

Ethical Behavior and Decision Making



Flexible Pavements of Ohio

Concepts of Ethics

- Ethics or moral philosophy is the branch of philosophy that involves systematizing, defending, and recommending concepts of right and wrong conduct.
- Moral principles that govern a person's behavior or the conducting of an activity.
- The branch of knowledge that deals with moral principles.
- The process used to make value-laden decisions beyond the law in professional matters.
- The concept of ethics is based on considerations of moral, societal and religious values and requirements of law.

Descriptions of Ethics

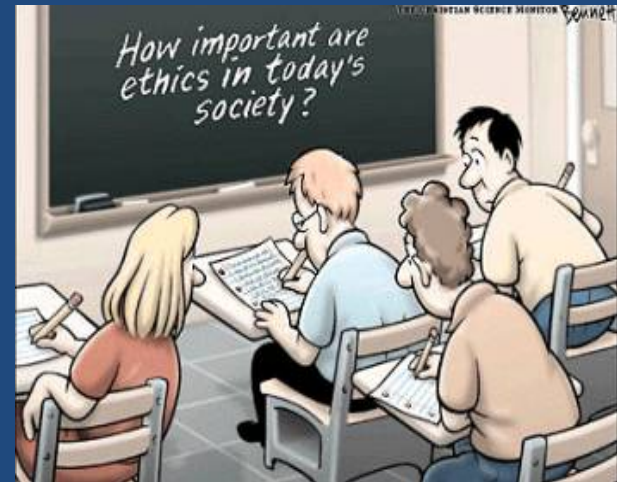
- Fairness
- Justness
- Fair play
- Fair-mindedness
- Equity
- Honesty
- Trustworthy
- The golden rule; "treat others the way you would like to be treated yourself" is found in the bible and many earlier philosophies.



Why the concern with Ethics?

- We hear of ethical/moral lapses on a daily basis in the news: making false statements, business fraud, scams, cheating on taxes, safety violations, not to mention overt criminal acts .

It sometimes seems that society has lost all concept of right/wrong and that anything goes so long as one can get away with it without penalty.



The Ethical Delimma

- What makes good people commit unethical/illegal acts? We are constantly confronted with moral and ethical dilemmas.
- It is all too easy to rationalize unethical behavior. Does the end justify the means? I have obligations to my dependents, my employer and myself.
- If an action jeopardizes the interests of one over the other, where does my obligation lie?
- Ethics involves doing the right thing even when it is disadvantageous.

Organizational Ethics

- Ethics is a matter of concern today on many levels; Governmental, business and personal.
- In many organizations it is not sufficient to "let your conscience be your guide". Thus, many have developed codes of ethics or conduct.
- You can find examples of codes of ethics or conduct from the BBB, Doctors, Professional Engineers/Surveyors, Lawyers and Flexible Pavements of Ohio.
- The minimum requirement for ethical behavior is complying with all applicable laws and rules.
- Many organizations are going further to establish values that require standards of conduct which exceed the requirements of law .

Code of Ethics for Engineers and Surveyors

- The Board of Registration for Professional Engineers and Surveyors has established through law and rule a Code of Ethics for Engineers and Surveyors
- The engineers/surveyors code of ethics is found in Ohio administrative rules 4733-35 and is authorized under the Ohio Revised Code, 4733.07
- As such, the code of ethics for engineers/surveyors carries the weight of law.

Code of Ethics for Engineers and Surveyors – Preamble, 4733-35-01

- In order to safeguard the life, health, property and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the professions of engineering and surveying, the following rules of professional conduct, promulgated in accordance with Chapter 4733. of the Revised Code, shall be binding upon every person holding a certificate of registration as a professional engineer or as a professional surveyor. The engineer or surveyor, who holds a certificate of registration from the Ohio state board of registration for professional engineers and surveyors, is charged with having knowledge of the existence of the reasonable rules and regulations hereinafter provided for his or her professional conduct as an engineer or surveyor, and also shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering, or of surveying, is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct.

4733-35-02, Integrity

- The engineer or surveyor is obligated to act with complete integrity in professional matters for each client or employer as a faithful agent; shall be honest and impartial, and shall serve the public, client and employer with devotion.

Responsibility to the public, 4733-35-02

- The engineer or surveyor shall:
- (A) Protect the safety, health and welfare of the public in the performance of professional duties. Should the case arise where the engineer or surveyor faces a situation where the safety, health and welfare of the public is not protected, the engineer or surveyor shall: (1) Sever the relationship with the employer or client; (2) Refuse to accept responsibility for the design, report or statement involved; (3) Notify the proper authority if, in his or her opinion, the situation is sufficiently important.
- (B) Undertake to perform assignments only when the registrant's consulting support are qualified by training and experience in the specific technical fields involved. In the event a question arises as to the competence of an engineer or surveyor to perform an engineering or surveying assignment in a specific technical field of engineering or surveying which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the engineer or surveyor or by its own volition, may require the engineer or surveyor to submit to an appropriate inquiry by or on behalf of the board;

Responsibility to the public, 4733-35-02

- (C) Be completely objective in any professional report, statement or testimony and shall include all relevant and pertinent information in the report, statement or testimony when the result of omission would, or reasonably could, lead to a fallacious conclusion;
- (D) Express an opinion as a technical or expert witness before any court, commission or other tribunal, 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 his or her testimony.

4733-35-04 Public statements and certifications.

- (A) The engineer or surveyor will issue no statements, criticisms or arguments on engineering or surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer or surveyor has prefaced his or her remarks by explicitly identifying himself or herself, by disclosing the identities of the party, or parties, on whose behalf the engineer or surveyor is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.
- (B) The engineer or surveyor will publicly express no opinion on an engineering or surveying subject unless 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 his or her testimony.

4733-35-04 Public statements and certifications.

- (C) The engineer or surveyor shall decline to sign and/or seal any form of certification, warranty, or guaranty that
 - (1) Relates to matters beyond his or her technical competence,
 - (2) Involves matters which are beyond the scope of services for which he or she was retained, or
 - (3) Relates to engineering or surveying work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility.
- "Certification" shall mean a statement signed and/or sealed by an engineer or surveyor representing that the engineering or surveying services addressed therein have been performed, according to the engineer or surveyor's knowledge, information and belief, in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

4733-35-05 Conflict of interest.

- (A) The engineer or surveyor shall conscientiously avoid conflict of interest with the employer or client, but, when unavoidable, the engineer or surveyor shall forthwith disclose the circumstances to the employer or client.
- (B) The engineer or surveyor shall promptly inform the client or employer of any business association, interests, or circumstances which could influence his or her judgment or the quality of services to the client or employer.
- (C) The engineer or surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties or their duly authorized agents.

4733-35-05 Conflict of interest.

- (D) The engineer or surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- (E) The engineer or surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with his client or employer in connection with work for which he or she is responsible.
- (F) As an elected, retained or employed public official, an engineer or a surveyor (in the capacity as a public official) shall not review or approve work that was performed by himself, or under his direction, on behalf of another employer or client.

Solicitation of employment, 4733-35-06

- (A) The engineer or surveyor shall not pay, solicit nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of payment of the usual commission for securing salaried positions through licensed employment agencies.
- (B) The engineer or surveyor shall seek professional employment on the basis of qualifications and competence for proper accomplishment of the work.
- (C) The engineer or surveyor shall not falsify or permit misrepresentation of academic or professional qualifications and shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments.
- (D) Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint-ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

4733-35-07 Improper conduct

- (A) The engineer or surveyor shall not sign and/or seal professional work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility. This is interpreted by the board to mean that an engineer or surveyor shall not sign and/or seal professional work unless that work was prepared under his/her supervision and direction. The engineer or surveyor shall be involved in the project and must be closely involved in the preparation of the work product.
- (B) The engineer or surveyor shall not knowingly associate with, or permit the use of his or her name or firm name in, a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

4733-35-07 Improper conduct

- (C) If the engineer or surveyor has knowledge or reason to believe that another person or firm is guilty of violating any of the provisions of Chapter 4733. of the Revised Code, or any of these rules of professional conduct, he or she shall present this information to the board in writing.
- (D) If a professional engineer or professional surveyor is found guilty of a felony or had his or her registration revoked or suspended by another jurisdiction, the professional engineer or professional surveyor shall notify the board in writing within sixty days

4733-35-08 Other jurisdiction

- Conviction of a felony without restoration of civil rights, or the revocation, voluntary surrender, or suspension of a professional engineer's or surveyor's license by another jurisdiction, if for a cause which in the state of Ohio would constitute a violation of Ohio Revised Code Chapter 4733 or of these rules, shall be grounds for a charge of violation of these rules.

4733-35-09 Records

- Each registrant or certificate of authorization holder shall keep a true and correct record in the English language of all of the business transactions in the registrant's or holder's office relevant to enforcement of Chapter 4733. of the Revised Code.
- Such records shall be available at all reasonable hours for inspection and copying by the Ohio state board of registration for professional engineers and surveyors.
- Each registrant or licensee shall cooperate with the board in its investigation of complaints or possible violations of Chapter 4733. of the Revised Code. This cooperation shall include responding timely to written communications from the board, providing information or documents requested within thirty days of the date on which the communication was mailed, and appearing before the board or its designee upon request.

Enforcement

- The Board of Registration for Engineers and Surveyors employs investigators and investigates complaints of violations of the code of ethics .
- Investigations that show evidence of violations are referred to the Board for consideration of disciplinary action.
- The Board has a due process for considering disciplinary action and publishes records of enforcement actions on the Board website

Disciplinary Process

- The board may conduct an administrative hearing and upon finding that a violation has occurred -
- The Board may fine revoke , suspend refuse to renew or limit the registration, issue a reprimand or place a registrant on probation.
- A registrant receiving discipline may appeal to the courts.

Disciplinary actions

- The Board publishes records of enforcement actions on the Board website.
- Offenses leading to discipline typically involve plan stamping, un-authorized practice in Ohio, gross negligence, incompetency or misconduct and failure to report convictions or discipline in other jurisdictions. .

If faced with an ethical dilemma

Decide Beforehand You Will:

Communicate - When faced with a situation remember: always communicate.

Do not go it alone.

- With your employer - Let him know you can be trusted to do the right thing.
- With the Board of Registration, as required by the code of ethics
- With someone whose judgment you trust
- Seek legal representation , if necessary – There are lawyers that specialize in representing clients before the Board of Registration

Thank You

- *It is not because men's desires are strong that they act ill; it is because their consciences are weak. - John Stuart Mill, philosopher and political economist*

