few studies have focused on legal issues. McConnell and Rutherford (1988) examined the law component of various hospitality curricula in the US and found that the areas of law that students ranked as most important are “protection of the person and property of guests” and “the legal duties and responsibilities of innkeepers and restaurants.” Moreover, “employment law” was assigned with high importance in the study. The authors concluded that “since all the programs surveyed acknowledged the importance of this legal background, the only remaining question is why a third of the

programs surveyed either assigned elective status to hotel and restaurant law or did not offer such a course at all.” The situation is similar with that of Hong Kong; although most people would agree that legal knowledge is important to students, not too many schools offer hospitality law courses.

Chathoth & Sharma (2007) studied the core curricula of 44 hospitality and tourism management programs within the US and found that 75% of the programs offer hospitality law courses. Wang et al. (2010) compared the tourism curricula in Australia and China. They found that out of the 7 universities in Australia, only 2 offered tourism and hospitality law subjects. Among the 43 institutions in China, 32 offered business law courses, and none offered tourism and hospitality law.

One of the reasons why limited studies have examined the legal components in the hospitality and tourism curricula is that laws and regulations are tailor-made by countries to suit their local needs; therefore, legal components are not as universal as ethical issues. Consequently, our knowledge of the law subject curricula in hospitality and tourism programs is limited. Based on our literature review, this is the first paper to study the hospitality law curriculum in Hong Kong.

## **Methods**

### **Questionnaire Development**

The questionnaire consists of four sections. Section I presents the profiles and backgrounds of the respondents and the companies that they worked for. Seven close-ended questions were asked to formulate the profiles that reflect age, gender, position, duration of employment, employers’ business nature, company branding, and affiliation.

Section II presents the four questions used to derive the views of the respondents on (1) whether hospitality law should be assigned as a compulsory subject in the hospitality and tourism management programs; (2) the importance of law subject compared with other subjects; (3) whether there are any important legal issues in their workplaces that they did not learn in schools and (4) if they have encountered more than one legal issue in their workplaces. Section III presents the answers of respondents in relation to all possible legal issues they have encountered in the workplaces.

Section IV presents the sixteen legal issues adopted from the study of McConnell and Rutherford (1988) and the law subject contents of the hospitality and tourism program of PolyU SPEED. The 16 issues are “duty to protect guests,” “duty to protect guests’ properties/belongings,” “liability of the hotel/restaurant/shop,” “employment law,” “torts,” “contract of sales of goods,” “breach of business contract,” “business ethics,” “crime and criminal responsibility,” “agency relationship,” “insurance law,” “hygiene and safety,” “intellectual property,” “tourism regulation related to China,” “working with attorney/lawyer,” and “company law.” Respondents were asked to rate the importance of these issues based on (1) their perceptions and (2) their employers’ emphases. Five-point Likert-type scales were used, where 5 means most important and 1 means least important.

## **Data Collection and Analyses**

Hospitality and tourism undergraduate students of PolyU SPEED who have completed the subject “Legal and Ethical Aspects in Hospitality and Tourism Industry” composed the target population. The participants must have work experience in the hospitality and tourism sector. Students without work experience in the industry were disregarded.

The survey was conducted in December 2013. From the total of 260, 159 completed questionnaires were returned, indicating a 61.15% response rate. Descriptive analysis was applied to explore the respondents’ characteristics and their views on the law subjects. To measure the discrepancies between respondents’ perceptions and their employers’ emphases on the 16 legal issues, the mean values of the two groups were compared using the t-test analysis.

## **Findings and Implications**

### **Descriptive profile of respondents**

Table 1 shows the descriptive profiles of the respondents and their employers. Among the 159 respondents, 22.64% were male and 77.36% were female. In terms of the age distributions, 76.73% of respondents were in the 18–22 age group, 22.64% were in the 23–27 age group, and 0.63% of respondents were between 28–32 years old.

With regard to the nature of the job, 35.22% of the respondents worked in the frontline areas (waiter/waitress/captain), 23.90% in the customer services/host positions, and 13.84% in sales. Moreover, 56.60% have worked for more than one year in their current/latest positions, 16.99% have worked for 3–6 months, 15.09% have worked for 6–12 months, and 11.32% have worked for less than 3 months.

As for the company characteristics, 24.53% of respondents worked at hotels whereas 19.50% worked at restaurants; 15.71% at retail sectors; 14.47% at club houses, and 13.84% at theme parks and travel agencies. Among the companies, 52.20% were international-branded enterprises and 47.80% were local companies. If we look further into the company background, 62.89% were chain managed and 37.11% were independently managed.

Table 1  
Characteristics of Respondents and Their Employers

<b>Respondent Characteristics</b>	<b>Number</b>	<b>%</b>	<b>Company Characteristics</b>	<b>Number</b>	<b>%</b>
<b><i>Gender</i></b>			<b><i>Hospitality Sector</i></b>		
Male	36	22.64	Hotel	39	24.53
Female	123	77.36	Restaurant	31	19.50
			Club House	23	14.47
			Theme Park & Travel	22	13.84
<b><i>Age</i></b>			<b><i>Agency</i></b>		
18-22	122	76.73	Retail	25	15.71
23-27	36	22.64	Others	19	11.95
28-32	1	0.63			
<b><i>Position</i></b>			<b><i>Company Branding</i></b>		
Sales staff	22	13.84	Local	76	47.80
Customer Service/ Host	38	23.90	International	83	52.20
Waiter/Waitress/Captain	56	35.22	<b><i>Affiliation</i></b>		
Others	43	27.04	Independent	59	37.11
			Chain	100	62.89
<b><i>Duration of working at the latest/current job</i></b>					
Less than 3 months	18	11.32			
3-6 months	27	16.99			
6-12 months	24	15.09			
More than 1 year	90	56.60			

### **Importance of the Hospitality Law Subject**

Respondents were asked to express their views on the law subject offered at the university. Table 2 exhibits the results. In the first question, respondents were asked to give their opinions on whether the law subject should be assigned under the “compulsory category,” “elective category,” or “neither.” Out of 159 respondents, 110 (69.18%) chose “compulsory,” 37 (23.27%) chose “elective,” 4 (2.52%) chose “neither,” and 11 (5.03%) did not have comments.

In addition, respondents were asked to state whether they agree that the law subject is the most important subject they have taken. The 5-point Likert-type scales were used, where 5 means strongly agree and 1 means strongly disagree. The mean was 3.69; and 62.89% (100 out of 159) respondents agreed and strongly agreed with the statement.

As previously mentioned, only two among the seven higher education institutions in Hong Kong and not one among the 43 institutions in China offer compulsory hospitality law subjects and compulsory tourism and hospitality law subject, respectively (Wang et

al., 2010). In light of this finding, the teaching scholars could consider establishing the hospitality law as a compulsory subject in the hospitality and tourism programs.

Table 2  
Respondents' Views on the Importance of the Law Subject

Questions	Compulsory (%)	Elective (%)	Neither (%)	N/A (%)
Q1. In your opinion, the law subject should be assigned to which category?	110 (69.18)	37 (23.27)	4 (2.52)	8 (5.03)
	Mean	Median	SD	
Q2. Among all the subjects you have taken, the law subject is the most important.	3.69	4	0.65	
Q3. There are some legal issues, you think they are important in your workplaces, but you did not learn in class.	2.90	3	0.90	
Q4. You have encountered at least one legal issue in your workplace.	3.52	4	0.73	

Note: For Q2 to Q4, 5-point Likert-type scales are used and given the following corresponding values: 1 = "Strongly disagree"; 5 = "Strongly agree".

### Topics that Need Further Enhancements

21% respondents agreed with the statement, "There are some legal issues; you think they are important in your workplaces, but you did not learn in class". In order to further investigate, respondents who agreed with the statement were asked to specify those issues. Their responses are presented in Table 3. 7 respondents wrote "labour law/employment law/human resources issues," 4 wrote "hygiene/safety/health issues," 3 wrote "guests' privacy issues," 2 wrote "insurance issues," and 1 wrote "guests complaint/media." These results reveal that more legal contents should be explored in those areas.

It is worth to note that except for "guests complaint/media," the existing law subject has covered "labour law," "hygiene and safety," "duty to protect guests," and "insurance law." These findings exhibit that students found these topics crucial and useful to their workplaces and they wanted to learn more. Therefore, the school might need to revisit the curriculum and consider putting more emphases on these topics in the future. Furthermore, legal issues such as "employment laws" and "hygiene and safety" can be introduced and embedded in other courses as well, such as human resources management; and food hygiene & safety subjects.

Table 3  
Legal Issues that Students Want to Learn More

<b>Legal issues</b>	<b>No. of respondents</b>
Labour law / Employment law / Human resources issues	7
Hygiene / Safety / Health issues	4
Privacy issues	3
Insurance issues	2
Guest complaint / Media	1

### **Legal Issues Respondents Encountered in Workplaces**

Out of 159 respondents, 79 shared that they have encountered legal issues in workplaces. As shown in Table 4, students have a very wide range of experiences in handling legal issues. Among the 79 respondents, 26 expressed that they have encountered issues in “employment law,” 19 have experiences in “hygiene and safety issues,” and 9 have handled issues related to “protecting guests.”

As mentioned previously, only students with relevant work experiences were invited to participate in the survey. Therefore, all 159 respondents should have experiences in reading, signing, or even negotiating employment contracts with the employers. Interestingly, 26 of them have specified that they have encountered legal issues in relation to the employment law; this implies that they might have difficulties in understanding employment contract terms; or they do not have sufficient legal knowledge to protect themselves in the negotiation processes or daily work environments. Bear in mind that these students were all full-time students; thus, their job experiences were related to part-time or summer work set up. Compared with the full-time position contracts; temporary employment contracts are rather informal and simple. Therefore, students might have felt that their labour rights were not fully protected or that employers might have taken advantages of them.



Table 4  
Legal Issues that Respondents Encountered in Workplaces

<b>Legal issues</b>	<b>No. of respondents</b>	<b>%</b>
Employment law / Labor law	26	32.91
Hygiene and safety	19	24.05
Duty to protect guests	9	11.39
Contract law / Contract of sales of goods	6	7.59
Insurance law	4	5.06
Crime and criminal responsibility	3	3.80
Food / wine license	3	3.80
Duty to protect the company	2	2.53
Sexual harassment	2	2.53
Discrimination	2	2.53
Copyright	2	2.53
Agency relationship	1	1.27
<b>Total</b>	<b>79</b>	<b>100</b>

#### **Importance of Legal Issues: Students' Perceptions vs. Reality**

Respondents were asked to rate the sixteen legal issues based on their (1) perceptions and (2) employers' emphases, results are presented in Table 5. The larger the mean values are, the higher is the importance of the issues. Among the sixteen legal issues, "employment law" has the highest mean (4.46) and more than 90% of the respondents think that "employment law" is a very important area of study. The major reason is students concerned about their rights, particularly with laws that pertain to wages, working hours, compensations and benefits.

"Hygiene and safety" (mean=4.20) and "duty to protect guests" (mean=4.14) are the second and third most important issues on the list. These findings are similar with the results of McConnell and Rutherford (1988) and Sherwyn (2010). We believe it is mainly because these issues are closely related to the job natures of the respondents. As discussed above, most of the respondents were frontline employees, 35.22% of whom were waiters/waitresses/captains and had to deal with customers on a daily basis. Therefore, issues related to customers' well-being were their major concerns.

On the contrary, the least important legal issues are "working with attorney/lawyer" (mean=3.22), "tourism regulation related to China" (mean=3.32), and "company law" (mean=3.51). These topics are implied to be too remote from the students' current study and work lives. They might become more important when the respondents are promoted to the management levels in the future.

Students pointed out that their employers highly emphasize “hygiene and safety” (mean=4.03), “duty to protect guests” (mean=3.88), and “duty to protect guests’ properties/belongings” (mean=3.78). These findings echo those of McConnell and Rutherford (1988), which showed that the greatest legal responsibility companies have to deal with the industry are related to their liabilities for guest safety and the protection of guests’ properties. These rankings are reasonable and predictable. As for the legal issues that companies emphasize less, the least important issues are “working with attorney/lawyer” (mean=2.83), “tourism regulation related to China” (mean=2.97) and “agency relationship” (mean=3.25). The results are closely similar to those of students’ perceptions.

Table 5  
Students’ Perceptions and Companies’ Emphases on Legal Issues

	Legal Issues	Students’ perception		Companies’ emphasis		t-value
		Mean	SD	Mean	SD	
1	Duty to protect guests	4.14	0.78	3.88	0.97	2.53*
2	Duty to protect guests’ properties / belongings	3.99	0.79	3.78	0.96	1.84
3	Liability of the hotel / restaurant / shop	3.93	0.79	3.76	0.80	3.92**
4	Employment law – e.g. Compensations / benefits	4.46	0.71	3.66	0.98	10.33**
5	Torts – e.g. Nuisance, disturbance	3.80	0.81	3.30	0.87	6.74**
6	Contract of sales of goods	3.78	0.82	3.53	0.91	2.70**
7	Breach of business contract	3.92	0.85	3.48	0.93	5.92**
8	Business ethics –e.g. Pricing discrimination	3.76	0.93	3.41	1.06	3.93**
9	Crime and criminal responsibility	4.07	0.83	3.75	1.05	4.63**
10	Agency relationship	3.60	0.89	3.25	0.94	5.00**
11	Insurance law	3.90	0.88	3.44	1.03	7.00**
12	Hygiene and safety	4.20	0.88	4.03	0.94	2.26*
13	Intellectual property – e.g. Trademark / copyright	3.70	0.92	3.50	1.10	3.14**
14	Tourism regulation related to China	3.32	0.97	2.97	1.20	4.07**
15	Working with attorney / lawyer	3.22	0.89	2.83	1.04	5.68**
16	Company law – e.g. Partnership and corporation	3.51	0.93	3.32	0.96	3.20**

\* $p < .05$ , \*\* $p < .01$

## **The Practicality of the Hospitality Law Subject**

In order to examine if the hospitality law subject curriculum is closely related with the industry needs, t-test analysis was used to compare the mean differences between respondents' perceptions and companies' emphases on the importance of the sixteen legal issues. The larger the t-values mean is, the greater the discrepancies between students' perceptions and realities. The results are presented in Table 5.

Overall results indicate that respondents gave higher rankings to the legal issues based on their perceptions than based on their employers' emphases. According to their perceptions, the means of the sixteen legal issues ranged from 3.22 to 4.46; and if the issues were ranked according to their employers' emphases, the means ranged from 2.83 to 4.03. All the mean differences were statistically significant, except that of "duty to protect guests' properties and belonging" ( $t$ -value = 1.84,  $p > .05$ ). The most significant mean differences were those of "employment law" ( $t$ -value = 10.33,  $p < .01$ ), "insurance law" ( $t$ -value = 7.00,  $p < .01$ ), and "tort" ( $t$ -value = 6.74,  $p < .01$ ).

These results reveal two implications. First, the ranking orders between the two groups are very similar, which means issues that are important according to the students' concepts are also important to their employers. The current hospitality law subject curriculum is well-designed because the subject contents reflect industry needs. Therefore, the subject should be helpful in equipping students for their future work environments.

Second, data show that "employment law" has the most significant mean difference, suggesting the students believe that the "employment law" is the most important issue. However, their employers do not share the same level of concern on the issue. Although "employment law" is one of the topics of the law subject, the students still explicitly expressed their interest to learn more about the topic. This suggests the insufficiency of the existing coverage on the topic.

## **Conclusion**

Limited institutions offer law subject in the hospitality curriculum in Hong Kong. This exploratory study investigated (1) the importance of the law subject in the hospitality program curriculum, (2) whether the law subject can equip students to handle the legal issues they face in the workplaces and (3) what legal topics should be further strengthen in the law subject. Survey results showed that the current hospitality law subject curriculum is well-designed because the subject contents reflect industry needs. Students' responses supported the practicality of the hospitality law subject contents. 62.89% of students expressed that the law subject is the most important subject. 69.18% of students believed that the law subject should be a compulsory subject. Out of 159 respondents, 79 shared that they have encountered legal issues in workplaces. And most of them have faced "employment law" issue, and they explicitly stated the need to study the topic further.

This study has two limitations. Firstly, the study focused on students' perspectives, but did not include another major stakeholder, the industry (future employers). Future research can investigate the future employers' perception to establish if the results are the same. As most of the students were frontline staff at the junior level, their exposures to legal issues in their work place were limited by their job duties and nature of their work. Therefore, their perceptions on employers' emphases might be different from the employers' actual emphases. Secondly, this study focused only on one particular institute in Hong Kong; thus, future research should be conducted when more institutions are already offering law courses in the hospitality and tourism programs. Hopefully the larger sample size and more diversified respondents' backgrounds could provide further insights into the effectiveness of teaching the law as a subject in hospitality and tourism programs.

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