

# **ETHICS FOR ENGINEERS**

**Shades of Gray**



# Presenter

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# **Disclaimer**

The following views and opinions are from the speaker and do not represent the official views of the State Board of Registration for Professional Engineers or any other organization.

# **Acknowledgement**

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# Agenda

- Ethics: Why?
- Ethical Behavior
- Codes of Ethics
- Rules of Professional Conduct in Indiana
- Conflicts of Interest
- Reporting Violations
- Summary



# Why Ethics?

I saw this issue coming six months ago....

Why are you just telling me this now???



Who would have benefitted? Who would have paid the cost? Should this have been discussed six months ago?

# Why Ethics?

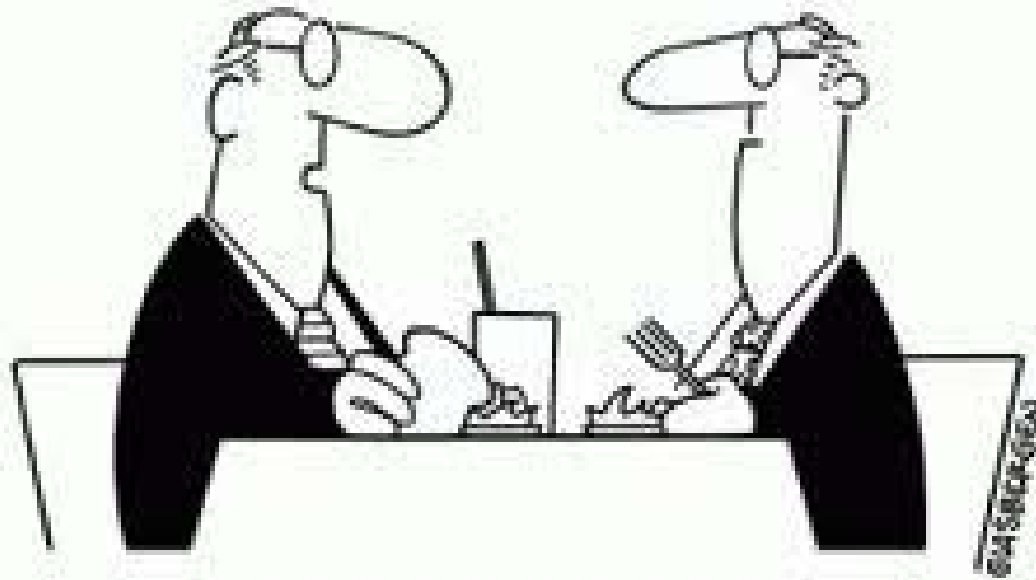
## Definition

- A system of moral principles
- The rules of conduct recognized in respect to a particular class of human actions or a particular group

# Why Ethics?

- Aim of all ethical decision making is happiness, contentment and fulfillment
- Straight Face Test
- Sleep at Night Test
- The Golden Rule

# Why Ethics?



"The way I see it, unethical ethics are better than no ethics at all!"

# Ethics – Phases of Consideration

- Decision making Focuses on the Individual
- Decision making is guided by Codes, Rules and Law
- Decision making is on all parties and over all time

# Ethical Behavior

- Contract among affected parties
  - Unwritten understanding
  - Agreed behavior among individuals
  - Taught by our upbringing
  - “Gentlemen's” Agreement

# Ethical Behavior

- Written Contract
  - Professional Code of Ethics
  - Established and administered by a Profession

# Ethical Behavior

- The Law
  - Federal, State, Local Statutes and Rules
  - Administered and enforced by Officials
  - Fines and Penalties

# Ethical Behavior



# Codes of Ethics

- Established by membership of Professional Societies with standard format
  - Preamble
  - Fundamental Canons
  - Rule of practice
  - Professional Obligations

# Codes of Ethics

- Example – National Society of Professional Engineers

NSPE Code of Ethics for Engineers

## **Preamble**

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## **I. Fundamental Canons**

Engineers, in the fulfillment of their professional duties, shall:

Hold paramount the safety, health, and welfare of the public.

Perform services only in areas of their competence.

Issue public statements only in an objective and truthful manner.

Act for each employer or client as faithful agents or trustees.

Avoid deceptive acts.

Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

# Codes of Ethics

- Example – National Society of Professional Engineers

NSPE Code of Ethics for Engineers

## **II. Rules of Practice**

Engineers shall hold paramount the safety, health, and welfare of the public. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.

Engineers shall approve only those engineering documents that are in conformity with applicable standards.

Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code..... Etc.

## **III. Professional Obligations**

Engineers shall be guided in all their relations by the highest standards of honesty and integrity. Engineers shall acknowledge their errors and shall not distort or alter the facts.

Engineers shall advise their clients or employers when they believe a project will not be successful.

Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers..... Etc.

# Rules of Professional Conduct in Indiana

- Established by the Legislature – Indiana Code IC 25-31
  - <http://www.in.gov/legislative/ic/code/title25/ar31/>
- Implemented by Rules established by the State Board of Registration for Professional Engineers – Administrative Code 864 IAC
  - [http://www.in.gov/legislative/iac/iac\\_title?iact=864](http://www.in.gov/legislative/iac/iac_title?iact=864)

# Rules of Professional Conduct in Indiana



“I took a course in ethics, but everything was contradicted by the course I took in law.”

# Rules of Professional Conduct in Indiana

- **IC 25-1-11-5** Applies to all professions
  - Practitioner compliance with professional Standards
  - Findings meriting disciplinary sanctions
  - Fraud or material deception
- **864 IAC Rule 11** Applies to the practice by licensed engineers – Professional Conduct

# Rules of Professional Conduct in Indiana IC 25-1-11-5

Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(C) advertised services or goods in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

# Rules of Professional Conduct in Indiana IC 25-1-11-5

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

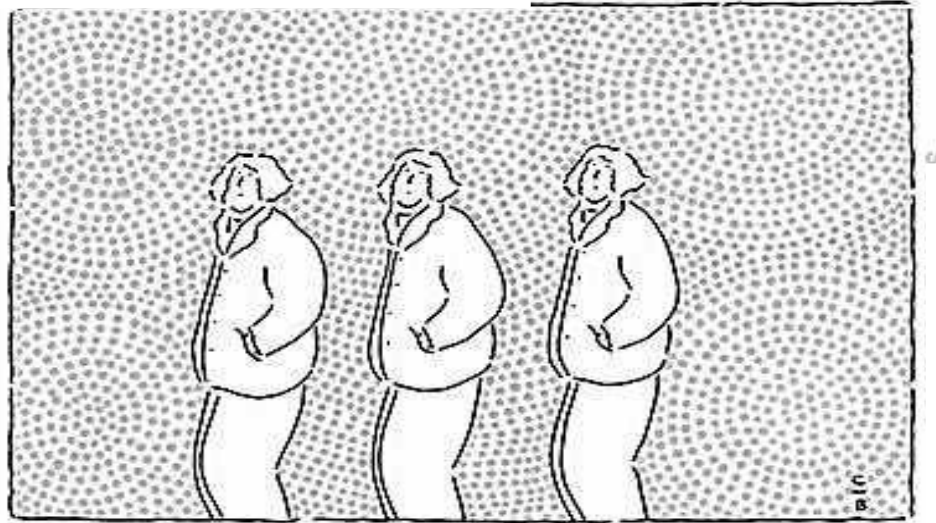
# Rules of Professional Conduct in Indiana Rule 11

- This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of engineering.
- Each applicant shall certify on the application that the applicant has read and agrees to abide by the Act and the rules of the board in force at the time.
- Knowledge of the Act and rules of the board shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct.

# Rules of Professional Conduct in Indiana Rule 11

- The engineer shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the engineer's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the engineer shall inform the engineer's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.
- The engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved.

# Rules of Professional Conduct in Indiana Rule 11



Since the cloning, the engineers work load has eased up considerably.

# Rules of Professional Conduct in Indiana Rule 11

- The engineer may accept an assignment requiring education or experience outside of the engineer's field of competence, but only to the extent that services are restricted to those phases of the project in which the engineer is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4.
- The engineer shall be completely objective and truthful in all professional reports, statements, or testimony. The engineer shall include all relevant and pertinent information in such reports, statements, or testimony.
- The engineer, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the engineer's testimony.

# Rules of Professional Conduct in Indiana Rule 11

- The engineer will issue no statement, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer has prefaced the comment by:
  - (1) explicitly identifying himself or herself;
  - (2) disclosing the identities of the party, or parties, on whose behalf the engineer is speaking; and
  - (3) revealing the existence of any pecuniary interest the engineer may have in the instant matters.
- The engineer shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.

# Rules of Professional Conduct in Indiana Rule 11

- **The engineer shall not falsify or permit misrepresentation of the engineer's or the engineer's associates' academic or professional qualifications.** The engineer shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the engineer's past accomplishments with the intent and purpose of enhancing the engineer's qualifications and work.
- **The engineer shall not knowingly associate** with or permit the use of the engineer's name or firm name in a business venture by any person or firm which the engineer knows, or has reason to believe, is **engaging in business or professional practices of a fraudulent or dishonest nature.**

# Rules of Professional Conduct in Indiana Rule 11

- If the engineer has knowledge or reason to believe that another person or firm may be in violation of this article, the engineer shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required by the board.
- Conviction of a crime shall be deemed incompetent practice if the acts which resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered professional engineer.
- The revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the state of Indiana would constitute a violation of IC 25-31-1 or this title, shall be grounds for a charge of violation of IC 25-31-1-22.1.

# Rules of Professional Conduct in Indiana Rule 11



A doctor in her kitchen agonizes over the ethics of pulling the plug on her ailing toaster.

# Conflicts of Interest

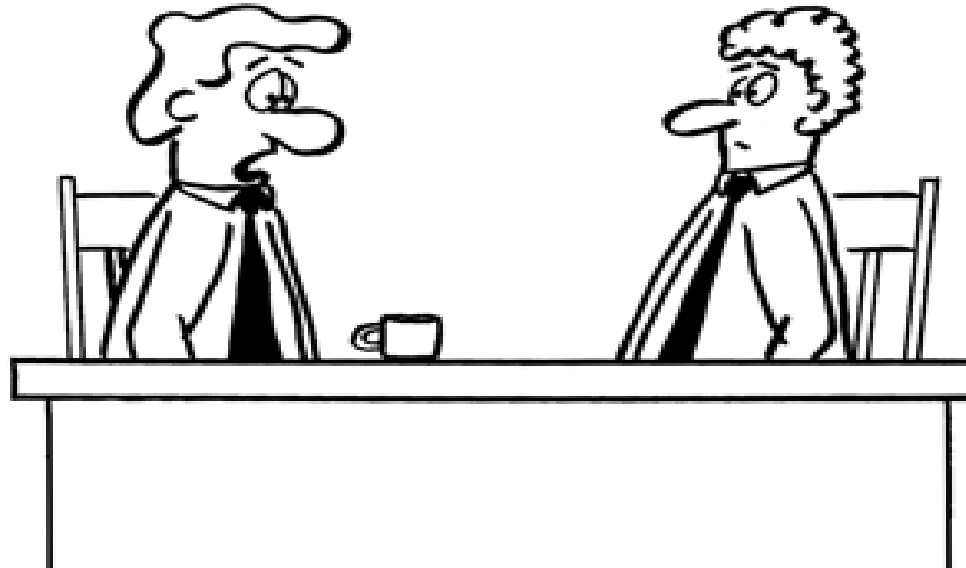
- The engineer shall conscientiously avoid conflicts of interest with the engineer's employer or client, but, when unavoidable, the engineer shall forthwith disclose the circumstances to the engineer's employer or client.
- The engineer shall avoid all known conflicts of interest with the engineer's employer or client and shall promptly inform the engineer's employer or client of any business association, interest, or circumstances which could influence judgment or quality of services.
- The engineer shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties.
- The engineer shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the engineer's client or employer in connection with work for which the engineer is responsible.

# Conflicts of Interest

- The engineer shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- When in public service as a member, advisor, or employee of a governmental body or department, the engineer shall not participate in considerations or actions with respect to services provided by the engineer or the engineer's organizations in private engineering practices.
- The engineer shall not solicit or accept an engineering contract from a governmental body on which a principal, officer, or employee of the engineer's organization serves as a member.
- The engineer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.

# Conflicts of Interest

“I always want to do the right thing, but so often it interferes with my practice”



# Reporting Violations

- IC 25-1-7 Investigating and Prosecution of Complaints Concerning Regulated Occupations
  - Sec. 2 – **The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.**
  - Sec. 4 – **All complaints must be written and signed by the complainant and initially filed with the director.** Except for employees of the attorney general's office acting in their official capacity, **a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.**

# Summary

- Ethical behavior benefits everyone
- Ethical behavior may be:
  - Unwritten agreements
  - Code established by professional societies
  - Statutes and Rules
- Upon renewal of the PE license, the person:
  - Acknowledges familiarity with the Law and Rules
  - Agree to abide by them

# Summary

- Engineers need to be aware of agency and company policies concerning gifts
- Code of ethics are essential for professionals
- Professional/technical societies and professional licensing laws and rules determine the ethical practice of engineering
- Stay ethically in tune to your professional environment
- Ethics are not normally a black and white issue

# Questions



“It’s not an electrical problem. Something's wrong with your company’s ethics!”