

Ethics from the Ground Up

ACEC-MN
October 27, 2015

Presenter:

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Learning Objectives

- ▶ Review of MN Rules of Professionalism and Ethics for Professional Engineers
- ▶ Learn how Rules on professionalism and ethical practice protect the public health, safety, welfare
- ▶ Learn to identify ethical dilemmas in practice - both in the office and in the field
- ▶ Examine case studies to identify ethical issues at play

Roadmap for Today



NSPE Code of Ethics – Fundamental Canons:

- ▶ Hold paramount the public HSW
- ▶ Perform services only in areas of competence
- ▶ Issue public statements only in an objective and truthful manner
- ▶ Act for each employer or client as faithful agents or trustees

NSPE Code of Ethics – Fundamental Canons:

- ▶ Avoid deceptive acts
- ▶ Conduct yourself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

▶ www.nspe.org



Professional Licensure : Minnesota's First Step Toward Ethical Engineering Practice

Minnesota Board of
Architecture, Engineering,
Land Surveying, Landscape Architecture,
Geoscience, and Interior Design

www.aelslagid.state.mn.us

AELSLAGID Board Mission

- ▶ MN licensing agency
- ▶ Protect public health, safety, welfare
- ▶ Provide reasonable assurance of **competent, ethical practitioners** with the **necessary knowledge and skills** appropriate to their title and role.

Education → Compliance

- ▶ Ignorance is no excuse
- ▶ Presentations, consultations, articles

Enforcement = Discipline

- ▶ Complaint forms
- ▶ Confidential process

Board Disciplinary Action

- ▶ Suspend or revoke license
- ▶ Impose civil penalty not to exceed \$10,000 per violation
- ▶ Impose a fee for costs of proceedings

Who can Practice in Minnesota?

- ▶ Only those who hold a MN license can practice or offer to practice in MN (Minn. Stat. § 326.02, subd. 1)

OR

- ▶ Work under the direct supervision of a licensed professional in order to perform work that requires a license (as defined in MN Statutes §§ 326.02-326.15).

Rules of Professional Conduct

- ▶ Outlines professional responsibility
- ▶ Minn. Rules 1805 et seq.
- ▶ Rules available at Board web site:
www.aelslagid.state.mn.us
- ▶ All licensees sign document acknowledging and promising to abide by Rules

Professional Conduct

Honesty/Integrity

Licensee shall:

- ▶ Avoid any act which may diminish public confidence in self and in the profession
- ▶ Conduct self and business with integrity
- ▶ Not misstate qualifications for licensure here or in any jurisdiction
 - ▶ Covers statements or omissions
- ▶ Not further another's application for licensure when licensee knows s/he is unqualified in respect to character, education, or other relevant factor.

Minn. R. 1805.0200

Professional Conduct

Professional “Prohibitions”

- ▶ Use another to circumvent a rule
- ▶ Illegal conduct/moral turpitude
- ▶ Dishonesty, fraud, deceit, misrepresentation
- ▶ Conduct that adversely reflects on the licensee's fitness to practice the profession
- ▶ Signing/stamping work that was not produced by you or under your direct supervision/control

Minn. R. 1805.0200

Professional Conduct

Avoid Conflicts of Interest

Licensee shall:

- ▶ Avoid accepting a commission where duty to the client or public would conflict with the personal interest of the licensee or interest of another client
- ▶ Not accept compensation for services on same project from more than one party unless unity of interest among parties.
- ▶ Not solicit or accept gifts for work without knowledge and approval of client and/or employer

Minn. Rule 1805.0300

Competency/Qualifications

Licensee shall:

- ▶ Only seek and engage professional work that licensee is competent and qualified to complete

Licensee shall not:

- ▶ Falsify or misrepresent qualifications to any person or the public nor misrepresent responsibility in any prior employment
- ▶ Transmit any false information about qualifications
- ▶ Give any money/gift to induce getting a job

Minn. R. 1805.0400

Professional Conduct

No False/Malicious Statements

Reminder that words CAN hurt you:

Licensee shall not:

- ▶ Make false or malicious statements that could injure another's personal/professional reputation or business

Minn. R. 1805.0500

Professional Conduct

Duty to Report Violators

When a licensee:

- ▶ Has knowledge or reasonable grounds
- ▶ Of another's violation of statutes or rules governing the practice/profession

Licensee has a duty to report data to the board AND tell the whole truth when questioned.

Minn. R. 1805.0600

Common Errors that Lead to Discipline in MN:

- ▶ Misrepresentations to Board, State, Public:
 - ▶ Failing to complete on-line applications accurately
 - ▶ Failing to report discipline in other jurisdictions
 - ▶ Failing to report CE credit accurately on renewal
 - ▶ Signing/stamping/certifying another's work
 - ▶ Working without license due to failure to renew

- ▶ Minn. R. 1805.0200: Duty of Candor to the Board

Continuing Education:

- ▶ Per biennium:
 - ▶ Minimum of 24 Professional Development Hours (PDH)
 - ▶ 2 credits must be in ethics
 - ▶ If reported more, may carry over up to 12 PDH
 - ▶ Cannot carry over ethics PDH
- ▶ Keep your records

Minn. Stat. 326.107, subd. 1

Use of Certified Signatures:

- ▶ Best practice:
Only certify documents within your direct supervision
 - ▶ Certification required:
On all pages of plans/drawings that must be signed, but only on the first page of specifications, plats, reports, or other documents that require signature
 - ▶ Certification not required:
Documents solely for interoffice use, drafts, preliminary, schematic, DD
- ▶ Minn. Stat. § 326.12

Grounds for Revocation and Suspension

- ▶ Fraud or deceit in obtaining one's license or certificate
 - ▶ Attaching stamp/seal/certification to work prepared by others
 - ▶ Gross negligence, incompetence, or misconduct in practice
 - ▶ Conviction of violation of practice act
 - ▶ Crime of moral turpitude
 - ▶ Adjudication of insanity and incompetence
- ▶ Minn. Stat. 326.11

“Misconduct” Defined

Includes any act or practice in violation of the Rules of Professional Conduct as set forth in MN Rules 1805.0100 to 1805.0800

- ▶ Defined in MN Statutes § 326.11

Multi-State Considerations

- ▶ Rules/reqs for licensure vary by state
- ▶ “no fishing” in many states (MN)
- ▶ Balance state licensure with government agency considerations

Best Practices:

- ▶ Find out state requirements before exploring business in another jurisdiction

Where Unethical Behavior Begins: Three Fundamental Elements

- ▶ Need
- ▶ Opportunity
- ▶ Rationalization

Source: Chuck Gallagher, "When Good People Make Bad Choices:
The Human Side of Business Ethics."

<http://www.lifehealth.com/good-people-make-bad-choices/#sthash.KZK9pO6p.QUN3zLbi.dpuf>

Learn to Recognize the Signs:

- ▶ Signs of Need
- ▶ Mis-used Opportunities
- ▶ Rationalization of Bad Behavior
 - ▶ “I’m not stealing, I’m borrowing”
 - ▶ “Everybody else is doing it”
 - ▶ “No one will miss it/know/notice”

How to Eliminate Opportunity for/ Rationalizing Unethical Conduct:

- ▶ Communication
- ▶ Accountability
 - ▶ Start with self; throughout company
 - ▶ Investigation: Gather facts, not hearsay
- ▶ Transparency

Mentors and Leadership

- ▶ Ethical culture starts from the top down
- ▶ Experienced professionals
 - ▶ The eyes are on you
 - ▶ Set the standard
 - ▶ Guide emerging professionals
 - ▶ Realize you are role models and leaders
- ▶ Mentors

Ethics and integrity are your choice....Choose well.



Case Studies

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Ethical Inquiry*:

- ▶ Identify:
 - ▶ Who are the stakeholders/affected parties?
 - ▶ What are their interests?
 - ▶ What are their responsibilities?
- ▶ Consider options for behavior & consequences
- ▶ Evaluate options under basic ethical values (honesty, integrity, fairness, civility, respect, kindness, etc.) or tests

* Evaluation Tool developed by Dr. Michael C. Loui, Professor Emeritus, University of Illinois at Urbana-Champaign; loui@illinois.edu

Citicorp Center, NYC



Photo courtesy of compliancebuilding.com - Trxr4kds

Citicorp Center Evaluation:

- ▶ Stakeholders
 - ▶ Interests
 - ▶ Responsibilities
 - ▶ Options for behavior
 - ▶ Consequences
-
- ▶ Does evaluation require any other facts?
 - ▶ Was conduct ethical?

Ethical Wrap-Up

Ethical practice begins with You:

- ▶ Know your Rules
- ▶ Develop a consistent ethic – i.e. walk the talk
- ▶ Communicate, communicate, communicate
- ▶ Address the hard issues head-on
- ▶ Be an ethical leader in your office/firm/agency
- ▶ Mentor emerging professionals; they learn from you

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Thank you!

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