

Michael Pritchard's Commentary on "Seminar"

Commentary On Seminar

I will discuss this case independently of any legal considerations. That is, I will focus only on ethical issues that can be framed without specific regard for copyright, patent law and the like. The legal issues may be important, and they may have a bearing on some of the ethical issues. However, it seems to me that the case raises ethical issues worth addressing prior to engaging legal questions.

Why does the Department of Paper Engineering hold weekly seminars for faculty and graduate students? Presumably, this practice is intended for the mutual edification of faculty and students and to support of one another's research efforts: a "win-win" idea. This time it was Bill Phillips's turn to share his ideas with others and to benefit from their comments.

At first glance, there seems to be nothing unethical about Tom Ackley attending Bill Phillips's session. In fact, as a graduate student in the department, his attendance is probably expected. However, the manner in which he conducted himself at the meeting was contrary to the express purpose of the seminar meetings, viz., the open discussion of new ideas. It is perhaps understandable that Ackley would not want to share his ideas about ink interaction with paper at this time, as his work in this area was in an early phase. Actively discouraging discussion of the possible implications of Phillips's work is another matter, however. Such behavior is contrary to the spirit of the seminar series. Had others realized what he was doing, they would have rightly objected. Not only was Ackley refusing to contribute to the discussion of Phillips's ideas, he was trying to prevent much of that discussion.

If Ackley had planned all along to discourage open discussion of Phillips's ideas, then he probably should not have attended the meeting. If Ackley formed his plan of action only after the meeting began, further reflection should have led him either to leave the meeting or keep silent. Positive interference was not justified from an ethical point of view, however personally advantageous Ackley might have thought

it would be.

It is not entirely clear how far along Ackley was in his own research on ink interaction prior to the seminar. Nor is it clear to what extent Ackley has already been helped in his research by working with graduate students and faculty and by using university equipment. However, at some point in this story it seems obvious that Ackley is benefiting from the ideas (and perhaps equipment) of others. As a matter of fairness, and as an acknowledgment of the contributions of others, Ackley should let Phillips (and perhaps others) know of his interest in Phillips's work. Whether further considerations of fairness would suggest that Phillips's permission is required for Ackley to refine Phillips's test method depends on details that are not presented in this case. However, at the very least, Ackley should have been open with Phillips about the importance of his work for Ackley's ideas. Instead, Ackley chose to operate in secret.

Reciprocity is a form of fair play from an ethical point of view. Ackley falls far short of the mark at every level, beginning with his behavior in the seminar and continuing into his conduct in his employment at Trees-R-Us. In short, he has not been a good colleague in the Department of Paper Engineering.

An interesting question to consider is whether his employer would approve of Ackley's handling of this matter. That, of course, depends on what sorts of ethical values are embraced at Trees-R-Us, but it also depends on the sorts of risks his company is willing to take in order to get ahead. (Here legal considerations could easily come into play, particularly in regard to ownership of ideas.) Is it reasonable for Ackley to assume that his employer would approve of his tactics? Is Ackley the sort of engineer that Trees-R-Us wants to employ?

Even if Trees-R-Us benefits in this particular case, can Ackley be relied on to be a reliable employee? Trees-R-Us encourages the publication of novel findings and new techniques. Can Ackley be expected to treat Trees-R-Us any differently than he has treated his colleagues in the Department of Paper Engineering? How will Ackley treat Trees-R-Us when he is looking for another job? Long-range doubts about Ackley could easily outweigh the short-term gains from his ink penetration work. Quite apart from legal worries about Ackley's conduct, I conclude that his attitude and behavior leave much to be desired from an ethical point of view, whether from the perspective of Bill Phillips, the Department of Paper Engineering or even Trees-R-Us.