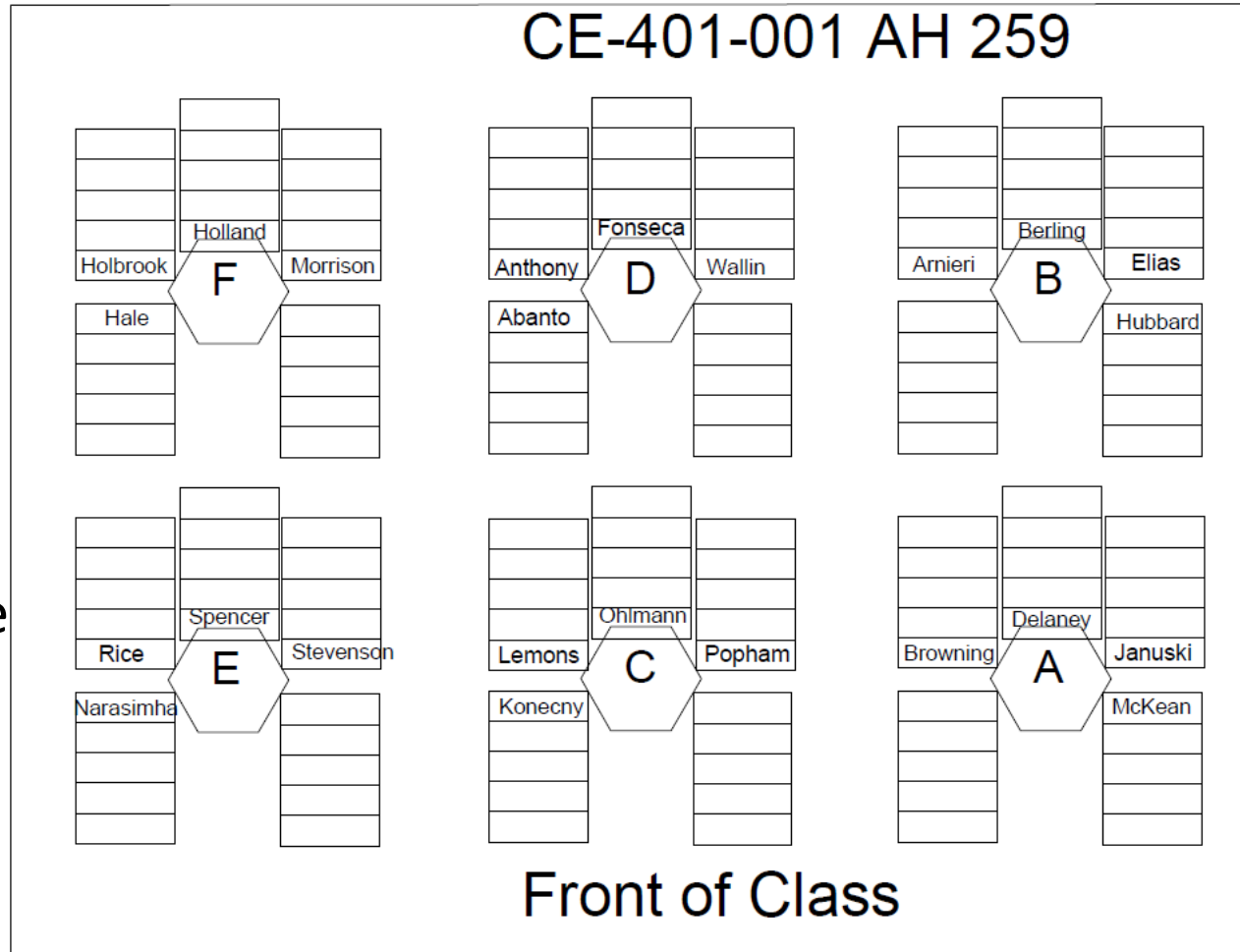




# CE 401 Civil Engineering Seminar

## General Questions:

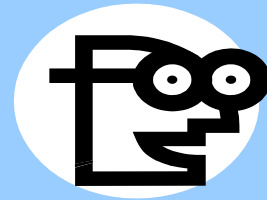
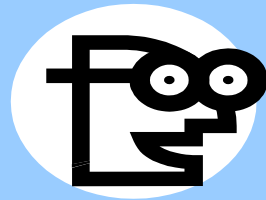
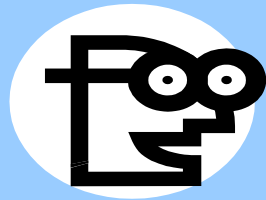
If your Group wants another seating order at your table, be sure to notify me of the preferred order by marking up the hard copy of this seating chart before class today.





# E 401 Civil Engineering Seminar

## General Questions:



**It's QUESTION TIME !!**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### •WEEK 2: DISCUSSION GROUP ACTIVITY

- Group Formation went very well,**
  - All groups set before the deadline
  - The final 4 students placed in an unfilled group
- Initial posting work on the questions proceeded in regular order, response rate = 

98.6%	100.0%
-------	--------
- Overall, the quality of the initial posts was good.
- Consensus building was very nicely done, for the most part, but some confusion about consensus building procedures and leader assignments occurred.

**Good Job!**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### •WEEK 2: PARTICIPATION RATES

	WEEK 01 PARTICIPATION RATES				WEEK 02 PARTICIPATION RATES			
	Week/Sect Initial Posts	1-1 Posts	Week Sect Initial Posts	1-2 Posts	Week/Sect Initial Posts	2-1 Posts	Week Sect Initial Posts	2-2 Posts
Spring 23	47.2%	100.0%	74.1%	93.8%	98.6%	100.0%	93.8%	97.5%
Fall 22	52.2%	91.3%	65.0%	100.0%	87.0%	100.0%	100.0%	100.0%
Spring 22	50.8%	90.5%	65.3%	93.1%	85.7%	100.0%	95.8%	100.0%
Fall 21	42.2%	95.6%	47.8%	89.9%	93.3%	100.0%	100.0%	100.0%
Spring 21	27.8%	77.8%	53.0%	95.5%	94.4%	100.0%	100.0%	100.0%
Average	43.2%	88.8%	57.8%	94.6%	90.1%	100.0%	99.0%	100.0%
Combined Sections	50.5%	91.7%			94.5%	100.0%		

# Good Job!



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### •SECTION 1 DISCUSSION GROUPS

#### SECTION 1 DISCUSSION GROUPS

	1	2	3	4	5
A	Browning	Delaney	Januski	McKean	
B	Arnieri	Berling	Elias	Hubbard	
C	Konecny	Lemons	Ohlmann	Popham	
D	Abanto	Anthony	Fonseca	Wallin	
E	Narasimha	Rice	Spencer	Stevenson	
F	Hale	Holbrook	Holland	Morrison	



# CE 401 Civil Engineering Seminar

## WEEK 2: DISCUSSION ACTIVITY

Timely Initial Posts: 98.6%			Current Participation: 1			Last Update	
Section 1			Week 2 Discussion Question Activity Report				
Question	Group	Leader	1	2	3	4	5
1	B	Elias	Arnieri	Berling	Elias	Hubbard	
1	D	Anthony	Abanto	Anthony	Fonseca	Wallin	
1	F	Hale	Hale	Holbrook	Holland	Morrison	
2	A	McKean	Browning	Delaney	Januski	McKean	
2	C	Lemons	Konecny	Lemons	Ohlmann	Popham	
2	E	Rice	Narasimha	Rice	Spencer	Stevenson	
3	B	Hubbard	Arnieri	Berling	Elias	Hubbard	
3	D	Wallin	Abanto	Anthony	Fonseca	Wallin	
3	E	Stevenson	Narasimha	Rice	Spencer	Stevenson	
4	A	Browning	Browning	Delaney	Januski	McKean	
4	C	Konecny	Konecny	Lemons	Ohlmann	Popham	
4	F	Holbrook	Hale	Holbrook	Holland	Morrison	
5	B	Berling	Arnieri	Berling	Elias	Hubbard	
5	C	Ohlmann	Konecny	Lemons	Ohlmann	Popham	
5	E	Spencer	Narasimha	Rice	Spencer	Stevenson	
6	A	Januski	Browning	Delaney	Januski	McKean	
6	D	Abanto	Abanto	Anthony	Fonseca	Wallin	
6	F	Holland	Hale	Holbrook	Holland	Morrison	

### Font Legend

non-bold No post made, time for posting remains  
**Bold** Post made within Time  
 Non-Bold Leader-No Consensus Posted, -5 Points

non-bold Late Post before consensus, 20% loss  
**Bold** Post is made after consensus, 60% loss  
*Ital. non-bold* No Post Made, 100% loss



# CE 401 Civil Engineering Seminar

## ESSAY TEAMS

Essay team formation has proceeded slowly, and you can see the Section 1 teams to the right.

Will leave process open for one more week to allow more of you to form your own teams.

ESSAY TEAMS - SECTION 1	
Last Update	2-Person Teams 7
1/20/2023 7:28	
Unassigned Students	AMBER
Student Formed Teams	BLACK
Assigned Teams	RED
Narasimha	101
Stevenson	101
Arnieri	102
Berling	102
Lemons	103
Ohlmann	103
Rice	104
Spencer	104
Abanto	105
Anthony	105
Browning	
Delaney	
Elias	
Fonseca	
Hale	
Holbrook	
Holland	
Hubbard	
Januski	
Konecny	
McKean	
Morrison	
Popham	
Wallin	



CE 401 Civil Engineering Seminar  
Nice Guys Finish Last

QUIZ 1 RESULTS

**Quiz 1**

**Range: 10-20; Average 17.4**

**W/ Text Historic 10-20; Average 16**

Note: Historic Range is Post TEXT

Quiz scores for quiz 1 are higher than the historic performance results.





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

This week's video focuses on four cases that demonstrate how whistleblowers are usually treated. Over the weeks ahead, we will be examining whistleblowing from a variety of perspectives.

1. Define "Whistle Blowing" and then respond to each of the following questions about the cases featured in this week's video.

1. Identify the whistleblower(s) and the whistle blower's target for each case featured in this week's video.
2. **What type of relationship exists between each of the whistleblowers and their targets in each case featured in this week's video?** (Examples: Family, Friends, Employment, Business, ...)
3. For each of these relationships in the cases featured in this week's video, does the whistleblower owe his/her target a duty of loyalty? A duty of confidentiality?

2. By expanding your general definition of "Whistle Blowing," define "Internal" and "External" whistleblowing, and compare and contrast internal and external whistleblowing by examining:

1. What does the whistleblower do in each instance?
2. Who is the whistle blower's target in each instance?
3. What is the whistle blower's goal in each instance?

<b>B</b>	<b>Elias</b>
<b>D</b>	<b>Anthony</b>
<b>F</b>	<b>Hale</b>



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Whistle Blowing Decisions

#### What Is Whistle Blowing?

**Bowie (1982):** *the act of an employee informing the public on the immoral or illegal behavior of an employee or supervisor.*

**Bok (1997)** *an act in which one makes revelations meant to call attention to negligence, abuses, or dangers that threaten the public interest.*

#### ***Whistle Blowing Decisions are a special kind of Ethical Decision***

***De George, and others, provide criteria for these decisions***  
***In a couple of weeks, we will look at a general model for Ethical Decision Making (Josephson)***



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Internal and External Whistleblowing

**Internal whistleblowing: An employee's first step to report something unethical (or illegal) happening inside the company.**

If the wrongdoing has occurred at an organizational level below the whistle blower, why not simply fix the issue without the internal reporting?

If the wrongdoing occurs at an organizational level equal or above the whistle blower, the whistle blower reports wrongdoing to a higher level.

The target of the internal whistleblowing action is usually a company employee

**External whistleblowing: A person taking steps to report company misconduct to an outsider. This may address misconduct by an entity or an individual, and generally it is an employer, client, supplier or competitor.**

Whistleblowers might report to a private lawyer, the press, directly to a government agency or prosecutor, or via a public hotline.

The target of the external whistleblowing action is usually the company (organization).

**De George requires internal whistleblowing before external can be proper**  
**Our conversations about whistle blowing only address external actions unless specifically referencing an internal action.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**When a person faces a potential whistle blowing action, that person must make a decision.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**When a person faces a potential whistle blowing action, that person must make a decision.**

**To Act or Not To Act, That is the question:**

- 1) Are decisions to not act (remain quiet) appropriate?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**When a person faces a potential whistle blowing action, that person must make a decision.**

**To Act or Not To Act, That is the question:**

- 1) Are decisions to not act (remain quiet) appropriate? Some are, but not ALL, because there are some situations that require action.**
- 2) Are decisions to act (blow the whistle) appropriate?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**When a person faces a potential whistle blowing action, that person must make a decision.**

**To Act or Not To Act, That is the question:**

- 1) Are decisions to not act (remain quiet) appropriate? Some are, but not ALL, because there are some situations that require action.**
- 2) Are decisions to act (blow the whistle) appropriate? Some are, but not ALL, because there are some situations that blowing the whistle would be wrong.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Define the Duty of Loyalty in a business context.**





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Define the Duty of Loyalty in a business context.**

Duty of Loyalty: Employers and Clients expect an employee's or consultant's loyalty, in that an employee or consultant should always act in the best interests of their employer or client.

**Define the Duty of Confidentiality in a business context.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

#### **Define the Duty of Loyalty in a business context.**

Duty of Loyalty: Employers and Clients expect an employee's or consultant's loyalty, in that an employee or consultant should always act in the best interests of their employer or client.

#### **Define the Duty of Confidentiality in a business context.**

Duty of Confidentiality: Employers and Clients expect that employees and consultants will keep company information and trade secrets confidential.

#### **Who owns the right to maintain confidentiality?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

#### **Define the Duty of Loyalty in a business context.**

Duty of Loyalty: Employers and Clients expect an employee's or consultant's loyalty, in that an employee or consultant should always act in the best interests of their employer or client.

#### **Define the Duty of Confidentiality in a business context.**

Duty of Confidentiality: Employers and Clients expect that employees and consultants will keep company information and trade secrets confidential.

#### **Who owns the right to maintain confidentiality?**

The owner of the confidential information.

#### **Are loyalty and confidentiality ethical duties?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

#### **Define the Duty of Loyalty in a business context.**

Duty of Loyalty: Employers and Clients expect an employee's or consultant's loyalty, in that an employee or consultant should always act in the best interests of their employer or client.

#### **Define the Duty of Confidentiality in a business context.**

Duty of Confidentiality: Employers and Clients expect that employees and consultants will keep company information and trade secrets confidential.

#### **Who owns the right to maintain confidentiality?**

The owner of the confidential information.

#### **Are loyalty and confidentiality ethical duties?**

Yes, they fall under the core ethical value of Trustworthiness.

**There will be more on these ethical duties in the weeks ahead.?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

Discussion Question #1

**Who is your Subordinate?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Who is your Subordinate? Someone who answers to you.**

**Why would someone find a need to blow the whistle on a subordinate?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Who is your Subordinate? Someone who answers to you.**

**Why would someone find a need to blow the whistle on a subordinate? They wouldn't and shouldn't because:**

- **The superior is responsible for the actions of a subordinate, and**
- **The superior has the authority and responsibility to fix it, if it is wrongful.**

**If a person possesses information of activity causing public harm, but obtained the information independently of any confidentiality-based relationship, is that person a whistle blower if he/she discloses the information to the public?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Who is your Subordinate? Someone who answers to you.**

**Why would someone find a need to blow the whistle on a subordinate? They wouldn't and shouldn't because:**

- **The superior is responsible for the actions of a subordinate, and**
- **The superior has the authority and responsibility to fix it, if it is wrongful.**

**If a person possesses information of activity causing public harm, but obtained the information independently of any confidentiality-based relationship, is that person a whistle blower if he/she discloses the information to the public?**

- **Regardless of the source's source, the recipient of the information is not the whistle blower if he/she discloses it. The source may be a whistleblower.**





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

**Who is your Subordinate? Someone who answers to you.**

**Why would someone find a need to blow the whistle on a subordinate? They wouldn't and shouldn't because:**

- **The superior is responsible for the actions of a subordinate, and**
- **The superior has the authority and responsibility to fix it, if it is wrongful.**

**If a person possesses information of activity causing public harm, but obtained the information independently of any confidentiality-based relationship, is that person a whistle blower if he/she discloses the information to the public?**

- **Regardless of the source's source, the recipient of the information is not the whistle blower if he/she discloses it. The source may be a whistleblower.**
- **Consider reporters who get confidential information from an anonymous source and disclose the confidential information to the public.**
  - **The anonymous source may be a whistle blower, especially if the anonymous source violated confidentiality duties by disclosing the confidential information to the reporter, thus becoming a whistleblower**
  - **The reporter is not a whistle blower because the reporter does not violate any duty of confidentiality in disclosing the information to the public.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #1

A person who is considering a whistle blowing action should carefully evaluate the entire situation to determine whether whistle blowing is proper and necessary.



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Whistleblowing Actions

Continuum of Propriety of Whistleblowing (WB)  
Based on the Facts and Circumstances

No Moral Authority to Act [ ] Moral Authority To Act [ ] Duty to Act \_\_\_\_\_  
WB Is Not Proper                      WB May or May Not Occur      WB is Necessary  
Based On the Whistle Blower's Judgement

**Prospective Whistle blowers must evaluate the propriety of a potential whistle blowing action:**

- 1. From No Moral Authority to Moral Authority but no Moral Duty, and**
- 2. From a Moral Authority with no Moral Duty to a Moral Duty.**
- 3. There is no need to consider a Moral Duty if Moral Authority is absent**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Whistleblowing Actions

**Moral Duty to Blow the Whistle**

Satisfies All Five De George Criteria



*The murky middle  
where decisions are not clear cut  
with Moral Authority to act BUT  
No Moral Duty to Act.*



**No Moral Authority to Blow the Whistle**

Cannot Satisfy the First Three De George Criteria



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #2

The video, "Nice Guys Finish Last," identified several whistleblowers involved in high-profile whistleblowing cases. Overall, these whistleblowing cases identify at least three (3) "lessons":

The Target retaliates by trying to destroy the whistle blower.

The whistle blower lives in fear with no place to go

Nothing of substance happens to the target

- a) Cite at least 2 specific examples from the cases in "Nice Guys Finish Last" that support the lesson that a target tries to destroy the whistleblower with retaliations
- b) Cite at least 2 specific examples from the cases in "Nice Guys Finish Last" that support the lesson that a whistle blower lives in fear with no place to go.
- c) Cite at least 2 specific examples from the cases in "Nice Guys Finish Last" that support the lesson that nothing of substance happens to the target.
- d) In 2 to 3 sentences, cite and explain at least one additional "lesson" you take away from the cases featured in this week's video "Nice Guys Finish Last?"

**A**      **McKean**

**C**      **Lemons**

**E**      **Rice**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #2

***“... whistle blowing is not the way to go unless you are willing to give up everything and leave the country.”*** Prior CE 401 Student

**This is why De George prefers to set a higher bar before imposing a moral duty on another person to blow the whistle**



# CE 401 Civil Engineering Seminar Introduction & Incident At Morales

## Discussion Question #3

De George has identified five (5) criteria to guide a Whistleblower's decision-making. According to De George, the satisfaction of these criteria place the decision into one of three levels of MORAL AUTHORITY to blow the whistle:

- The Whistleblower has NO MORAL AUTHORITY to Blow the Whistle;
- The Whistleblower has MORAL PERMISSION to Blow the Whistle, but the Whistle Blower has NO MORAL DUTY to do so; or
- The Whistleblower has a MORAL DUTY to Blow the Whistle.

a) What are De George's five criteria, numbered as De George presents them?

b) What default level of MORAL AUTHORITY does De George's assign to a potential whistleblower prior to analyzing the decision, and in 2 to 3 sentences, explain why De George adopts this level of MORAL AUTHORITY as the default starting position?

c) Citing the appropriate De George criteria by number, identify which of the De George criteria a potential whistleblower should satisfy to gain MORAL PERMISSION to blow the whistle.

**B**

**Hubbard**

**D**

**Wallin**

**E**

**Stevenson**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #3

- 1. When a person has moral authority but no moral duty to blow the whistle in a situation that may pose serious public harm, how does a person decide whether to remain quiet or speak?**





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #3

1. When a person has moral authority but no moral duty to blow the whistle in a situation that may pose serious public harm, how does a person decide whether to remain quiet or speak?
2. **When might a person blow the whistle for situations that do not pose significant harm to the user of a product, the public, or other stakeholders?**



# CE 401 Civil Engineering Seminar Introduction & Incident At Morales

## Discussion Question #4

De George has identified five (5) criteria to guide a Whistleblower's decision-making. According to De George, the satisfaction of these criteria place the decision into one of three levels of MORAL AUTHORITY to blow the whistle:

- The Whistleblower has NO MORAL AUTHORITY to Blow the Whistle;
- The Whistleblower has MORAL PERMISSION to Blow the Whistle, but the Whistle Blower has NO MORAL DUTY to do so; or
- The Whistleblower has a MORAL DUTY to Blow the Whistle.

a) What are De George's five criteria, numbered as De George presents them?

b) What level of MORAL AUTHORITY does De George consider necessary before a potential whistleblower should consider whether there is a MORAL DUTY to blow the whistle, and in 2 to 3 sentences, explain why De George requires this level of MORAL AUTHORITY as a condition precedent to considering whether a MORAL DUTY exists?

c) Citing the appropriate De George criteria by number, identify which of the De George criteria a potential whistleblower should satisfy to gain a MORAL DUTY to blow the whistle.

A	Browning
C	Konecny
F	Holbrook



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #4

- 1. Why does De George require objective documentation sufficient to convince an impartial third party about the public harm to create a moral duty?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #4

1. Why does De George require objective documentation sufficient to convince an impartial third party about the public harm to create a moral duty?
2. **When a person satisfies the first 4 De George criteria but concludes that the public harm will not be avoided by blowing the whistle, De George concludes that whistle blowing does NOT rise to a moral duty. Is De George giving a potential whistle blower an easy out?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #4

1. Why does De George require objective documentation sufficient to convince an impartial third party about the public harm to create a moral duty?
2. When a person satisfies the first 4 De George criteria but concludes that the public harm will not be avoided by blowing the whistle, De George concludes that whistle blowing does NOT rise to a moral duty. Is De George giving a potential whistle blower an easy out?
3. **James argues the De George criteria limits the number of whistle blowing events. Do you agree or disagree with James that our culture needs more whistle blowing events, or De George that our culture needs fewer and why?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### **Discussion Questions #3 and #4**

**In deciding whether to act or not act, a potential whistleblower should answer two questions.**

- 1 Do I have moral authority to act?**
- 2 Do I have a moral duty to act?**

**Neither De George nor James formulated these questions, but each of them provides their views about how a person should answer them.**

**Regardless of the system or criteria a person chooses to answer these questions, prospective whistle blowers must answer these questions.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5 (See Page 42 of TEXT)

The text points out that Dr. Mintz asserts that an individual has a “right to moral autonomy,” where Moral Autonomy means self-governing or self-determining. Dr. Mintz concludes that company policies mandating “internal whistleblowing” shift responsibility for the misdeeds “from the organization to the individual” by making internal reporting an employee duty. Dr. Mintz concludes that this shift strips the individual of the “right to moral autonomy.” In contrast, De George clearly requires “internal whistleblowing” to gain moral authority to proceed with “external whistleblowing.”

To reconcile the apparent incongruity between Mintz and De George, consider another definition of “Moral autonomy,” e.g. the capacity to impose objective moral law on oneself, which is wholly different from “personal autonomy,” e.g. an individual’s right to make decisions that impact various aspects of his or her life. As Michael Josephson points out, core ethical values are objective standards that apply to each person. For this reason, Mintz’s comments are really about personal and corporate responsibility and accountability rather than “moral autonomy” because no person has the right to decide what is morally proper behavior that an individual may self-impose.

1. In 2 or 3 sentences, explain **why** De George's requirement that a Whistleblower **exhaust internal channels** before gaining MORAL PERMISSION for an external whistleblowing action is **beneficial to the Whistleblower**.
2. In 2 or 3 sentences, explain **why** De George's requirement that a Whistleblower **exhaust internal channels** before gaining MORAL PERMISSION for an external whistleblowing action is **beneficial to the target**.

<b>B</b>	<b>Berling</b>
<b>C</b>	<b>Ohlmann</b>
<b>E</b>	<b>Spencer</b>



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. How does the whistle blower's target respond to the whistle blower?**





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

1. How does the whistle blower's target respond to the whistle blower?
2. **What happens to the GOOD GUYS, the whistle blowers?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

1. How does the whistle blower's target respond to the whistle blower?
2. What happens to the GOOD GUYS, the whistle blowers?
3. **What happens to the BAD GUYS, the target?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. Is a prospective whistleblower always right about the public hazard posed by the target's activities?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. Is a prospective whistle blower always right about the public hazard posed by the target's activities? No.**
- 2. If the prospective whistle blower is not right, and goes public anyway, what happens to him and his target?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. Is a prospective whistle blower always right about the public hazard posed by the target's activities? No.**
- 2. If the prospective whistle blower is not right, and goes public anyway, what happens to him and his target? Whistle Blower suffers retribution, and the Target Explains away the false allegations**
- 3. Is the Target's management always aware of activities within its organization that pose a public hazard?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. Is a prospective whistle blower always right about the public hazard posed by the target's activities? No.**
- 2. If the prospective whistle blower is not right, and goes public anyway, what happens to him and his target? Whistle Blower suffers retribution, and the Target Explains away the false allegations**
- 3. Is the Target's management always aware of activities within its organization that pose a public hazard? No.**
- 4. If the Target's management becomes aware of activities that pose a public hazard, what can occur?**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #5

- 1. Is a prospective whistle blower always right about the public hazard posed by the target's activities? No.**
- 2. If the prospective whistle blower is not right, and goes public anyway, what happens to him and his target? Whistle Blower suffers retribution, and the Target Explains away the false allegations**
- 3. Is the Target's management always aware of activities within its organization that pose a public hazard? No.**
- 4. If the Target's management becomes aware of activities that pose a public hazard, what can occur?**
  - a) The Target can correct the problem internally without public embarrassment, or**
  - b) The Target will ignore the issue, in which case the prospective whistle blower's justification for going public is stronger.**



# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #6

Engineering Codes of Ethics require an engineer to report wrongdoing by another engineer. For example, Section 10 of the Kentucky code is particularly relevant in saying, "If an engineer knows or has reason to believe (Emphasis Added) that any person is in violation of Chapter 322 (Engineering Registration Act) or any regulation, he shall present that information to the Board in writing and shall cooperate with the Board in furnishing information."

In contrast, Malek observes, "The Committee on Science, Engineering, and Public Policy notes that, 'Self-regulation ensures that decisions about professional conduct will be made by experienced and qualified peers. But for self-regulation to work, researchers must be willing to alert others when they suspect (Emphasis Added) that a colleague has violated professional standards or disciplinary practices'."

In broad terms, it seems clear that when society entrusts a profession with the privilege of setting and enforcing its own standards, members of the profession have a duty to report wrongdoing committed by members of the profession. The issue hinges on the level of knowledge or certainty of the wrongdoing an engineer should have before the duty to report (blow the whistle) becomes operative.

- Define suspicion, reasonable belief, and knowledge, and then Compare and Contrast the level of certainty you associate with each.
- Choosing between suspicion, reasonable belief, and knowledge, which level of certainty about your alleged wrongdoing should another engineer have before reporting you to the Board of Registration?
- Choosing between suspicion, reasonable belief, and knowledge, which level of certainty about an engineer's wrongdoing does the Kentucky Board of Registration require before a Kentucky engineer has an ethical duty to report that other engineer to the Board for investigation?

**A** Januski

**D** Abanto

**F** Holland





# CE 401 Civil Engineering Seminar

## Nice Guys Finish Last

### Discussion Question #6

A person who is considering a whistle blowing action should carefully evaluate the entire situation to determine whether whistle blowing is proper.

1. Is believing something is true the same as suspecting it is true?



# CE 401 Civil Engineering Seminar

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### Discussion Question #6

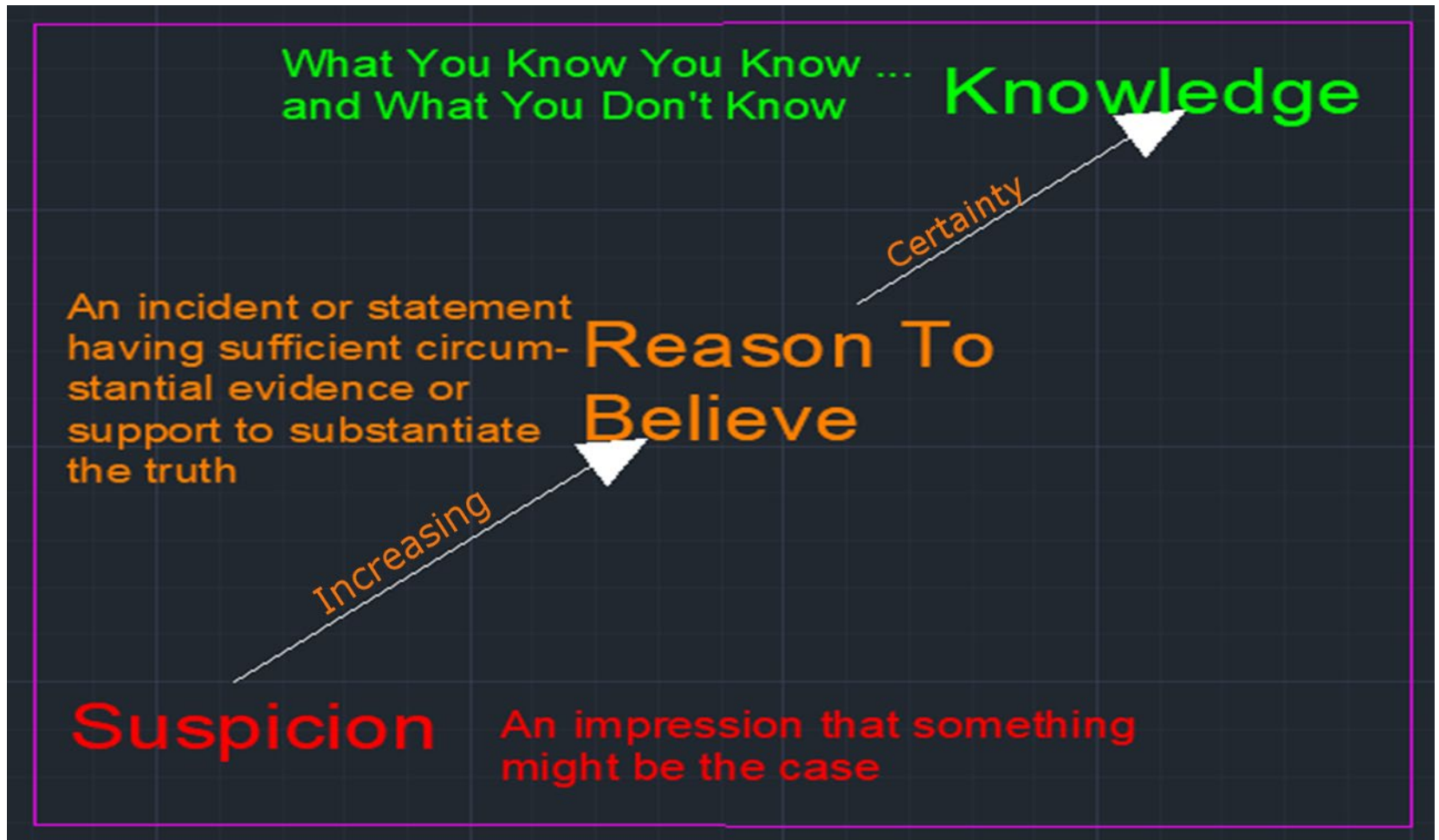
A person who is considering a whistle blowing action should carefully evaluate the entire situation to determine whether whistle blowing is proper.

1. Is believing something is true the same as suspecting it is true?
2. Is believing something is true the same as knowing it is true?



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### Discussion Question #6

- 1. Who does the Code's ethical mandate to report violations of law or ethics to the Board of Registration protect?**



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### Discussion Question #6

1. Who does the Code's ethical mandate to report violations of law or ethics to the Board of Registration protect?
2. **Assume an engineer knows a breach of duty has occurred by another engineer that could result in loss of life if not corrected but the engineer DOES NOT REPORT IT TO THE BOARD AS REQUIRED. If a failure then occurs and people die, does this silent engineer share responsibility for the wrongful deaths in addition to the violation of this code provision?**



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### Discussion Question #6

1. Who does the Code's ethical mandate to report violations of law or ethics to the Board of Registration protect?
2. Assume an engineer knows a breach of duty has occurred by another engineer that could result in loss of life if not corrected but the engineer DOES NOT REPORT IT TO THE BOARD AS REQUIRED. If a failure then occurs and people die, does this silent engineer share responsibility for the wrongful deaths in addition to the violation of this code provision?
3. **Is this responsibility ethical, legal, or both?**



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### Discussion Question #6

**The Code of Ethics for Professional Engineers, whether promulgated by ASCE, NSPE or a State Board of Registration mandates reporting another engineer, known to have violated the law. Here is what the Code of Ethics for Engineers registered in Kentucky says:**

<http://www.lrc.state.ky.us/kar/201/018/142.htm>

- Section 2:The Engineer shall ... protect the public H,S, & W
- Section 10: If an engineer knows or reason to believe that any person is in violation of Chapter 322 or any regulation, he shall present that information to the Board in writing and shall cooperate with the Board in furnishing information.

**Doesn't this ethical provision require an engineer to become a whistle blower when that engineer has either knowledge or a reason to believe that another engineer has violated the law or the ethical requirements of an engineer?**

- 'Knowledge' means "What You Know You Know — and Don't Know."
- 'Reason to believe' means' an incident or statement having sufficient circumstantial evidence or support to substantiate the truth.
- 'Suspicion' means an impression that something might be the case.
- <https://www.giffordlectures.org/books/belief/lecture-3-belief-and-knowledge>



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### Moral Autonomy

- 1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?**





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### Moral Autonomy

1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?
2. **Who can the De George “exhaustion” requirement protect?**



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### Moral Autonomy

1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?
2. **Who can the De George “exhaustion” requirement protect?**
  1. **The employee accused of improper conduct?**



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### Moral Autonomy

1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?
2. **Who can the De George “exhaustion” requirement protect?**
  1. **The employee accused of improper conduct?**
  2. **The company?**



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### Moral Autonomy

1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?
2. **Who can the De George “exhaustion” requirement protect?**
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  3. **The potential whistle blower?**



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### Moral Autonomy

1. Does Moral Autonomy allow an individual to decide what the core ethical values/standards are? Why?
2. **Who can the De George “exhaustion” requirement protect?**
  1. The employee accused of improper conduct?
  2. The company?
  3. The potential whistle blower?
3. **When an engineer faces a Code Section 10 reporting situation, does that mean that the first 3 De George criteria are no longer important? What about documentation, and #5**



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### **Major Considerations of Whistle Blowing**

**A person who is considering a whistle blowing action should carefully evaluate the entire situation to determine whether whistle blowing is proper and necessary.**

**It is often a life changing decision**

- Sometimes a person has a moral duty to fall on his sword and act**
- Sometimes a person has no moral authority to act, and falling on his sword is career ending without achieving anything important for the public or the person.**
- Sometimes a person may have moral authority to act, but no moral duty to do so, and these times are when the person must be most careful in reaching his decision.**



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### **Major Considerations of Whistle Blowing**

**In deciding whether to act or not act, a potential whistleblower should answer two questions.**

- 1 Do I have moral authority to act?**
- 2 Do I have a moral duty to act?**

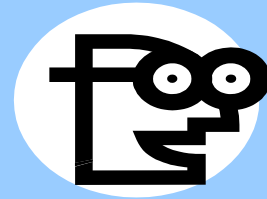
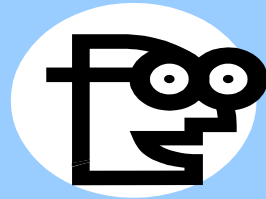
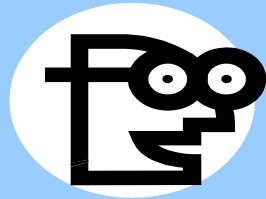
**De George did not formulate these questions, but De George provides one system to help a person answer them.**

**Regardless of the system a person chooses to answer these questions, prospective whistle blowers must answer these questions.**



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**It's QUESTION TIME !!**