

HR Confidential

Fatima works in the HR department at a large tech company. She has recently learned that Travis, a programmer at her company, is applying for a job at a small startup where her friend Alice also works. In her role in HR, Fatima knows that during his time with the company, Travis has been accused of sexual harassment and other inappropriate behavior by multiple coworkers. However, there was never enough evidence of misconduct for him to be fired or significantly reprimanded. Because the company never found him guilty of any misconduct, the accusations against Travis are strictly confidential.

Fatima knows that Travis has a great reputation in the field and is very likely to be hired by Alice's company, which knows nothing of the past accusations against him. While he was never found guilty of any misconduct, she is quite confident, given her own review of the evidence, that Travis very likely sexually harassed his coworkers and may do the same at another company.

Alice's position with her company is such that she could affect the decision about whether to hire Travis. For this reason, Fatima is considering telling Alice about the accusations against Travis, even though doing so would be a violation of confidentiality. While Travis would be unlikely to get away with future misconduct at his current job given past accusations against him, Fatima thinks that if given a fresh start at a new company, he may feel he can harass coworkers again with impunity. And he wouldn't be going to just any company but one where her friend Alice works.

On the other hand, Fatima's judgment that Travis is guilty goes against what the company found, and she is not absolutely sure that her assessment of the evidence is the correct one. She worries that if he is in fact innocent, she would be unfairly hurting his career. Furthermore, she takes very seriously the fact that telling Alice anything about the company's internal investigation of Travis would be a serious violation of confidentiality. Finally, she realizes that doing it could get her fired or even sued. Nevertheless, she is not sure she can simply leave Alice in the dark about the situation.

STUDY QUESTIONS

- (1) Fatima obviously doesn't want Alice to be the subject of sexual harassment. But she also doesn't want to damage Travis's career prospects if he is in fact innocent, and she admits that she isn't sure if he is guilty. What should she do? How should we decide what to do, ethically speaking, in conditions of uncertainty?
- (2) Is it morally permissible to violate what we can suppose are morally justified company rules in order (potentially) to bring about a morally desirable outcome?
- (3) Is it fair to change one's behavior towards someone accused of sexual harassment if that person has not been found guilty of any charges?