A SunCam online continuing education course

Ethics in the Practice of Engineering

by

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TABLE OF CONTENTS

COURSE DESCRIPTION & INTRODUCTION

The intent of this course is to review ethical conduct as it relates to the requirement of professionals to protect the health, safety, and welfare of the public. This is stated as the first canon of the National Society of Professional Engineers (NSPE). See their website at *https://www.nspe.org/resources/ethics/code-ethics*. This course will look at some of the areas in which ethics impacts our professional careers.

Why Ethics?

Obviously, one good reason for a course in ethics is because the state or states in which we are licensed require us to complete a Continuing Education course in ethics. But it is also important to take time to remember what it means to conduct ourselves ethically in *all of our work*. We all too often see a breakdown of ethics in our national, state, and local politicians. We also see it in our peers, contractors, clients, attorneys, and regulators. Consequently, we are often tempted by their actions to follow their examples. However, this would demean our profession. Therefore, we need to remind ourselves of the reasons for ethical conduct and of the need to remain ethical at all times.

Introduction

Some simple questions: Are you an ethical person? Do others think you're an ethical person? Are either of these a tough question for you to answer?

The Merriam-Webster Dictionary (www.merriam-webster.com/dictionary/ethics) defines ethics as **"**the discipline dealing with what is good and bad and with moral duty and obligation". Unfortunately, we often see that ethics is one aspect that seems to be disappearing in our society… but that shouldn't be the case. As professionals, we have regulatory codes requiring us to conduct ourselves ethically. When was the last time you referenced your state's requirements for ethics? Possibly not since your last license renewal, right? That's not necessarily bad, but it is good for all of us to be mindful of our ethical obligations.

Ethics is not just for professionals, but it is something applicable to everyone. Each of us must recognize that ethics is not a temporary endeavor or an intermittent one, but rather a continuous commitment. It is something that must be worked on each and every day because it is tempting to take the easy way, a quick shortcut, or make a simple omission when deadlines or budgets are involved. And we will be tempted often… perhaps daily. The good news is the decision is ours; but unfortunately, the consequences of bad decisions may not be limited to us. With our current smart phones, our actions can rapidly be exposed on public media via local news, Facebook, Twitter, or other apps even when we thought no one was watching. But there it is… our photo, text message, or email… for all to see and react to. And, once it's out there, it's there forever, to be retrieved later at a most inconvenient time.

ETHICS FOR PROFESSIONALS

Our professional conduct should never be jeopardized by any deadline, budget, or any other pressure imposed on us. We must earn the respect of our peers and the public with each job we perform and do so ethically and honestly. Remember, our reputations and our earned trust are only as good as our last project. They can be damaged much more quickly than they can ever be rebuilt. So, are you willing to risk your education, training, license, and career for a single unethical action? Are you thinking, "That would never happen to me?" Are you sure? Have you read any of the actions taken by your state's licensing board concerning ethics violations? Also, are you willing to risk your career because of an ethical violation? If you're wrong, what would you do for a living… with no license, a poor ethical reputation, and limited chances for a promising career?

Ethical behavior requires us to be honest in our interactions with everyone… our co-workers, our staff, clients, regulatory agencies, and the public. We are *expected* to protect the interests… and reputation of our companies… without causing harm to the public.

Before we make a decision, we should always ask ourselves these questions:

1) Am I capable of doing this? (Don't "*hope"* you can.)

2) Should I do this? (If you can do it, should you?)

3) Can I do this legally? (Do you do like paying attorneys?)

4) Would it look or sound unethical? (What would you think if you learned of someone else doing the same thing?)

5) Is it the right thing to do? (You already know the correct answer, right?)

6) Could I get fired *when all of the facts* become known? (That's a huge price to pay, right?)

You should put your employer, your state's professional requirements, and your ethical principles ahead of your individual personal gains… whatever those "personal gains" may be. This includes giving sincere effort to the performance of the job you were hired to do… by the company or agency that hired you. If you don't have the company's or the agency's best interests in mind, why are you working there? Or… is that another ethical question you need to address?

Ethics also requires us to report instances of fraud and corruption whenever we encounter them. To whom do we report them? We should report them to our company's HR representative or our agency's ethics counselor. Knowing of and not reporting fraudulent activities may also put us at risk with our state's licensing authority.

Additionally, it is a violation of professional ethics to use information that is not available to the public for our own advantage or that of our families or friends. If something "could be perceived" by others to be fraudulent or corrupt, it is something we need to avoid or refuse to be involved with.

Let's look at some of these issues in a little more depth…

CONFLICTS OF INTEREST

What is meant by conflict of interest? A conflict of interest is when your own personal interests or personal connections interfere with the responsibilities or obligations of your job. The laws and rules are very broad here, but basically boil down to your final actions or decisions… even if you begin with the best of intentions. Ultimately, are you doing something that will benefit you, your family, your friends, or your associates even though it conflicts with the best interests of those you're representing?

If you work in the public sector, there are specific laws that address conflict of interest. Public sector employees are prohibited from being involved in situations in which their official actions or decisions will result in a direct and positive impact for the employee. Even in the public sector, this will extend to the employee's family, relatives, business associates, and personal interests. You should publicly announce all conflicts of interest as early in the process as possible and excuse yourself before any allegations can be brought up.

In a nutshell, don't get involved in anything in which you have a financial interest. Just don't do it! Financial interests include those of a partner, family member, or memberships in various organizations.

Remember: Don't get involved in anything in which you have a financial interest.

PREFERENTIAL TREATMENT

Ethics is the basis for us as professionals to properly perform our work. The public entrusts us to keep them safe in their homes, their businesses, their roadways, on the waterways, in the air, in space, and… in their daily lives. Ethics is doing what is proper and ethical… all of the time… whether anyone is paying attention or not.

In all of our actions, we are expected to be professional and act for the benefit of the public as we deal impartially with all people, organizations, and companies. This impartiality requirement extends to situations in which there is no conflict of interest, but where the "perception" of preferential treatment may exist. For the general public, *perception is reality*. Giving preferential treatment to a particular person or group is not being impartial.

For you, to whom do these preferential treatment restrictions extend?

1. A family member

2. A relative of your immediate family

3. A partner, coworker, business associate, or competitor

4. A company in which you hold stock or financial interest

5. A group or organization in which you actively participate or oppose

If someone from the above examples is somehow involved with what you're working on, you need to publicly disclose that information or end any involvement with it.

Remember: We are to deal impartially with all people, organizations, and companies.

ETHICS IN OUR RELATIONSHIPS

Ethics doesn't just end with us. Have you ever considered that it is our ethical duty to train and mentor those following in our footsteps? They must clearly see that our every action is being conducted in an ethical manner every hour, every day, wherever we are… be it at work, in public, or at home. Ethics is not something that is turned on and off depending on the situation, time, or location. We must exhibit ethical behavior because we are ethical. If we don't, think of the possible consequences. Are you willing to entrust your life… or the lives of your loved ones… to someone who in the future will be designing the next school, bridge, car, airplane, or ship your loved ones may use… but who never learned the importance of ethics in their own work?   That's exactly what we're doing if we don't pass ethics on to those who follow after us.

Remember: Ethics must be passed on to the next generation.

You should always report instances of fraud, corruption, or abuse of personnel or equipment to the proper authorities. Don't perpetuate an atmosphere of abuse within your company or agency, and don't let it start under your watch. If you see something like this, report it immediately to someone in authority.

If you see a supervisor taking advantage of his or her staff, or co-workers taking credit for work that is not their own, confront it if possible, and then report it as soon as you can. If you see someone copying a competitor's proposal or other confidential document, again, confront it, report it, or do both.

Capitalizing on another axiom: "Ethics… If you see something, say something."

Public employees are not allowed to imply or directly endorse any product, organization, person, activity, or function except as specifically authorized. This includes political candidates, political affiliations, product endorsements, businesses, personnel, etc. Also, they should not be recorded making positive or negative comments about any of these entities… either written or verbal. Even making personal opinions known can be problematic.

Remember: Don't make unauthorized endorsements… good or bad… to anyone.

PROHIBITED GIFTS

Everyone loves receiving gifts. However, problems arise when a person begins rationalizing accepting a gift from a prohibited source versus an ethical responsibility in the situation. What is considered a prohibited gift? A gift may be money, merchandise, memberships, equipment, food, invitations to private events, trips… basically anything of value to the person receiving the gift. Always ask yourself two questions: "*Why am I being offered the gift"?* and "*Why now*?" If it is to influence you on behalf of the one providing the gift, then it's probably a prohibited gift. Remember the Trojan Horse? Not all gifts lead to a pleasant ending.

There are exceptions to what is considered a gift, but you will need to check with your supervisor or your employer's ethics counselor. What defines a prohibited gift varies from business to business and from private sector to public sector, but if you have any doubts about any aspect of the gift, it is generally better to politely decline the offer.

Extravagant gifts like cars, boats, vacation trips are obviously problematic and, although tempting, are easy to avoid. Gifts like ball caps, meals, drinks, clothing, and the like can be problematic… especially if you're dealing with public governments or agencies. It may seem inconsequential, but the one receiving the gift could suffer severe consequences. If you're the giver, always ask if it is acceptable for you to provide the item or meal. If you're the receiver and you have any doubts, politely decline the offer or gift. If you do accept a gift, notify your supervisor or ethics counselor immediately upon your return. In many instances, a gift to *all* of a company's employees for a special occasion is acceptable, whereas a gift to a single employee is not.

Basically, don't accept gifts of any kind from anyone doing business with your company or agency in hopes of getting special favors or considerations from you, your company, or agency.   Even if it seems innocent, a negative perception may still arise among your co-workers or anyone who happens to observe the gift.

Remember: It is generally better to politely refuse gifts.

REGULATIONS

Each state issues its own regulations and codes concerning the conduct of licensed professionals. These regulations vary from state to state, just as the licensing requirements vary from state to state. Just because your "home" state defines an activity as allowable doesn't mean another state you're registered in will allow that same activity. Be certain you fully understand the regulations of every state in which you work. If in doubt, call the State Board and ask.

Remember: Don't do anything that may even remotely *appear* to be illegal or unethical.

State regulations also prohibit the use of confidential information for your benefit or your family and friends. As a professional providing a service for fees, many meetings you attend will involve information that is confidential and is not for public dissemination. It is not to be discussed, used, or provided to friends, employees, or others for any reason… even idle conversation. It must remain confidential. Additionally, there are laws against insider trading derived from confidential sources.

Remember: Don't use confidential information to benefit yourself, family, or friends.

SUMMARY

In the *Introduction*, two questions were asked "Are you an ethical person?" and "Do others think you are ethical?" Then in the *Ethics in Our Relationships* section, there is the statement "Ethics is not something that is turned on and off depending on the situation, time, or location." The purpose of this course is to remind you of what you already know and encourage you to practice ethics every day. As you are practicing

ethics and being ethical, hopefully you will pass your ethical behavior and mindset on to those around you.

As you perform the daily duties of your job, don't allow yourself to be caught in a conflict of interest. Announce your conflict of interest early… before the conflict compounds itself and you find yourself engulfed in turmoil with no easy way out. If you are a public official, it is critical to maintain your impartiality when dealing with opposing parties. If you are a consultant, don't lose a valuable public employee because of a charge of favoritism resulting from a gift you gave that person.

In all of your dealings with co-workers and staff, treat them with respect and intervene or report any observations of abuse of personnel, and report any employees involved in fraud or corruption. Instances of abuse, fraud, and corruption cannot be allowed to go unchecked.

The types of prohibited gifts are many and include money, stock, travel, resort stays, meals, tickets, beverages, vehicles, memberships, events, clothing, and more. If it benefits you in any way, the gifts are probably prohibited by your agency. Even in the private sector, these gifts can be problematic if it is perceived that you compromised public safety because of the gifts you received.

And finally, if you haven't read your state's definitions and requirements for ethics, you should. The time spent familiarizing yourself with your state's requirements may save your license and career.

Remember: Just do what is right and ethical for everyone, and you shouldn't have a problem.