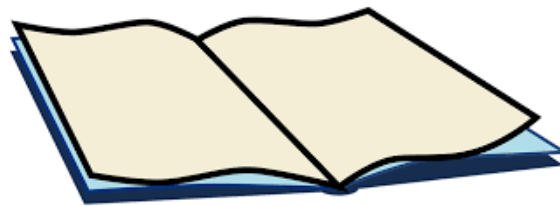


*Includes the
2020 Cases and the
Ethics Study Guide!*

NSPE

Ethics Reference Guide



NSPE Ethics Reference Guide

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Foreword

Professionalism and ethics are twins, inseparably bound together in the concept that professional status and recognition must be based upon public service under a higher duty than mere compliance with the letter of the law. Ethics provides the framework within which engineers may travel the "second mile," so ably defined by Dr. William E. Wickenden, former president of Case Institute of Technology:

Every calling has its mile of compulsion: Its round of tasks and duties, its prescribed man-to-man relationships, which one must traverse daily if one is to survive. Beyond that is the mile of voluntary effort where one strives for special excellence, seeks self-expression more than material gain, and gives that unrequited margin of service to the common good which invests work with a wide and enduring significance. The best fun of life and most of its durable satisfaction lies in this second mile and it is only here that a calling can attain the dignity and distinction of a profession.

The voluntary assumption of a higher duty imposed by individual conscience is the root principle of ethics. The Foreword of the 1947 *ECPD Canons of Ethics* expresses these principles for the professional engineer in the following terms:

Honesty, justice and courtesy form the moral philosophy which, associated with mutual interest among mankind, constitute the foundation of ethics. The engineer should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding the engineer's conduct and way of life. It is the engineer's duty to practice according to these Canons of Ethics.

It is in the spirit of these cogent observations and principles that the National Society of Professional Engineers (NSPE) has adopted a Code of Ethics to lend aid and understanding to all engineers who strive for the dignity and true worth of the professional.

This Code of Ethics is the result of extensive study and deliberation by the NSPE Board of Ethical Review, the review of the codes of ethics of engineering societies and those of other professions, and consultations with a broad cross section of the engineering profession. A code of ethics is not a static document; its purpose is to live and breathe with the profession it serves. Experience and changed circumstance will require continual review and revision of this Code of Ethics to reflect the growing understanding of engineering professionalism in public service. Comments and suggestions from all members of the engineering profession are solicited toward this end.

NSPE Engineers' Creed (2021)

As a Professional Engineer, I dedicate my professional knowledge to the advancement and betterment of public health, safety, and welfare.

I pledge:

To give the utmost of performance;

To participate in none but honest enterprise;

To live and work according to the highest standards of professional conduct;

To place service before profit, the honor and standing of my profession before personal advantage, and the public welfare above all other considerations.

In humility, I make this pledge.

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

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

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.

- a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
- b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
- c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.

- a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which

they lack competence, nor to any plan or document not prepared under their direction and control.

- c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

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

- a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- b. Engineers 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 and agreed to by all interested parties.
- c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident

to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

- b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
- b. Engineers shall advise their clients or employers when they believe a project will not be successful.
- c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
- f. Engineers shall treat all persons with dignity, respect, fairness, and without discrimination.

2. Engineers shall at all times strive to serve the public interest.

- a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
- c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- d. Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
- e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminar.

3. Engineers shall avoid all conduct or practice that deceives the public.

- a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
- b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
- c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- a. Engineers shall conform with state registration laws in the practice of engineering.
- b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

- a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
- b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
- c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
- d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:

- 1. Engineers and firms may individually refuse to bid for engineering services.
- 2. Clients are not required to seek bids for engineering services.
- 3. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
- 4. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
- 5. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
- 6. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.

NSPE Ethics Study Guide

Introduction

What is ethics?

Professional Ethics is a set of standards defined by the professional community which provides a guide for behavior that is expected from the professional.

Why study ethics?

The purpose of study is to familiarize oneself to the professional standards that apply to your profession. These standards vary from state to state, organizations, country and culture. Registration laws incorporate ethics with varying detail, so that what is stated in one jurisdiction may not be stated in another. Knowing the differences will help you grow professionally.

Why practice ethics?

Violating the professional standards of behavior can have financial and legal consequences. List the consequences of unethical behavior.

NSPE Board of Ethical Review (BER)

The first engineering ethics standards were drafted at the end of the 19th century by a few newly created technical societies. NSPE created standards of conduct early in its history which developed to a "Canon of Ethics for Engineers and Professional Conduct" by 1946. The BER was created in 1954 consisting of a panel of professional engineers that serve as the profession's guide through ethical dilemmas. The Canon of Ethics developed over time to become the current Code of Ethics which was adopted in 1964. The code has been refined into the current version over the past 50 + years. The board consists of seven licensed members who are appointed by the NSPE president with the purpose of rendering impartial opinions pertaining to the interpretation of the NSPE Code of Ethics. The BER also develops materials, and conduct studies relating to ethics of the engineering profession.

NSPE Ethics Test

Attendees take the ethics test as a pre-test

<https://www.nspe.org/resources/ethics/ethics-resources/code-ethics-examination>

Steps to Ethical Engineering Decisions

Nine steps to ethical engineering decisions

1. Stop and Think
 - a. Stop with the hustle and bustle and quietly reflect on the situation.
 - b. Stop and review relative information about the situation
 - c. Stop and take a step back to look at the big picture.
 - d. Think if the situation will result in losing employment, a client or worse.
 - e. Think if there are similar situations other engineers have encountered.
 - f. Understand why this situation has presented itself to you.
 - g. Who benefits and who gets penalized from the situation?

2. Clarify goals
 - a. Clarify if this is an ethical or legal situation or both.
 - b. What is the most desired outcome:
 - i. Obtaining a contract
 - ii. Looking good for self-promotion
 - iii. Increase income
 - iv. Prestige
 - v. Peace and quiet
3. Determine facts known and unknown
 - a. From reviewing the relative information on the situation are there missing facts that can be researched?
 - b. Are there reliable resources that can be consulted
 - c. Are there legal resources that would shed light on the situation
 - d. Are there ethical resources that can be researched
4. Develop options
 - a. Identify the alternate approaches
 - b. Outline the options
5. Consider foreseeable results of options
 - a. From the tabulated options are there risks that can be applied to each
 - b. Are there benefits
 - c. Consider a simple scoring system to help highlight the best option
 - d. Are you being honest with yourself
6. Refer to the NSPE Ethics Resources
 - a. NSPE Code of Ethics
 - b. NSPE Board of Ethical Review Cases (over 500 situations)
7. Refer to state registration law for guidance
 - a. Review the specific registration law of your home state.
 - b. Review the specific registration law of the state where the project is located.
8. Consult with respected staff or outside professionals
 - a. Discuss the situation with trusted professionals
 - b. Discuss the situation with the legal council of the state boards
 - c. Discuss the situation with a close friend or relative
 - d. Discuss the situation with a Professional Society executive of NSPE or State or Chapter Society.
9. Decide the course of action and take it
 - a. After going through the eight steps above, a clear picture of what is expected from a professional in the situation will become clear. In the most professional way act on the decision.
 - b. Professionally and respectfully decline the assignment.
 - c. Refer the work to another professional who will not be placed in the same situation.
 - d. Inform the authorities if necessary

NSPE Code of Ethics

The code of ethics is reviewed with attendees

Key Concepts in Engineering Ethics

Work with the code of ethics to highlight the areas

Hierarchy of Ethical Obligations: Primary-Public, Secondary-Employer/Client, Tertiary-Other Stakeholder

Ethics Cases

BER Cases on a common topic-Pick your own cases to discuss that can be found in the Ethics Reference Guide: <https://www.nspe.org/sites/default/files/resources/pdfs/Ethics/EthicsReferenceGuide.pdf>

As an example present cases from the following BER subject matter:

Academic Ethics: Cases 12-1,79-5,05-12

Advertising Ethics:

Competitive Bidding:

Conflict of Interest:

Etc., Etc., Etc.

NSPE Ethics Test

Attendees take the ethics test as a post-test, compare test scores.

<https://www.nspe.org/resources/ethics/ethics-resources/code-ethics-examination>

Did your score improve?

Subject Reference Guide to NSPE Code of Ethics

The following is a subject reference guide to the current NSPE Code of Ethics. Key subject words direct the user to the specific code provision(s) which address the particular subject.

Advertising	I.5.; II.5.; III.3.a.; III.3.b.
Associating with Others	II.1.d.; III.9.b.
Community Service/Civic Affairs	III.2.a.
Competence	I.2.; II.2.a., II.2.b., II.2.c.
Confidential Information	II.1.c.; III.4.; III.4.a.; III.4.b.
Conflict of Interest.....	II.4.; II.4.a.; II.4.b.; II.4.c.; II.4.d.; II.4.e.; III.5.; III.5.a.; III.5.b.
Contingent Fees	III.6.a.
Copyrights and Patents.....	III.9.c.
Credit for Engineering Work	III.9.; III.9.a.
Duty to Disclose	III.1.b.
Duty to the Public	I.1.; II.1.a.; III.2.a.; III.2.b.
Employer	I.4.
Employer's Facilities	III.6.c.
Engineering Document.....	II.1.b.
Errors	III.1.a.
Faithful Agents and Trustees	I.4.; II.4.
Firm Name.....	II.1.d.
Harassment and Anti-Discrimination	III.1.f.
Liability.....	III.8.
Licensure Laws.....	III.8.a.
Misrepresentation/Omission of Facts	II.3.a.; II.5.a.
Opinions.....	II.3.b.
Outside Employment/Moonlighting	III.1.c.; III.6.c.
Ownership of Designs, Data, Records and Notes.....	III.9.b.; III.9.d.
Plans/Specifications.....	III.2.b.
Political Contributions, Gifts, Commissions	II.5.b.
Professional Development	III.2.e.
Professional Reports, Statements, Testimony	II.3.a.
Professional Responsibility	III.8.; III.8.b.
Proprietary Interests	III.9.; III.9.b.
Public Awareness of Engineering.....	III.2.c.
Public Statements and Criticism	I.3.; II.3.; III.7.
Qualifications for Work	I.2.; II.2.a.
Recruiting Engineer from Another Employer	III.1.d.; III.3.b.
Remuneration	III.6.b.
Reviewing the Work of Other Engineers.....	III.7.a.; III.7.b.; III.7.c.
Self-Promotion	III.1.e.; III.3.a.
Signing Plans/Documents	II.2.b.
Statements on Technical Matters for Interested Parties	III.3.c.
Submission of Articles	III.3.c.
Sustainable Development.....	III.2.d.
Unethical Practice by Others.....	II.1.e.; III.7.
Unfair Competition.....	III.6.

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65-13	Advertisement, Use of Engineer's Name in, to Validate Findings
64-8	Advertising of Engineering Services
81-5	Advertising
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The following is a Code of Ethics Case Index, designed to aid the user in better understanding the modern NSPE Code of Ethics. Code sections are listed, followed by individual cases in which that Code section **or an earlier version** of that Code section was interpreted. This index should help the user understand the full dimensions of the Code sections because it lists all cases in which the Code sections were mentioned even if the Code sections were not paramount in deciding the case. Also, please visit the [NSPE Ethics Cases](#) and [Code of Ethics](#) which was established to provide NSPE members with a tool to research and access the NSPE Code of Ethics and the opinions of the NSPE Board of Ethical Review and assist them in their everyday professional practice.

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