

2024 MILTON F. LUNCH ETHICS CONTEST

HISTORY: Milton “Milt” F. Lunch, NSPE’s general counsel from the 1940s until the 1980s, was critical to the establishment of the NSPE Board of Ethical Review and the development of the NSPE Code of Ethics in the 1950s. During his tenure as NSPE general counsel, Milt presented numerous papers and authored influential articles about the importance of licensure, ethics, and professionalism. He passed away in 2001.

INVITATION: Match your wits and knowledge of engineering ethics with experienced professional engineers and engineering students throughout the country! All current [NSPE individual members](#) and NSPE chapters (including [student](#) chapters) are invited to participate in the 2024 NSPE Milton F. Lunch Ethics Contest.

NSPE state societies and local chapters are encouraged to consider using this contest as a state or chapter activity to generate member discussion and spur greater interest in engineering ethics.

HOW TO PARTICIPATE: This year, NSPE’s Board of Ethical Review is furnishing you with a key ethical issue. You are to develop a written response not to exceed 1,000 words that expresses your views and demonstrates an understanding of the ethical issues involved. Plagiarism in any form, including the use of artificial intelligence, is not acceptable. Your entry must be exclusively your own work. The fact pattern, questions, and citations to the NSPE Code of Ethics are not included in the word count, just the analysis and conclusions. The case structure typically utilized by the Board of Ethical Review is shown following the Facts and Questions. Participants are encouraged (but not required) to consider and cite in the submission the [NSPE Code of Ethics](#) and previous [NSPE Board of Ethical Review opinions](#). The [BER Case Search Database](#), the [NSPE Ethics Reference Guide](#), and the [NSPE Ethics Study Guide](#) might also be helpful to you.

CONTEST RULES: In order to maintain anonymity for purposes of judging, the actual body of the entry should not include any reference to the state society, chapter, member, student, university, or any other individual group that submitted the entry. NSPE reserves the right to edit any submission to comply with copyright, privacy, and other rights. However, be sure to provide the name, address, email address, phone number, and current NSPE member number of (1) your NSPE chapter or state society and (2) each of the individuals responsible for submitting the entry on a separate cover sheet accompanying your entry. Submissions failing to include this information will be returned to the submitter and will not be eligible for the contest.

All submission entries **must** be received by **May 17, 2024**. Email or mail entries to:

2024 NSPE Milton F. Lunch Ethics Contest
1420 King Street, Suite #302, Alexandria, VA 22314
ethics@nspe.org

This year, NSPE will provide the author of the winning entry an award of \$1,000, a certificate, and recognition in [PE magazine](#). At its discretion, NSPE may award honorable mentions.

JUDGING CRITERIA:

- Quality of the entry in form and presentation. (Clarity, composition, and expression are important. Your entry should be a finished piece and “ready to go.”);
- Demonstration of understanding the implications concerning ethical or unethical behavior; and
- Comprehensive analysis and arguments supporting your conclusions. (This may include new thoughts or other expressions about engineering ethics and professional practice.)

Good luck, fellow professional engineers and student engineers!

Sincerely,
David J Kish, P.E.
Chair, NSPE Board of Ethical Review

Ethical Issue: Errors

Facts:

Engineer A, a structural engineer who designs commercial buildings in the employ of XYZ Consulting Engineers, was in responsible charge of the design of major structural modifications to an existing building, using the design-bid-build process. The design required making structural connections immediately beneath floor level on an upper floor. Engineer A was not aware of the worker safety implications of the design details. The location of the connections required the construction worker to make the connections in a contorted fashion, resulting in an accident and a serious and permanent injury. Following the accident, Engineer A visited the site and realized that the connection could have been designed in a different and more complicated way, five feet higher and above the floor, that would have allowed the construction worker to make the connection standing on the floor such that injury would have been far less likely.

Engineer A met with XYZ's Chief Structural Engineer, Engineer B, explained the situation, and expressed his feeling that a design error may have been made and the NSPE Code of Ethics required that an error be acknowledged. Engineer B responded that Engineer A was not trained in worker safety either by education or by specific experience, that Engineer A could not have reasonably known the level of worker safety risk posed by the connection location, and that the contractor had not raised questions regarding the construction safety risk or safer construction alternatives. Having thus thoughtfully considered the matter, both Engineer A and B decided that the situation did not merit acknowledgement of "an error" at that time.

Months later, after a construction claim had been submitted and a lawsuit had been filed, Engineer A met with attorneys representing XYZ and XYZ's insurance company to prepare for a deposition of Engineer A. Engineer A explained that there was an ethical obligation not to distort or alter any facts and that there was, potentially, a professional obligation to acknowledge a possible error under questioning during the deposition. Both attorneys indicated that a clear obligation existed not to distort or alter any facts, and that Engineer A should feel free to respond to questions with complete transparency. They pointed out, however, that whether an error was made was not up to Engineer A, and was not clear in this set of circumstances, including for the reasons that Engineer B had indicated to Engineer A earlier. They also pointed out that one of the purposes of the legal process was to determine what errors might have been made and by whom, and what impact such errors might have had on the accident. The attorneys indicated that the process would determine whether an error had been made, based on the facts, and that Engineer A should clearly report the facts, but not acknowledge an error in this legal process. In the deposition, Engineer A responded factually to all questions regarding the design and the design process. Engineer A was not asked if an error had been made and did not offer an acknowledgement of a possible error.

Questions:

1. Was an error made in design?
2. Was it ethical for Engineer A not to acknowledge an error after the accident occurred?
3. Was it ethical for Engineer A not to acknowledge an error during the deposition?

NSPE Code of Ethics References:

NSPE BER Case References:

Discussion:

Conclusion(s):