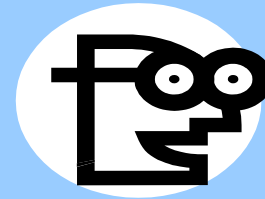
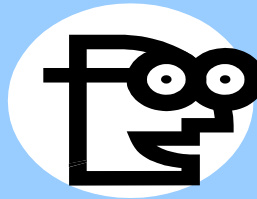
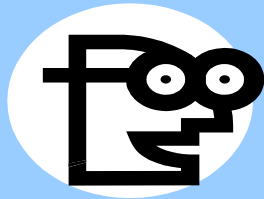




CE 401 CE Seminar General Questions:



It's QUESTION TIME!!



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

DISCUSSION GROUP ACTIVITY

Timely Initial Posts: 100.0%			Last Update 28-Feb-25 7:35 AM				
Section 2			Week 7	Discussion Question Activity Report			
Question	Group	Leader	1	2	3	4	5
1	A	Jones	Boon	Bruser	Jones	McFarland	
1	B	Aellen	Aellen	Dave	Quisenberry	Turner	
1	C	Wright	Clack	Guizio	Wright		
1	D	Kemper	Diallo, M	Diallo, T	Kemper		
1	E	Cummings	Cummings	Hohn	Sterba-Green		
1	F						
2	A	Boon	Boon	Bruser	Jones	McFarland	
2	B	Quisenberry	Aellen	Dave	Quisenberry	Turner	
2	C	Guizio	Clack	Guizio	Wright		
2	D	Diallo, T	Diallo, M	Diallo, T	Kemper		
2	E	Hohn	Cummings	Hohn	Sterba-Green		
2	F						
3	A	Bruser	Boon	Bruser	Jones	McFarland	
3	B	Dave	Aellen	Dave	Quisenberry	Turner	
3	C	Clack	Clack	Guizio	Wright		
3	D	Diallo, M	Diallo, M	Diallo, T	Kemper		
3	E	Sterba-Green	Cummings	Hohn	Sterba-Green		
3	F						
Font Legend							
non-bold No post made, time for posting remains				non-bold Late Post before consensus, 20% loss			
Bold / Bold Post made within Time				Bold Post is made after consensus, 60% loss			
Non-Bold Leader-No Consensus Posted, -5 Points				<i>Ital. non-bold</i> No Post Made, 100% loss			



CE 401 Civil Engineering Seminar

Quiz 6

QUIZ RESULTS

Quiz 6

Range: 4-10; Average 9

W/ Text Historic 4-10; Average 8.5

0.667 (22 of 33) Perfect Scores on Quiz 6



CE 401 Civil Engineering Seminar

Gilbane Gold Follow up:

Regulations like those featured in Gilbane Gold serve multiple purposes, among them:

- 1) They announce to the world what conduct is required by law and what conduct is permitted by law**
- 2) They define the rules of engagement for business activity, e.g. they create the level playing field for economic competition.**

Businesses have no unilateral duty to do more than their regulations dictate, and businesses will comply with the regulations to the letter in a free competitive market.



CE 401 Civil Engineering Seminar

Gilbane Gold Follow up:

When David Jackson faces his dilemma, one of David's options is to leave Z-Corp for Greener Pastures.

- What are the probable consequences of this option on the stakeholders?
 - The City, a stakeholder as the seller of Gilbane Gold, is aware of the situation and can still consider new rule making to protect its Gilbane Gold, if needed or stop selling it-**NO CHANGE**
 - Z-Corp, a stakeholder as a regulated entity, and other regulated entities in Gilbane can still consider staying or moving-**NO CHANGE**
- What are the probable consequences of this option on the non-stakeholders?
 - The City (as governing body) can consider continuing or stopping sales of Gilbane Gold to farmers based on impacts to jobs, the tax base, and property tax rates, and the safety of using their product-**NO CHANGE**
 - The farmers can still consider purchasing more, less, or no Gilbane Gold from the City-**NO CHANGE**
 - The consumers can still consider purchasing more, less, or no food grown on fields fertilized with Gilbane Gold-**NO CHANGE**



CE 401 Civil Engineering Seminar

Whose Decisions Are the Focus?

When David Jackson faces his dilemma, one option is to leave Z-Corp for Greener Pastures.

- **Is it appropriate to demand David Jackson stay because someone else may or may not do something contrary to your preferences?**
 - **The City might decide to keep the rules as they are; therefore, David Can't Leave**
 - **The farmers might decide to use even more Gilbane Gold; therefore, David Can't Leave**
 - **Z-Corp may hire another engineer to take David's place who will go along with dilution; therefore, David Can't Leave**



CE 401 Civil Engineering Seminar

Whose Decisions Are the Focus?

The focus with ethics is how one makes choices/decisions, not how others might make their choices/decisions.

- **Each person is responsible for his/her own decisions**
- **A person is NOT responsible for the decisions that others make or may make**
- **It is difficult enough to make one's own decisions.**



CE 401 Civil Engineering Seminar

Ethical Conduct:

Ethics = Standards of Conduct

Standards are based on Relationship Types

- 1) Conduct that affects the public health/safety/welfare***
- 2) Conduct that affects clients/employers***
- 3) Conduct that affects our peers (engineers and other co-workers), and***
- 4) Conduct that affects our profession***



CE 401 Civil Engineering Seminar

Ethical Conduct:

Ethics = Standards of Conduct

Standards are based on Relationship Types

- 1) Truesteel and Gilbane raised questions on all four levels***
- 2) Testing Water raises questions in areas 2 and 3, but not 1 or 4.***

Some ethical decisions

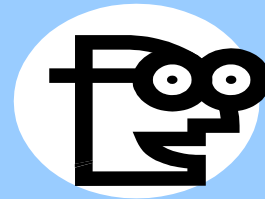
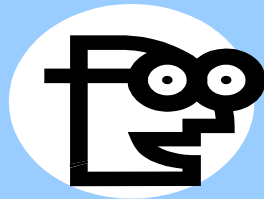
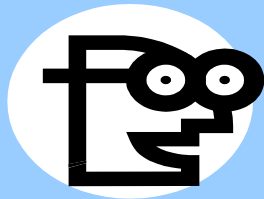
don't affect the public or the profession!!

What about "Incident at Morales"?



CE 401 CE Seminar

High Expectations:



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *What is Jim Duffy's decision in this case?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *What is Jim Duffy's decision in this case? **He must decide whether he will write a partial report as directed or not. (like DILUTE AS DIRECTED OR NOT)***
- *Is that an ethical dilemma for Jim?*

?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *What is Jim Duffy's decision in this case? He must decide whether he will write a partial report as directed or not.*
- *Isn't that an ethical dilemma for Jim? Yes, pitting his ethical duty of Loyalty to his employer against his ethical duty to fully report relevant information*
- *Is this the central decision in this case?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *What is Jim Duffy's decision in this case? He must decide whether he will write a partial report as directed or not.*
- *Isn't that an ethical dilemma for Jim? Yes, pitting his ethical duty of Loyalty to his employer against his ethical duty to fully report relevant information*
- *Is this the central decision in this case? No*
- *What is the central decision in this case?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *What is Jim Duffy's decision in this case? He must decide whether he will write a partial report as directed or not.*
- *Isn't that an ethical dilemma for Jim? Yes, pitting Loyalty to his employer against his duty to fully report relevant data and information*
- *Is this the central decision in this case? No*
- *What is the central decision in this case? Should Porter Rodman violate its promise to do partial reporting or violate its duty for full reporting?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *Did Jim Duffy resolve his ethical dilemma?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *Did Jim Duffy resolve his ethical dilemma? **Yes, he challenged his boss's demand for partial reporting.***
- *How did that resolve Jim's dilemma?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *Did Jim Duffy resolve his ethical dilemma? Yes, he challenged his boss's demand for partial reporting.*
- *How did that resolve Jim's dilemma? By forcing Porter-Rodman to confront their issue and resolve it.*
- *Who is the decision maker?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *Did Jim Duffy resolve his ethical dilemma? Yes, he challenged his boss's demand for partial reporting.*
- *How did that resolve Jim's dilemma? By forcing Porter-Rodman to confront their issue and resolve it.*
- *Who is the decision maker? Porter-Rodman management*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

This case provides nice lessons:

- *How to exhaust internal channels without creating a host of enemies in the process,*
- *How the exhaustion process can work to the benefit of the concerned employee and the company, and*
- *Why it is important to clearly define the specific question the decision-maker must answer. **It was never Jim Duffy's decision about complying with the contract.***

These are IPP's greatest contributions to this conversation about ethical decision making.



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- **The real ethical dilemma in this case is Porter-Rodman Engineering's, and pits:**
 - **Confidentiality and Promise Keeping vs**
 - **Honesty in Reporting**
- **Questions arise due to the circumstances that created this dilemma**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- **How was this dilemma created?**
By Whom? When?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- How was this dilemma created?
By Whom? When?
 - Dilemma created by Porter-Rodman when Porter-Rodman agreed to a contract that required partial reporting and prohibited full reporting
 - At that moment, Porter-Rodman knew or should have known the ethical issue



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- **Who are the Stakeholders?**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- Who are the Stakeholders?

- Porter-Rodman

- Anderson Properties/Ed Anderson/Client

- Prospective buyers of the property

- Is the Public Health, Safety, or Welfare affected in this case?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

•Who are the Stakeholders?

- Porter-Rodman
- Anderson Properties/Ed Anderson/Client
- Prospective buyers of the property

•Is the Public Health, Safety, or Welfare affected in this case? **Probably not, based on the facts in case .**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- **The case presents the following options:**
 - 1. Back out of Contract-Breach of Promise**
 - 2. Send Anderson a Letter recommending full reporting of all wells-then go along**
 - 3. Pay part of cost of more investigation if full reporting requires more work**
 - 4. Partial Report per Contract (Do Nothing)**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- **What rationalizations appeared in video?**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

•What rationalizations appeared in video?

- Everybody Does It.
- It Doesn't Hurt Anyone.
- If it's Legal, It's Ethical.
- If it's Necessary, It's Ethical.



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- One engineer told Duffy, “Just Give The Client What He Wants”
 - Is this an appropriate business goal?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- One engineer told Duffy, “Just Give The Client What He Wants”
 - Is this an appropriate business goal?
Always important to satisfy clients. To not do so will risk business success.
 - What about when other duties supersede this business goal?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- One engineer told Duffy, “Just Give The Client What He Wants”

- Isn't this an appropriate business goal?

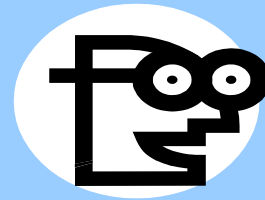
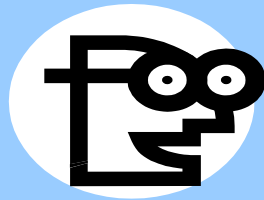
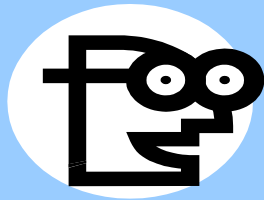
- Always important to satisfy clients. To not do so will risk business success.

- What about when other duties supersede this business goal? **Professionals should not violate ethical or legal duties solely to satisfy a client demand or expectation.**



CE 401 CE Seminar

Testing Water ... and Ethics:



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #1

The "Testing Water ... and Ethics" case identified four options available to Porter-Rodman Engineering. In answering these questions, please reference options from the 4 specific options identified in the video as follows:

- 1 Back out of Contract
- 2 CYA Letter
- 3 Financial Assistance
- 4 Partial Reporting per Contract

GROUP	LEAST	MOST	WE'D DO
A	4	3	4
B	4	1	2
C	4	3	2
D	4	1	3
E	4	1	2
F			

After viewing the video, in 1 to 2 sentences each, answer the following three questions.

Question A: Which option is the least ethical option and why?

Question B: Which option is the most ethical option and why?

Question C: Which option would you select?

A	Jones
B	Aellen
C	Wright
D	Kemper
E	Cummings
F	



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- Which Option is LEAST ethical? Why?

Option Number	Option Description	Least Ethical
1	Back out of Contract	1
2	CYA Letter	1
3	Financial Assistance	0
4	Partial Reporting per Contract	31



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

• Which Option is MOST ethical? Why?

Option Number	Option Description	Most Ethical
1	Back out of Contract	22
2	CYA Letter	1
3	Financial Assistance	10
4	Partial Reporting per Contract	0



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

•What would you do? Why?

Option Number	Option Description	I'd Do
1	Back out of Contract	4
2	CYA Letter	23
3	Financial Assistance	4
4	Partial Reporting per Contract	2



CE 401 Civil Engineering Seminar

Introduction & Incident At Morales

Discussion Question #2

In the epilogue of the "Testing Water ... and Ethics" case, Jim Duffy claims that Porter-Rodman Engineering is excused from its ethical duty to report the two additional wells in this case. After viewing the video, in 2 to 3 sentences each, answer the three questions.

Question A: Do you agree that in this specific case, Porter-Rodman Engineering does not have to fully report the two additional wells, and why?

Section 1	6	10
Section 2	11	6
		Agree Disagree

Question B: What is the specific excuse that Porter-Rodman Engineering cites that they say excuses them from their ethical duty to report the two additional wells?

Question C: Using Josephson's specific language from any of the three Josephson GKC criteria, define a legitimate and an illegitimate excuse for violating an ethical value, and discuss the difference between a legitimate and an illegitimate excuse.

Question D: In this specific case, is the excuse that Porter-Rodman Engineering cites (Your Answer to Question B) legitimate or illegitimate, and why?

Question E: Do your conclusions about this case also mean in a more general sense that when there is a conflict between an engineer's important business interest and an engineer's ethical obligation, the engineer is excused from the ethical obligation, and why?

A	Boon
B	Quisenberry
C	Guizio
D	Diallo, T
E	Hohn
F	



CE 401 Civil Engineering Seminar

Introduction & Incident At Morales

Discussion Question #2

In the epilogue of the "Testing Water ... and Ethics" case, Jim Duffy claims that Porter-Rodman Engineering is excused from its ethical duty to report the two additional wells in this case. **After viewing the video, in 2 to 3 sentences each, answer the three questions.**

Question A: Do you agree with this claim, and why?

GROUP		AGREE	DISAGREE		
A		X		A	Boon
B		X		B	Quisenberry
C		X		C	Guizio
D			X	D	Diallo, T
E		X		E	Hohn
F				F	



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

Agree or Disagree that Porter Rodman is excused from its ethical duty of full reporting.

- A majority disagrees with this assertion



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

Agree or Disagree that Porter Rodman is excused from its ethical duty of full reporting.

- A majority disagrees with this assertion
 - Never an excuse to violate an ethical duty
 - Must comply with the ethical duty when it conflicts with a non-ethical value, e.g. business interests



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

Agree or Disagree that Porter Rodman is excused from its ethical duty of full reporting.

- A majority disagrees with this assertion
 - Never an excuse to violate an ethical duty
 - Must comply with the ethical duty when it conflicts with a non-ethical value, e.g. business interests
- What if this ethical duty conflicts with another ethical duty like promise keeping?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

Agree or Disagree that Porter Rodman is excused from its ethical duty of full reporting.

- A majority disagrees with this assertion
 - Never an excuse to violate an ethical duty
 - Must comply with the ethical duty when it conflicts with a non-ethical value, e.g. business interests
- What if this ethical duty conflicts with another ethical duty like promise keeping?
 - What if full reporting causes less harm than promise keeping?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

Agree or Disagree that Porter Rodman is excused from its ethical duty of full reporting.

- A majority disagrees with this assertion
 - Never an excuse to violate an ethical duty
 - Must comply with the ethical duty when it conflicts with a non-ethical value, e.g. business interests
- What if this ethical duty conflicts with another ethical duty like promise keeping?
 - What if full reporting causes less harm than promise keeping?
 - What if full reporting causes more harm than promise keeping?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

What is the difference between a legitimate and illegitimate excuse? In answering this question, make specific reference to Josephson's three GKC criteria.

- Illegitimate Excuse:



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

What is the difference between a legitimate and illegitimate excuse? In answering this question, make specific reference to Josephson's three GKC criteria.

- Illegitimate Excuse: **2nd GKC criterion provides the clue. It is “illegitimate” to excuse violating an ethical obligation to advance a non-ethical value.**
- Legitimate Excuse:



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

What is the difference between a legitimate and illegitimate excuse? In answering this question, make specific reference to Josephson's three GKC criteria.

- Illegitimate Excuse: **2nd GKC criterion provides the clue. It is "illegitimate" to excuse violating an ethical obligation to advance a non-ethical value.**
- Legitimate Excuse: **3rd GKC criterion provides the clue. It is "legitimate" to excuse violating an ethical obligation when it is necessary to advance another ethical obligation that will produce the greatest balance of good over bad outcomes.**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

This case has been framed as a conflict between an ethical duty (full reporting) and a non-ethical value (business interests). **Not a Dilemma!**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

The Josephson criteria requires a decision maker to identify the proper level of the issue

- **For a conflict between an ethical value and a non-ethical value**
 - **The ethical value must trump the non-ethical value, and**
 - **There is no legitimate excuse to violate the ethical duty**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

This case has been framed as a conflict between an ethical duty (full reporting) and a non-ethical value (business interests). **Not a Dilemma!**

The case analysis can also be framed as a conflict between two ethical duties, full reporting and promise-keeping.

An Ethical Dilemma!



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #2

The Josephson criteria requires a decision maker to identify the proper level of the issue

- **For a conflict between an ethical value and a non-ethical value**
 - The ethical value must trump the non-ethical value, and
 - There is no legitimate excuse to violate the ethical duty
- **For a conflict between competing ethical values.**
 - When there is an Ethical Dilemma, there is a legitimate excuse to violate an ethical value
 - The goal is to find the option that will produce the greatest balance of good over bad in the long run, **BASED ON THE FACTS.**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #3

In the Epilogue, Jim Duffy explains that a decision maker is only required to make "reasonable" personal sacrifice to do the ethical thing and is excused from doing the ethical thing if the sacrifice is unreasonable. However, the program does not clarify whether Duffy's "reasonable sacrifice" standard should be applied as either a "subjective" or an "objective" standard.

- If this standard is applied as a subjective standard, the decision maker determines whether the required personal sacrifice is "unreasonable"
- If this standard is applied as an objective standard, a disinterested third party will determine whether the required personal sacrifice was "unreasonable" based on the facts of the case.

1. Explain Duffy's "reasonable sacrifice" standard with respect to ethical decision-making.
2. In at least 1 well-developed paragraph, explain whether and why Duffy's "reasonable sacrifice" standard should be applied either objectively or subjectively

13	3	Section 1
13	4	Section 2
Objective	Sub	Group ID

GROUP	AGREE	DISAGREE
A	X	
B	X	
C	X	
D		X
E	X	
F		

A	Bruser
B	Dave
C	Clack
D	Diallo, M
E	Sterba-Green
F	



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #3

Section 1:

Group	Leader	Sub/ Obj	Combined Group Votes
A	Watterson	Obj	2 - 2
B	Little	Obj	3 - 0
C	Smith	Obj	3 - 0
D	Vargas	Obj	3 - 0
E	Leach	Obj	2 - 1
F			0 - 0
Groups	Section 1	5-0-0	13 - 3

Section 2:

Group	Leader	Sub/ Obj	Combined Group Votes
A	Bruser	Obj	4 - 0
B	Dave	Obj	2 - 2
C	Clack	Obj	2 - 1
D	Diallo, M	Obj	3 - 0
E	Sterba-Green	Obj	2 - 1
F			0 - 0
Groups	Section 2	5-0-0	13 - 4
All Groups	Both Sections	10-0-0	26 - 7



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #3

- **Questions about reasonable sacrifice only arise if someone else challenges the propriety of a decision, right?**
- **Consider the whistle blower in the Hyatt case.**
 - **Had he decided to blow the whistle prior to the failure he would have suffered negative personal consequences**
 - **Loss of job**
 - **Financial ruin**
 - **Etc.**
 - **He concluded the personal sacrifice due to blowing the whistle was unreasonable and remained quiet.**
- **Was he right that his personal sacrifice was unreasonable? Is it any of my business to question?**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Discussion Question #3

- **Who should determine whether the personal sacrifice that the decision maker wants to avoid is reasonable or unreasonable?**
 - The decision maker (subjective),
 - An accuser (prosecutorial), or
 - A third party (objective)
- **If I get to decide whether my personal sacrifice is unreasonable, what prevents me from rejecting any and all personal sacrifice as unreasonable in a subjective system?**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

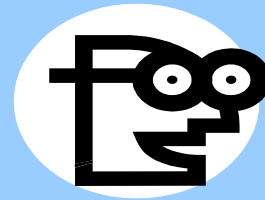
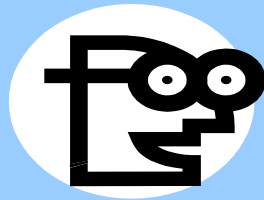
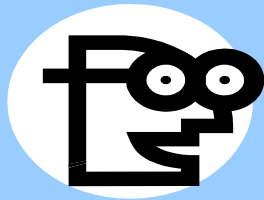
Discussion Question #3

- In the “Testing Water” case, Porter-Rodman management concluded that the sacrifice of losing Anderson Properties as a client under the facts in the case would be unreasonable.
- But that is not the end of it because should a prospective buyer accuse the impropriety of that decision, a jury would make the ultimate determination of this specific question.
- That finding would be objective.
- The decision-maker must understand that the assessment of “reasonable sacrifice” will ultimately be assessed as an objective standard.



CE 401 CE Seminar

Testing Water ... and Ethics:



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- *Porter-Rodman agreed to a contract that requires them to violate a known ethical duty, thereby creating the ethical dilemma in this case. (Promise-Keeping vs. Full Reporting)*
- *Is it proper for a party to ignore an ethical duty in entering a contract and thereby create a dilemma that is based on the choice of violating a promise (contract) or the ethical duty the party agreed to violate in creating the contract?*
- *Isn't the contract the "fruit of the poisonous tree" produced by Porter-Rodman's original ethical breach?*
- *Is this a "self created" Ethical Dilemma?*
- *Was Porter-Rodman's decision about which ethical duty it would honor predetermined when it agreed to ignore its ethical duty in order to gain the contract, e.g. violating an ethical duty for a non-ethical reason?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

- ***Isn't Option 2 just as unethical as Option 4?***
 - ***Option 4 is partial reporting per the contract***
 - ***Option 2 is partial reporting per the contract with the CYA letter that cannot alter or change ethical duties***
- ***However, Breaching the contract is also an ethical violation (promise keeping duty) justified by fixing the original breach.***
- ***Porter-Rodman should have never agreed to the partial reporting at the outset and their agreement to violate the ethical code can't be treated as an "honest oversight" due to imputed knowledge***
- ***However, if Porter-Rodman argues that it make an "honest" error without appreciating the contract violates the code, shouldn't they either negotiate a change (#3) or withdrawn from the contract (#1).***



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

This case is much more about legal duties than ethical duties

- 1. Can Porter-Rodman and Jim Duffy be sued for submitting a report that does not contain all relevant data?***
- 2. Do C-Y-A Letters Work?***



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

*1. Can Porter-Rodman and Jim Duffy be sued? **Yes, they can!***

- *On what grounds?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

1. *Can Porter-Rodman and Jim Duffy be sued? **Yes, they can!***

- *On what grounds? **Negligent or Fraudulent Misrepresentation***

[https://web.engr.uky.edu/~jrchee0/CE%20401/Important%20Legal%20Decisions/Negligent%20Misrepresentation-Economic%20Loss%20Rule/Rest%20d%20Torts%20Section%20552%20\(Negligent%20Misrepresentation.pdf](https://web.engr.uky.edu/~jrchee0/CE%20401/Important%20Legal%20Decisions/Negligent%20Misrepresentation-Economic%20Loss%20Rule/Rest%20d%20Torts%20Section%20552%20(Negligent%20Misrepresentation.pdf)

- *By whom?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

*1. Can Porter-Rodman and Jim Duffy be sued? **Yes, they can!***

- *On what grounds? **Negligent or Fraudulent Misrepresentation***

[https://web.engr.uky.edu/~jrchee0/CE%20401/Important%20Legal%20Decisions/Negligent%20Misrepresentation-Economic%20Loss%20Rule/Rest%202d%20Torts%20Section%20552%20\(Negligent%20Misrepresentation.pdf](https://web.engr.uky.edu/~jrchee0/CE%20401/Important%20Legal%20Decisions/Negligent%20Misrepresentation-Economic%20Loss%20Rule/Rest%202d%20Torts%20Section%20552%20(Negligent%20Misrepresentation.pdf)

- *By whom? **Prospective buyers***



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Why Write a C-Y-A Letter?



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

Why Write a C-Y-A Letter?

To safeguard against any future misunderstandings or disputes by providing evidence of the actions taken and advice given.



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

1. Do C-Y-A Letters Work?

- *Do they provide protection against allegations of ethical breach?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

1. Do C-Y-A Letters Work?

- *Do they provide protection against allegations of ethical breach? **No.***
- *Do they provide protection against legal liability?*



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

1. Do C-Y-A Letters Work?

- *Do they provide protection against allegations of ethical breach? **No.***
- *Do they provide protection against legal liability? **Maybe***



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

CLOSING COMMENTS ON ETHICAL DECISIONS

- **We have**

- **Reviewed the role of our Code of Ethics**
- **Reviewed Ethical Theory**
- **Introduced ethical values and decision-making criteria, and**
- **Applied Josephson's EDM three to Engineering dilemmas**



CE 401 Civil Engineering Seminar

Testing Water ... and Ethics

CLOSING COMMENTS ON ETHICAL DECISIONS

The Goal:

For each person to make MORE ETHICAL DECISIONS, MORE OFTEN

- Requires an ethical commitment
- Requires ethical humility
- Before you act, ask what you would do if:
 - My action will be tomorrow's headline
 - My kid is watching over my shoulder

What would the most ethical person you know do?

YOUR PERSONAL WARNING SYSTEM

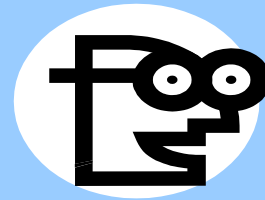
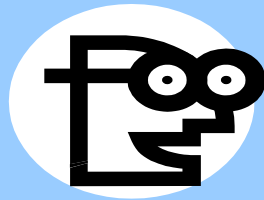
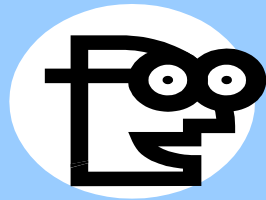


PROVIDED
COURTESY OF
NORTHROP
B-2 Division



CE 401 CE Seminar

Ethics and Decision Making:



It's QUESTION TIME !!