

ECS 3361: Social Issues and Ethics in ECS

Lecture 3b Professional Ethics Chapter 9 Part 2

Credits:

Dr. Michael J. Quinn, Author of “Ethics for the information age

The Free Encyclopedia, <http://en.wikipedia.org>

YouTube

Today's Learning Objectives

- Alternative List of Fundamental Principles
- Case Studies from chapter 9
 - Analysis of four cases using code of ethics
- Whistleblowing
 - What is it?
 - Review two cases
 - Are you morally responsible to “blow the whistle”?

Action Analysis

- When evaluating an action taken/to be taken or an issue, we use two methods in this class
 - 1. Look at it from the different workable ethical theories (Kantianism, Utilitarianism(2), Social Contract and Virtue ethics)
 - 2. Make use of codes of ethics
 - Identify the fundamental principle(s) most relevant to the issue
 - Determine whether the action aligns with or contradicts clauses under that/those principle(s)
 - When conflict occurs, use your independent, creative judgment

Analysis using code of ethics

Fundamental Principles

- Act Consistently with **Public Interest**
- Act in Best **Interest of Client, Employer**
- Ensure **Products Meet Highest Standards** (best value)
- Maintain **Integrity in Professional Judgment** (conflict of interest)
- Promote **Effective Project Management**
- **Advance the Profession**
- Be Fair to and **Supportive of Colleagues-** give credit to others
- Participate in **Lifelong Learning**

Alternate list

- Be **impartial**.
- **Avoid Deception**
- **Disclose information** that others ought to know.
- Not disclose **confidential** information
- **Respect the rights of others**.
- **Take responsibility for your actions or inactions** and of those you supervise.
- Maintain **your integrity**
- Continually **improve your abilities**.
- **Share your knowledge**, expertise, and **values**.

Case: Software Recommendation

- Sam, a business owner, asks for free advice on LAN security
 - Asks a university professor, an expert in the field.
 - Professor answers questions and **recommends top-ranked software package** according to a magazine.
- The professor **had**
 - Financial interest in company producing top-ranked package
 - Knowledge of another package with a “best buy” rating by same magazine
- Did the professor do anything wrong?

Professor should have revealed his/her bias to Sam.

- Most relevant principles
 - Be impartial (fair)
 - Clause 1.06: Violated. Prof. was biased and maybe deceptive in his/her recommendation
 - Disclose information others ought to know.
 - Clauses 4.05, 6.05: Violated. Prof. promoted self interest by not mentioning the “best buy” product. Did not disclose conflict of interest
 - Share your knowledge, expertise, and values.
 - Clauses 1.08, 6.02: Upheld. Prof. freely gave valuable information

Case: Child Pornography

- Joe, a system administrator, installs new software package on Chuck's company computer
- Joe is **not authorized** to read other people's emails or personal files
- Joe sees suspicious-looking file names, opens some files and **discovers child pornography**
- What should he do?

Analysis: Most relevant principles

– Act in best interest of client, employer

- 2.03: Violated. Someone has misused the company PC
- 2.09: Violated. Someone is using the PC for a purpose not in the employer's interest

– Be fair to colleagues/Be impartial

- 5.10: Provide Chuck due process. Someone else may have planted the files on Chuck's computer

– Maintain your integrity

- 3.13: Violated. Use only data obtained by ethical and lawful means. Joe violated the policy against opening files.

Conclusions

- Joe was wrong to violate company policy by opening customer's files.
- **Joe should be discreet.** Chuck should have the opportunity to defend himself.
- He should admit his mistake and **share his discovery with company authorities**

Case: Anti-Virus software

- Internet plagued by new worm that exploits hole in popular operating system
- Tim creates anti-worm that exploits same security hole
- Tim's anti-worm fixes PCs it infects. It also uses these PCs as launch pad to reach new PCs.
- Tim launches anti-worm, **taking pains to keep it from being traced back to him.**
- The anti-worm quickly spreads through the Internet, infecting millions of computers
- System administrators around the world combat the anti-worm

Analysis: Most relevant principles

- Continually **improve your abilities**.
 - 8.01: Tim improved his knowledge and skills by creating the anti-worm.
- **Share your knowledge**, expertise, and values.
 - 1.08: He volunteered his skills (the anti-worm was free)
- **Respect the rights of others**.
 - 2.03: The anti-worm entered computers without permission of their owners.
- **Take responsibility for your actions** and inactions.
 - 1.01: Tim did not accept responsibility for his action.

Tim violated the Code

- Tim's sharing of his knowledge cost system administrators a lot of time.
- By attempting to hide his identity, Tim refused to accept responsibility for his actions
- Tim violated the property rights of the PC owners whose systems were used without their consent.

Case: Consulting Opportunity

- John works in the support organization for Acme Corporation, a software maker
- Many Acme customers are downgrading their level of support putting pressure on Acme's business
- East Dakota, a customer of Acme, gives John opportunity to run a training class similar to that provided by Acme at a lower price.
- John accepts the offer but tells no one at Acme
- John develops materials at home on his own time
- John takes paid vacation to teach class
- Were John's actions wrong?

Analysis: Most relevant principles

- Act in best interest of employer
 - 6.05: John put his own interest above that of his employer
- Disclose information that others ought to know.
 - 4.05: John didn't disclose his conflict of interest to his employer
- Maintain your integrity.
 - 4.04, 2.08: John deprived himself of “time off” needed to do his best work at Acme (could be seen as double billing)
- Continually improve your abilities.
 - 8.04: By creating materials, John became even more familiar with Acme's package and its capabilities

John's actions were wrong and unwise

- John **did not disclose East Dakota's offer** or his decision to Acme's management
- Acme's management is likely to question John's loyalty to the company (**may harm his career advancement within Acme**)

Whistleblowing

- Whistleblower
 - Tries to **report harmful situation (illegal or unethical)** through authorized channels
 - Rebuffed by organization
 - Makes disclosure **through unauthorized channels**
- Whistleblowers are usually punished for their actions
 - Fired, isolated or demoted
 - Financial and emotional hardship
- False Claims Act in 1863 encouraged individual suits on behalf of government (get 50% of settlement)
- Whistleblower Protection Act in 1980's allows only 15-30% of settlement and adds some legal protections

Shuttle Challenger disaster

- First use of a space vehicle was in 1957 by the Soviet Union.
- Neil Armstrong, first man to walk on the moon in 1969.
- First Soviet space station Salyut 1 in 1971 and first US space shuttle (re-usable spacecraft) named Columbia in 1981.
- **January 28, 1986: Space shuttle challenger explodes 73s after liftoff (10th mission).** Challenger was designed to last 10 years and make 100 trips
 - It was the night before the President's state of the union address
 - The launch was delayed more than one time (way behind schedule)
- Temperature on Jan. 28, '86 in Florida was below 0C.
- Roger Boisjoly and other Morton Thiokol engineers documented dangers of low-temperature launches (o-rings were known to lose elasticity below 10 C)

Case: Morton Thiokol/NASA

- Morton Thiokol management first listened to their engineers, then put business ahead of public safety.
- Poor risk management of NASA managers involved resulted in
 - Death of seven astronauts
 - Loss of the shuttle (A billion dollars?)
 - Suspension of flights for two years
- Both Morton Thiokol and NASA management violated several ethical theories and principles of code of ethics
 - Kantianism, utilitarianism, virtue
 - public and employer interest, disclosing information, effective project management.
- Boisjoly was labeled a whistleblower for sharing information with Presidential commission about the faulty o-rings.
 - Morton Thiokol retaliated. Boisjoly took medical leave, then quit.
 - Found job as a consultant two years later

Case: Hughes Aircraft (1980's)

- Factory for military-grade hybrid chips (digital/analog)
- Some defective chips being approved for shipment
- A test supervisor was made aware by a test operator, reported incidents to upper management, then reported fraud to department of justice
 - Consequences for test supervisor
 - Harassed
 - Fired
 - Bankruptcy
 - Divorce
- Test supervisor and the operator sued Hughes Aircraft under False Claims Act and won.

Corporate Response to Whistleblowing

- Whistleblowers are disloyal
- Whistleblowing has many harms
 - Bad publicity for company
 - May affect career advancement
 - Makes it hard for people to work as a team
- If company causes harm, public can use legal remedies to seek damages
- Critique: Overly legalistic view of public harm?
 - Too little, too late
 - Organizations need ethics training to
 - Improve decision making
 - Enact policies that address ethical concerns.

Are whistleblowers noble characters or vengeful, malicious people?

- Morality of action may depend on motives
 - Good motive
 - Sincere desire to help the public
 - Questionable motives
 - Retaliation (you know or suspect something is not right but keep silent until you have a personal reason to raise the issue)
 - Avoiding punishment (you are part of the problem, then blame others to save yourself)

Are you morally responsible to “blow the whistle”?

- **Exclusive** Responsibilities
 - Role responsibility (your assigned duty)
 - Causal responsibility (your action/inaction results in something)
 - Legal responsibility (assigned by law: pay medical bills if someone is hurt on your property)
- **Moral** responsibility
 - Is not exclusive. Must be borne (upheld) by everyone.
 - Examples: Speak up against unethical practices (unfair treatment of customers, respect/safety of co-workers...)
- Michael McFarland: **A team** should be held to a **higher level of moral responsibility** than any of its members

Whistleblowing as Moral Duty

- Richard DeGeorge's questions for whistleblowing
 1. Is serious harm to the public at stake?
 2. Have you told your manager?
 3. Have you tried every possible inside channel?
 4. Do you have persuasive documented evidence?
 5. Are you sure whistleblowing will work?
- Under what conditions one has a moral duty to blow the whistle?
 - DeGeorge: If all five conditions are met
 - Others: If conditions 1-3 are met
 - Still others: Whistleblowing is never morally required

Cases where whistle blowing may be justified

- Threat to public safety (challenger is a good example)
- Criminal behavior (Fraud)
- Unethical policies

Homework #3

- On e learning. Covers lectures 3a and 3b.