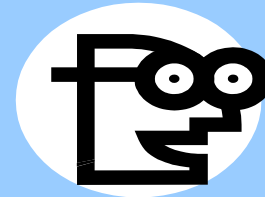
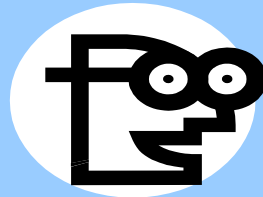




CE 401 CE Seminar General Questions:



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

Gilbane Gold

DISCUSSION GROUP ACTIVITY

Timely Initial Posts: 100.0%

Last Update 21-Feb-25 7:17 AM

Section 1

Week 6

Discussion Question Activity Report

Question	Group	Leader
1	A	Watterson
1	C	Smith
1	E	Casolare
2	B	Ehrsam
2	D	Malone
2	F	
3	A	Stone
3	C	DeYoung
3	F	
4	B	Little
4	D	Vargas
4	E	Graham
5	A	Shuman
5	D	Hawkins
5	F	
6	B	Steigerwald
6	C	Hornbeck
6	E	Leach

1	2	3	4	5
Holliday	Shuman	Stone	Watterson	
DeYoung	Hornbeck	Smith		
Casolare	Graham	Leach		
Ehrsam	Little	Steigerwald		
Hawkins	Malone	Vargas		
Holliday	Shuman	Stone	Watterson	
DeYoung	Hornbeck	Smith		
Ehrsam	Little	Steigerwald		
Hawkins	Malone	Vargas		
Casolare	Graham	Leach		
Holliday	Shuman	Stone	Watterson	
Hawkins	Malone	Vargas		
Ehrsam	Little	Steigerwald		
DeYoung	Hornbeck	Smith		
Casolare	Graham	Leach		

Font Legend

non-bold No post made, time for posting remains

Bold / Bold Post made within Time

Non-Bold Leader-No Consensus Posted, -5 Points

non-bold

Bold

Ital. non-bold

Late Post before consensus, 20% loss

Post is made after consensus, 60% loss

No Post Made, 100% loss



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Gilbane Gold

QUIZ RESULTS

Quiz 5

Range: 6-10; Average 9.5

W/ Text Historic 6-10; Average 9

0.848 (28 of 33) Perfect Scores on Quiz 5



CE 401 Civil Engineering Seminar

Gilbane Gold

WHISTLE BLOWING: TRUESTEEL VS GILBANE GOLD

- These cases may seem very similar on first blush.
- But the facts in these cases are quite different.
- Therefore, the ethics analyses of these cases differ.
- Put yourself in David's shoes
- Be careful about setting standards for characters like David or Robert that you would not want others to apply to you.



CE 401 Civil Engineering Seminar

Youthful Idealism vs Pragmatism

WHISTLE BLOWING: TRUESTEEL VS GILBANE GOLD

Idealism: The act or practice of envisioning things in an ideal and often impractical form. Pursuit of one's ideals, often without regard to practical ends.

Commonly associated with *youthful idealism*

Synonyms: Romantic, Impractical, Utopian, Quixotic

The idealism of youth is the ultimate counter to the cynicism that overtakes so much of how we think and act, after we've been beaten down by the trials and tribulations of "life". It's the promise that moves us forward, that pushes us to risk it all when the "sensible" thing to do would be not to. (Omer Abdullah, <https://www.omerisms.com/blog/2019/10/9/the-idealism-of-youth>)



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Youthful Idealism vs Pragmatism

WHISTLE BLOWING: TRUESTEEL VS GILBANE GOLD

Pragmatism: a practical approach to problems and affairs to strike a balance of principles

Synonyms: Practical, Sensible, Realistic, Logical

From Idealism to Pragmatism
A Matter of Evolution
Willem A. deVries



What is Pragmatism?

The term ***pragmatism*** derives its origin from a Greek word meaning to do, to make, to accomplish. So the use of words like '***action***' or '***practice***' or '***activity***'. Action gets priority over thought. Experience is at the centre of the universe. Everyone is tested on the touch-stone of experience. Beliefs and ideas are true if they are workable and profitable otherwise false.

(Read Abstract: <https://journals.openedition.org/ejpap/1299>)



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Youthful Idealism vs Pragmatism

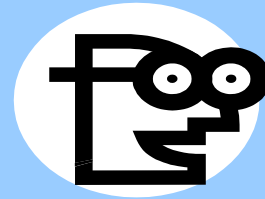
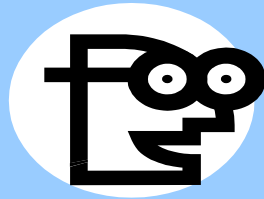
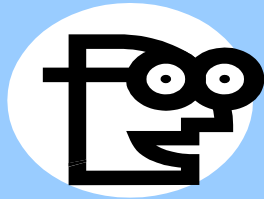
WHISTLE BLOWING: TRUESTEEL VS GILBANE GOLD

- **Youthful idealism is great, and it is real.**
 - **Most of you will see your idealism transform to pragmatism as you mature and gain experience.**
 - **This is a normal process that occurs for most of us.**
 - **For those of us who have become more pragmatic, we need youthful idealism to anchor us**
-
- **Today, I hope to give you a glimpse of what a pragmatic approach to these problems may look like, and**
 - **I encourage you to recognize when your idealism may take you to a place you could live to regret.**



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Youthful Idealism vs Pragmatism



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

What Decision Must David Make?:

ETHICAL DECISION-MAKING ANALYSIS

- **When Phil Port directs David to dilute the effluent to meet the City's discharge concentration, what decision must David make?**



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What Decision Must David Make?:

ETHICAL DECISION-MAKING ANALYSIS

- When Phil Port directs David to dilute the effluent to meet the City's discharge concentration, what decision must David make? **David must decide whether to dilute the effluent or refuse to dilute it.**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **What options did David have at that point?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **What options did David have at that point?**
 - Dilute the effluent as directed
 - Dilute the effluent as directed and work to collect data to demonstrate why Z-Corp should do more treatment.
 - Refuse to dilute the effluent and resign, if not fired first
 - Blow the whistle on Z-Corp, after resigning or firing
- **Which of these options did David choose?**



CE 401 Civil Engineering Seminar

Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **What options did David have at that point?**
 - Dilute the effluent as directed
 - Dilute the effluent as directed and work to collect data to demonstrate why this is wrong.
 - Refuse to dilute the effluent and resign, if not fired first
 - Blow the whistle on Z-Corp and resign, if not fired first
- **Which of these options did David choose? He blew the whistle on Z-Corp.**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Who Are the Stakeholders?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Who Are the Stakeholders?**
 - **David (and his family if he has one)**
 - **Z-Corp.**
- **What about the City, the City Taxpayers, Farmers, Consumers?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Who Are the Stakeholders?**
 - **David (and his family if he has one)**
 - **Z-Corp.**
- **What about the City, the City Taxpayers, Farmers, Consumers?**
 - **How is the City affected by David's decision, if at all?**
 - **City Taxpayers are not stakeholders to David's decision, but are stakeholders to decisions by the City that affect the commercial sales of Gilbane Gold**
 - **Farmers are stakeholders to decisions by the City that affect the properties of Gilbane Gold**
 - **Consumers are stakeholders to decisions by the farmers about their use of Gilbane Gold on their fields**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Does David face an ethical dilemma?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Does David face an ethical dilemma? He may say so.**
 - David's suspicion (or belief) may create a conflict for David between his ethical duty of loyalty and confidentiality to Z-Corp, his employer, and his perceived duty to protect the public health, safety and welfare.
 - The definition of David's dilemma is the same as Robert Williams' dilemma, loyalty to Mr. Carter against protection of the public safety.
 - David cannot satisfy both in this case.
- **Is Phil Port asking David to violate the law?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Does David face an ethical dilemma? He may say so.**
 - David's suspicion (or belief) may create a conflict for David between his ethical duty of loyalty and confidentiality to Z-Corp, his employer, and his perceived duty to protect the public health, safety and welfare.
 - The definition of David's dilemma is the same as Robert Williams' dilemma, loyalty to Mr. Carter against protection of the public safety.
 - David cannot satisfy both in this case.
- **Is Phil Port asking David to violate the law? No. The law specifies the test method, the maximum heavy metal concentration in the effluent, AND the ability to dilute the effluent.**



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Level of Certainty:

Discussion Question #1

Last week in "Truesteel," Robert Williams said, "The trusses are fabricated wrong and pose a safety risk to the public."

This week, in "Gilbane Gold," David Jackson said, "Z-Corp's operations are damaging the City's Sludge, and the sludge, Gilbane Gold, poses a contamination risk to the farmers' fields and crops and a health risk to consumers of the crops."

In prior weeks, we considered how a decision-maker's state of knowledge, e.g. mere suspicion, reasonable belief, or actual knowledge impacts a whistleblowing decision.

1. Citing the facts provided in the Truesteel Affair, was Robert Williams's statement cited above based on mere suspicion, reasonable belief, or actual knowledge, and why?
2. Based on your answer for 1. above, did Robert Williams make the right or wrong decision when he decided to go along with Mr. Carter, and why?
3. Citing the facts provided in the Gilbane Gold, was David Jackson's statement cited above based on mere suspicion, reasonable belief, or actual knowledge, and why?
4. Based on your answer for 3. above, did David Jackson make the right or wrong decision when he decided to blow the whistle on Z-Corp, and why?

A	Watterson
C	Smith
E	Casolare



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- Part 1: Robert Williams says, "Trusses are Unsafe"**

1	1	Know	Believe	Suspect
	A	8	0	0
	C	6	0	0
	E	6	0	0
		20	0	0

- Part 2: David Jackson says, "Effluent is damaging sludge & fields"**

1	2	Know	Believe	Suspect
	A	3	5	0
	C	0	3	3
	E	0	5.5	0.5
		3	13.5	3.5



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- Based on the facts in the case, what specifically does David know, believe, and suspect?
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.
 - He believes the elevated levels are damaging the sludge, e.g., increasing the heavy metal level in the sludge.



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.
 - He believes the elevated levels are damaging the sludge, e.g., increasing the heavy metal level in the sludge.
 - He suspects the damaged sludge could be "poisoning" the fields and crops.
- **Based on the facts in the case, what specifically is David responsible for?**



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.
 - He believes the elevated levels are damaging the sludge, e.g., increasing the heavy metal level in the sludge.
 - He suspects the damaged sludge could be "poisoning" the fields and crops.
- **Based on the facts in the case, what specifically is David responsible for?**
 - His report signature certifies to the City (and to Z-Corp to some extent) that the test has been properly performed and that the reported results are the correct test outcome.



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.
 - He believes the elevated levels are damaging the sludge, e.g., increasing the heavy metal level in the sludge.
 - He suspects the damaged sludge could be "poisoning" the fields and crops.
- **Based on the facts in the case, what specifically is David responsible for?**
 - His report signature certifies to the City (and to Z-Corp to some extent) that the test has been properly performed and that the reported results are the correct test outcome.
 - **If David ignores testing improprieties or falsifies the test result, he is responsible.**



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Level of Certainty:

ETHICAL DECISION-MAKING ANALYSIS

- **Based on the facts in the case, what specifically does David know, believe, and suspect?**
 - He knows that occasionally, Z-Corp's effluent has slightly higher concentrations of lead and arsenic than permitted.
 - He believes the elevated levels are damaging the sludge, e.g., increasing the heavy metal level in the sludge.
 - He suspects the damaged sludge could be "poisoning" the fields and crops.
- **Based on the facts in the case, what specifically is David responsible for?**
 - His report signature certifies to the City (and to Z-Corp to some extent) that the test has been properly performed and that the reported results are the correct test outcome.
 - If David ignores testing improprieties or falsifies the test result, he is responsible.
 - **His report signature does not create any individual responsibility for what happens to the effluent, the sludge, or any thing downstream.**



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Dilution Option:

Discussion Question #2

In "Gilbane Gold," Phil Port directed David to dilute the effluent to meet the permit requirement for maximum concentration of the heavy metals in the Z-Corp effluent.

1. Does Phil Port's dilution directive violate the terms of Z-Corp's wastewater discharge permit issued by the City of Gilbane? Explain the factual basis for your answer.
2. Based on the facts in the Gilbane Gold case, does David Jackson agree or disagree with Phil Port's directive to dilute the effluent, and explain the factual basis for your conclusion on this matter.
3. Is David Jackson willing to comply with Phil Port's dilution directive, and if not, explain how David Jackson justifies his refusal to comply with Phil Port's dilution directive, and
4. Other than David's refusal to comply with Phil Port's dilution directive and David's whistleblowing action, identify at least 2 other options that David can consider.

B	Ehrsam
D	Malone
F	



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- **Are Gilbane's regulations inadequate?**



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- Are Gilbane's regulations inadequate? **Maybe**
- Who had input into the existing Gilbane regulation?



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- Are Gilbane's regulations inadequate? **Maybe**
- Who had input into the existing Gilbane regulation? **All affected parties, stakeholders**
- Is Z-Corp the only party regulated by Gilbane in this manner?



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Gilbane Gold:

ETHICAL DECISION-MAKING ANALYSIS

- Are Gilbane's regulations inadequate? **Maybe**
- Who had input into the existing Gilbane regulation? **All affected parties, stakeholders**
- Is Z-Corp the only party regulated by Gilbane in this manner? **No**
- Are Gilbane's regulations unjust?



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MLK, Jr On Unjust Law:

Are Gilbane's Discharge Regulations an Unjust Law?

- **An unjust law is a code that a majority inflicts on a minority that is not binding on itself.**



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MLK, Jr On Unjust Law:

Are Gilbane's Discharge Regulations an Unjust Law?

- An unjust law is a code that a majority inflicts on a minority that is not binding on itself.
 - Gilbane's Discharge Regulations do not "inflict" anything on a minority that is not binding on everyone who is similarly situated.
 - Gilbane's Discharge Regulations do not benefit some at the expense of others similarly situated
- An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote.



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MLK, Jr On Unjust Law:

Are Gilbane's Discharge Regulations an Unjust Law?

- An unjust law is a code that a majority inflicts on a minority that is not binding on itself.
 - Gilbane's Discharge Regulations do not "inflict" anything on a minority that is not binding on everyone who is similarly situated.
 - Gilbane's Discharge Regulations do not benefit some at the expense of others similarly situated
- An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote.
 - Gilbane's Rule Making Process included public notification, public comment by any person or group with interest in the proposed Regulations, and
 - Gilbane's Rule Making Process accommodates these public interests to the extent possible while imposing regulations to protect legitimate public interests.
- A just law is a code that a majority compels a minority to follow that it is willing to follow itself.



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MLK, Jr On Unjust Law:

Are Gilbane's Discharge Regulations an Unjust Law?

- An unjust law is a code that a majority inflicts on a minority that is not binding on itself.
 - Gilbane's Discharge Regulations do not "inflict" anything on a minority that is not binding on everyone who is similarly situated.
 - Gilbane's Discharge Regulations do not benefit some at the expense of others similarly situated
- An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote.
 - Gilbane's Rule Making Process included public notification, public comment by any person or group with interest in the proposed Regulations, and
 - Gilbane's Rule Making Process seeks to accommodate these public interests to the extent possible while imposing regulations to protect legitimate public interests.
- A just law is a code that a majority compels a minority to follow that it is willing to follow itself.

The Gilbane Discharge Regulations are Just Laws – BUT – If the Gilbane Discharge Regulations are Unjust, who do the Unjust Law Benefit and Burden?



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Resignation Option:

Discussion Question #3

In Gilbane Gold, David Jackson decided to "blow the whistle" on Z-Corp. Question 2 addressed David's dilution option. However, David had other options available to him at his point of decision-making in this case.

Discuss in 3 to 4 sentences whether it would be ethically viable for David to quietly resign from Z-Corp and move to another company to continue his career elsewhere.

Please note that for the purposes of this question, you must isolate this "resign and quietly move on" option from the other options. Therefore, you must not consider the option of "blowing the whistle on Z-Corp," as addressed in the video, or the option of "dilution as directed" addressed in question 2.

3 & 4		Ethical	Not Ethical
	A	1	7
	B	6	0
	C	4	2
	D	5	0
	E	4	0
	F	0	0
		20	9

A

Stone

C

DeYoung

F



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Impact of Multiple Engineers:

Discussion Question #4

In Gilbane Gold, unlike Trueteel, David is NOT the only engineer involved in this situation. There are multiple engineers within Z-Corp in addition to David. There are engineers outside Z-Corp with knowledge and expertise including Professor Massin and Tom Richards. There are engineers who work for the City. There may be other engineers not specifically referenced in the video.

In 3 to 4 sentences, compare and contrast David's situation in Gilbane Gold to Robert Williams' situation in Trueteel with specific reference to how and why the existence or absence of other engineers affects David's and Robert's option to quietly resign and continue their careers elsewhere.

B	Little
D	Vargas
E	Graham



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Impact of Multiple Engineers:

ETHICAL DECISION-MAKING ANALYSIS

- **What other engineers are involved in this situation?**



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Impact of Multiple Engineers:

ETHICAL DECISION-MAKING ANALYSIS

- What other engineers are involved in this situation?
 - The City of Gilbane employs several engineers who would have substantive roles to play in finding and implementing a resolution because the City is the only entity that can initiate the necessary rulemaking to affect a change.
 - Within Z-Corp, Phil Port and Frank Seeders are engineers who know what David knows, and Diane Collins may be an engineer.
 - Professor Massin can help the parties find a proper solution, and
 - Tom Richards can help the parties find a proper solution.
- Is David's involvement essential to resolve this issue?



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Impact of Multiple Engineers:

ETHICAL DECISION-MAKING ANALYSIS

- **What other engineers are involved in this situation?**
 - The City of Gilbane employs several engineers who would have substantive roles to play in finding and implementing a resolution because the City is the only entity that can initiate the necessary rulemaking to affect a change.
 - Within Z-Corp, Phil Port and Frank Seeders are engineers who know what David knows, and Diane Collins may be an engineer.
 - Professor Massin can help the parties find a proper solution, and
 - Tom Richards can help the parties find a proper solution.
- **Is David's involvement essential to resolve this issue? No. David Jackson's presence is simply not required to solve this problem, and the issue is already on the Radar.**



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- **If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?**



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- **If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?**
 - David Jackson?



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?
 - David Jackson? **NO, and He Can't**
 - Tom Richards?



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?
 - David Jackson? **NO, and He Can't**
 - Tom Richards? **NO, and he Can't**
 - Professor Massin?



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?
 - David Jackson? **NO, and He Can't**
 - Tom Richards? **NO, and he Can't**
 - Professor Massin? **NO, and he Can't**
 - Z-Corp?



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?
 - David Jackson? **NO, and He Can't**
 - Tom Richards? **NO, and he Can't**
 - Professor Massin? **NO, and he Can't**
 - Z-Corp? **NO, and it Can't**
- Then who is responsible for fixing the problem and can do it?



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Gilbane Gold

ETHICAL DECISION-MAKING ANALYSIS

- If there is an issue about heavy metals damaging the sludge, who has authority to fix the problem?
 - David Jackson? **NO, and He Can't**
 - Tom Richards? **NO, and he Can't**
 - Professor Massin? **NO, and he Can't**
 - Z-Corp? **NO, and it Can't**
- Then who is responsible for fixing the problem and can do it? **The City of Gilbane Is, and The City of Gilbane Is the only party that can do so.**



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Employee/Employer Relations:

REVIEW OF GILBANE GOLD

David Jackson's Situation:

- Resignation and Dilution Options—
 - Some say not viable to leave or follow orders. Why?



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Employee/Employer Relations:

REVIEW OF GILBANE GOLD

David Jackson's Situation:

- Resignation and Dilution Options—
 - Some say not viable to leave or follow orders. Why?
 - Are the only viable options to convince his superiors to change or blow the whistle



CE 401 Civil Engineering Seminar

Employee/Employer Relations:

REVIEW OF GILBANE GOLD

David Jackson's Situation:

- Resignation and Dilution Options—
 - Some say not viable to leave or follow orders. Why?
 - Are the only viable options to convince his superiors to change or blow the whistle **even though**
 - David is not essential to find a solution,***
 - The current regulations are a product of a public policy debate engaged by City with all concerned groups, and***
 - There is no imminent public harm?***
- Is that the standard you want applied to you?



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **David Jackson has concerns about his employer's environmental practices**
 - **David believes Z-Corp does not care about the environment to the same degree as he cares. He may well be right.**
 - **David believes Z-Corp should spend more money for waste treatment than Z-Corp management is willing or required by law to spend.**
- **This reflects a philosophical difference between David and his employer, not a nice place to find oneself.**



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **In these type of situations, is the concerned employee always right and company always wrong?**



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- In these type of situations, is the concerned employee always right and company always wrong? **Of course not!**
 - If the concerned employee is right, De George's exhaustion prior to whistle blowing gives the company a reasonable opportunity to address the concern, and
 - If the concerned employee is wrong, De George's exhaustion could avoid whistle blowing by giving the company a reasonable opportunity to convince the employee otherwise
- These type of differences between a concerned employee and a company may be reconcilable such that the employment can continue



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **In these type of situations, is the concerned employee always right and company always wrong? Of course not!**
 - If the concerned employee is right, De George's exhaustion prior to whistle blowing gives the company a reasonable opportunity to address the concern, and
 - If the concerned employee is wrong, De George's exhaustion could avoid whistle blowing by giving the company a reasonable opportunity to convince the employee otherwise
- **These type of differences between a concerned employee and a company may be reconcilable such that the employment can continue, but**
- **These differences often aren't reconcilable, in which case the employment relationship will probably end.**
 - This can be a firing (often associated with whistle blowing)
 - This can be a resignation (whistle blowing is not an essential element)



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **Do you believe David must remain in such a situation until everyone does what he wants?**



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **Do you believe David must remain in such a situation until everyone does what he wants?**
- **Why would you want to tell David that he cannot resign from Z-Corp to take a job with another company that more closely shares his personal philosophy?**



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **Do you believe David must remain in such a situation until everyone does what he wants?**
- **Why would you want to tell David that he cannot resign from Z-Corp to take a job with another company that more closely shares his personal philosophy?**
- **Is that the standard you want applied to you if you should take a job with a company that you subsequently find you have disagreement?**



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Employee/Employer Relations:

ETHICAL DECISION-MAKING ANALYSIS

- **Do you believe David must remain in such a situation until everyone does what he wants?**
- **Why would you want to tell David that he cannot resign from Z-Corp to take a job with another company that more closely shares his personal philosophy?**
- **Is that the standard you want applied to you if you should take a job with a company that you subsequently find you have disagreement?**
- **Neither a company nor a new hire can be certain about the strength of the match they will have even though both start the relationship with optimism**



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Employee/Employer Relations:

The Goal Is To Find The Perfect Job and To Find the Perfect Employee



But it does not always work out that way



CE 401 Civil Engineering Seminar Employee/Employer Relations:

Five rules for dealing with orders you don't agree with

2. Decide whether you really want to be a soldier in this army, and then get on with it ... maybe you should find a new job, particularly if your employer is asking you to do something you think is just outright immoral.

<https://www.techrepublic.com/article/five-rules-for-dealing-with-orders-you-dont-agree-with/>



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Employee/Employer Relations:

what to do when you have moral qualms about your employer's line of business

You can't walk around simmering with resentment at work. They're paying you to work there, whatever you think of their product, you accepted the job of your own free will, and you owe it to them to perform at a reasonably high level — or, if you can't, to acknowledge that and leave. Otherwise, you're acting in bad faith toward them by not upholding your end of the bargain, and potentially harming your own professional reputation too.

<https://www.askamanager.org/2013/07/what-to-do-when-you-have-moral-qualms-about-your-employers-line-of-business.html>



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De George Analysis:

Discussion Question #5

In Gilbane Gold, David Jackson blew the whistle on Z-Corp.

- a) Based on the De George criteria for whistleblowing, explain why the facts in the case either satisfy or fail to satisfy each of the five De George criteria with respect to David Jackson and Z-Corp.
- b) Based on your analysis of the five (5) De George criteria, which of the following statements is true about David Jackson's whistleblowing action against Z-Corp:
1. David Jackson had NO MORAL AUTHORITY at all to blow the whistle on Z-Corp; or
 2. David Jackson had a MORAL DUTY to blow the whistle on Z-Corp; or
 3. David Jackson had MORAL PERMISSION but no MORAL DUTY to blow the whistle on Z-Corp.

5		No Auth	Permission	Duty
	A	2	2	4
	D	3	3	0
	F	0	0	0
		5	5	4

A Shuman
D Hawkins
F



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De George Analysis:

WHISTLE BLOWING: TRUESTEEL VS GILBANE GOLD

Truesteel/Robert Williams (De George):

1. *Did Robert know the trusses posed serious public risk YES (not of death)*
2. *Did Robert Go to his Immediate Supervisor? YES*
3. *Did Robert Exhaust Internal Channels? YES*
4. *Did Robert have objective documentation? YES*
5. *Would Whistle Blowing eliminate the public risk? YES*

DE GEORGE ASSIGNS A MORAL DUTY TO ROBERT TO BLOW THE WHISTLE ON TRUESTEEL

A Strong Majority of you agreed with this analysis last week.

In addition, we saw that Robert's duty to blow the whistle can only be resolved two ways, Fix the Trusses, or Blow the Whistle. Therefore, leaving town without doing either is not ethically viable.



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De George Analysis:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Gilbane/David Jackson (De George):**
 - *Did David know that Z-Corp's Effluent posed serious public risk?*



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De George Analysis:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Gilbane/David Jackson (De George):**
 - *Did David know that Z-Corp's Effluent posed serious public risk? **No. He may have held a sincere belief about damage to the sludge, but the facts do not support a reasonable belief or knowledge about the risk to farmers, fields, or consumers, which he only suspects.***
 - *Did David Go to his Immediate Supervisor?*



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De George Analysis:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Gilbane/David Jackson (De George):**
 - *Did David know that Z-Corp's Effluent posed serious public risk? **No. He may have held a sincere belief about damage to the sludge, but the facts do not support a reasonable belief or knowledge about the public risk, which he only suspects.***
 - *Did David Go to his Immediate Supervisor? **YES***
 - *Did David Exhaust Internal Channels?*



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De George Analysis:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Gilbane/David Jackson (De George):**
 - *Did David know that Z-Corp's Effluent posed serious public risk? **No. He may have held a sincere belief about damage to the sludge, but the facts do not support a reasonable belief or knowledge about the public risk, which he only suspects.***
 - *Did David Go to his Immediate Supervisor? **YES***
 - *Did David Exhaust Internal Channels? **NO!!!***
- **DAVID DOES NOT ACHIEVE DE GEORGE'S MORAL AUTHORITY TO BLOW THE WHISTLE ON Z-CORP**



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De George Analysis:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

•Part 2: David Jackson's De George Conclusion

5		No Auth	Permission	Duty
	A	2	2	4
	D	3	3	0
	F	0	0	0
		5	5	4



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss?



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors?



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors? **Yes**

Do other engineers agree with David about Z-Corp harming the sludge?



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors? **Yes**

Do the other engineers agree with David about Z-Corp harming the sludge? **Some do, some don't**

What documentation does David have that would convince an objective 3rd party that Z-Corp's effluent is harming the sludge?



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors? **Yes**

Do the other engineers agree with David about Z-Corp harming the sludge? **Some do, some don't**

What documentation does David have that would convince an objective 3rd party that Z-Corp's effluent is harming the sludge? **None**

Would blowing the whistle prevent an imminent public harm?



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors? **Yes**

Do the other engineers agree with David about Z-Corp harming the sludge? **Some do, some don't**

What documentation does David have that would convince an objective 3rd party that Z-Corp's effluent is harming the sludge? **None**

Would blowing the whistle prevent an imminent public harm? **What public harm is imminent?**



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De George Analysis:

Discussion Question #5

Does Diane Collins have a boss? **Yes**

Does Z-Corp have a Board of Directors? **Yes**

Do the other engineers agree with David about Z-Corp harming the sludge? **Some do, some don't**

What documentation does David have that would convince an objective 3rd party that Z-Corp's effluent is harming the sludge? **None**

Would blowing the whistle prevent an imminent public harm? **What public harm is imminent? Prof. Massin says the problem is one to two centuries away. Assuming Z-Corp's effluent is harming the sludge, and the sludge is slowly poisoning the farmers' crops, how imminent is the public harm?**



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Imminent Public Harm:

Discussion Question #5

How imminent is the public harm, assuming Z-Corp is causing harm to the sludge, and the City does not change regulations?

How urgent is the situation with the farmers' fields, assuming Z-Corp is damaging the fields?

Increase 500% over 5 years

Time Years	% Increase of Production	Production Level Times Current	Years to Damage Fields Min	Years to Damage Fields Max
0	0%	1	100	200
1	100%	2	49	99
2	200%	3	31	65
3	300%	4	22	47
4	400%	5	16	36
5	500%	6	12	28

How long will it take to study situation and determine what changes, if any, should be made in the regulations?

How long will it take to study the situation to determine whether current regulations should be changed to protect the public interest?



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David v Robert Whistle Blowing:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Trueteel/Robert Williams (De George): Had a moral duty to blow the whistle and he did not (Engineering Status May Also Impose A Duty)**
- **Gilbane Gold/David Jackson (De George): Had no moral authority to whistle blow, but he did. (Engineering Status may suggest a duty to report to the Board, but not to the press)**



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David v Robert Whistle Blowing:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **Gilbane/David Jackson (De George):**
 - *DE GEORGE DOES NOT GIVE DAVID THE MORAL AUTHORITY TO BLOW THE WHISTLE ON Z-CORP*
 - *We don't need to reach Criteria 4 or 5, but:*
 - *David does **NOT** have documentation that would convince an objective 3rd party about this hazard.*
 - *Acting now by blowing the whistle will not eliminate an imminent public hazard because there is no imminent public hazard to remove, even if the discharge creates a future public hazard.*
 - **Why would you demand that David damage his future under these circumstances? De George Would Not!**



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David v Robert Whistle Blowing:

WHISTLE BLOWING TRUESTEEL VS GILBANE GOLD

- **These cases provide bookend analyses for the De George process.**

- **Real life cases will fall between these bookends when using the De George Analysis**

- **Whistle blowing decisions require very careful consideration of the facts, and delineation of facts from opinion or belief**



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Whistleblowers:

Discussion Question #6

In "Gilbane Gold," Z-Corp terminated its relationship with Tom Richards, an independent engineering consultant to Z-Corp. Subsequently, Richards shared certain information with the press about Z-Corp's operations and internal decision-making. In addition, " Professor Massin, a Professor of Civil Engineering had some contacts and knowledge about Z-Corp. Subsequently, Massin shared certain information with the press for the TV program about Z-Corp's operations.

1. In 2 to 4 sentences, explain whether Professor Massin's discussions with the press violated a duty of confidentiality.
2. In 2 to 4 sentences, explain whether Professor Massin is a whistle blower in the Gilbane Gold case.
3. In 2 or 4 sentences, explain whether Tom Richards' discussions with the press violated a duty of confidentiality
4. In 2 or 4 sentences, explain whether Tom Richards is a whistle blower in the Gilbane Gold case

B	Steigerwald
C	Hornbeck
E	Leach



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- **Professor Massin's Confidentiality**

6	1	Violated	Not Viol.
	B	0	7
	C	1	5
	E	1	5
		2	17

- **Professor Massin's whistle blower status**

6	2	YES	NO
	B	2	5
	C	1	5
	E	1	5
		4	15



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Whistleblowers:

Discussion Question #6

All else being the same, would Professor Massin be a whistle blower if he had spoken ill of Z-Corp with the reporter?



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Whistleblowers:

Discussion Question #6

All else being the same, would Professor Massin be a whistle blower if he had spoken ill of Z-Corp with the reporter? **No because nothing in the case shows any relationship between the Professor and Z-Corp to create a confidentiality duty.**

All else being the same, would it make a difference if David Jackson shared negative confidential information with the Professor, and the Professor acted as a conduit for that information to reach the public?



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Whistleblowers:

Discussion Question #6

All else being the same, would Professor Massin be a whistle blower if he had spoken ill of Z-Corp with the reporter? No because nothing in the case shows any relationship between the Professor and Z-Corp to create a confidentiality duty.

All else being the same, would it make a difference if David Jackson shared negative confidential information with the Professor, and the Professor acted as a conduit for that information to reach the public? No. Isn't that what the KC Star did on the Hyatt case?



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- **Tom Richards' Confidentiality**

6	3	Violated	Not Viol.
	B	7	0
	C	6	0
	E	6	0
		19	0

- **Tom Richards' whistle blower status**

6	4	YES	NO
	B	7	0
	C	6	0
	E	6	0
		19	0



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- **Does Tom Richards believe the regulations should require a different test?**



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- Does Tom Richards believe the regulations should require a different test? **Yes.**
- Does Tom Richards believe that dilution of effluent should not occur?



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- Does Tom Richards believe the regulations should require a different test? **Yes.**
- Does Tom Richards believe that dilution of effluent should not occur? **Yes.**
- Does Tom Richards believe that the amount of arsenic and lead the regulations allow someone to release is too high?



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- Does Tom Richards believe the regulations should require a different test? **Yes.**
- Does Tom Richards believe that dilution of effluent should not occur? **Yes.**
- Does Tom Richards believe that the amount of arsenic and lead the regulations allow someone to release is too high? **Yes.**
- Who can fix those things?



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- Does Tom Richards believe the regulations should require a different test? **Yes.**
- Does Tom Richards believe that dilution of effluent should not occur? **Yes.**
- Does Tom Richards believe that the amount of arsenic and lead the regulations allow someone to release is too high? **Yes.**
- Who can fix those things? **City of Gilbane.**
- Isn't Tom Richards' beef really with the City of Gilbane and not Z-Corp?



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- Does Tom Richards believe the regulations should require a different test? **Yes.**
- Does Tom Richards believe that dilution of effluent should not occur? **Yes.**
- Does Tom Richards believe that the amount of arsenic and lead the regulations allow someone to release is too high? **Yes.**
- Who can fix those things? **City of Gilbane.**
- Isn't Tom Richards' beef really with the City of Gilbane and not Z-Corp? **Yes.**



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Whistleblowers:

ETHICAL DECISION-MAKING ANALYSIS

- **Why do you think Tom Richards is so eager for David to blow the whistle?**
- **What did you think about Tom Richards' assertion that there was not enough time to allow the experts to study the issue because "by then the damage will be done"?**
- **What will happen when David meets with Diane Collins and the lawyer the next morning?**



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Confidentiality:

CONFIDENTIALITY

- **Who owns the right to confidentiality, the engineer or the employer/client?**



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Confidentiality:

CONFIDENTIALITY

- Who owns the right to confidentiality, the engineer or the employer/client? **The owner of the information owns the right to confidentiality. In this case, it is Z-Corp, not Richards or Jackson.**
- Does Tom Richards owe Z-Corp a duty of confidentiality after Z-Corp terminated the business relationship?



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Confidentiality:

CONFIDENTIALITY

- Who owns the right to confidentiality, the engineer or the employer/client? **The owner of the information owns the right to confidentiality. In this case, it is Z-Corp, not Richards or Jackson.**
- Does Tom Richards owe Z-Corp a duty of confidentiality after Z-Corp terminated the business relationship? **Yes. Z-Corp's termination of the business relationship does not create consent to disclose confidential information.**
- <https://www.nspe.org/resources/ethics/code-ethics>
 - III. Professional Obligations
 - Section 4:
Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.



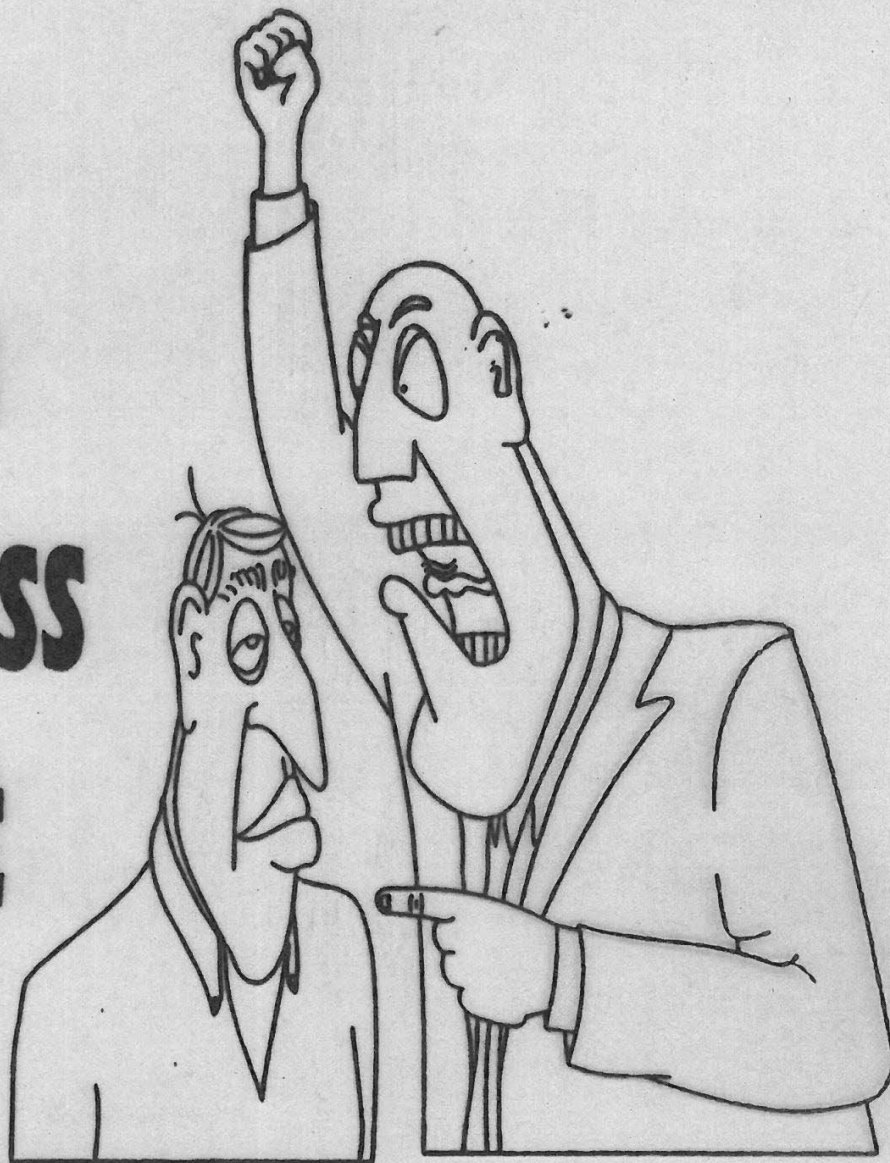
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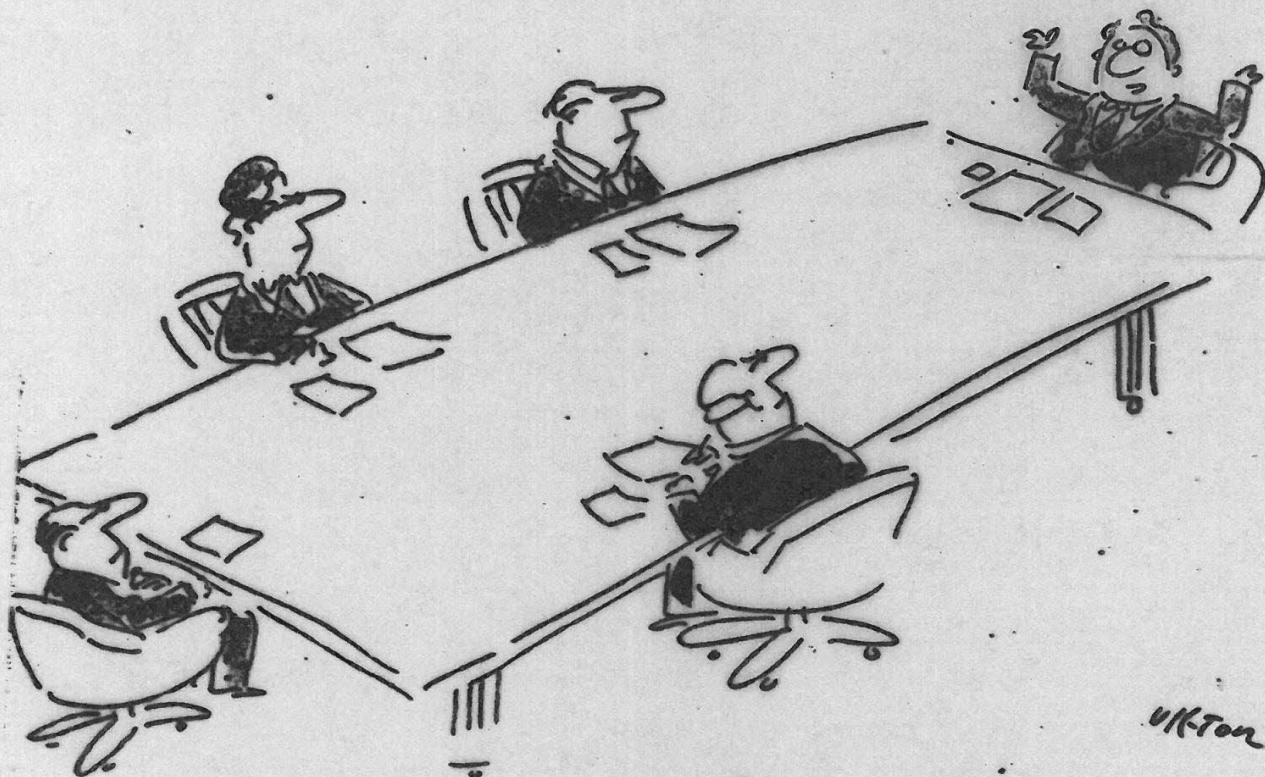
Gilbane Gold

David Jackson's Situation

- David believes Z-Corp is harming sludge
 - However, **harm to the sludge is debatable**
 - Objective People, including Professor Massin, disagree with David on issue, thus debatable
- David's situation may differ if this is not debatable?
- Why would the authors of this case make this issue debatable?

**How do you
tell the truth
when the boss
doesn't want
you to?**

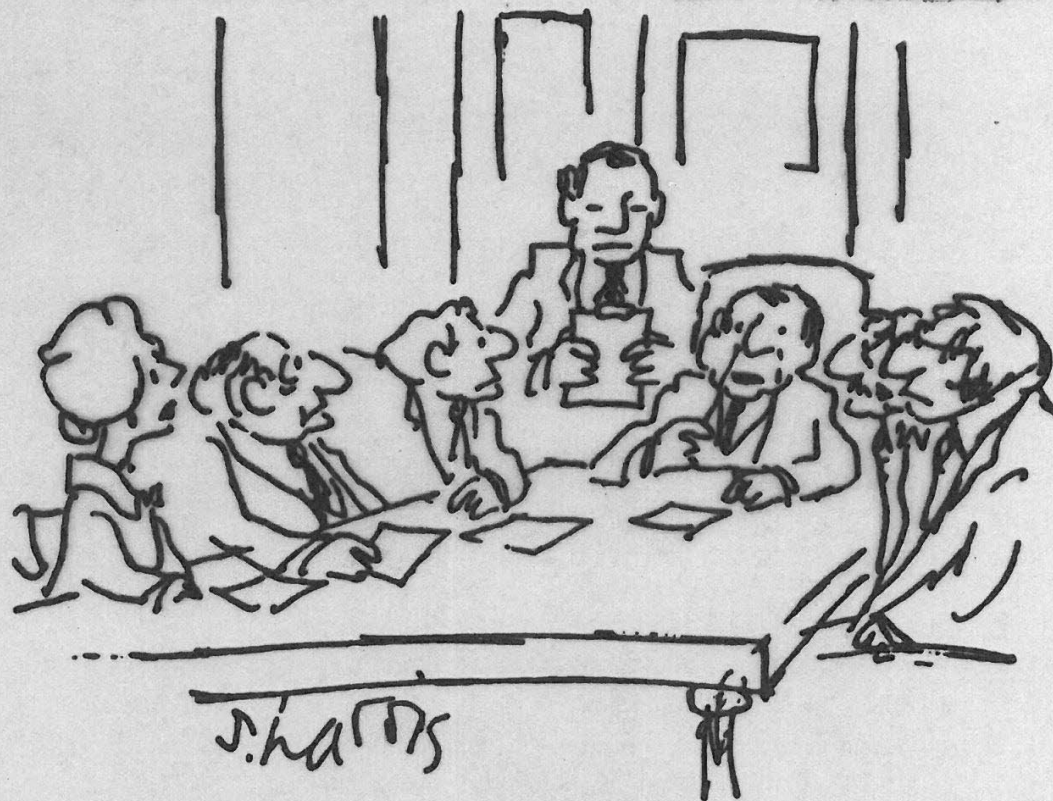




"This might not be ethical. Is that a problem for anybody?"



**"MISS JOHNSON WILL NOW PASS OUT THE MORAL
BLINDERS."**



"MR. CUMMINGS WILL NOW DISCUSS THAT GRAY
AREA BETWEEN LEGAL ACTS AND ILLEGAL ACTS."

Copyright 1993 by Sidney Harris — "So So Mel" Rutgers University Press



**“Here’s the new company transparency plan.
Just remember, it’s top secret ...”**



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Gilbane Gold

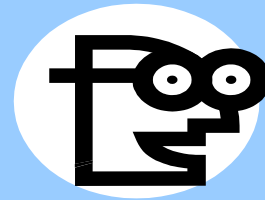
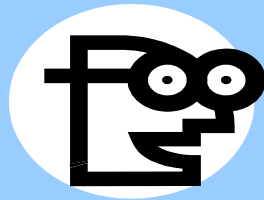
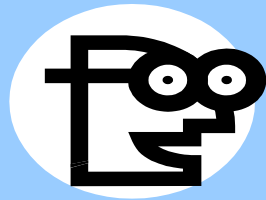
DEFYING THE BOSS

These are difficult ethical situations that challenge many professionals in the workplace

Be sure that your belief about the “truth” is correct before deciding to defy the boss!



CE 401 CE Seminar Final Questions:



It's QUESTION TIME !!