Daniels Fund Ethics Initiative Principles Case:
Mark’s Dilemma

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Mark has been an information technology geek since he was an elementary school student who programmed games for the second-hand personal computer that he had purchased with money he earned from delivering newspapers. A generally above-average student throughout his grade school and undergraduate years, Mark always excelled in his math and computer science courses. Based on his performance in these courses and the glowing letters of recommendation he received from his professors, Mark was admitted to a graduate degree program in computer science at a premiere university known internationally for its faculty’s government- and industry-sponsored research.

Mark started dating Madison at the beginning of their junior year. In anticipation of relocating halfway across the U.S. next fall to accommodate Mark's graduate studies, they married during winter recess of their senior year. Although both came from small families, both Mark and Madison wanted several children, so they began trying 'to make Baby #1' the day after they married. As a result, Madison was pregnant by the end of March. Aaron, named after Mark's dad, was born a few days after Christmas. Aaron immediately became the apple of his father's eyes.
Happily married, their friends thought of them as a great example of 'opposites attracting'. Until he met Madison, Mark thought little about politics or social issues. A philosophy major, Madison was very involved in local and national political issues. No stranger to petition drives, sit-ins, and picketing, her friends thought of her as a social activist. As their relationship developed, Mark gradually adopted many of Madison's progressive views.

As his graduate student assistantship alone was insufficient to pay for his growing family's living expenses, Mark made additional money by working as a freelance programmer for faculty and doctoral student researchers at his university. Faculty often paid Mark with money acquired from a research grant. Over time, faculty who required high-powered programming expertise to complete their research projects knew to seek Mark's assistance. He quickly acquired an excellent reputation for his computer prowess.

Dr. Lisa Archer is a biology professor who often worked on clinical trials for new drugs. During Mark's second year of graduate studies, she asked him to join her research team, which a pharmaceutical company had just retained to study the efficacy of a new drug with multi-billion dollar annual sales potential. Given the pharmaceutical company's 'deep pockets' and the huge profit potential of this drug, the budget for this study was substantial even by industry standards. Dr. Archer wanted Mark to handle all data management and analyses, a job that wouldn't interfere with Mark's studies because it wouldn't require more than 10 hours per week. If he accepted the job, which would last at least two years and see Mark through the completion of his graduate studies, Mark would earn several times his annual assistantship money. Clearly, this offer was 'too good' for Mark to refuse, so he accepted it. Mark's modest assistantship would no longer force Madison to stretch a meager household budget far beyond its limits; she now could afford to feed and clothe her family properly.

Mark was ecstatic about his new job, which was both more lucrative and less time consuming than his previous freelance programming activities. Finally, he'd have the opportunity to spend some 'quality time' with Madison and Aaron. In addition, Mark embraced the honor of joining Dr. Archer's prestigious research team and believed a good recommendation letter from her would help him secure a good job after he completed his graduate studies.

Initially, Mark's observations of Dr. Archer were consistent with her reputation as a top-flight scientist. She and her team seemingly followed all requisite research protocols properly; thus, her research results had been beyond reproach. After a few months, however, Mark began to spot some oddities about the data files he was managing; it appeared that some new records were being added and some existing records were being modified without his approval. At first, Mark attributed this appearance to faulty recollection. When these oddities seemed to continue, Mark thought it prudent to run a computer system diagnostic to ensure the system's integrity. The diagnostic failed to discover any faulty hardware or software.

At this point, Mark approached Dr. Archer about his growing data integrity concerns. Dr. Archer assured him that she would investigate his concerns thoroughly. Months passed without feedback from Dr. Archer. Regardless, the odd addition and modification of records continued.
To enhance computer system security, as requested in a recent memo from the pharmaceutical company, Mark installed security software that would monitor system users. The software was transparent to these users, which meant they would be unaware their system usage was being monitored. Only Mark would receive a daily report summarizing system usage. Mark knew this software would help him determine if the data issues he'd noticed had a human cause.

A week after installing the security software, Mark received a daily report that answered his questions. The log showed that Dr. Archer had opened the data files the previous evening--after everyone had left for the day--and made the type of changes Mark had noticed. Based on the analyses Mark had been running, it appeared that Dr. Archer was altering the data to make it appear the drug under study was effective, when in fact the original data supported the contrary finding.

Initially, Mark thought about reporting Dr. Archer’s misconduct to the pharmaceutical company and his university’s vice president for research. If a falsely certified drug would at best be a waste of money and at worst be a killer, then Mark was ethically obligated to expose Dr. Archer. Then Mark considered the likely outcome and personal consequences. If it was his word against Dr. Archer’s word, he doubted he’d prevail regardless of the evidence provided by the security software he’d installed. (After all, he could have doctored the report.) He also believed, based on his knowledge about several famous whistleblowers who were vilified by their ex-employer and their industry, that he’d be jeopardizing his future livelihood and his family’s financial future. Thus, Mark chose to remain silent.