

Making judgment calls

The National Society of Professional Engineers' Board of Ethical Review provides impartial help to engineers facing tough ethical questions. Following are two cases it recently reviewed.

by the National Society of Professional Engineers Board of Ethical Review

Case #1: The public's right to know

Eno Vative, P.E., a structural designer of a large commercial building, incorporates new and innovative design concepts into the project. After construction is complete and the building is occupied, he finds an omission in his calculations that could result in its collapse under severe, but not unusual, wind conditions. The collapse would not only jeopardize the occupants and their immediate surroundings, but could also possibly cause a "domino" effect threatening a much larger area.

Vative advises the architect and client of the problem. He consults with the architect, the client and Urban, the city engineer, and all agree upon remedial construction, which can be accomplished over the next few months. A storm monitoring system and contingency evacuation plan for the building and surrounding neighbourhood are developed for the time before construction is complete.

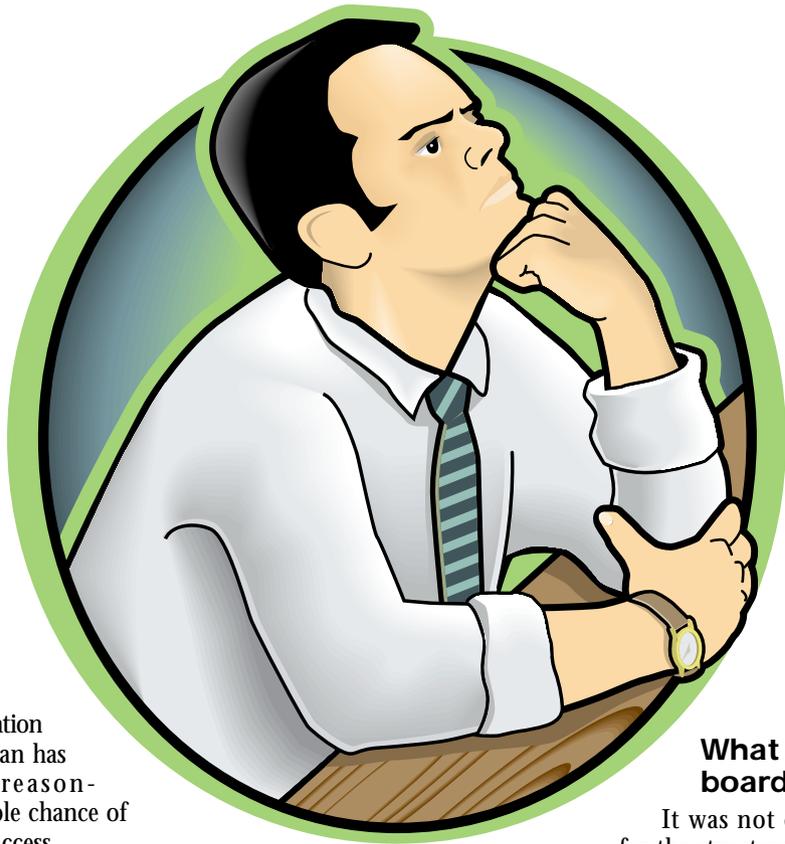
Both the client and architect strongly agree that the situation should be kept secret, with construction accomplished during the evening hours when the building is unoccupied. Vative is confident that the construction will completely rectify any structural concerns and that the evac-

uation plan has a reasonable chance of success.

Ann Urban, P.E., the city engineer, has concern for the public and thinks the office workers have a right to know. But the architect and the client maintain that the public's right to know is superseded by the consequences of a possible public panic resulting from any notification. Vative agrees to comply with the client's and the architect's wishes.

What do you think?

Was it ethical for Vative, the structural engineer, to comply with the client's and the architect's desire for secrecy? Was it ethical for Urban, the city engineer, to maintain secrecy?



What the board said

It was not ethical for the structural engineer to comply with the client's and the architect's desire for secrecy. It was not ethical for Urban, the city engineer, to maintain secrecy.

Vative's actions in promptly reporting his findings to the client and providing a corrective design were both ethical and commendable. Nevertheless, the repairs required to ensure the building's stability were expected to take several months. During that time, the building's occupants, along with a large area of the city, would remain in jeopardy, with only an untested evacuation plan protecting them from possible disaster.

Avoiding public panic is certainly a legitimate factor in making a decision.

However, withholding critical information from thousands of individuals whose safety is compromised over a significant period of time was not a valid alternative for the conditions presented.

It seems that Vative should have informed the client and the architect that, while he had an obligation of confidentiality to them as clients, his ultimate obligation was to see that the public was protected. He should have told them that he would have to inform the appropriate authorities, unless they immediately developed and carried out a plan to do so. Such a plan, developed in consultation with a public relations firm and legal advice, could have avoided sensational media hype and panic.

The argument can be made that Urban could have been considered an "appropriate authority." However, given the magnitude of the situation, it was incumbent for Vative, as well as Urban, to vigorously advocate the actions necessary for public protection and notification of higher authorities. By not doing so, both engineers failed to hold paramount their obligation to protect public safety.

Vative could have taken other steps to address the situation, not the least of which was his paramount professional obligation to notify the appropriate authority if his professional judgment is overruled under circumstances where the safety of the public is endangered. This responsibility is outlined in Section II.1.e. of NSPE's Code of Ethics. Instead, Vative "went along" and proceeded with the work on behalf of the client. His conduct cannot be condoned under the Code.

[PEO members have a similar duty to report situations that may endanger public safety or welfare. The Definition of Professional Misconduct (Section 72 of Regulation 941/90) includes:

- ◆ "failure to act to correct or report a situation that the practitioner believes may endanger the safety or welfare of the public"; and
- ◆ "failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work."

PEO's Code of Ethics (Section 77 of Regulation 941/90) also obliges practitioners to "regard the practitioner's welfare as important" and to "maintain the honour and integrity" of the profession by exposing "before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner."]

Case #2: taking promotional slogans too far

Polly Tishan, P.E., is a prominent professional engineer in her community. She decides to run for a political office in Smith County and uses as her slogan "Polly Tishan: Engineering a Better Smith County."

In a neighbouring county, Paul E. Ticks, a sole practitioner, markets himself as "The Everything Engineer" in advertising slogans and sales promotions.

What do you think?

Was it ethical for Polly Tishan to use the slogan "Polly Tishan: Engineering a Better Smith County," when running for political office? Was it ethical for Paul E. Ticks to market himself as "The Everything Engineer" in advertising slogans and sales promotions?

What the board said

The board believes that engineers who are involved in public affairs have a special obligation to promote the public's knowledge and understanding of engineering, and to not engage in gimmickry and slick sloganeering or promotions at the expense of the dignity of the engineering profession. Engineers who run for public office should make special efforts to provide the public—which in survey after survey demonstrates a limited understanding of the engineering profession—with a fuller understanding and appreciation of the contributions of engineers to society.

The board recognizes that some might have objected to the use of the term "engineering" in the first context, because it might have been viewed as a gimmick and caused the public to be misled or deceived in the context in which it was used. However, the board does not believe that the use of the term goes beyond the bounds of ethics and, therefore, considers Tishan's actions to be ethical.

Nevertheless, the board believes that a preferable approach for Polly Tishan would have been to avoid using the slogan and to explain in great detail how her skills as an engineer would be of benefit to the public in her role as a public official. The board thinks that such an approach would have served the interests of public discourse on the benefits of engineering skill and judgment among publicly elected officials. It would also have raised the stature and image of the engineering profession in the public eye.

With regard to Paul E. Tick's use of "everything engineer" in advertising slogans to promote his engineering practice, the board is troubled by this type of promotional activity. For an engineer to state or imply that he or she can perform all areas of engineering, all disciplines of engineering, in all contexts, is misleading and deceptive. It is not reasonable for an engineer to imply, in a wholly unrestricted manner, competence and qualifications in virtually all areas of engineering practice.

[PEO's Code of Ethics also calls on professional engineers to "endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering."]

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