

Ethics for Surveyors

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SELF INTRODUCTION:

- Over 30 years experience in the surveying profession
 - Graduate of Penn State survey program
- Licensed in Pennsylvania, New York, West Virginia, Colorado and Delaware
- Active member of home state's professional society
- Just another surveyor trying to share information with others and gain knowledge from fellow professionals.

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DISCLAIMER:

I am not an attorney.

The information found in this presentation is assembled from various sources. These sources include the works and teaching of others. Please see references at end for credits.

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Course Objectives:

- Define Key Terms related to Ethics
- Review the New York Code of Canons

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Definitions:

Ethics:

- What you should do
- How you behave
- Your morals in action
- Situational

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Definitions *(continued)*:

“Ethics is doing the right thing at the right time. Ethics are values that are converted into action. Values define who you are, actions get you what you want.”

Knud Hermansen, PLS, PE, PhD, Esq



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Definitions (continued):

- “A discipline dealing with good and evil and with moral duty.” – Webster’s
- Legal Ethics: “The standards of minimally acceptable conduct within the legal profession, involving the duties that its members owe one another, their clients, and the courts-also termed etiquette of the profession.” – Black’s Law

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Definitions (continued):

Morals:

- What you should aspire to do
- Generally, the basis for our ethics
- They dictate how we behave
- “1. Of or relating to principles of right and wrong / 2. Conforming to a standard of right behavior” -Webster’s

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Definitions (continued):

“The surveyor does have moral obligations to the public and among them is duty to never subtract from the rights of adjoiners. Every boundary survey for a client establishes the boundary of an adjoiner”

Curtis Brown

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Definitions *(continued)*:

Code of Conduct:

- What you are required to do
- Established by ourselves, our employer, our profession and/or legislation
- Following a code supports the concept of public trust

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Definitions *(continued)*:

Accountability:

- From Black’s Law: Responsible; answerable
- From Webster’s: Answerable, responsible

Competency:

- “The mental ability to understand problems and make decisions” – Black’s Law

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Definitions *(continued)*:

Negligence:

- “1. The failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; any conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly, or willfully disregarding of others’ rights ...”

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Definitions *(continued)*:

Shall/Shall Not/May/Should:

- Shall / Shall Not
Definitive action is required
- May
Optional action / permission
- Should
Suggestive

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Definitions *(continued)*:

Integrity

- A firm adherence to a code or set of principles; an unimpaired condition

“Integrity is like your virginity, once you lose it, you can never get it back” – Donald Kamp, PLS

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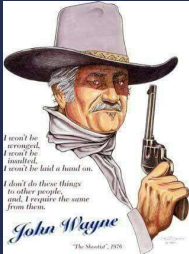
Codes of Ethics:

- Multiple codes can apply to an individual:
 - Personal Code
 - Employer’s Code
 - Client’s Code
 - Professional Association
 - Personal Affiliation
 - Regulatory

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Codes of Ethics *(continued)*:

– Anybody have their own personal code?



*I won't be
overpaid.
I won't be
harsh.
I won't be laid a hand on.
I don't do these things
to other people,
and, I require the same
from them.*

John Wayne

"The Sheriff" 1955

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Codes of Ethics *(continued)*:

– How are they developed?

- Personal Belief
- Society Influence
- Regulated
- Adopted

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Code of Ethics *(continued)*:

How are ethics learned?

- Our upbringing
- Experiences in life, ie. "Life's Lessons"
- Observations of others
- Formal education

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Code of Ethics *(continued)*:

– Why do we need ethics in our profession?

- Good business, or is it?
- Levels the playing field
- Right thing to do
- Supports our role in the public eye as a respected profession
- Makes us feel good

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Regulatory Codes and Adopted Ethics:

– What is the purpose of a code of professional conduct?

- Protect the public
- Protect our peers
- Protect ourselves
- Make business fair

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Code of Cannons in New York:

It shall be considered unprofessional and inconsistent with honorable and dignified conduct and contrary to the public interest for any member of the New York State Association of Professional Land Surveyors:

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To act for the practitioner’s client or employer otherwise than as a faithful agent or trustee.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To accept remuneration for services rendered other than from the practitioner’s client or employer.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To attempt to supplant another Land Surveyor in a particular engagement after definite steps have been taken toward the practitioner’s employment.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To attempt to injure, falsely or maliciously, the professional reputation, business, or employment position of another Land Surveyor.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To review the work of another Land Surveyor for the same client, except with the knowledge of such Land Surveyor, unless such Land Surveyor's engagement on the work which is subject to review has been terminated.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To advertise Land Surveying services in self-laudatory language, or in any other manner derogatory to the dignity of the profession.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To use the advantages of a salaried position to compete unfairly with other Land Surveyors.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To exert undue influence or to offer, solicit or accept compensation for the purpose of affecting negotiation for any Land Surveying engagement.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To act in any manner derogatory to the honor, integrity or dignity of the Land Surveying profession.

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Code of Cannons in New York *(continued)*:

It shall be considered unprofessional ...

To state on a map, plat or otherwise that the survey meets the minimum standards set forth in the NYSAPLS Code of Practice, when it does not.

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NSPS Creed & Canons:

Per the Creed, members pledge to:

- Give the utmost in performance
- Participate in honest enterprises only
- Live and work to the highest standard of conduct
- Place service before profit

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NSPS Creed & Canons *(continued)*:

The Canons instruct surveyors to:

- 1) Refrain from conduct detrimental to the public
- 2) Abide by the rules of the jurisdiction
- 3) Accept work that they are competent in only
- 4) Work and communicate without bias

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NSPS Creed & Canons *(continued)*:

The Canons instruct surveyors to:

5) Maintain confidentiality

6) Advertise in a proper manner

7) Maintain professional integrity when dealing with other professionals

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Regulatory Codes and Adopted Ethics:

– Other Examples:

• National Council of Engineering Exam (NCEES)

• National Society of Professional Engineers (NSPE)

• Others - Better Business Bureau, GIS Certification Institute, local Chamber of Commerce, civic organizations, etc...

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Regulatory Codes and Adopted Ethics *(continued)*:

– Common themes of the most code

• Protect the safety, health and welfare of the public

• Act in a professional manner

• Do right by our clients

• Do not harm the rights of others

• Be a good example to others

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Session Wrap Up:

- Understanding key terms can help understand the basis of Ethics
- Surveyors in New York are subject to at least two Codes:
 - NYSAPLS Canon of Ethics
 - NSPS Creed and Canons
- There is plenty more to learn

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References & Credits:

I cannot take full credit for the technical information in this presentation, it is a collection or research I have collected from a host of sources that include:

- Black's Law – Abridged 7th Edition
- *Workplace Ethics* - Developing Professionals, NYSAPLS Conference 2017
- *Ethics in Practice* – Knud Hermansen, PLS, PE, PhD, Esq.
- *Ethics for Land Surveyors* – Jeffery Lucas, PLS
- *Ethical Practices for Surveyors* – presentation by Lori Miller of Developing Professionals
- *7 Steps to Improve your Decision Making Process* – article by Dr. Katie Carpen, Southern New Hampshire University, March 28, 2019

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References & Credits (cont.):

- *The Code of Ethics and the Law* – David Widmer, PLS
- *Comparative Ethics* – David Ingram, PLS
- *Making the Most of a reputation for ethical behavior* – Mark Zweig, CENews December 2011
- *Professional Ethics for the Surveyor* - John Matonich, PS
- The Merriam Webster Dictionary
- New York Association of Professional Land Surveyors' website

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