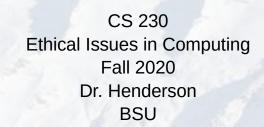
Lecture 11.2 - Whistleblowers

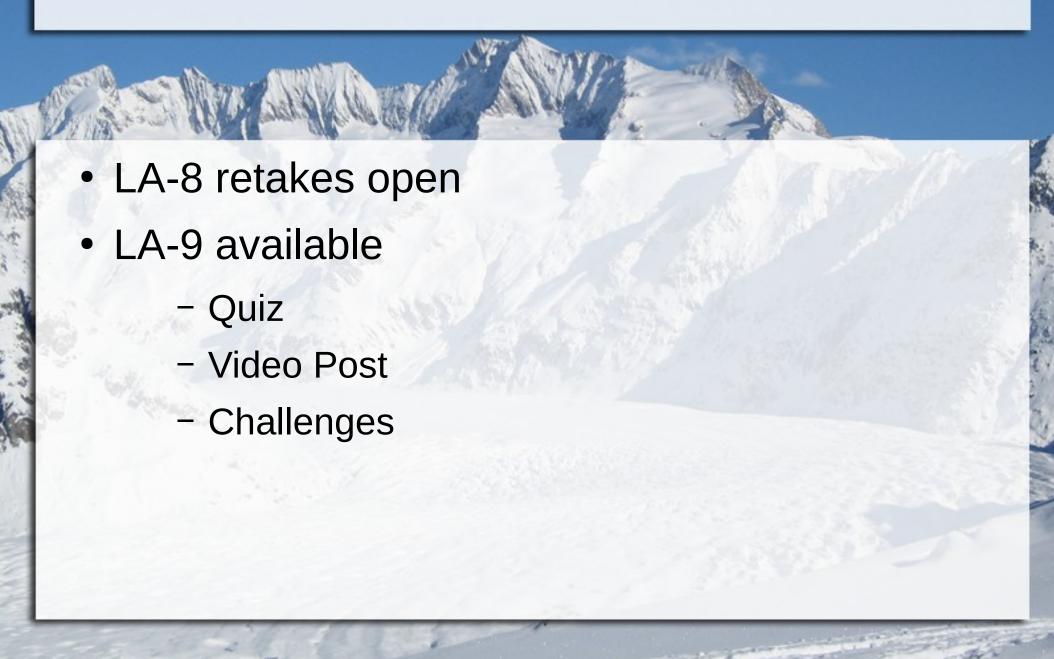




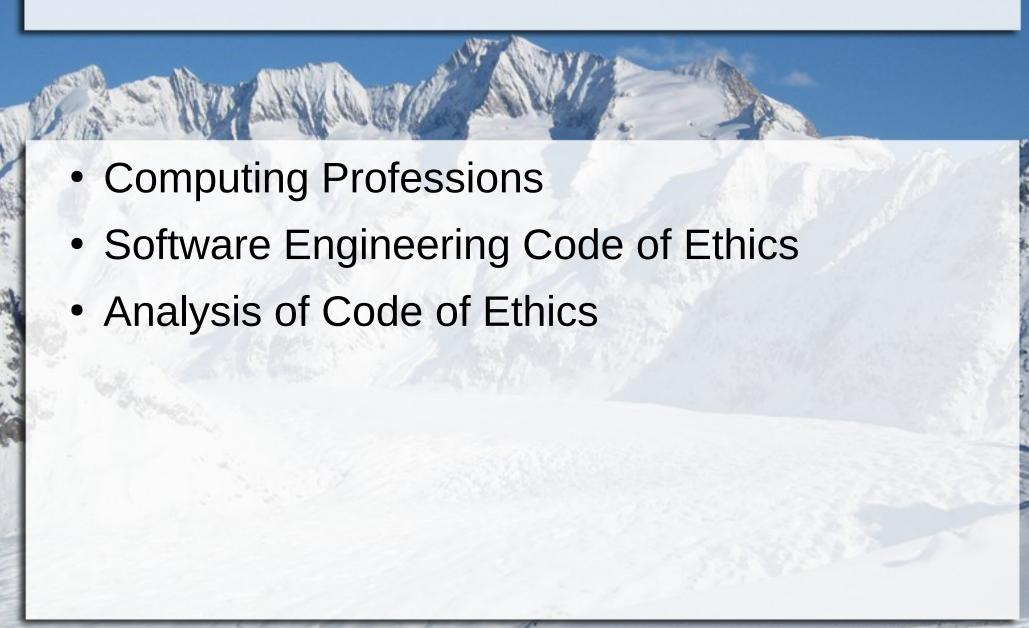




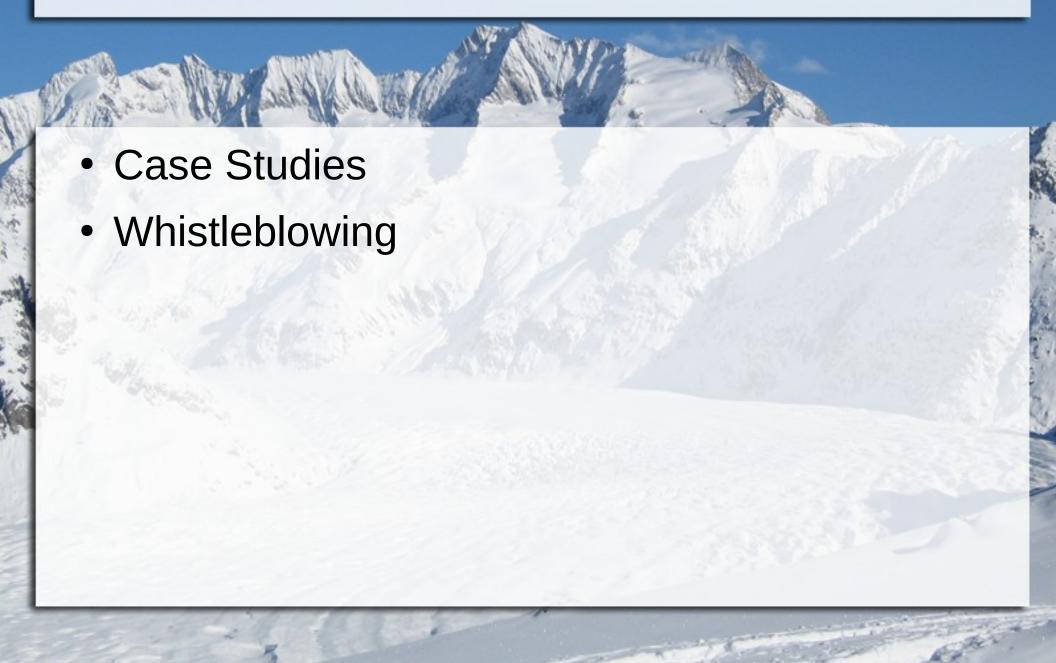
Announcements



Last Time



Today

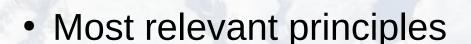


Using Code of Ethics

- Identify relevant principles
- Select all applicable clauses
- Determine alignment
 - All clauses align => strong moral case
 - Mixed alignment => use judgment

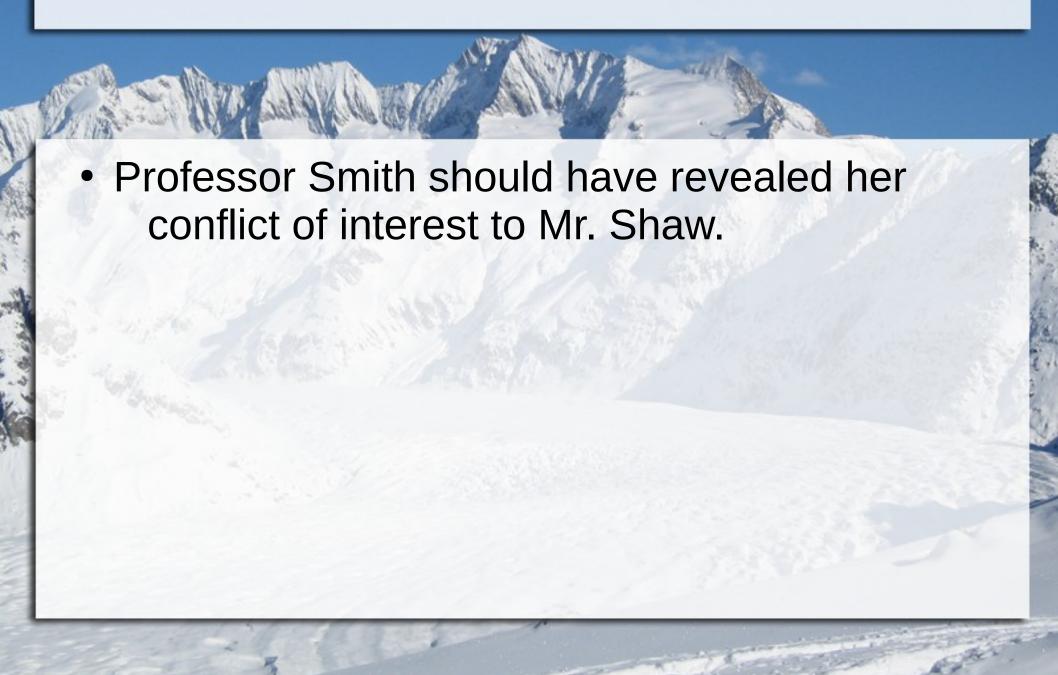
Case: Software Recommendation

- Sam Shaw asks for free advice on LAN security
- Prof. Smith answers questions and recommends top-ranked package
- Prof. Smith does not disclose ...
- She has financial interest in company producing top-ranked package
- Another package was given a "best buy" rating
- Did Prof. Smith do anything wrong?



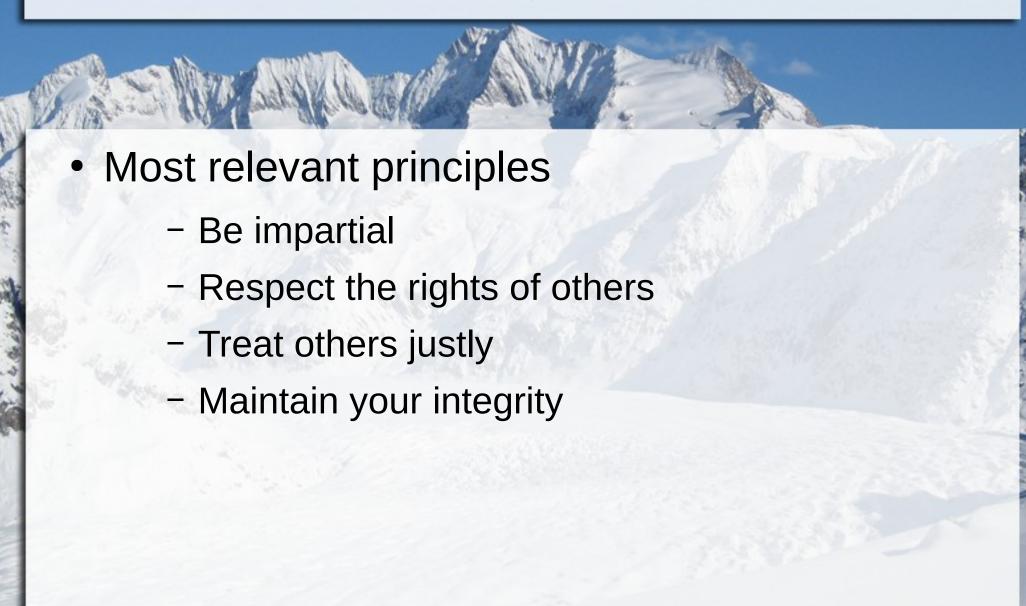
- Be impartial.
- Disclose information others ought to know.
- Share your knowledge, expertise, and values.
- Clause 1.06: Prof. Smith was deceptive
- Clauses 1.08, 6.02: Prof. Smith freely gave valuable information
- Clauses 4.05, 6.05: Prof. Smith did not reveal conflict of interest

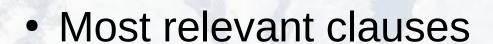
Conclusion



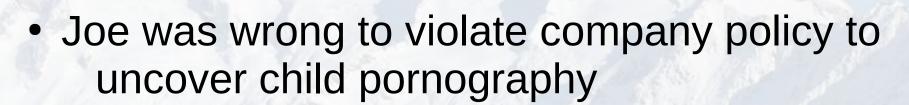
Case: Child Pornography

- Joe Green a system administrator
- Asked to install new software package on Chuck Dennis's computer
- Green not authorized to read other people's emails or personal files
- Green sees suspicious-looking file names
- He opens some of Dennis's files and discovers child pornography
- What should he do?





- 2.03: Somebody has misused the company PC
- 2.09: Someone is using the PC for a purpose not in the employer's interest
- 3.13: Joe violated the policy against opening files
- 5.10: Someone else may have planted the files on Chuck's computer



- Once he has this knowledge, however, he is obliged to share it with company authorities
- Joe should be discreet

Case: Anti-Worm



- Tim Smart 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 Internet, infecting millions of computers
- System administrators around the world combat the anti-worm

Anti-Worm Analysis



- Most relevant principles
 - Continually improve your abilities.
 - Share your knowledge, expertise, and values.
 - Respect the rights of others.
 - Take responsibility for your actions and inactions.

Anti-Worm Analysis

Most relevant clauses:

- 1.01: Tim did not accept responsibility for his action.
- 1.08: The worm was free, but cost system administrators a lot of time.
- 2.03: The anti-worm entered computers without permission of their owners.
- 8.01, 8.02, 8.06: Tim improved his knowledge and skills by creating the anti-worm.

Anti-Worm Analysis

- Tim's welfare is less important than the public good
- By attempting to hide his identity, Tim refused to accept responsibility for his actions
- Tim violated the property rights of the P C owners whose systems were infected by his anti-worm
- Tim violated the Code

Case: Consulting Opportunity

- Jean works in support organization for Acme Corporation
- Many Acme customers downgrading their level of support
- East Dakota gives Jean opportunity to run a training class similar to that provided by Acme
- Jean tells no one at Acme
- Jean develops materials at home on own time
- Jean takes paid vacation to teach class

Consulting Opportunity Analysis

- Most relevant principles
 - Be impartial.
 - Take responsibility for your actions and inactions.
 - Disclose information that others ought to know.
 - Maintain your integrity.
 - Continually improve your abilities.

Consulting Opportunity Analysis

Most relevant clauses

- 3.04: Jean was well qualified to develop materials and teach class
- 8.04: By creating materials, Jean became even more familiar with Acme's package and its capabilities
- 4.05: Jean didn't disclose his conflict of interest with his employer
- 2.08: Jean deprived himself of "time off" needed to do his best work at Acme
- 6.05: Jean put his own interest above that of his employer

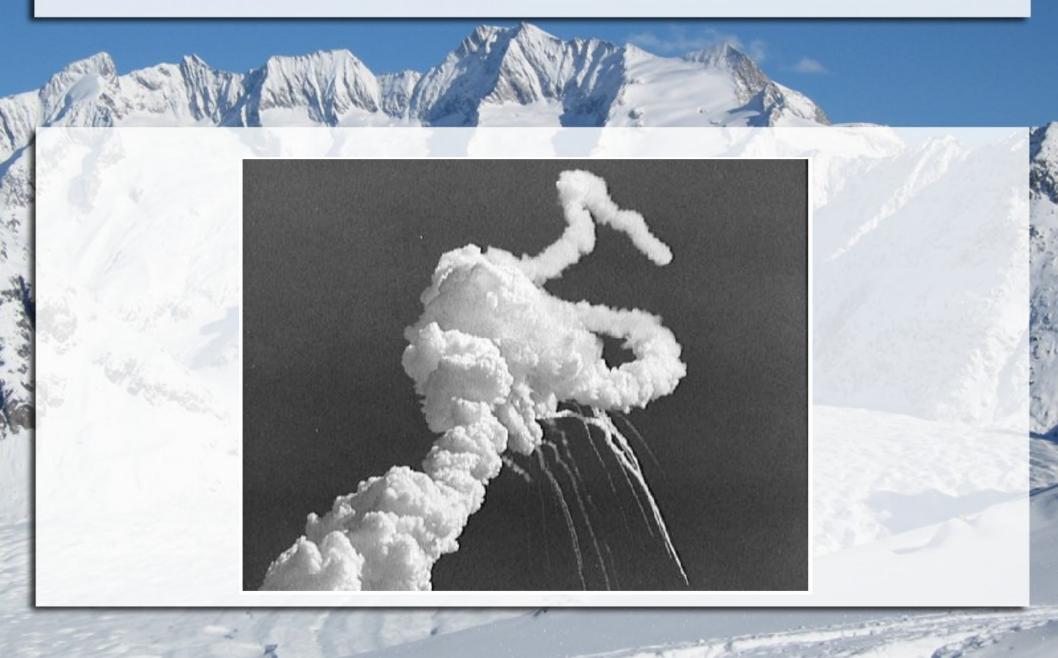
Consulting Opportunity Analysis

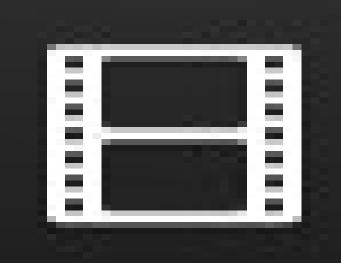
- Jean did not disclose East Dakota's offer or his decision to Acme's management
- Acme's management is likely to question Jean's loyalty to the company
- Jean's actions were wrong and unwise

Overview of Whistle-Blowing

- Whistle-blower
 - Tries to report harmful situation through authorized channels
 - Rebuffed by organization
 - Makes disclosure through unauthorized channels
- Whistle-blowers punished for their actions
 - Lose job or all chances of advancement
 - Financial and emotional hardship
- False Claims Act
- Whistleblower Protection Act

The Challenger Explosion





Case: Morton Thiokol/NASA

- Challenger explosion
- Roger Boisjoly and Morton Thiokol engineers documented dangers of low-temperature launches
- Morton Thiokol executives and NASA officials overrode and hid concerns
- Boisjoly shared information with Presidential commission
- Morton Thiokol retaliated
- Boisjoly took medical leave for stress, then quit
- Found job as a consultant two years later

Case: Hughes Aircraft

- Factory for military-grade hybrid chips
 - Some defective chips being approved
 - Ruth Goodearl reported incidents to upper management
 - Consequences for Goodearl
 - Harassed
 - Fired
 - Unemployment
 - Bankruptcy
 - Divorce
 - Goodearl and Ruth Aldred sued Hughes Aircraft under False Claims Act and won

Motives of Whistle-blowers

- People become whistle-blowers for different reasons
- Morality of action may depend on motives
- Good motive
 - Desire to help the public
- Questionable motives
 - Retaliation
 - Avoiding punishment

Corporate Response to Whistle-Blowing

- Whistle-blowers are disloyal
- Whistle-blowing has many harms
 - Bad publicity
 - Disruption of organization's social fabric
 - Makes it hard for people to work as team
- If company causes harm, public can use legal remedies to seek damages
- Critique: Overly legalistic view of public harm?

Whistle-Blowing as Organizational Failure

- Whistle-blowing harms organization
 - Bad publicity
 - Ruined careers
 - Erodes team spirit
- Whistle-blowing harms whistle-blower
 - Retaliation
 - Estrangement
- Organizations should improve communication
- Critique
 - Is this realistic?
- Robert Spitzer: Organizations should return to using principle-based ethics in decision making

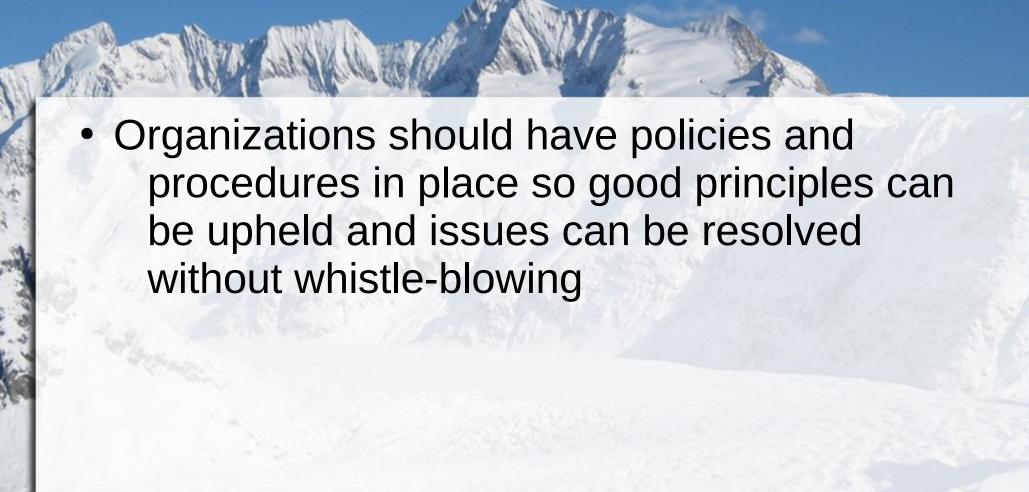
Whistle-Blowing as Moral Duty

- Richard DeGeorge's questions for whistle-blowing
 - Is serious harm to the public at stake?
 - Have you told your manager?
 - Have you tried every possible inside channel?
 - Do you have persuasive documented evidence?
 - Are you sure whistle-blowing will work?
- Under what conditions must you blow the whistle?
 - DeGeorge: If all five conditions are met
 - Others: If conditions 1-3 are met
 - Still others: Whistle-blowing is never morally required

Moral Responsibility

- Exclusive Responsibilities
- Role responsibility
- Causal responsibility
- Legal responsibility
- Moral responsibility
 - Must be borne by people
 - Is not exclusive
- Michael McFarland: A team should be held to a higher level of moral responsibility than any of its members

Summary



Next Time

