

# Engineering Ethics

Jason Meyer, JD, BC.WRE, CFM



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## Introduction

- **Professional Engineer**

- Minnesota, Iowa, Illinois, Indiana, Pennsylvania, Texas

- **Attorney**

- Illinois
- Minnesota
- Supreme Court of the United States

- **American Council of Engineering Companies of Minnesota - Board of Directors**

- **American Academy of Water Resources Engineers - Board of Trustees**

- **Engineering Education Foundation of America - Board of Directors**

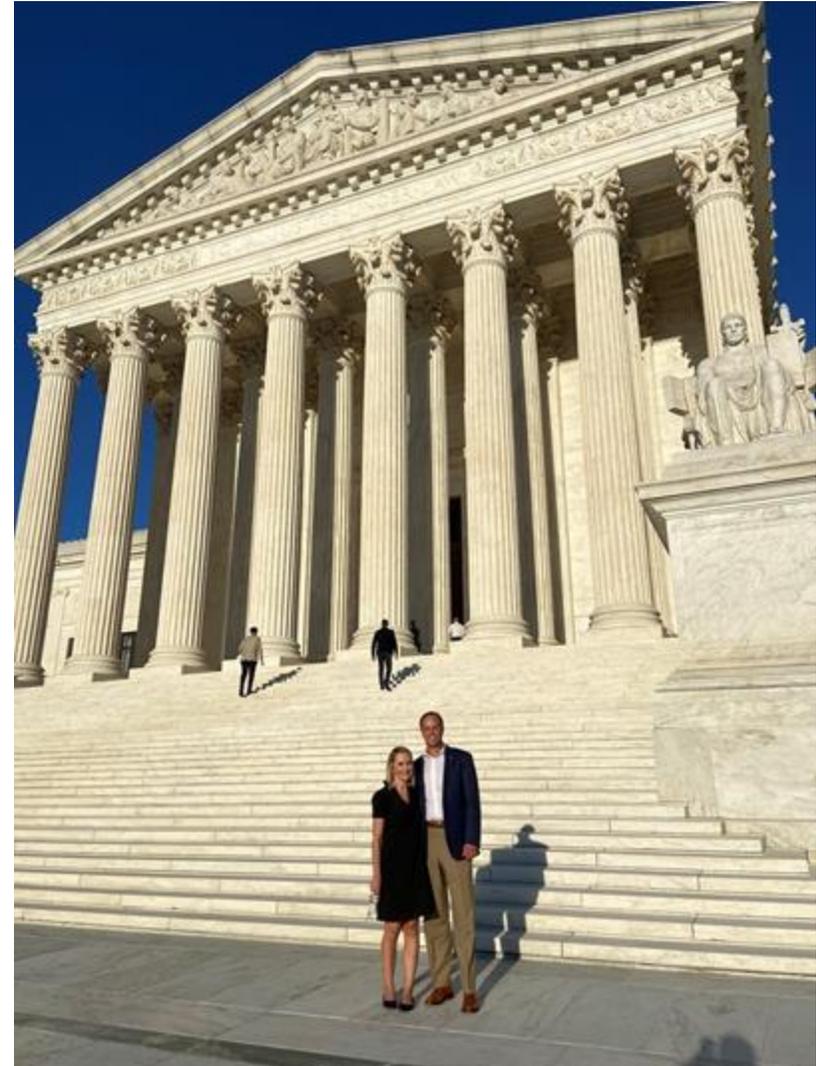


# Ground rules

- Discuss engineering ethics.
- Participate in discussion.
- Please interject with questions and discussion.
- Respect others' opinions.

# Syllabus

- Legal Duties
- Ethical Duties
- Breach of Duties
- Ethical Dilemmas



# Types of Duties

## **Moral Duty**

Individual compass of right and wrong.  
Breach is a moral wrong.

## **Legal Duty**

Created by law or contract.  
Breach gives rise to a legal remedy.

## **Ethical Duty**

Rules and conduct of a group.  
Breach gives rise to discipline and

tarnished reputation.

# Moral Duties

What are morals?

Who defines morals?

Who do morals apply?

What happens if we breach morals?

# Ethical Duties

Rules and Conduct of a Group

# Professional Ethics

**Merriam-Webster** - “principles of conduct governing an individual or group.”

**Engineering Ethics** - Principles of conduct governing engineers.

# Ethical Duties



# Code of Ethics

## Preamble

Members of The American Society of Civil Engineers conduct themselves with integrity and professionalism, and above all else **protect and advance the health, safety, and welfare of the public** through the practice of Civil Engineering.

## Duties of Engineers

- Society
- Natural and Built Environment
- Profession
- Clients and Employers
- Peers

## 1. Society

Engineers:

- a. first and foremost, protect the health, safety, and welfare of the public;
- b. enhance the quality of life for humanity;
- c. express professional opinions truthfully and only when founded on adequate knowledge and honest conviction;
- d. have zero tolerance for bribery, fraud, and corruption in all forms, and report violations to the proper authorities;
- e. endeavor to be of service in civic affairs;
- f. treat all persons with respect, dignity, and fairness, and reject all forms of discrimination and harassment;
- g. acknowledge the diverse historical, social, and cultural needs of the community, and incorporate these considerations in their work;
- h. consider the capabilities, limitations, and implications of current and emerging technologies when part of their work; and
- i. report misconduct to the appropriate authorities where necessary to protect the health, safety, and welfare of the public.

## 2. Natural and Built Environment

Engineers:

- A. adhere to the principles of sustainable development;
- B. consider and balance societal, environmental, and economic impacts, along with opportunities for improvement, in their work;
- C. mitigate adverse societal, environmental, and economic effects; and
- D. use resources wisely while minimizing resource depletion.

## 3. Profession

### Engineers:

- A. uphold the honor, integrity, and dignity of the profession;
- B. practice engineering in compliance with all legal requirements in the jurisdiction of practice;
- C. represent their professional qualifications and experience truthfully;
- D. reject practices of unfair competition;
- E. promote mentorship and knowledge-sharing equitably with current and future engineers;
- F. educate the public on the role of civil engineering in society; and
- G. continue professional development to enhance their technical and non-technical competencies.

## 4. Clients and Employers

Engineers:

- A. act as faithful agents of their clients and employers with integrity and professionalism;
- B. make clear to clients and employers any real, potential, or perceived conflicts of interest;
- C. communicate in a timely manner to clients and employers any risks and limitations related to their work;
- D. present clearly and promptly the consequences to clients and employers if their engineering judgment is overruled where health, safety, and welfare of the public may be endangered;
- E. keep clients' and employers' identified proprietary information confidential;
- F. perform services only in areas of their competence; and
- G. approve, sign, or seal only work products that have been prepared or reviewed by them or under their responsible charge.

## 4. Peers

### Engineers:

- A. only take credit for professional work they have personally completed;
- B. provide attribution for the work of others;
- C. foster health and safety in the workplace;
- D. promote and exhibit inclusive, equitable, and ethical behavior in all engagements with colleagues;
- E. act with honesty and fairness on collaborative work efforts;
- F. encourage and enable the education and development of other engineers and prospective members of the profession;
- G. supervise equitably and respectfully;
- H. comment only in a professional manner on the work, professional reputation, and personal character of other engineers; and
- I. report violations of the Code of Ethics to the American Society of Civil Engineers.

# Legal Duties

Duties created by law or contract.

# Legal Duties

- **State Statutes**

- AELSLAGID Licenses. Minn. Stat. § 326.01 *et seq.*

- **State Rules**

- AELSLAGID Rules of Professional Conduct. Minn. R. 1805.0100 *et seq.*

- **Common Law Duty of Care**

- Professional Negligence



# Legal Duties

## Statutory

### **Continuing Education**

Licensed professional engineers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. Minn. Stat. § 326.107.

### **Continuing Education Activities**

- College courses
- Seminars
- Presenting at Courses and seminars
- Publishing papers, articles, or books
- Participation on boards, committees, or planning commissions
- Patents

# Legal Duties

## Rules of Professional Conduct

**Conflicts of Interest** Minn. R. 1805.0300.

### **Gifts.**

A. Without the knowledge and approval of the client or the employer, a licensee or certificate holder shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, material or equipment suppliers, or other persons dealing with the client or employer in connection with the work for which the licensee or certificate holder has been retained.

B. A licensee or certificate holder shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee or certificate holder is interested or involved.

# Legal Duties

## Rules of Professional Conduct

### **Improper Solicitation of Employment Minn. R. 1805.0400.**

A. A licensee or certificate holder shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

B. A licensee or certificate holder shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee or certificate holder is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

# Legal Duties

## Rules of Professional Conduct

**Conflicts of Interest** Minn. R. 1805.0650.

**Competence.**

In practicing architecture, engineering, land surveying, landscape architecture, or geoscience, or when using the title of certified interior designer, each licensee or certificate holder shall act with reasonable care and competence and shall apply the knowledge and skill that is ordinarily applied by such professionals.

# Legal Duties

## Common Law Duty of Care

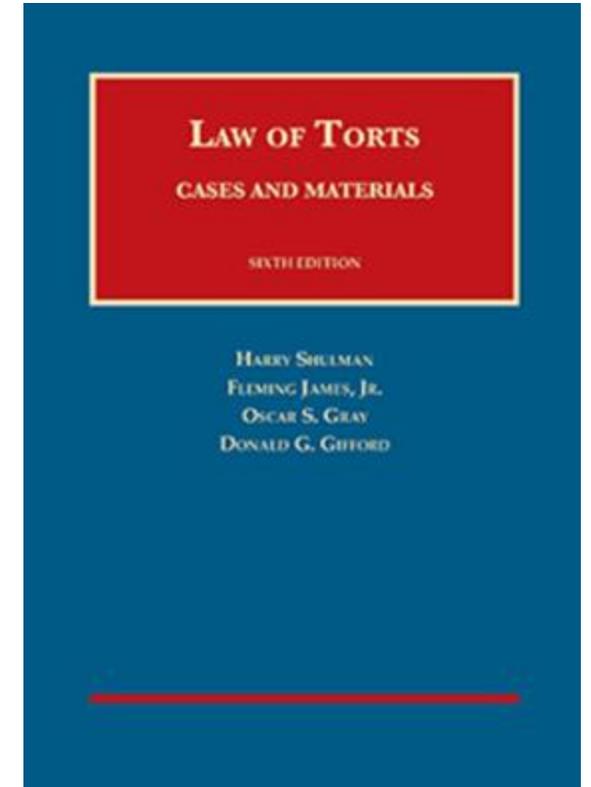
### Professional Negligence

“the failure to exercise such care as persons of ordinary prudence usually exercise under similar circumstances.”  
Mingo v. Extrand, 230 N.W. 895 (Minn. 1930)

### Elements

- Duty of Care
- Breach of Duty
- Injury
- Proximate Causation

**Consequences = Damages**



# Breach of Duties

## Breach of Moral Duty

- Tarnished Reputation

## Breach of Ethical Duty

- Discipline
- Tarnished Reputation

## Breach of Legal Duty

- **Discipline**
  - Suspension
  - Temporarily Suspension
  - Revocation
- **Liability**
  - Damages



# Questions and Discussion

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