

Santa in the Summer

(Case 1024)

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The Case:

Rod Traverse is a civil engineering student at a well-known university in the mid-west. Because he did well in his surveying course during his junior year, he is working for the summer before his senior year for the state Department of Transportation (DOT) on a road construction project 140 miles from his hometown. His duties include working closely with the state's on-site resident engineer, Jim Upwright and several other state highway construction engineers for the project. Ethel Hicks (known to her friends as "Eth") is Upwright's supervisor at the DOT headquarters and visits the site every couple of weeks to see how the project is progressing.

Every Friday afternoon about 4:00 p.m., Rod and the DOT engineers get into their cars or trucks to drive home for the weekend. Since he works a good bit of the time reducing survey data and keeping records in the state's construction trailer, Rod has noticed individual foremen for the three separate bridge contractors working on the project putting a box or other article in the back of the resident engineer's pickup truck about 3:30 p.m. on most Fridays. These boxes and articles have included a new set of tires, a mountain bike, a case of Duggan's Dew o' Kirkintilloch Scotch whiskey, and a shotgun.

There are several more bridge structures to be designed and built under another contract for the project. Upwright will be asked to make comments and give recommendations regarding the three bridge contractors presently on the project, if they show interest in obtaining the additional work.

Since Rod's work is part of a summer credit course program at the university, Upwright will also be required to communicate with Rod's advisor at school (Dr. R. E. Serchur) and recommend an appropriate grade for Rod's summer work course.

Under the circumstances, is Rod obligated to say anything about the gifts to anyone, and if so, to whom and when?

Alternate Approaches and Survey Results for "Santa in the Summer" (Case 1024)

1. Rod is only a summer hire and should keep his nose out of things that are none of his business. He has heard that things like this happen on some construction projects. The last thing he wants is to jeopardize his chances

for a good grade in the summer work course, which could impact his job opportunities the following spring when he graduates.

Percentage of votes agreeing: 2%

2. Rod should contact his faculty advisor, R. E. Serchur, over the weekend and ask for his advice about the most appropriate course of action, if any, he should take.

Percentage of votes agreeing: 45%

3. Rod should approach one of the bridge contractor foremen to try to clarify the facts of the situation through them, before confronting Upwright (perhaps the items in the pickup truck were intended for charity or they may be purchasing items that Upwright wants at a discount and Upwright is reimbursing them for the cost of each item).

Percentage of votes agreeing: 14%

4. Rod should send an anonymous letter to “Eth” Hicks in guise of a taxpayer who frequently observes things on the project, and has noted the apparent transfer of gifts from contractor personnel to a pickup truck with a license plate number that coincides with that of Upwright’s pickup. The letter should suggest that these actions appear improper and should be looked into.

Percentage of votes agreeing: 4%

5. Rod should discretely inquire of someone in the DOT who is not connected with the project what the policy is with respect to DOT personnel accepting gifts from contractors. If it is against DOT policy, then Rod should blow the whistle to “Eth” Hicks.

Percentage of votes agreeing: 10%

6. Rod should ask Upwright directly about what has transpired with the contractors’ foremen and explain that while nothing wrong may be occurring, the appearance of impropriety exists to the casual observer.

Percentage of votes agreeing: 22%

7. Rod should approach one of the contractor’s foremen and mention how nice it would be to have a Bose Lifestyle 20 sound system to put in his fraternity room during the ensuing college year.

Percentage of votes agreeing: 1%

8. Rod should photograph the Friday gifts for a few weeks with dates, times and the license plate on Upwright’s pickup clearly visible. He should show Upwright copies of these photos, emphasizing how practical Rod’s summer job is, then suggest that his efforts surely deserve an A grade and a glowing recommendation for his university file.

Percentage of votes agreeing: 2%

9. Rod has no control over the situation. He should leave the construction project as soon as possible and take an incomplete in the summer work course, so that he won't be included as part of the situation should anything happen (someone blows the whistle) before the summer has ended.

Percentage of votes agreeing: 0%

Forum Comments from Respondents

Comments from students:

1. Something needs to be done, but Rob should first discuss the incident with his faculty advisor so as to place his grade in a better position if things turn ugly. Then he should put out a 'feeler' as described in #5, and evaluate his final decision based on the response received. If it is against policy, he should report it to "Eth"; if it is not, he would only be exposing himself to crossfire while accomplishing nothing, and should let the issue drop (though I still disagree with such a practice occurring).
2. Rod should talk with Upwright about what he has seen and indicates that it at least appears to be improper. If he then determines that it is wrong, he should express his disappointment as an engineering student at the bad example being set for him, although I don't think I would blow the whistle.
3. Because Rob is only summer help, he needs to be careful about how he handles the situation. I have found that it is often helpful to seek council and guidance from someone with a lot of experience. That is why he should talk with his faculty adviser. He will help steer him in the right direction, and give him the courage to do what is right.
4. If his faulty advisor is a professional engineer, he should have some good advice for him.

Comments from practicing engineers:

1. Rod needs to consult with one or two of the other assistant engineers, preferably those who are candid and will tell the truth. Presuming they all agree that the situation does not look good, they need to approach the Resident Engineer as a team and lay out the problem to him as soon as possible. Rod should not try to solve the problem on his own because this sort of thing is not easily solved one on one.

If Rod finds the whole system is corrupt, it is still beyond his control to solve it and he needs to go to the ethics ombudsman in the state government and seek advice from them. For good measure, he needs to discuss his perception of the problem with his faculty advisor.

(I was in a very similar situation when I started working as a recent graduate for a state DOT. I wish now I had followed my own suggestions then.)

2. I can envision a situation where this young man might be somewhat (or perhaps terribly) disillusioned about the profession he has selected. If he's a sensitive soul, he might even seek out a personal meeting with his advisor and ask if all engineers are expected to sell their souls for a "mess of pottage."
3. One wonders what the Resident Engineer is doing in return for the gifts. Perhaps he has the concrete testing technician pulling all his sets of cylinders from the first truck of the day and ignoring all the others (by leaving the site early?). Or allowing the contractor to place the subgrade in excessively thick lifts. Or allowing the subgrade material to contain excessive amounts of organics. Or allowing a substantial number of the required rock bolts in a rock cut to be shorter than the length called for in the project specifications. Or making "corrections" to the calculated yardage so carefully calculated by the student engineer.
4. Rod has found himself in a pickle. State employees are in a particularly bright public light and most cannot accept any gift. Some cannot even accept lunch. Is Rod "obligated" to do something? Is a witness to a bank robbery "obligated" to report what s/he has seen? If Rod ignores the rather obvious graft, he jeopardizes his reputation and his ability to discern right from wrong while facing himself in the mirror every morning. His course of action is clearly to confide in his resident engineer's supervisor, Eth Hicks. He should clearly document what he has seen and then set a meeting with her to discuss what he has seen. The worst that can happen to Rod is that he fails to get credit for the course; with any luck, though, the faculty advisor will understand the situation and speak to Ms Hicks instead of the Resident Engineer for a recommendation regarding Rod's grade in the course. Otherwise, if the DOT fails to back up Rod, he has learned a very valuable lesson. He doesn't want to work there anyway!

Should that actually happen, he should document what he has seen and send it to the State's governmental oversight agency and let them investigate. After all, it's tax dollars that are being put at risk, not to mention the integrity of the system, and the livelihoods of many other firms unfairly cut out of competition for future work.