

**ETHICS –
NOT BLACK AND WHITE
JUST SHADES OF GRAY**

Presented by Bill Rushing
November 12, 2020

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OBJECTIVES

**DOING THE RIGHT THING
IS AN OPPORTUNITY**



NOT AN OBSTACLE

Ethics sounds easy. All we have to do is
"The Right Thing"

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BLACK AND WHITE

- Cambridge defines - A black-and-white subject or situation is one in which it is easy to understand what is right and wrong:
- Macmillan defines - involving one idea that is clearly right and another that is clearly wrong, so that it is not difficult for you to make a moral decision

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OBJECTIVES

Ethics are usually not clear cut.

Are there circumstances that determine

“what is the right thing”?

The Goal Today

Discuss Hypothetical Scenarios that generate some
Ethical Thought for all of us

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DISCLAIMER

I am not an Expert

Any Scenarios are absolutely fictional



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ASCE ETHICS

ADOPTED IN 1914

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ASCE ETHICS

CANON 1. HOLD SAFETY PARAMOUNT

Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

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ASCE ETHICS

CANON 2. SERVICE WITH COMPETENCE

Engineers shall perform services only in areas of their competence.

8

ASCE ETHICS

CANON 3. ISSUE TRUE STATEMENTS

Engineers shall issue public statements only in an objective and truthful manner.

9

ASCE ETHICS

CANON 4. ACT AS A FAITHFUL AGENT

Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

10

ASCE ETHICS

CANON 5. REPUTATION BY MERIT

Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

11

ASCE ETHICS

CANON 6. UPHOLD PROFESSIONAL HONOR

Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero tolerance for bribery, fraud, and corruption.

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ASCE ETHICS

CANON 7. CONTINUE PROFESSIONAL DEVELOPMENT

Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

13

ASCE ETHICS

CANON 8. TREAT ALL PERSONS FAIRLY

Engineers shall, in all matters related to their profession, treat all persons fairly and encourage equitable participation without regard to gender or gender identity, race, national origin, ethnicity, religion, age, sexual orientation, disability, political affiliation, or family, marital, or economic status

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ASCE ETHICS

Under ASCE bylaws, all ASCE members are required to comply with the Code of Ethics and to report any observed violations. The Committee on Professional Conduct (CPC) reviews and investigates complaints in accordance with its rules of procedure. If the CPC finds that an ethics violation has occurred and that disciplinary actions are appropriate, it will forward its recommendations to ASCE's Executive Committee or Board of Direction for a formal hearing on the matter.

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NSPE ETHICS

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

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ETHICS

Bill's Simple Rules of Ethics
(Not Really Mine)

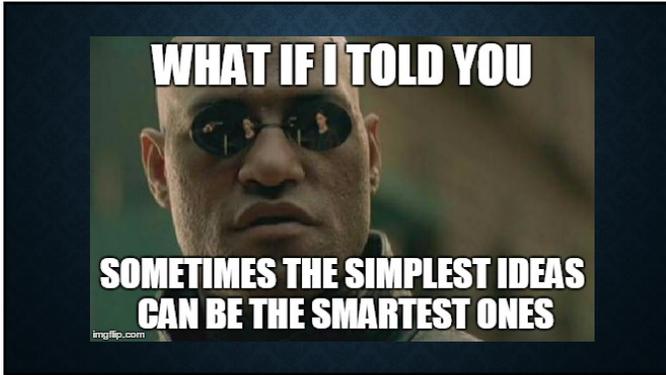
- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

17

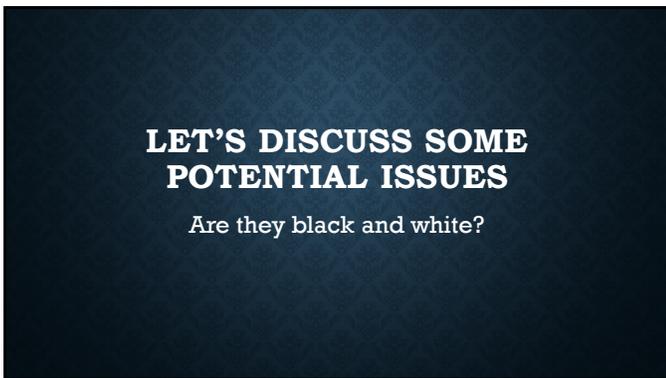
ETHICS

Doesn't all of this boil down to
"Just Do The Right Thing"

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20



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DO YOU TURN HIM IN?

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

22



PROBABLY NOT, MAN

23

THE FRIEND'S DILEMMA

• A very good friend tells you they always run stop signs. They are only suggestions. But the other day, he hit a car, left the scene (Hit and Run). Obvious that no one was injured. Surely they have insurance. Not a big deal.

24

DO YOU TURN HIM IN?

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

25



26

THE FRIEND'S DILEMMA

• You are walking down the street, you see a car run a stop sign. It careens off a parked car leaving some dents and damage. You get the license plate.

27

DO YOU TURN HIM IN?

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

28

YOU BET, PILGRIM



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THE FRIEND'S DILEMMA

• A very good friend tells you they always run stop signs. They are only suggestions. He runs a stop sign and hits a pedestrian. He runs off leaving the scene. The news reports a pedestrian was killed in a hit and run and there are no witnesses.

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DO YOU TURN HIM IN?

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

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WHAT'S DIFFERENT IN THESE SCENARIOS?

- All illegal
- What sways our decision process?
- Relationships?
- Is one more "trivial"?
- The affect on property?
- The affect on life?

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We all must weigh the potential consequences of our actions to the potential conclusion?
Am I at risk?
Is the public/society at risk?

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SOMETIMES IT IS EASY? OR IS IT?

35

THE LOYAL CLIENT

- Long term client
- Gives you a LOT of work on a frequent basis
- Has an unusual design done by an in-house engineer
- The engineer is NOT a PE
- We've done this before.
- We've given you a lot of work, this should be easy for you.
- Asks you to stamp it

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BILL'S TEST

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

37

Sends you a pdf to stamp with the calcs

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NOW MAYBE WE ARE STARTING TO FEEL BETTER?

- Allows you to make any changes deemed necessary

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THE SAME CLIENT



A PENDING LAWSUIT. YOU ARE NOT NAMED NOR IS IT YOUR DESIGN.



HE ASKS YOU TO BE HIS EXPERT AND DEFEND THE DESIGN

40

IS THIS A CONFLICT OF INTEREST?

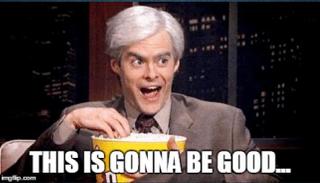
- Should you decline?
- Canon 4 states: Engineers shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interests, or circumstances which could influence their judgment or the quality of their services.
- But is it a "conflict"?



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IS THIS A CONFLICT OF INTEREST?

- Attorneys will eat this up.....

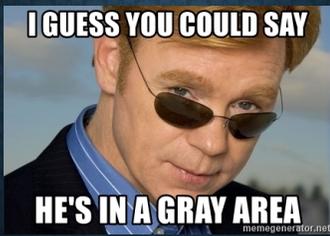


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BILL'S TEST

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

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LET'S GET CLOSER TO HOME

A "Disaster" strikes

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NONE OF THIS IS REAL!



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THE PHONE STARTS TO RING

48

Will you speak about this on TV?



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**WHAT DO THEY WANT?
REALLY?**

A Headline

A "scoop"

50

WHAT ARE THE ISSUES?

51

LETS IMAGINE

- I go on TV
- The last building I did was 35 years ago
- I've done no analysis
- "From the video's I've seen, appears it was a failure due to the XYZ Company's negligence. But I've done no analysis"

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CANON 2. SERVICE WITH COMPETENCE

Engineers shall perform services only in areas of their competence.

Engineers shall undertake to perform engineering assignments only when qualified by education or experience in the technical field of engineering involved.

53

CANON 3. ISSUE TRUE STATEMENTS

Engineers shall issue public statements only in an objective and truthful manner.

Engineers should endeavor to extend the public knowledge of engineering and sustainable development, and shall not participate in the dissemination of untrue, unfair or exaggerated statements regarding engineering.

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CANON 5. REPUTATION BY MERIT

Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

- Engineers shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.
- Engineers shall not maliciously or falsely, directly or indirectly, injure the professional reputation, prospects, practice or employment of another engineer or indiscriminately criticize another's work

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CANON 6. UPHOLD PROFESSIONAL HONOR

Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero tolerance for bribery, fraud, and corruption.

Engineers shall not knowingly engage in business or professional practices of a fraudulent, dishonest or unethical nature

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CANON 8. TREAT ALL PERSONS FAIRLY

a. Engineers shall conduct themselves in a manner in which all persons are treated with dignity, respect, and fairness.

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"From the video's I've seen, appears it was a failure due to the XYZ Company's negligence. But I've done no analysis"

58

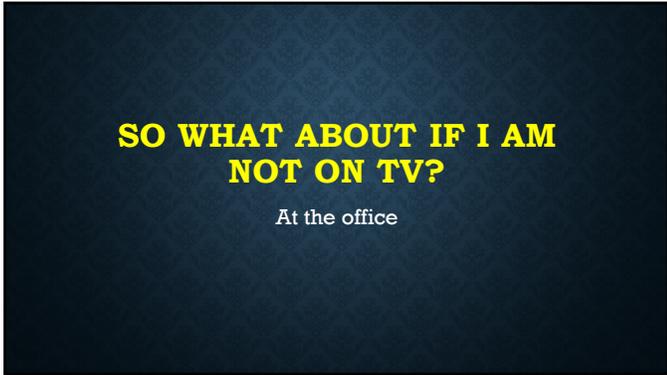
BILL'S TEST

- Is it illegal?
- Would you be embarrassed if it were in the News, TV or Social Media?
- Would you be embarrassed to tell your family?

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BUT IS IT UNETHICAL?

60



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SO WHAT ABOUT IF I AM NOT ON TV?

At a Party

But who is listening?
Or Recording?

64

IF SOMEONE ASSIGNS FAULT THRU CONJECTURE (IN A PRIVATE CONVERSATION)

- Has that violated any ethics standards
- Is this just running a stop sign and the minor hit and run?

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SO WHAT ABOUT IF I AM NOT ON TV?

On Social Media

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**IF SOMEONE ASSIGNS FAULT
THRU CONJECTURE**

- Has that violated any ethics standards
- Is this just running a stop sign?

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LET'S LOOK AT ONE MORE

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**THIS ONE IS NOT
FICTIONAL**

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SOME BACKGROUND FIRST

- Put in place March 10, 2018 - Cracks start appearing at supports
- March 11 – cracks more extensive
- March 13 – “We do not see this as a safety issue”
- March 15 – early morning inspection followed by Entire Team Meeting
 - “No Safety Concerns”

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MARCH 15 AFTERNOON

An aerial photograph of the same highway interchange as in slide 70, but taken in the afternoon. The traffic is still present, and the construction equipment remains on site. The lighting is different, suggesting a later time of day.

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IN THAT MEETING....

Everyone involved on the project.
The Entire Team
Contractor, Inspectors, Owners, FIU, DOT

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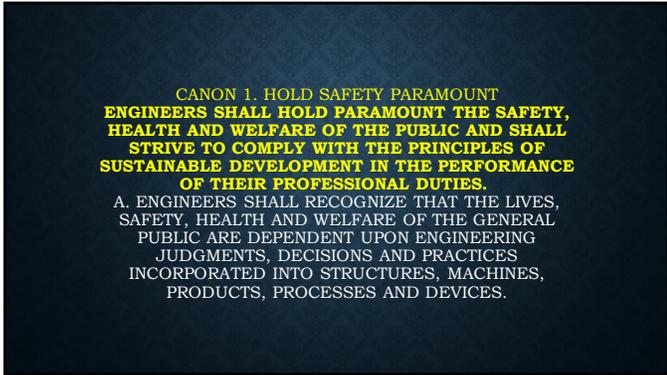
AND NO ONE SAID A WORD.....

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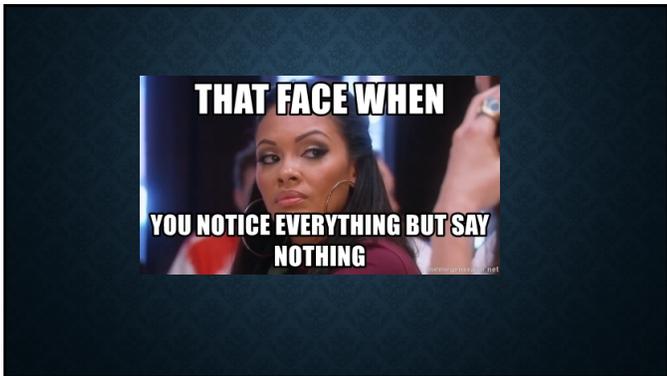
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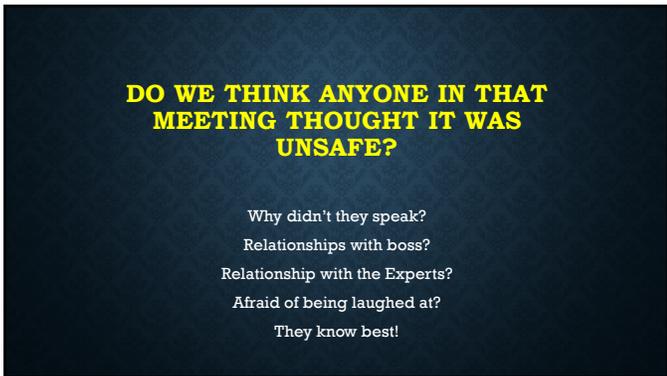
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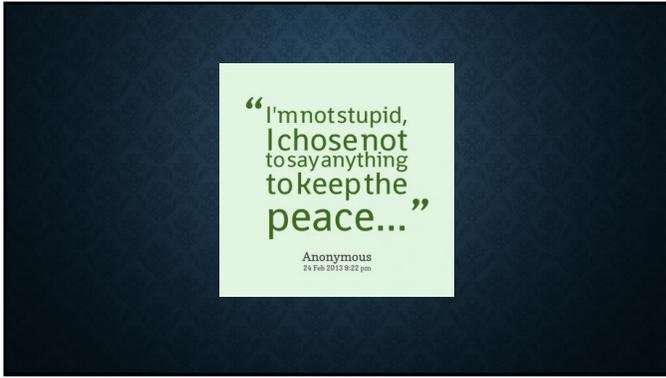
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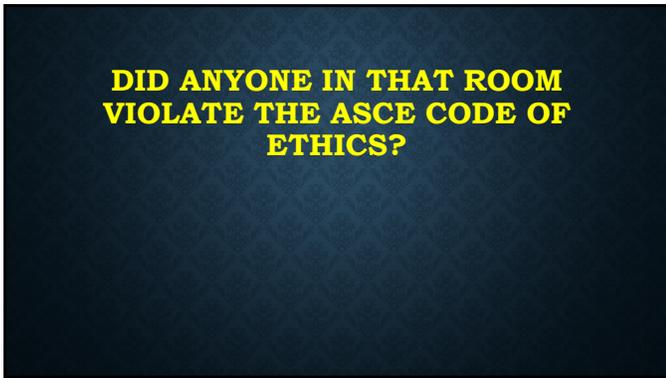
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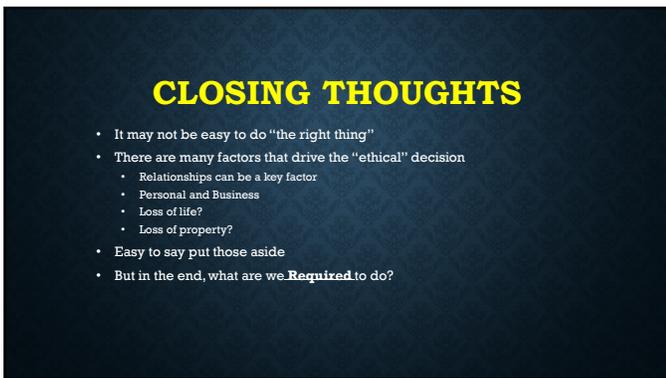
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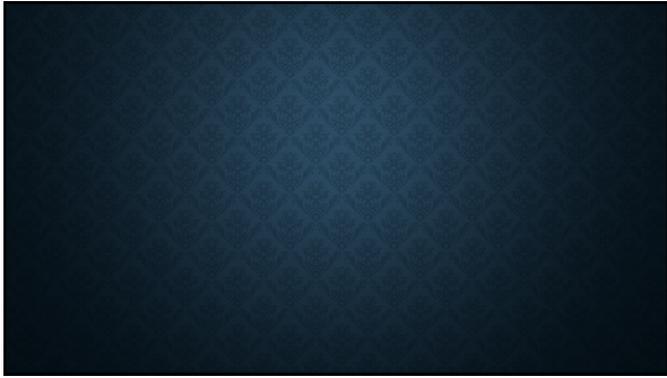
COMMENTS/QUESTIONS

And Remember, I am NOT the expert
I may not have the answer

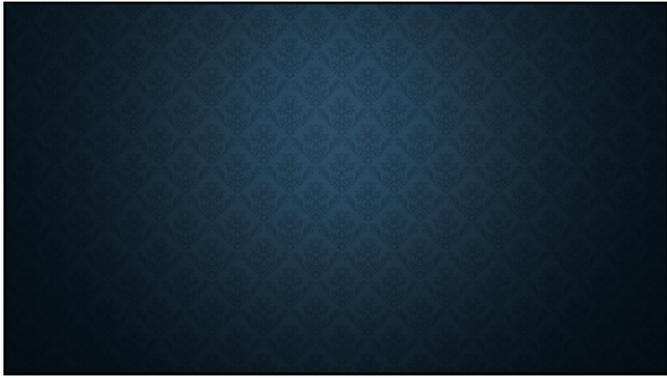


A meme featuring Yoda's head with the text "Questions have you" above and "Answer you shall find" below.

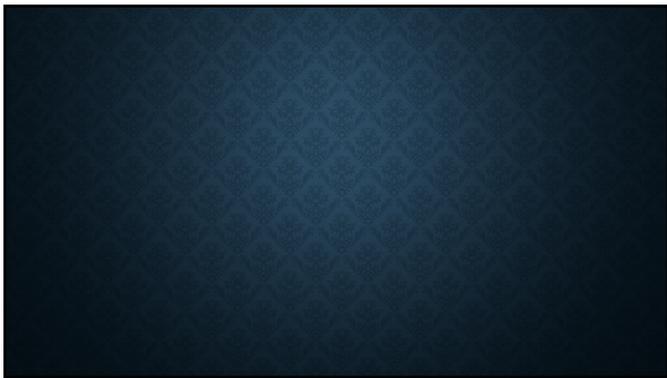
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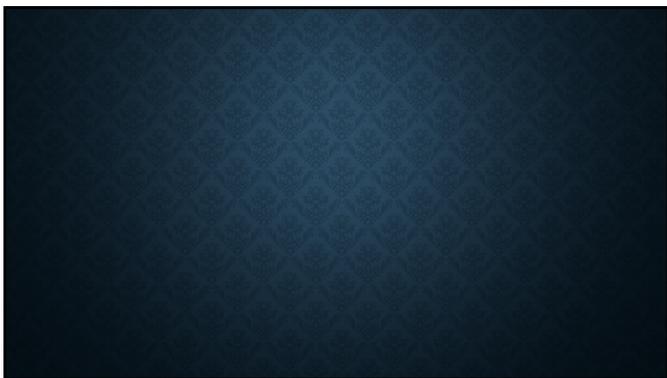
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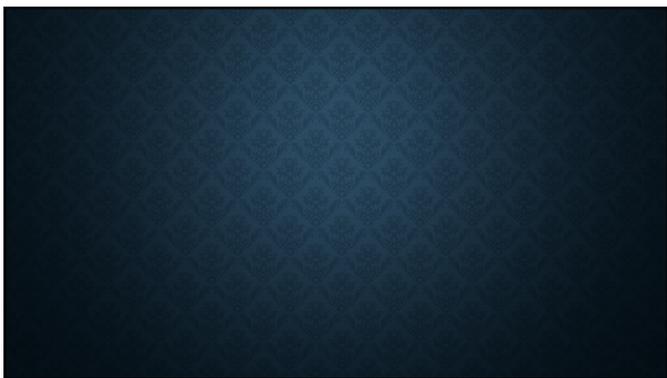
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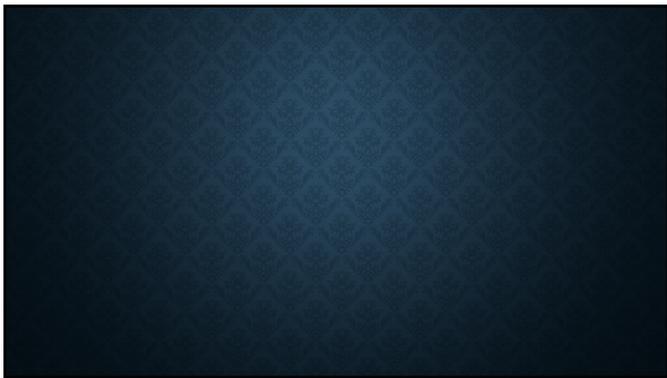
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87



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