

Ethics

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Nomenclature

In the discussion of ethics the first issue is always nomenclature. Sadly, this is often the topic that gets the least attention and frequently those involved in the conversation conduct deep insightful discourses in which there is virtually no understanding exchanged, although the participants will all agree that the quality of the rhetoric was outstanding.

The problem with the words ethics and morals is that they are generally interchangeable. Admittedly there are subtleties in their use and connotation but generally they both mean a system of standards for good and evil, right and wrong, and the condition of being in harmony or disharmony with them (ethical, unethical, moral, immoral).

In the study of ethics we need a common set of definitions so let us will tighten the definitions as follows.

Ethics is a system of rules for behavior. As such, every individual, group, or subgroup has ethics. It represents the individuals' choices for their behavior or, for a group or subgroup, an agreed upon set of rules for behavior. Implied in this is that the individuals over themselves, or the group or subgroup over its members or those under its authority, have the right to enforce those rules. One can say "I don't accept your authority or the correctness of your ethics", but this does not relieve that individual from the consequences and authority of that group.

Morals are an individual's decision to behave in a manner in alignment with the ethics or not. It

is available to have a set of ethics but have chosen not to follow them. A classic example used to differentiate morals and ethics is "An ethical man knows he shouldn't cheat on his wife, a moral man is faithful to her."

Habits are the way we conduct ourselves day to day. These behaviors are set by repetition. This is the way I did it last time, this is the way I will do it now. There are good habits and bad habits that shape our behavior. These behaviors are often either unconscious or typified by a lack of thought prior to the action. So an individual can do something "wrong" and even though they acknowledge that it is "wrong", having done it in the past, simply does it again. In literature this has many euphemisms: jaded, a calloused soul, "conscience seared with a hot iron". All of these imply that in the repetition a moral numbness sets in that relieves the individual of the consequences of personal ethics relative to the deed. Habits rather than ethics and morals become the controlling factor in our behavior.

Conflict of Interest

A conflict of interest exists when a decision you make on behalf of your company or client could benefit you in some way personally beyond your compensation for performing your job. A conflict of interest can exist even if there is no intention to make a decision other than what is best for your client. For example, if you are specifying valves and you have a relative that sells valves and is likely to bid on the contract, you have a conflict of interest. If you could receive some financial or other gain or loss because of your decision, you have a conflict of interest. Blatant examples would include being

offered a bribe, the opportunity for insider trading, or having authority over a decision that could increase the value of something in which you have an interest.

Tests

The first of the Fundamental Canons of the National Society of Professional Engineers is “Hold paramount the safety, health, and welfare of the public.” This or a similar statement is attributed to all professional ethics.

There are various tests that have been promulgated to judge whether an action is right or wrong. These are summarized briefly below.

What would a reasonable person think?

Would a reasonable person observing your actions (not your motives, people cannot see your motives) conclude that it represents unethical behavior?

Many organizations extend this to “inappropriate behavior”. Inappropriate behavior is behavior that cannot clearly be labeled unethical, but leaves the question in the reasonable person’s mind of whether there was unethical behavior. If a vendor offers you athletic tickets before you make a decision (and the vendor is not going to attend at the same time), accepting the tickets is considered a bribe. If the vendor offers you tickets after you have made the decision, accepting the tickets could be considered “inappropriate behavior”. Because in the observer’s mind the question arises, “Was the promise of the tickets made before the decision was made and was the offer of tickets dependant on the decision made?”

The “Smell” Test

Similar to the test above is the “Smell” test. Basically, does this stink? Questions associated with applying the “smell” test are:

“How would this look to my harshest critic?”

“How would this look on the front page of the newspaper?”

“If I have a doubt in my mind, will there also be a doubt in my client’s?”

The Concept of Betrayal

Is the public being betrayed, your boss, or your client?

Responses to an Ethical Problem

Avoid snap judgments. An ethical problem is simply a problem. And as with any problem it needs to be analyzed and a reasonable plan of action taken. Common knee-jerk responses to discovering that there is an ethical issue are to immediately quit or to try to hide it. The first is the act of a coward; the second is the act of a fool.

Early disclosure is very important. Once you determine a conflict of interest or some other ethical issue exists you need to inform the principals quickly. If the principals discover the issues before you bring it to their attention, the assumption will often be that you tried to hide it. If you inform the principals and none has a problem, then you don’t have a problem. Or, they may choose to develop a plan to mitigate your conflict of interest, and yet, still keep you involved in the project.

Sometimes by the time a person finds they are in an ethical jam, they are already in up to their elbows. In which case, the above still applies. If there will be consequences, so be it. You could lose your job. Go get another one. “This is going to ruin me financially.” You started once, start over. Once you have disclosed the situation, then and only then, will you know how much or how little this is going to hurt. The author leaves you with his personal mantra.

Tell the truth, take the hit, move on.