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Ethics for Professionals

by

R. S. Wilder



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COURSE DESCRIPTION & INTRODUCTION

The purpose of this course is to remind professionals of the requirements to conduct themselves with the “highest standards of honesty and integrity”. Professionals are obligated 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>. The course includes excerpts from the NSPE and is used as the basis for this course. This course will look at the five Rules of Practice which impact our professional careers, and the course exam will be based on these NSPE ethics criteria.

Why Ethics?

Obviously, one really good reason to take a course in ethics is that the state in which we are licensed requires us to complete at least a 1-hour Continuing Education course in ethics. Certain states may require engineers to take more than 1 hour of ethics. Either way, the state engineering boards continue to see a need to require the engineers in their state to take some time to remember what it means to conduct themselves ethically in all of their work. Unless you are living in a basement with no tv, radio, or internet access, you have seen an absence of ethics in our local, state, and national leaders. But, bringing it even closer to home, odds are you may have also seen it in the peers, contractors, clients, attorneys, and regulators that you work with. Consequently, you may have been tempted by their actions to follow their examples. However, are you willing to bet your license, livelihood, and reputation on not being reported? Therefore, we need to remind not only ourselves... but our associates and staff... of the reasons for ethical conduct.

Introduction

Ethics is something that you must commit to each and every day, because it is so tempting to take the easy way out - a quick shortcut or making a simple omission when deadlines or budgets are involved. Each one of us will be tempted often... perhaps daily. The good news is that decision is ours alone to make. Unfortunately, the consequences of bad decisions may not be limited to us, our family, or even our



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company. With smart phones being everywhere, our actions can rapidly be exposed on local news or public media via Meta, X, YouTube, 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.

Just how ethical do you believe yourself to be? That's an easy question to answer, right? But... for a better assessment... what do all of your co-workers think of your ethics? Would your answer be different than theirs? And, following that line of thought, what do you think of your co-workers' ethics? One more question... when was the last time your company had all of the staff together for a discussion of the company's ethics requirements? If you can't remember the last time, perhaps now is a good time to do so.

Please note that in this course text, all excerpts from the NSPE Code of Ethics for Engineers are formatted in ***bold italics***.

NSPE FUNDAMENTAL CANONS

For Professional Engineers, the National Society of Professional Engineers (NSPE) addresses the Code of Ethics for Engineers which was last updated July 2019. The Code consists of three parts: ***I. Fundamental Canons, II. Rules of Practice, and III. Professional Obligations***. If you have never read the NSPE Code of Ethics for Engineers, I recommend you do so now. It will not take much of your time because it is only two pages in length.

Section I deals with the ***Fundamental Canons*** that are applicable to all Professional Engineers. There are six canons applicable to an engineer's professional duties listed, and they don't provide for any exceptions, exemptions, or allowable excuses for not complying with these duties. The canons are very concise and definitive. Quoting from the July 2019 NSPE Code are the canons:

I. Fundamental Canons

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

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



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- 2. Perform services only in areas of their competence.**
- 3. Issue public statements only in an objective and truthful manner.**
- 4. Act for each employer or client as faithful agents or trustees.**
- 5. Avoid deceptive acts.**
- 6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.**

Note that Canon 1 is all about an engineer's focus on the public, but it doesn't include anything about the engineer's profitability. It is pretty straight-forward with no confusion about its intent. Even if the project is not profitable, the engineer still has ethical obligations to professionally complete the project with the public safety, health, and welfare being the priority.

Canon 2 is just as clear... The engineer **shall perform only in areas in which they are competent**. Does that mean you cannot learn and expand your business using trial and error methods for a design? I am not a member of your State's Board of Engineers, but I do think that is exactly what it means. If you need to, hire an experienced engineer in that field of practice and learn from him or her. Then... when you are competent... expand your practice in that field.

Canon 3 is intended to uphold the status of Professional Engineers in the public's eye. Do not embarrass yourself or the other engineers in your state by stating your opinion or the opinions of anyone else. State only the facts and leave the opinions to the attorneys.

Canon 4 states that the engineer is to **act for each employer or client as faithful agents or trustees**. The purpose is to remind you who you are representing and how you should act.

Canon 5 should not need to be stated, but unfortunately, some need to be told to **Avoid deceptive acts**. If you do not think so, check your state engineering board's hearings for violations.

Canon 6 is one of those "gotcha" rules. It states engineers are to **conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession**. If you are brought up on any ethics charges, this one will likely be included in your list of charges.



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Think about it now. Just how willing are you to risk your training, license, and career for any unethical action? Are you thinking, “That would never happen to me?” Are you sure? If you do not think anyone gets charged with ethics violations these days, go to your board’s website and review the recent cases. I recently checked one board’s listing of disciplinary actions and found there were 30 case actions of which 18 involved ethics and 9 cases that resulted in loss of license or suspension of a license! Do you still think you would not get caught? If so, what is your backup plan after a conviction that results in a loss of your license?

Now that we have completed the review of the Fundamental Canons, we can start discussing the Rules of Practice. What? There’s more to the Code of Ethics? Why, yes, there is more and you’re going to love it....

RULES OF PRACTICE

The NSPE Rules of Practice actually expand the concepts found in the Fundamental Canons. Each of the Rules brings different situations to light that an engineer may face and addresses how that situation should be handled. Nothing is ever as simple as it seems.

Rule 1. Engineers shall hold paramount the safety, health, and welfare of the public. Subsection 1.a. states that if the 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. It does not matter who is overruling (government official, client, contractor, etc.), the engineer shall immediately notify their employer or client and a higher authority. Note that the term “shall” is used, which requires the engineer to make the stated notifications. Not making those notifications makes the engineer part of the problem. I am not an attorney but not making the required notifications could also make you part of a lawsuit. I personally knew of a case where an engineer was involved in such a lawsuit. Nevertheless, he was cleared of any wrongdoing because he did notify the appropriate authorities. However, the months he spent with attorneys and in court definitely was not fun for him.



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Subsection 1.b. states **Engineers shall approve only those engineering documents that are in conformity with applicable standards.** If there are no existing applicable standards for your documents, then you should meet with each agency that may be involved to work through their permitting concerns and compliance issues before you submit your documents.

Additionally, **Subsection 1.c. Engineers shall not reveal any facts, data, or information without the prior consent of the client or employer except as required by law or this Code.** Let the client or the client's agents handle all of the public disclosures. Engineers are not marketing agents or advertisers. Obviously, meetings with public agencies to discuss or submit documents for review and approval is authorized when the client directs you to obtain permits or approvals necessary for the project.

Subsection 1.d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm engaged in fraudulent activities. This includes **Subsection 1.e.** aiding or abetting those conducting unlawful engineering practices.

Also, **Subsection 1.f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.** If you have this knowledge, you are required to report it immediately... not months or years later, but immediately. Again, remember the public health, safety, and welfare issue.

Rule 2. Engineers shall perform services only in the areas of their competence. This really should be a "duh" moment, but it continues to occur. **Subsection 2.a.** If you can not confidently complete a design or report based on your current capability, hire an engineer who can. Learn from other experienced engineers, get more education, and get more experience until you are competent. If you can not complete the documents competently such that a peer review will find no problems, do not sign and seal the document.

Subsection 2.b. If you are the project engineer and the project includes areas in which you are not competent, then you can only sign and seal those aspects in which you are



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competent and that were designed or prepared by you. The other parts of the project must be signed and sealed by engineers competent in those areas.

Subsection 2.c. Do not sign and seal plans not designed or prepared by you just to keep your costs down or even to simply save time. If you do, it will cost you... and probably much more than you thought you were saving. Remember, when you sign and seal a document, you are putting your livelihood on the line at the same time. Is it really worth it?

Rule 3. Engineers shall issue public statements only in an objective and truthful manner. Stay away from marketing and advertising for a client. If TV or radio commercials were delivered in an “objective and truthful manner”, they probably would be out of business in one month. **Subsection 3.a.** As a professional engineer, you can be liable for the statements you make in a design, report, or a testimony. And you are required to date the document for the record. Be very intentional and specific in all of the documents that bear your signature.

Subsection 3.b. Be very careful when making public technical opinions to ensure that they are based on your personal experience, knowledge, and expertise in the matter.

Subsection 3.c. If you are being paid for your technical opinion, you must also identify publicly the interested parties paying for your opinion and how you are benefiting by expressing your opinion. You are a professional, so be professional. If you are not absolutely confident in the statement you are about to make, do not make the statement. The old adage “Say what you mean and mean what you say” applies here.

Rule 4. Engineers shall act for each employer or client as faithful agents or trustees. In engineering, there are no secret agents. An engineer shall act as a “faithful” agent of their employer or as an agent of their client. **Subsection 4.a.** Before accepting a project, the engineer is required to disclose all “known or potential” conflicts of interest that might influence or appear to influence the engineer’s judgement or their service. Obviously, you can not disclose a client that you don’t currently have or have not submitted a contract proposal to. However, if you have met with or already submitted a proposal, you must disclose that to the client and resolve all issues by whatever means the engineer and client can agree to.



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Subsection 4.b. An engineer shall not receive payment by multiple clients for work completed on the same project unless... all clients agree to the engineer being paid for the same project by each interested client.

Subsection 4.c. The engineer cannot solicit payments or accept other benefits from other clients or other agents of clients for the work they are responsible for producing.

Subsection 4.d. Engineers providing services for public agencies or departments are prohibited from participating in decisions for services to be solicited for their company or other engineering companies. Once an engineer is contracted with a public agency, the engineer is prohibited from assisting in developing a public solicitation that the engineer's company may want to pursue.

Subsection 4.e. Engineers shall not solicit for or accept a contract from a public agency if the engineer's company has a principal or officer that serves as a member on the agency's board.

When it comes to engineering services for a public entity, the engineer should ask "Is there anything about this that would look or sound unethical to others?" If another engineer was doing the same thing, what would you think?

Rule 5. Engineers shall avoid deceptive acts. Subsection 5.a. Engineers are prohibited from falsifying, misrepresenting, or exaggerating the resumes and qualifications of themselves or that of their business associates. They must be truthful in reporting their responsibilities and their subject matter expertise in previous projects they have worked on. Reading about a project design is not the same as actually managing a project design. That extends to "brochures or other presentations incident to the solicitation of employment...."

Think about it... who do you want performing surgery on you... an experienced surgeon with lots of actual experience or someone who has only read about the surgical procedures? Remember, just do what is right and say what is true. If you don't, and the project goes wrong in some way, shape, or form, some attorney may begin investigating all of your actual work history. And that may provide you the opportunity to meet the members of your state's engineering board for licensing and ethics.



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Subsection 5.b. Engineers are also not allowed to “**offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority...**” This means no gifts may be given or received in order to obtain a contract. What about when you have a business lunch to discuss a project and the meal is paid for by you or others? Does that mean expensive meals but not McDonald’s meals? Well, what does “no gifts” mean? What if the government agency has different code requirements than the state’s engineering board? Does that excuse you? My advice is don’t assume anything. If you really want to know before risking a state’s ethics code violation, you might want to present the question to the board.

One more note about **Subsection 5.b.** ... an engineer **shall not pay a commission, percentage, or brokerage fee in order to secure work.** There is an exception for payments to an employee or established commercial or marketing agencies but be careful with this.

SUMMARY

When it comes to ethics... if it would look or sound unethical to other observers, then don’t do it. It really is not worth your license and livelihood. If you do what is right all the time, you should be fine.

Each state’s engineering board develops its own codes concerning the ethics requirements of licensed professionals. These codes vary from state to state, just as the engineering requirements vary from state to state. Your “home” state may allow a particular activity but that does not mean another state you’re registered in will allow that same activity. You must understand the regulations of every state in which you are licensed to work. If in doubt, call that state’s board and ask.

REMEMBER: Many of our problems involve thinking:

Acting without thinking...

or

Thinking without acting.

Most of us have been guilty of one or the other... or maybe even both! You already know the ethical thing to do... now just do it!