



The Dilemma of Ethics?
Mentoring Mondays
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IN BOTH PRIVATE BUSINESS AND PUBLIC OFFICE, EVERYTHING COVERED BY STEP ONE IS CONSIDERED LEGAL UNTIL YOU GET TO STEP TWO THAT'S WHY THEY'RE IN THIS ORDER...

1. DO WHATEVER YOU WANT.
2. DO THE RIGHT THING ONLY AFTER YOU GET CAUGHT.

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"The way I see it, unethical ethics are better than no ethics at all!"

A. What are "Ethics"

Paraphrasing Justice Stewart from *Jacobellis v. Ohio*, 378 U.S. 184 (1964), his honor is credited with "I can't define pornography, but I know it when I see it."

Ethics is similar:
Not so easy to define but we all have a pretty good idea when someone behaves unethically



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A. What are "Ethics"

Merriam-Webster's online dictionary Ethics definition:

1. the discipline dealing with what is good and bad and with moral duty and obligation
- 2 a: a set of moral principles : a theory or system of moral values ...
 - b: the principles of conduct governing an individual or a group
 - c : a guiding philosophy
 - d : a consciousness of moral importance
3. a set of moral issues or aspects (as rightness)

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A. What are "Ethics"

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 - d : a consciousness of **moral importance**
3. a set of **moral issues or aspects** (as rightness)

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B. Values, Morals, Laws

Values
Personal beliefs in which there is emotional investment.

Punctuality **Responsibility**
OBLIGATION **INTEGRITY** *Self-Respect*
Character Accountability
HONESTY *Virtue* **Courage**

A job well done is its own reward



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B. Values, Morals, Laws

Morals
 Rules which guide decisions about how to achieve value(s) on a given task.

Task: Run your first marathon.
 Value: Satisfaction of completion
 Moral framework: Run entire circuit vs taking a shortcut





Task: Re-est PLS corner
 Value: Sufficient for purpose at hand (Point of Commencement),
 Ensure future location certainty (perpetuation)
 Moral framework: degree of evidence research?

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B. Values, Morals, Laws


Morals
 Rules which guide decisions about how to achieve value(s) on a given task.
 Flexible morale framework?
 Willing to bend or change the rules depending on situation?

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B. Values, Morals, Laws

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I'd like to say thanks for the help by giving you a ...

Inspector Contractor

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B. Values, Morals, Laws

Morals
 Rules which guide decisions about how to achieve value(s) on a given task.
 Flexible morale framework?
 Willing to bend or change the rules depending on situation?

... company pen and hat.

Inspector Contractor

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B. Values, Morals, Laws

Morals
 Rules which guide decisions about how to achieve value(s) on a given task.
 Flexible morale framework?
 Willing to bend or change the rules depending on situation?

... new pickup truck.

Inspector Contractor

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B. Values, Morals, Laws

Morals
 Rules which guide decisions about how to achieve value(s) on a given task.
 Can there be a *tipping point*?

Right Wrong

Morals

Laws



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B. Values, Morals, Laws

Law
 Rules of conduct formally adopted & enforced by a group.
 Reflect group's Values and Morals
 Binding on group members

Group may be:
 Society - ordinances, statutes, code, etc
 Company - corporate policy

Violation penalized by group
 Financial, loss or restriction of personal rights, job loss.



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B. Values, Morals, Laws

Ethics
 Basically: Systematized moral principles framework for making decisions where values conflict.

Standard of right or wrong proscribing how we interact with others.
Our values are involved as are theirs.

Our "first" ethical code?
 Kindergarten/First Grade
 1. Don't hurt anyone
 2. Tell the truth
 3. Respect your parents and teachers

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B. Values, Morals, Laws

Ethics
 A "perfect" Ethical Code: impartial and universal.
 Uniform application regardless of situation.

Situation 1

Ethical	Unethical
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Situation 2

Ethical	Unethical
---------	-----------

↔
 Uniform Ethical Application

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B. Values, Morals, Laws

Ethics

“Perfect” not possible because of conflicting values:
 Differing situations may change value priorities.
 Valuation is dependent on perspective
 Is there a tipping point/area?

Extreme ← Uniform Ethical Application? → Extreme

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B. Values, Morals, Laws

Ethics

Society frowns on people killing other people.
 We can all agree that random killing is unethical.

Don't Kill ← Uniform Ethical Application? → Kill

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B. Values, Morals, Laws

Ethics

What if killing:
 Accidental?
 Castle doctrine?
 Self-defense?

} Tipping Points?


Don't Kill ← Uniform Ethical Application? → Kill

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C. Laws and Ethics

Can we base Ethics on Laws?

Laws:
 Structured and known
 Address societal concerns
 Define penalties



Society members have responsibility to know, understand, and obey.
Ignorance of the law is no excuse.




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C. Laws and Ethics

While camping, my wife has a stroke.


I put her into the car and drive as fast as I can to a hospital emergency room 15 miles away.



I exceed speed limit by considerable amounts.



Police cruiser picks me up on radar and begins pursuit.




I ignore it and keep speeding for the hospital.

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Were my actions ethical?
Were my actions legal?

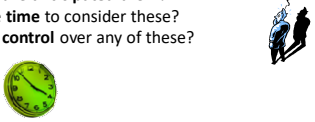
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C. Laws and Ethics

What if...

- ... I'd lost control of the car, hit another car, and kept going?
Is a hit-and-run as forgivable as speeding?
- ... I'd lost control of the car, hit a pedestrian, and kept going?
- ... the ER determined my wife had heartburn?

These didn't happen until **after** I'd acted on my decision.
Should I have **anticipated** them?
Did I have **time** to consider these?
Do I have **control** over any of these?




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C. Laws and Ethics

Any action is:

legal or illegal



ethical or unethical




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C. Laws and Ethics

Any action is:

legal or illegal



Possible consequences





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C. Laws and Ethics

Any action is:
 legal or illegal ethical or unethical




Possible consequences

Unethical and legal	Unethical and illegal
	
Ethical and legal	Ethical and illegal




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C. Laws and Ethics

Not everyone has the same ethical perspective.

		
--	--	--




But we're all subject to the same laws

		
---	---	---




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C. Laws and Ethics

Not everyone has the same ethical perspective.

		
---	---	---

The legality of an act may be clear

		
---	---	---

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C. Laws and Ethics

Not everyone has the same ethical perspective.

But its ethical implication can differ based on individual values.

Ethical Unethical Fuzzy

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C. Laws and Ethics

Laws and Ethics
Symbiotic relationship
Related; concern the same actions

Proportions of Legal/Illegal, Ethical/Unethical change over time.
Beliefs, values, etc, change
Evolution, maturation

Fuzzy boundaries: ; Tipping points?

Distinction: Laws involve **compliance**; Ethics involve **choice**.

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C. Laws and Ethics

Laws and Ethics
Symbiotic relationship
Related; concern the same actions

Pro
ove

*So far we've looked at
Personal ethics.
What about **Professional ethics?***


Fuzzy boundaries: ; Tipping points?

Distinction: Laws involve **compliance**; Ethics involve **choice**.

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D. Professional Ethics?

1. Profession
 Individuals who share specialized skill & knowledge.




Has a set of values which help maintain integrity of that profession.

Who's in charge of a profession?
 Generally only authority is a licensing one
 Usually gov't based, therefore define things in law.
 Affect all *licensed* professionals.

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D. Professional Ethics?

2. Professional Organization
 Individuals grouped together to represent and advance their profession.



Organization:
 Provides growth framework for the profession and individuals.

Maintains integrity
 One way: develop an Ethical Code
 Identify value areas and provide guidance.
 Policing body - Ethics or Standards of Practice
 Affect only members
 Revocation of membership or certification

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D. Professional Ethics?

3. Land Surveying
 Boundary creation and establishment dependent on
 Written law
 Common law
 Decisions and actions are based on a legal framework.

a. Statutory regulation
 Inevitably, actions and responsibilities may also be legally "regulated."

Many states have law/admin code for:
 (1) Minimum Standards
 (2) Professional conduct/Ethical Responsibilities

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D. Professional Ethics?

3. Land Surveying

a. Statutory regulation

(1) Minimum Standards

Why? A subject for another discussion

Basically: - Boundary creation covered by statute law, resurvey by common law.

Statute law: details layout standards, mapping requirements, accuracies, etc.

Common law: does not; "what a competent surveyor would do"

Minimum standards provide

- Resurvey technical specifications
- Safety net if a particular boundary creation method is not statutorily addressed

Example: In Wis - Cemetery Plats

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D. Professional Ethics?

3. Land Surveying

a. Statutory regulation

(1) Minimum Standards

Example: Wis Admin Code A-E 7

- A-E 7.01 Scope
- A-E 7.02 Definitions.
- A-E 7.025 Survey report, requirements
- A-E 7.03 Boundary Location
- A-E 7.04 Descriptions
- A-E 7.05 Maps
- A-E 7.06 Relative positional accuracy measurements
- A-E 7.07 Monuments
- A-E 7.08 U.S. public land survey monument record

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D. Professional Ethics?

3. Land Surveying

a. Statutory regulation

(1) Minimum Standards

Emphasis on professional judgment for resurveys

A-E 7.03(1) "Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable."

A-E 7.06(1) "Measurements shall be made with instruments and methods capable of attaining the relative positional accuracy in accordance with this section."

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D. Professional Ethics?

3. Land Surveying

a. Statutory regulation

(2) Professional Conduct

Wis Admin Code A-E 8 *Professional Conduct*

- A-E 8.01 Authority.
- A-E 8.02 Intent.
- A-E 8.03 Definitions.
- A-E 8.04 Offers to perform services shall be truthful.
- A-E 8.05 Conflicts of interest.
- A-E 8.06 Professional obligations
- A-E 8.07 Unauthorized practice.
- A-E 8.08 Maintenance of professional standards.
- A-E 8.09 Adherence to statutes and rules.
- A-E 8.10 Plan stamping.
- A-E 8.11 Suspension of registration; effect.

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D. Professional Ethics?

3. Land Surveying

a. Statutory regulation

(2) Professional Conduct

A-E 8.02 Intent:

The intent of the examining board in adopting this chapter is to establish **rules of professional conduct** for the professions of architecture, landscape architecture, professional engineering, designing and professional land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

Wis Stat Sec 443.12 Disciplinary proceedings against professional land surveyors:

(1) The professional land surveyor section may reprimand a professional land surveyor, or limit, suspend, or revoke the license of any professional land surveyor, for the practice of any fraud or deceit in obtaining the license, or any gross negligence, incompetence, or misconduct in the practice of professional land surveying.

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D. Professional Ethics?

3. Land Surveying

b. Professional Organization

(1) National Level

NSPS Surveyor's Creed and Canons



Canon 1. A Professional Surveyor should refrain from conduct that is detrimental to the public.

Canon 2. A Professional Surveyor should abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction.

Canon 3. A Professional Surveyor should accept assignments only in one's area of professional competence and expertise.

Canon 4. A Professional Surveyor should develop and communicate a professional analysis and opinion without bias or personal interest.

Canon 5. A Professional Surveyor should maintain the confidential nature of the surveyor-client relationship.

Canon 6. A Professional Surveyor should use care to avoid advertising or solicitation that is misleading otherwise contrary to the public interest.

Canon 7. A Professional Surveyor should maintain professional integrity when dealing with members of other professions.

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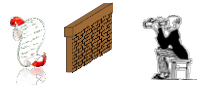
D. Professional Ethics?

3. Land Surveying
 b. Professional Organization
 (2) State Level

State Surveying Associations

Limited sampling:

- Most NSPS-affiliated used NSPS Creeds and Canons
- Not many have their own codes
- Those that do tend to have (hide?) them in members-only areas




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D. Professional Ethics?

3. Land Surveying
 b. Professional Organization
 (2) State Level

Advantages of a published Code?

Disadvantages of a published Code?




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Summary


What does it boil down to?

1. Don't hurt anyone
2. Tell the truth
3. Respect others



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E. Case Studies

Consider: 

Is there an ethical dilemma?


Does the *Surveyor's Creed and Canons* and/or your state society's ethical code provide sufficient guidance?

If...

- 1 ... no dilemma, is there a tipping point which would make it one?
- 2 ... a dilemma, can something be changed?

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E. Case Studies

Consider: 

Is there a legal element which affects your decision?

If ethics are involved - personal or professional?


What other parties might be affected and how?


Other factors which could change your ethical stance?


What happens if ethical perspectives clash?


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F. Case Studies

Case Study 1
The phone call offering a class project 

Case Study 2
Delayed map filing 

Case Study 3
Easement not on map 

Case Study 4
Fence corner 

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