

# ENGR 399

- **Open the in-class quiz now...** today, quiz questions will be distributed throughout the lecture. Quiz access code = mango
- Asynchronous assignment 6 is posted, and is due by Sunday midnight. There are three options... do ONLY ONE of the three options

# This lecture... what we will cover

1. Why use professional codes of ethics/conduct in workplace,  
not “personal ethics”
2. What’s in the professional codes for engineers
3. Duty to public vs duty to employer/client
4. Conflicts of interest

# The context for video on next slide...



In 1941:

- World War II raging in Europe
- French ruled by Vichy gov't (puppet of Nazi Germany)
- Morocco controlled by France
- US not yet in war



Captain Renault  
Officer in Vichy  
French police force



Rick  
American owner of  
nightclub Rick's Café  
Américain



Major Strasser  
Nazi Germany  
military officer

and Victor Laszlo (referred to, but not shown)  
is an anti-Nazi resistance leader

What did Captain Renault mean  
when he said:  
"Round up the usual suspects"?



... and was this ethical?

Professions have "codes of ethics" or "rules of conduct"... I couldn't find the code for police in Vichy France, so got this instead



## Officer's Code of Conduct

### Performance of the Duties of a Police Officer

A Police Officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspirations. All citizens will be treated equally with courtesy, consideration, and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, Officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Was Captain Renault going to treat the usual suspects "equally with courtesy, consideration and dignity"?

# Professional (workplace) ethics

We talked about using consequentialist, deontological and virtue ethics to address questions like “would you steal food to feed your family”

In professional practice, however, you don’t do this!

Professionals are expected to adhere to the “code of ethics” or “rules for professional conduct” for their profession

I learned about this story a few years ago when the coach's grandson bought the house I grew up in...

A screenshot of a Google search results page. The search bar at the top contains the query "joe cipp bellport". Below the search bar, there are several navigation links: All, Images, Videos, News, Shopping, Forums, Web, More, and Tool. The first result is from the New York State Public High School Athletic Association website, titled "Joseph Cipp (2016) - Hall of Fame". It includes a snippet of text about Coach Cipp starting the Bellport varsity football program in 1976. The second result is from NBC New York, titled "Long Island Superintendent Ousted in Grade-Fixing Scandal", dated March 21, 2012.

10X County Champion  
2x ranked #1 in New York State  
3x NY State Coach of the Year  
42 players got D1 scholarships

Leveraged football success to become school district Superintendent!

"Ousted from his job after being accused of fixing a former student's grades in order to get him into Syracuse University with an NCAA scholarship"

Some context I think is relevant...

NY Times, 1967

## RACIAL BALANCE SPLITS BELLPORT

State Order Debated Before  
School Board in L.I. Town

By FRANCIS X. CLINES  
Special to The New York Times

BELLPORT, L. I., Jan. 24—A Negro civic leader stood up and told his neighbors: "I would suggest that we not travel the same old beaten path as Malverne."

NY Times, 1970

## Racial Disorders Force Bellport High School to Close for Day

By AGIS SALPUKAS  
Special to The New York Times

BELLPORT, L. I., Jan. 16—  
Fights between black and white

Several students were each began to turn up the volume to drown the other out. The school library contained treated for minor bruises at Brookhaven Hospital. There was also "fear and mis-include the elimination of separating bright students into books about minority groups. Robert Gardner, the assistant understanding" between black students, setting up an office to the State Education Depart-

- The coach is white and the student-athlete with the grade-change was Black... I don't think race played any role in this case, and I think the coach would have done the same thing for any of his players
- but I include this context because I think it speaks to the coach's character... he built a football team that was one of the few things that was truly integrated at the high school

# Is it like “would you steal food to feed your family”?

...what would a consequentialist or virtue ethics analysis conclude?

- The grade changes were minor... F to D or D to C in 3 or 4 courses
- This enabled student to get scholarship to Syracuse... where he did well, and graduated with degree in Child and Family Studies
- In Bellport HS, with de facto segregation and history of racial strife, coach built football program that was one of its few truly integrated aspects
- There was no benefit to the coach... the coach put his career and reputation on the line solely to help the student-athlete

I learned about this story when my parents sold the house I grew up in, a few years ago, to his grandson ...

10X County Champion  
2X ranked #1 in New York State  
3X NY State Coach of the Year  
42 players got D1 scholarships

Leveraged football success to become school district Superintendent!

"Ousted from his job after being accused of fixing a former student's grades in order to get him into Syracuse University with an NCAA scholarship"

But he was fired, and his reputation tarnished...  
...what is the moral of the story?

In professional (workplace)  
settings, personal ethics  
approach is NOT appropriate

... rather, you are expected  
to follow the profession's  
code of ethics

Is it like "would you steal food to feed your family"?  
...what would a consequentialist or virtue ethics analysis conclude?

- The grade changes were minor... F to D or D to C in 3 or 4 courses
- This enabled student to get scholarship to Syracuse... where he did well, and graduated with degree in Child and Family Studies
- In Bellport HS, with de facto segregation and history of racial strife, coach built football program that was one of its few truly integrated aspects
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I learned about this story when my parents sold the house I grew up in, a few years ago, to his grandson ...

The screenshot shows a Google search results page with the query 'joe cipp bellport'. The top result is from the New York State Public High School Athletic Association website, featuring a photo of Joseph Cipp and information about his Hall of Fame induction. Below it is a news article from NBC New York about the 'Long Island Superintendent Ousted in Grade-Fixing Scandal'. To the right, there is a sidebar with text about Cipp's achievements: '10x County Champion', '2x ranked #1 in New York State', '3x NY State Coach of the Year', and '42 players got D1 scholarships'. At the bottom, there is a note: 'Leveraged football success to become school district Superintendent!' and a final note: '"Ousted from his job after being accused of fixing a former student's grades in order to get him into Syracuse University with an NCAA scholarship"'.

# Engineering Codes of Ethics

## Legal Protection for Engineers



Jeffrey H. Matsuura

Jeffrey H. Matsuura is Of Counsel, Alliance Law Group, Tyson's Corner, Virginia.

*"Engineers can use codes of ethics to preserve their personal legal rights and reduce their risk of personal legal liability"*

"If asked or ordered by an employer or client to engage in conduct an engineer believes in good faith to be suspect, the engineer should

- immediately consult codes of ethics and professional responsibility for the leading professional organizations in his or her engineering field
- express the ethical concerns in writing, specifically referencing the applicable code provisions
- provide copies of this written expression of concern and code of ethics reference to the person who ordered the action and to appropriate human resources department staff"

Q1: Use either the story of the French police captain or the football coach to explain that in workplace situations professionals are expected to follow the code of ethics for their profession rather than a personal ethics analysis.



Is this a form of Consequentialist,  
Deontological or Virtue Ethics?

## NSPE Code of Ethics for Engineers

### 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.



NATIONAL SOCIETY OF  
PROFESSIONAL ENGINEERS



The code has more details,  
they call "rules of practice"...

## 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.
  
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.

# Compare to ASME code of ethics

## NSPE Code of Ethics for Engineers

1. Hold paramount the safety, health, and welfare of the public.
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1. hold paramount the safety, health and welfare of the public in the performance of their professional duties.
2. perform services only in the areas of their competence; they shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
3. continue their professional development throughout their careers and shall provide opportunities for the professional and ethical development of those engineers under their supervision.
4. act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest or the appearance of conflicts of interest.
5. respect the proprietary information and intellectual property rights of others, including charitable organizations and professional societies in the engineering field.
6. associate only with reputable persons or organizations.
7. issue public statements only in an objective and truthful manner and shall avoid any conduct which brings discredit upon the profession.

# Compare to AIChE code of ethics

## NSPE Code of Ethics for Engineers

1. Hold paramount the safety, health, and welfare of the public.
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5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

1. Hold paramount the safety, health and welfare of the public and protect the environment in performance of their professional duties.
2. Formally advise their employers or clients (and consider further disclosure, if warranted) if they perceive that a consequence of their duties will adversely affect the present or future health or safety of their colleagues or the public.
3. Accept responsibility for their actions, seek and heed critical review of their work and offer objective criticism of the work of others.
4. Issue statements or present information only in an objective and truthful manner.
5. Act in professional matters for each employer or client as faithful agents or trustees, avoiding conflicts of interest and never breaching confidentiality.
6. Treat all colleagues and co-workers fairly and respectfully, recognizing their unique contributions and capabilities by fostering an environment of equity, diversity and inclusion.
7. Perform professional services only in areas of their competence.

## Compare to IEEE code of ethics

1. to hold paramount the safety, health, and welfare of the public, to strive to comply with ethical design and sustainable development practices, to protect the privacy of others, and to disclose promptly factors that might endanger the public or the environment;
2. to improve the understanding by individuals and society of the capabilities and societal implications of conventional and emerging technologies, including intelligent systems;
3. to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist;
4. to avoid unlawful conduct in professional activities, and to reject bribery in all its forms;
5. to seek, accept, and offer honest criticism of technical work, to acknowledge and correct errors, to be honest and realistic in stating claims or estimates based on available data, and to credit properly the contributions of others;
6. to maintain and improve our technical competence and to undertake technological tasks for others only if qualified by training or experience, or after full disclosure of pertinent limitations;



Champion | Guide | Advance | Unite

## NSPE Code of Ethics for Engineers

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Paramount means "more important than anything else"

Thus safety, health and welfare of the public is more important than being a faithful agent to your employer or client

Let's compare with the ethical code for lawyers...

## CANON 4

**A Lawyer Should Preserve the Confidences  
and Secrets of a Client**

## ETHICAL CONSIDERATIONS

**EC 4-1** Both the fiduciary relationship existing between lawyer and client and the proper functioning of the legal system require the preservation by the lawyer of confidences and secrets of one who has employed or sought to employ him. A client must feel free to discuss whatever he wishes with his lawyer and a lawyer must be equally free to obtain information beyond that volunteered by his client.

*"A client must feel free to discuss  
whatever he wishes with his lawyer"*



# Rule 1.6: Confidentiality of Information

Share:



## *Client-Lawyer Relationship*

*a lawyer can disclose  
information only if there is  
REASONABLY CERTAIN  
death or substantial bodily  
harm*

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;

(3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;

- Client B is a real estate developer building a residential development project in a coastal area which currently has no building code in place.
- An engineering study commissioned by Client B concludes that the residential development project should be built to a 100-year projected storm surge elevation, due to public safety risks.
- Because of the increased cost, Client B refuses to build the project at the 100-year projection storm surge elevation.

Ernie is the engineer at the consulting firm who carried out the engineering study

Ann is an attorney in private practice representing Client B.

**What are Ernie and Ann's obligations under the circumstances?**

Analysis

\*Ernie: If Client B refuses to agree to the design recommendation, Ernie should withdraw from the project

\*\*Ann: Since no building codes or other laws violated, and no "reasonably certain death", Ann should defer to Client B's decision and is under no obligation to withdraw from the project

\*Ernie analysis: <https://www.nspe.org/resources/ethics/ethics-resources/board-ethical-review-cases/public-health-safety-and-welfare-4>

\*\*Ann analysis from CWRU legal professional responsibility guru Prof Cassandra Robertson

Q2:

- Boilco, a boiler manufacturer, began using a more economical supplier of boiler valves to reduce costs.
- Boilco's testing found that the new boiler valves were inferior and could be unsafe.
- X brought these concerns to senior management, and X's supervisor abruptly fired X for insubordination.
- After termination, X contacted a federal agency, detailing the threat to public safety posed by Boilco.

Ernie was the engineer at Boilco who was involved in the product testing

Ann was the in-house attorney at Boilco who was aware of this situation

Analyze this scenario for X=Ernie and X=Ann:

Were Ernie's actions in contacting the federal agency ethical? What about Ann's?

I used to teach ENGR 225 as a study-abroad course in Botswana...



We would relate course material to life in Botswana

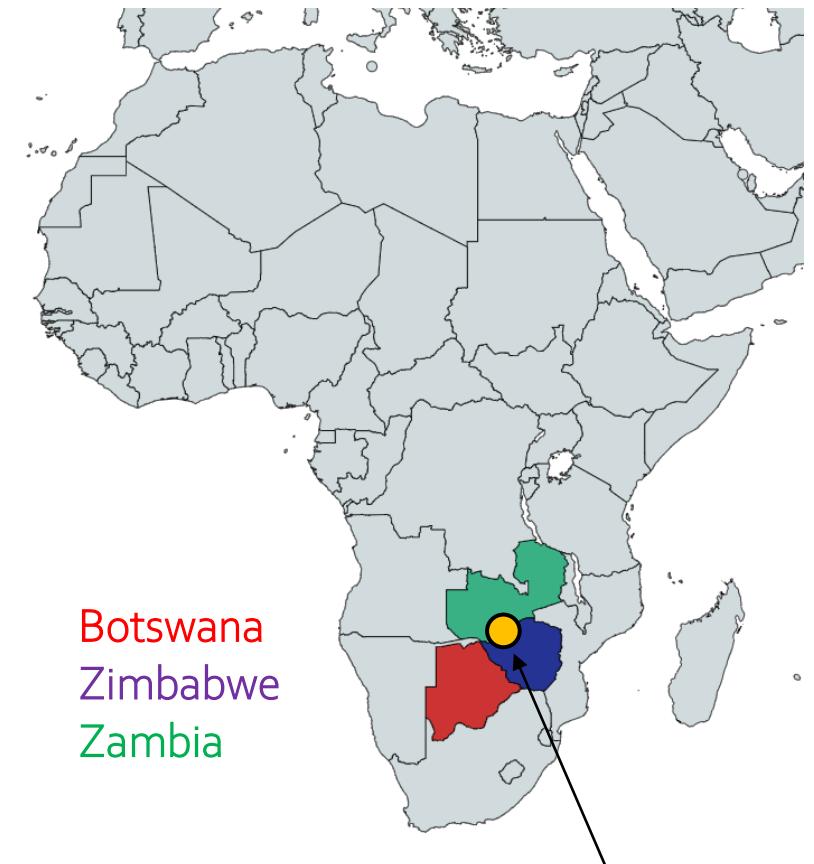




mid-course  
study break...  
safari!



# The first year... mid-course trip included Victoria Falls!



Botswana  
Zimbabwe  
Zambia

Victoria Falls  
On Zambezi River between  
Zimbabwe and Zambia

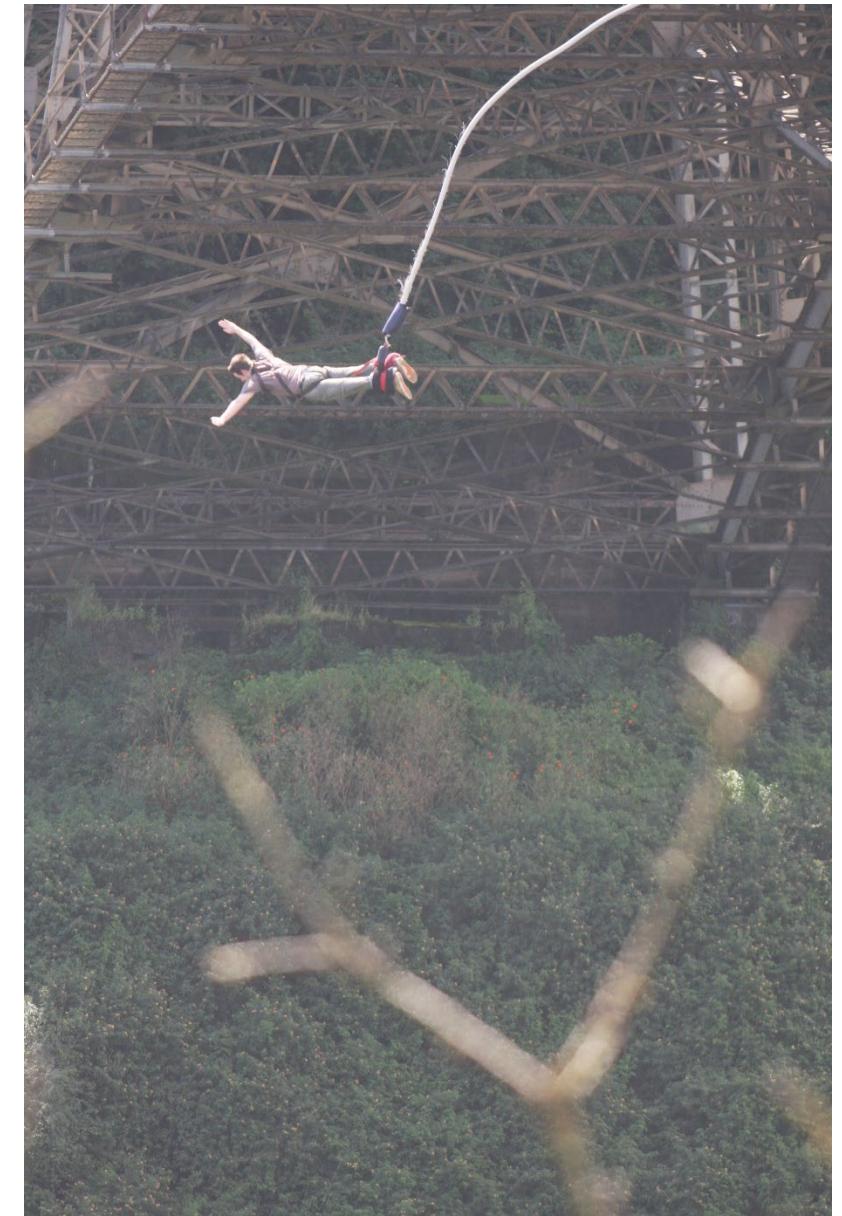
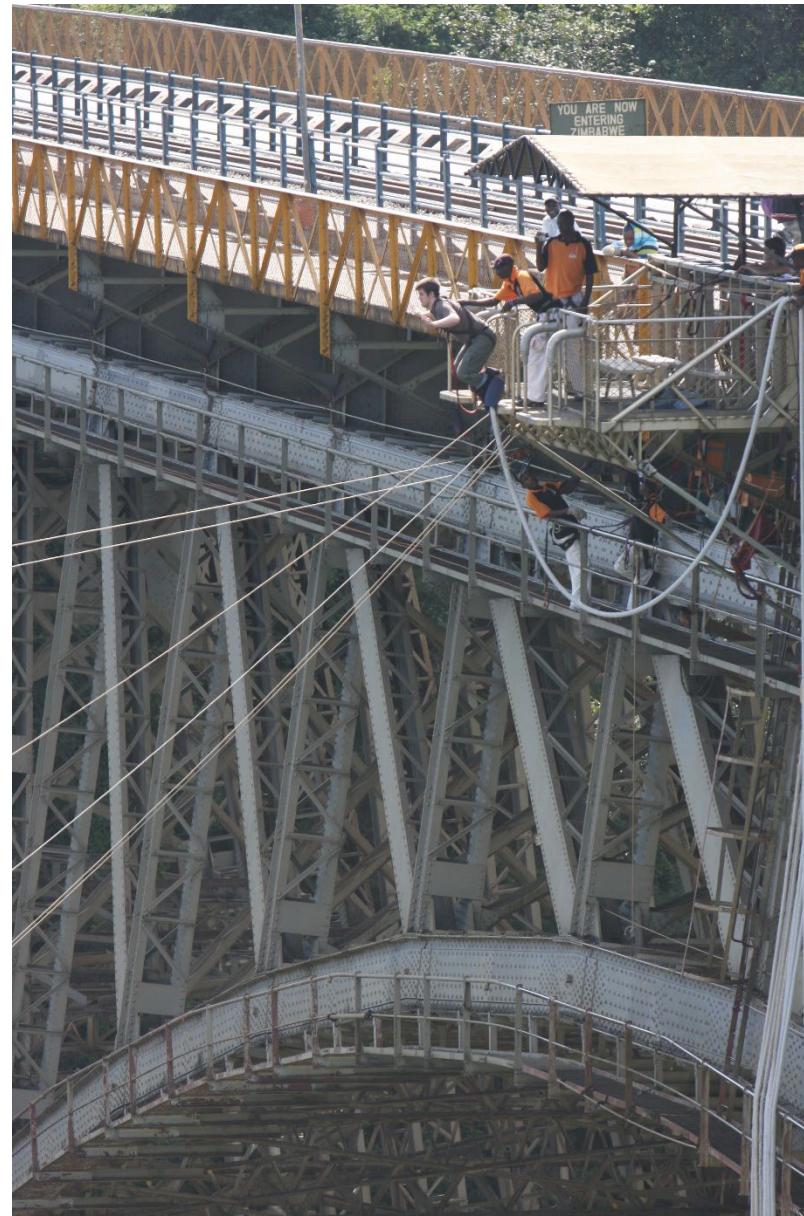
# Victoria Falls!



But something took me by surprise...  
... and I was confronted with an unexpected dilemma!

The students wanted  
to go bungee jumping!!!  
(virtually all!)

Should I have stopped  
it? Did I even have  
authority to stop it?



Should I have allowed the students to bungee jump?

### **NSPE Code of Ethics for Engineers**

1. Hold paramount the safety, health, and welfare of the public.
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# Conflict of interest

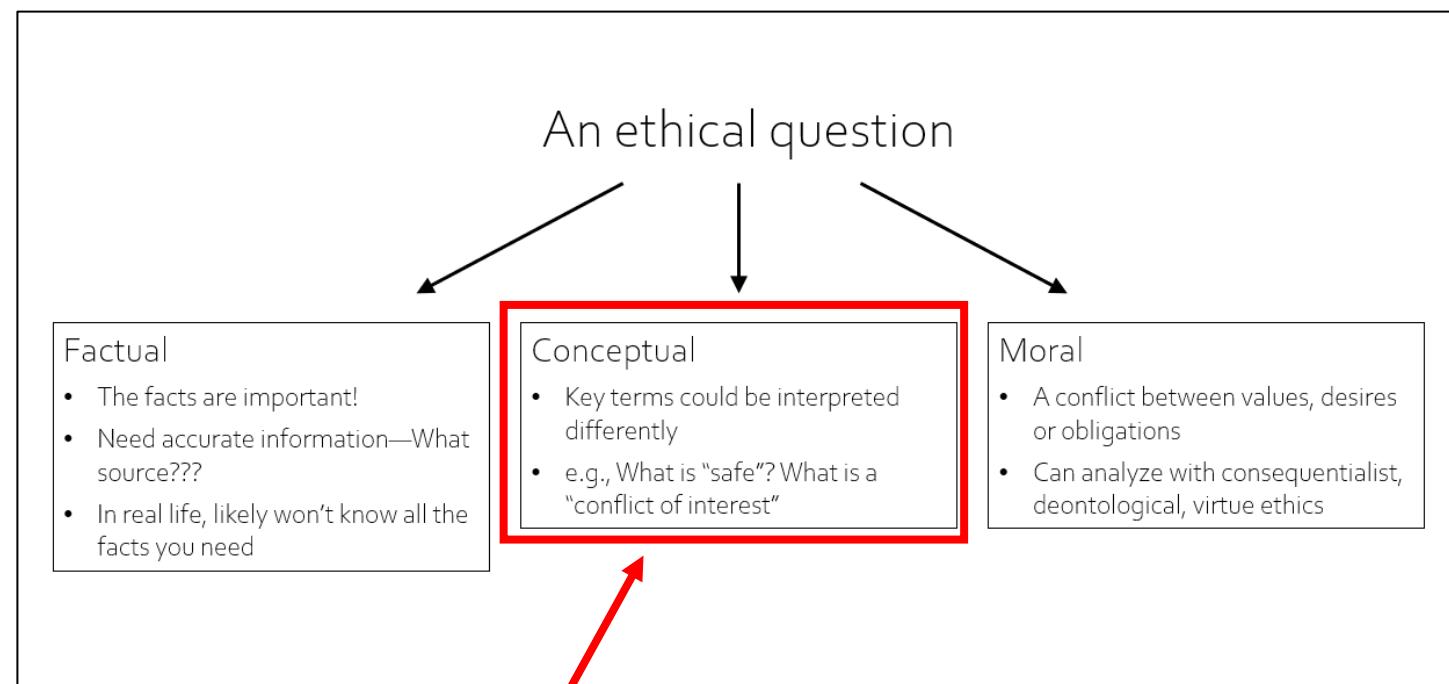
When you have two motivations that may be pulling in different directions



Some examples of conflicts of interest for a professor:

- Assigning a required textbook for which they receive royalties
- Purchasing materials on behalf of university from a company in which they have a financial interest
- Accepting gifts from students

# Is a gift appropriate... or is it a bribe? or a conflict of interest?



often not clear  
what is a "bribe"

# Supreme Court Tosses Mayor's Bribery Conviction, Again Raising Bar for Public-Corruption Prosecutions

Daniel Lacks (djl15@case.edu) is signed in

A 6-3 court says Indiana Republican was wrongly convicted of accepting a payment after awarding truck contract

By [Jess Bravin](#) [Follow](#)

June 26, 2024 12:18 pm ET

WASHINGTON—The Supreme Court overturned the bribery conviction of an Indiana mayor who took \$13,000 from a local truck dealership after it won a city contract, ruling Wednesday that a federal anticorruption law applies only to payments for future official conduct, not gratuities for past acts.

Supreme Court ruled that bribery only applies to payments for future official conduct

... but remember ethical vs legal

# Trump Curbs Enforcement of Antibribery Law

The president signs an executive order that says use of the Foreign Corrupt Practices Act has hurt American competitiveness

By [Dave Michaels](#) [Follow](#)

Updated [Feb. 10, 2025 5:43 pm ET](#)

two weeks

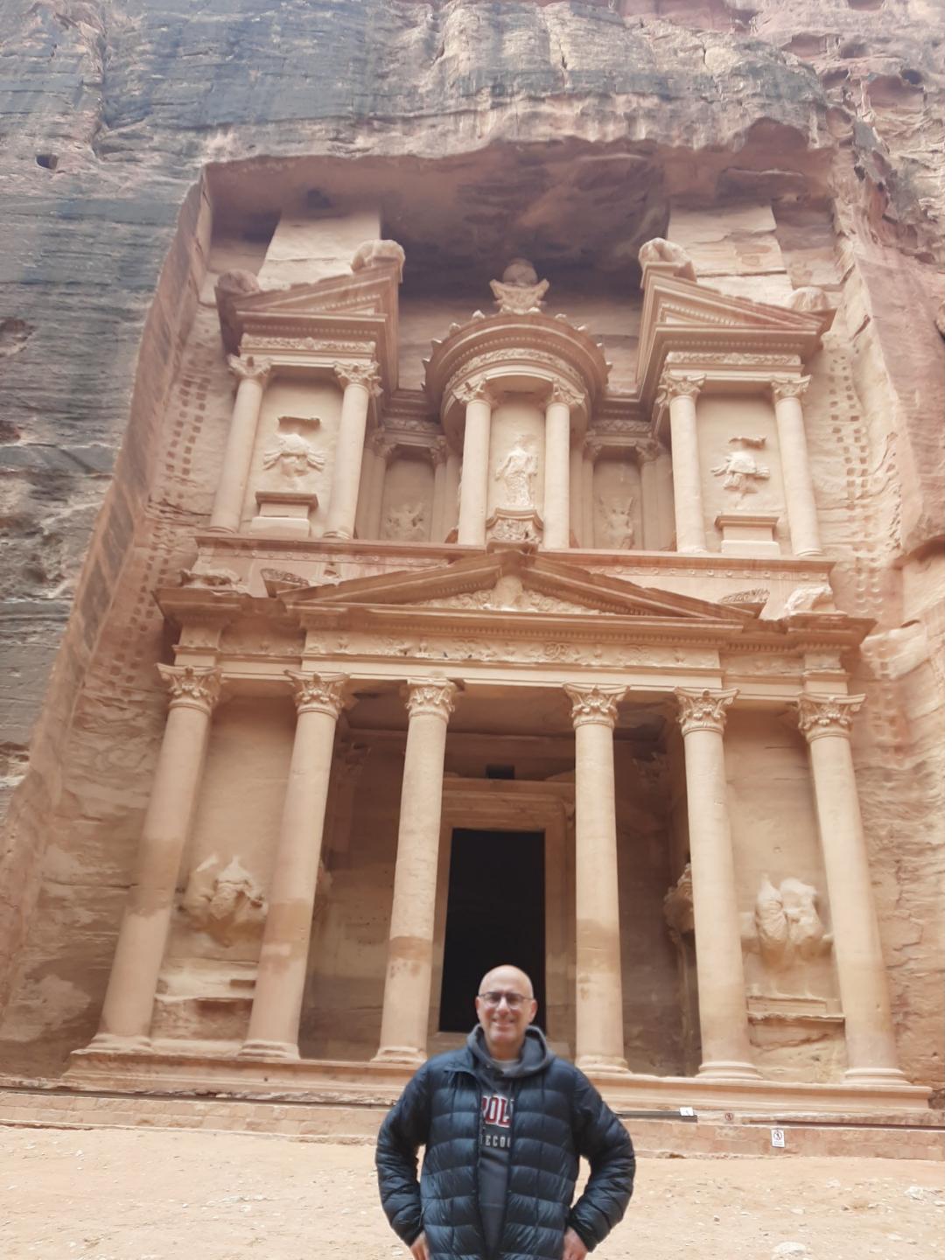
ago

WASHINGTON—President Trump has put the brakes on a law that forbids U.S. companies from bribing foreign officials to win business.

The law puts U.S. firms at a disadvantage to overseas rivals because they cannot engage in practices that are “common among international competitors,” the White House said. Excessive enforcement also crimps the president’s authority to conduct foreign affairs, the White House said.

Is the definition of “bribe” culture-dependent?

... but remember ethical vs legal



In January, I traveled to Jordan for an accreditation review of a university



From ABET Program Reviewer Code of Conduct:  
To act as faithful agents or trustees of ABET, avoiding real or perceived conflicts of interest whenever possible, disclosing them to affected parties when they do exist... shall not solicit or accept gratuities, directly or indirectly, from programs under review for accreditation.

# From ABET training materials...

## Gifts

Team members are not to expect or request gifts. On U.S. visits, the program and institution are aware of ABET's policy prohibiting gifts to team members. In many other countries, it is customary for the host to offer gifts to team members. The institution may be fully aware of ABET's policy but chooses to ignore it and follow native customs. These situations must be handled with tact and without embarrassment or insult to the giver. During the visit, the team chair is the arbiter in these situations.

The acceptance of token gifts during visits outside the U.S. is not considered in violation of ABET's policy prohibiting gifts. The emphasis is on "token." Examples of token gifts previously accepted by ABET evaluators include pens, books by local authors or of local interest, jam/jelly, candy, boxes of tea, and bookmarks. Most of these token gifts had the college or university name or seal on them or were made in the local region or country being visited.



Q3:

As we returned to the hotel after our last day at the university, I wanted to ask the university driver if he could drop me off in downtown Amman after dropping off the other team members off at our hotel

(downtown Amman about 20 min from hotel... taxi ~\$10)

Would it be ok for me to ask the driver for the ride downtown?

downtown Amman

# Department of Justice – a real inquiry and official opinion

A US industrial service company has been held liable by Nigerian Federal Environmental Protection Agency (FEPA) for the clean up of environmental contamination at a site formerly leased by a subsidiary of the US Company, and has been fined \$100,000 for the environmental damage. The requestor has sought to retain a Nigerian contractor with experience in removal of environmental contaminants. The contractor was recommended by the FEPA.

The contractor stated that to ensure FEPA approvals of the clean-up:

- the \$100,000 fine would have to paid to FEPA through the contractor
- the contractor's fee of \$340,000 for removal of the contaminants included \$60,000 in "community compensation and modalities for officials of the FEPA"

Based on these circumstances, the US company suspects that all or a portion of the "fine" and "modalities" will be paid, in fact, to Nigerian Government officials.

Is it ok for the US company to proceed with this plan?

Department of Justice Opinion: if the US company proceeded with the contractor payments, the DOJ would investigate to determine if criminal prosecution is merited

Engineer A is an employee of the State Department of Transportation. Part of Engineer A's responsibilities is to serve as liaison with the consulting engineers and contractors that perform design and construction work for SDOT. Following completion of projects, consulting engineering companies and contractors have sometimes offered the following to Engineer A:

1. Free tickets to the engineering company's box seats at a major league sporting event
2. An invitation to a golf outing with company employees and other project participants

Is it ethical for Engineer A to accept either of these gifts?

From NSPE Ethics Review Board:

- "a very common situation that has long existed within our culture and within the general business community, whereby customers or clients are occasionally invited to sporting events or other entertainment events to enhance ongoing working relationships"
- "in the context of this case, the Board does not believe there was any intent to influence the judgment of Engineer A"

**Q4:** Rachel runs the Quality and Assurance department at an electronics company that manufactures computer servers (used by business to store and manage data). She's responsible for testing these servers, to ensure they satisfy Quality Control standards, and deciding when new products (servers) should be shipped to distributors for sale. It is a very competitive and fast-moving market, with new generation servers introduced about every six months.

The Quality and Assurance department performs tests on a statistical sampling of the servers to determine if they are defect free. Rachel will not ship a product if there is any possibility that the server could malfunction and cause physical harm to the customer. However, she will ship a product that has a higher likelihood of failure resulting in data loss for the customer, because she knows that if she doesn't, her company's competitor will.

### Is Rachel acting ethically?

- (a) Analyze based on consequentialist, deontological or virtue ethics
- (b) Analyze based on the NSPE Code of Ethics

- 1. Hold paramount the safety, health, and welfare of the public.
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**Q5:** You are the Lead Engineer for a project at your company AVC. The project involves designing military drones for India. Stipulated in the contract is that 30% of its value is spent on subcontractors located in India, which will provide parts for the drones that AVC is designing. The contractor with the lowest bid (by far) is QEM.

During your visit to QEM's factory, you meet with workers at all levels and you review QEM's policies and procedures. You identify some potential risk factors that could indicate QEM is using forced labour in its workforce. You raise this with QEM's managing director, but he responds indignantly, "QEM creates good jobs for our workers and without us they would not be able to feed their families. Your contract would allow us to sustain those jobs and create many more for the local community."

- (1) Consider all the factors at play here. What are the most salient ethical issues to consider? What else might influence your decision about how to act? Take into account the perspectives of the various stakeholders
- (2) Which of the NSPE principles are most relevant to this situation? Why?

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It is now 1 year later. You are still the Lead Engineer for the project at AVC. Your supervisor is irate and calls you into their office.

Consider the two alternative scenarios:

- (a) **You chose QEM as the subcontractor.** And today, the New York Times published a story exposing how QEM uses forced labor, and AVC was identified as profiting from this. Your supervisor is irate, and calls you into their office.
- (b) **You chose a more expensive subcontractor instead of QEM.** And today, the AVC board has met and determined that cost overruns have necessitated layoffs. The board identified your decision not to use QEM as a key reason for the cost overruns. Your supervisor is irate, and calls you into their office.

How should you respond to your supervisor?

Are there things that could have been done previously that would have put you in a better position now?