

Ted Lockhart's Commentary on "Requested to Falsify Data"

Commentary On
Requested to Falsify Data

I

The most obvious interpretation of Adam's comments to Stephanie is that he is directing her to falsify the data so that the spill appears to be under the limit requiring reporting to the state. To be sure what he has in mind, Stephanie might ask him to be clearer about what he wants her to do. For example, she might ask him exactly what he means by "rework the numbers." Probably he would resist saying directly that he is telling her to falsify data, since this would incriminate him, or at least embarrass him, if the facts were to come out. Moreover, he might regard her request for clarification as an attempt to trap him in an illegal or improper action and this might anger him even more. However, it would be advisable to try to avoid any misunderstanding about what she is being directed to do even if she is already fairly sure.

If it becomes clear that falsifying data is what Adam has in mind, then Stephanie must weigh her duty to respect institutional authority, in the person of Adam, against her duties to conform to the environmental regulations and generally to protect the safety, health, and welfare of the general public as well as her duty not to lie or misrepresent the facts. While it may be true that in this one case a "few gallons over the limit" would have no discernible negative effects on the public, Stephanie should consider what the effects would be if everyone in the industry "bent the rules" in the way that Adam appears to be demanding. It is not clear even that Adam's directive to "rework the numbers" is a legitimate exercise of his authority at XYZ or that loyalty to her employer in this situation means doing as he says. Quite possibly, XYZ's long-term interests would best be served by Stephanie's refusing to "rework the numbers," since there is a possibility that the falsification would be exposed and result in criminal charges against XYZ or serious damage to

its reputation.

Adam's main concern seems to be the amount of time that would be required to fill out the forms that would go to the state, which is of dubious ethical significance. Based on all these considerations, the most reasonable course of action for Stephanie would be to tell Adam politely and calmly but firmly that she will not falsify data in her report.



Besides agreeing to falsify data as Adam directs, it is difficult to think of a less constructive course of action than the one that she pursues here. Perhaps there is little chance that Adam's mind can be changed, but her actions eliminate that as a possibility. At the very least, Stephanie should give him her reasons for refusing to do as he requests. Probably he will not be willing to listen to Stephanie, but at least she should try. Furthermore, by resigning precipitously, she may be leaving a job that is in most respects a very good job and endangering her career. If the problem she is having with Adam could be resolved within XYZ without her taking such drastic action, then that would seem to be a much more satisfactory outcome. Also, by leaving XYZ abruptly, she does nothing to prevent similar situations in the future. Perhaps, Adam's superiors at XYZ are not fully aware of his behavior and would put a stop to it if it were reported to them.

If Stephanie resigns without attempting to correct the problems Adam is causing her, then it is likely that her successor(s) will encounter the same difficulties and that Adam's mode of behavior will not change unless someone contests his decisions. Therefore, Stephanie's passing the buck to someone else will at best only postpone resolution of the problem. Adam may well make Stephanie's life unpleasant if she decides to defy him, and Adam's superiors may take his side of the argument. However, if there is a significant chance that Adam's behavior would be modified or curtailed in such situations as this one by her staying on the job, then this seems the most constructive choice.



The situation that Bruce faces appears somewhat more problematic than the one that Stephanie found herself in, since it is less clear that for Bruce to "round off" in order to have the numbers fall below the limit for reporting to the state would constitute falsification of data and ethically impermissible lying or deception. In Bruce's case, there seems to be genuine uncertainty about the accuracy of the measurements (data) and, in particular, how significant are the digits that he is considering "rounding off". Engineers are taught early in their professional education how to tell which digits in calculated quantities are significant and should be taken into account. They also learn that measurements are often imprecise and can reliably be placed only within certain tolerances associated with the accuracy of the measuring instruments, the circumstances under which the measurements are obtained, etc. Thus, in some situations, whether a certain measurement is above or below a certain limit may be impossible to determine with assurance.

In general, there is nothing wrong with "rounding off" if it is done in accordance with established engineering and mathematical precepts. However, if Bruce's rounding off were in violation of those precepts and were motivated by his desire not to antagonize Adam or not to jeopardize his job standing at XYZ, then this would be a violation of the ethical considerations discussed in Scenario I above. It would be wrong for the same reasons that Stephanie's agreeing to falsify data at Adam's insistence would be wrong. Bruce should make the most reasonable estimate possible of the dimensions of the spill in light of the available data and what he knows about the accuracy of the measuring instruments or processes, and then he should use that estimate in his report. He should not "round off" primarily for the purpose of not confronting Adam with "bad news". No doubt Bruce's job and his career at XYZ are important to him. However, it is difficult to see what ethical significance they have in this case.

IV

A member of the state's environmental protection agency would likely consider conformity with the state's environmental regulations regarding chemical spills to be the most important consideration and would argue that XYZ should always make a good faith effort to determine whether spills exceed the limits set by those regulations in deciding whether they should be reported to the state.

The CEO at XYZ would perhaps adopt a "bottom-line mentality" about reporting chemical spills and want to consider the total long-term expected consequences based on risks of sanctions if the spills are reported as exceeding the regulatory limits, the risks of being discovered and prosecuted if the spills should be but are not reported to the state, the effects on consumer confidence in XYZ's products of the various possible outcomes, the effects on present and future XYZ stockholders of those outcomes, and the ultimate effects on profits, both short-term and long-term.

XYZ's attorneys would perhaps be interested primarily in the likelihood that the state would file charges against XYZ for violating regulations by not reporting chemical spills and, if so, whether XYZ would be able to defend itself against the state if required to do so.

XYZ's competitors in the chemical industry would perhaps be concerned about whether XYZ was gaining a competitive disadvantage over them by not incurring the expense of having effective protection of the environment against chemical spills and instead flouting the state's environmental regulations intended to curb such spills.

Members of the community would, of course, be concerned about the risks to their lives and health that would result from environmental regulations concerning chemical spills not being conformed to by the chemical industry or not being effectively enforced by the state.

It is often considered important that, in making ethical decisions, one's actions must be universalizable. In general terms, one's action is universalizable if he/she would make the same moral judgment if anyone else were to perform the same action in any situation that is similar to the current situation in relevant respects. This means that, if one's action is to pass the universalizability test, then he/she must be able to imagine himself/herself on the "receiving end" of the sort of action being contemplated and also willing to make the same moral judgment about the other person's performing the same action.

This requirement means that Stephanie, Bruce, and Adam should all consider whether the actions that they are contemplating can be universalized before adopting them, and it is quite possible that doing so would allow them to eliminate certain courses of action from further consideration. However, the universalizability test will not always enable moral agents to resolve their disagreements, since one person may consent to the universalization of a certain sort of action while another

may dissent from the very same universalized action. It seems that universalizability is a necessary but not a sufficient condition of the ethical justifiability of actions.