



Ethics for Structural Engineers

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PDH: 2

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Section 1 - Purpose of Ethics: Guidelines for Professional Conduct

Achieving an ethical professional career is a journey, not a destination. Your understanding of ethical behavior will change with time, experience, and discussion with others who have set out to take a similar journey. Only when you decide on a lifetime of learning about and discussing ethical behavior with others, can you hope to complete the journey successfully.

The responsibility borne by employers and senior members of the profession to set standards of ethical behavior in their own lives cannot be overstated. It is the responsibility of people in positions of authority and seniority to make their peers and colleagues aware of the need to read the code of ethics often. Further, these mentoring members have an ethical responsibility to model behaviors that others may learn from and to raise questions and engage their peers and colleagues in discussing ethical issues.

The ASCE Code of Ethics (Appendix A) provides guidance for engineers' personal and professional conduct. The first canon of the code of ethics, holding "paramount the safety, health, and welfare of the public," should be at the forefront of all decisions, designs, and execution of responsibilities. The remaining six canons amplify the importance of Canon 1 and further describe a professional engineer's responsibility not only to the public but also to his/her clients, employers, and other members of the engineering profession. Addressing the issues of all of these constituencies is essential to ensure the continued safety and quality of life of the public into the future, as well as to earn and sustain public trust and support for professional engineers in the efficient, safe, and economical performance of their duties.

This course was developed for use in the day-to-day conduct of engineers' professional and business-related affairs. The guidelines in this document reinforce the various State Boards of Engineering Code of Ethics, which all professional engineers are expected to know and practice.

Section 2 - Definitions of Key Terms

Bribe: A gift or favor, given or promised, with the intent to influence the judgment or conduct of another.

Confidential or Proprietary Information: Information that is the property of the employer, which the employer has the right to make available to or withhold from others within the firm or the general public, as he or she alone deems appropriate (such as lists or other information concerning an employer's clients, suppliers, personnel, or shareholders; competitive business strategies and plans; and special methods of operation). Annual reports, quarterly reports, and annual or other periodic filings that are considered public information once they are filed and press releases issued by the employer are not confidential or proprietary information.

Conflict of Interest: A conflict of interest is any activity, transaction, relationship, service, or consideration that is, or appears to be, contrary to the individual's professional responsibilities or in which the interests of the individual have the potential to be placed above his/her professional responsibilities.

Family Members: Family members include a spouse, children, parents, siblings, grandparents, in-laws, or any other person sharing the same home or otherwise in a close familial relationship with the Professional engineer.

Harassment: Harassment is any unwelcome and offensive verbal or physical conduct of one person toward another based on race, religion, gender, sexual orientation, or any other characteristic protected by law that has the purpose or effect of creating a hostile work environment; interferes with the individual's work performance; or otherwise affects or harms an individual's employment opportunities.

Kickback: The illegal giving back of a portion of a payment received for work or services as a means of obtaining or otherwise influencing the judgment or actions of another, or with the expectation of receiving special treatment not afforded to all.

Outside Employment: Providing work or services for pay for an employer, including yourself, who is not your normal full-time employer.

Section 3 - Guidelines

The following guidelines are intended to provide a framework for professional engineers to use in the construction of an ethical career. They are not intended to be hard and fast rules, but rather a guide and supplement to the member's professional judgment and reason.

Licensed engineers who violate the Engineering Code of Ethics are subject to disciplinary action, which may include loss of licensure or fines by the State Engineering Board.

1. Conflict of Interest

All professional and business decisions shall be made in the best interest of the public, the client, the employer, and the profession. Actual or perceived conflicts of interest can arise in many situations. Playing favorites or otherwise allowing personal interest to influence a professional decision is contrary to the expectation of just and ethical conduct to which members are obligated. In addition, it may be inappropriate for an engineer to take part in a decision where a conflict of interest exists, even if the engineer does not believe that his/her objectivity will be affected. Professional engineers are expected to avoid any relationship, influence, or activity that may be perceived to, or actually, impair their ability to make objective and just decisions when performing their work. When in doubt, they should share the facts of the situation with their leadership and work to resolve the conflict.

2. Ensuring Legal Compliance

Licensed engineers shall conduct their professional lives in accordance with applicable laws and regulations. Compliance with laws does not necessarily fulfill a member's entire ethical responsibility, but it is paramount for performance of one's professional duties. Licensees shall be truthful and responsive in all dealings with regulatory bodies or governmental agencies that establish rules or oversee their professional operations.

3. Employee and Public Safety

Professional engineers shall be committed to maintaining a drug- and alcohol-free, safe, and healthy work environment. Engineers shall comply with applicable environmental, health, and safety laws and regulations. Violations of safety rules or conditions that endanger the welfare of other employees, contractors, clients, or the public shall be reported immediately to the appropriate person or authority.

4. Workplace Quality

State engineering boards desire a workplace where its members are respected and professionally satisfied. Harassment, racism, or discriminatory behavior of any kind shall not be tolerated. Providing a



safe and healthful workplace environment that ensures all employees have the opportunity to achieve excellence is the responsibility of every professional engineer.

5. Use and Protection of Employer's Assets

All employers have many valued assets such as cash, physical property, proprietary trade secrets, and confidential information. Protecting these assets against loss, theft, and misuse is every employee's responsibility. An employer's property shall not be used for personal benefit, nor shall it be loaned, sold, or given away without authorization from the employer. Where certain facilities are made available to Professional engineers for personal use (such as computers), rules applicable to the specific use of those facilities shall be agreed upon and strictly upheld.

An employer's assets shall be used for the employer's business purposes during employment with that employer. Removing employer's assets from the company's facilities shall be prohibited unless specifically authorized by the employer in advance. Improper use includes unauthorized personal appropriation (theft) or use of assets or resources, including computer equipment, software, and data, for any purpose other than the employer's business.

The Internet and electronic mail are valuable resources available to employees in the performance of job-related duties. The Internet shall not be used to view, copy, save, or distribute unauthorized material or material unrelated to the employer's business. Electronic mail should not be used in the conduct of outside employment or for personal activities unless authorized by the employer.

6. Maintaining Accurate and Complete Records

The importance of maintaining accurate and complete records cannot be over-stated. Transactions between a company or its affiliates and its clients, vendors, regulators, outside individuals, and organizations shall be entered in the employer's records promptly, accurately, and honestly. Financial records shall be maintained in accordance with generally accepted accounting practices, principles, and established employer guidelines. Misrepresenting facts or falsifying records is illegal, shall not be tolerated, and should result in appropriate disciplinary action.

7. Gifts, Meals, Services, and Entertainment

It is improper for a professional engineer or family member to request, accept, or offer anything that could reasonably be construed as an attempt to influence the performance or judgment of another (public officials, government employees, contractors, and others) or to favor a customer, supplier, or competitor. Generally, this includes receipt of gifts, payments, travel, or other benefits from any existing or potential customers, suppliers, competitors, or other special interest groups. It is also improper for a professional engineer or family member to provide a gift (other than gifts of nominal value) to public officials, government employees, or the immediate family of such persons, unless the member has a

familial or other close personal relationship with the recipient and the gift will not create the perception of inappropriate influence. It is similarly inappropriate to make loans to a customer, supplier, or competitor or to borrow from such sources, unless the source is a recognized lending institution.

Gifts of nominal value motivated by commonly accepted business courtesies may be accepted or given, but not if accepting or giving such gifts may cause the perception of prejudice toward or obligation to the donor.

Before accepting any gift or gratuity, the Professional engineer or family member shall ask himself or herself whether he or she has the opportunity to influence decisions regarding the employer's business dealings with the donor, or if acceptance might be perceived by others as creating an obligation to the donor. If so, the gift or gratuity shall not be accepted. When in doubt the member shall share the facts of the situation with the employer and a course of action regarding acceptance shall be determined.

Meals provided by an existing or potential client, supplier, or competitor may be acceptable if they are for a bona fide business purpose, reasonable in amount, and not repetitive.

8. Confidential or Proprietary Information

In the course of normal professional activities, Professional engineers may have access to information that is proprietary, confidential, privileged, or of competitive value to the employer. In addition, clients and even competitors may sometimes divulge information to Professional engineers that is proprietary to their business. Professional engineers must respect these confidences by protecting the confidentiality and security of documents and related information.

The use or disclosure of confidential information shall be at the employer's sole discretion and for the employer's purposes only and shall not be used for personal benefit of the member or the benefit of others (including the benefit of a new employer). To preserve confidentiality, the disclosure and discussion of confidential or competitive information should be limited to those who specifically need to know the information.

9. Outside Employment/Activities

Outside employment or business activities not related to those of the employer must not diminish the employee's ability to properly fulfill his or her professional responsibilities to the employer. Such outside employment or business activity shall not create, or appear to create, a conflict of interest. Company time or facilities, including telephone or electronic media, shall not be used in the conduct of outside employment or personal business activities without the employer's prior knowledge and approval.

Employment with an outside organization that has no actual or potential business relationship with the employer is acceptable as long as it does not impair the employee's ability to fulfill all job-related functions and does not compromise the quality, productivity, or safety of the employer's operation.



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the technical materials.