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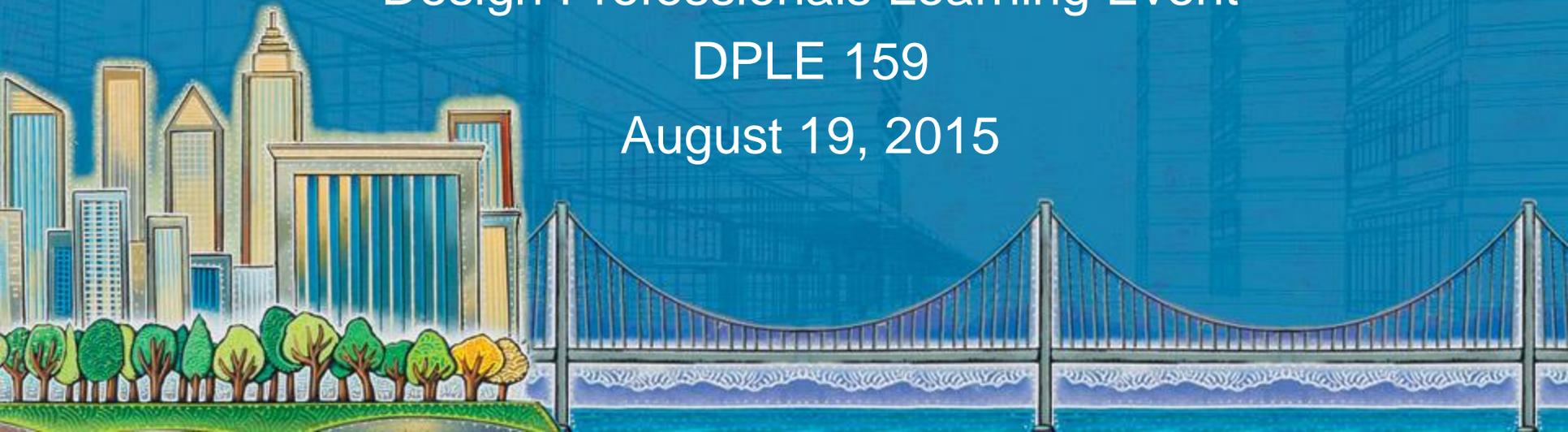
DIFFERENT WORKS

Evaluating Professional Ethics and Conduct Through Case Studies

RLI Design Professionals
Design Professionals Learning Event

DPLE 159

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DIFFERENT WORKS



■ Course Description

Even landmark projects and respected design professionals face dilemmas relating to

ethical considerations and codes of conduct.

This course will use a case study to review common challenges and some methods to address them while balancing business, ethics, and successful project outcomes.



■ Learning Objectives

Participants will:

Identify the general obligations imposed by codes of ethics and professional conduct.

Evaluate challenging situations through a decision making process that balances business and ethical considerations.

Implement strategies to translate problems into successful outcomes.

Develop best practices for making difficult project decisions.



Part 1

The Case

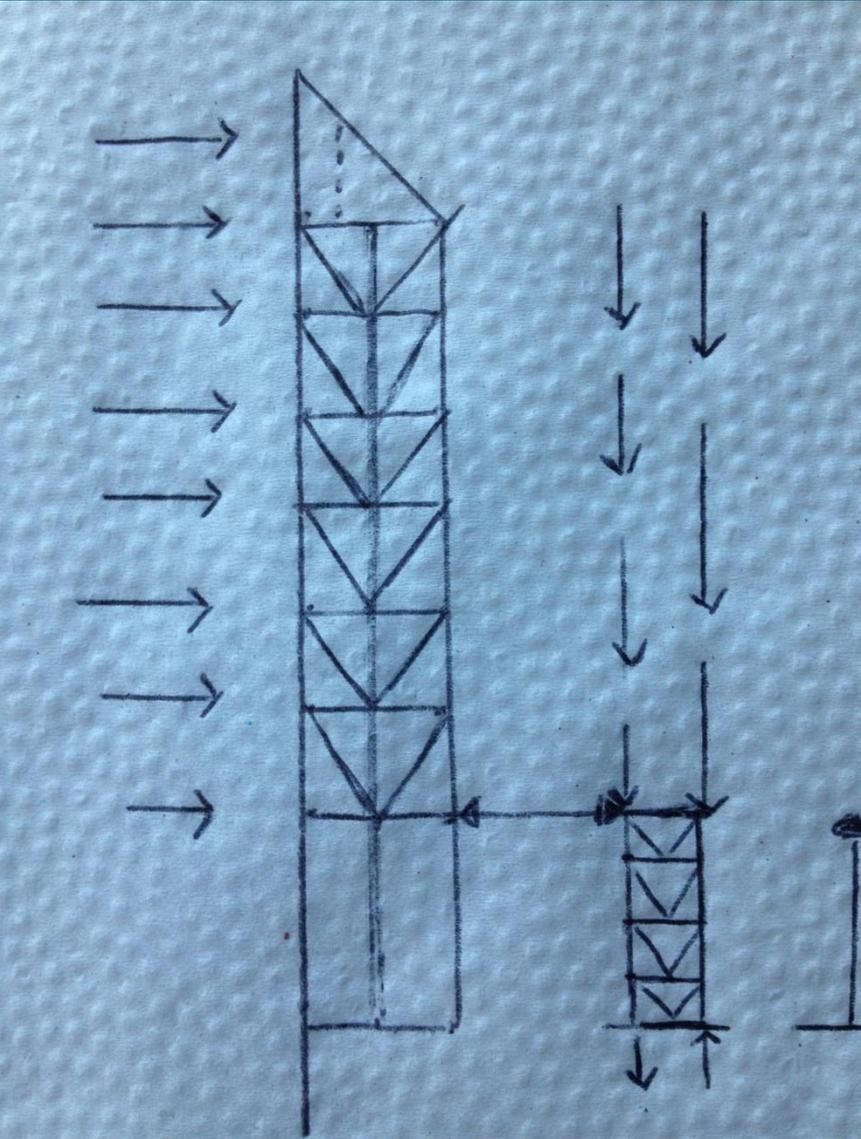


■ Case Study

LeMessurier's Dilemma at Citicorp Headquarters



■ The Design Process



The proverbial napkin sketch:

Speaker's rendering,
not LeMessurier's actual

■ The Problems



■ The Crisis

I had information that nobody else in the world had. I had power in my hands to effect extraordinary events that only I could initiate.

I mean, sixteen years to failure--that was very simple, very clear-cut. I almost said, thank you, dear Lord, for making this problem so sharply defined that there's no choice to make.

--William LeMessurier



■ The Successful Outcome

You have a social obligation.

In return for getting a license and being regarded with respect, you're supposed to be self-sacrificing and look beyond the interests of yourself and your client to society as a whole.

And the most wonderful part of my story is that when I did it, nothing bad happened.

--William LeMessurier



■ The Public's Rights to Information?

We had to cook up a line of bull, I'll tell you. And white lies at this point are entirely moral.

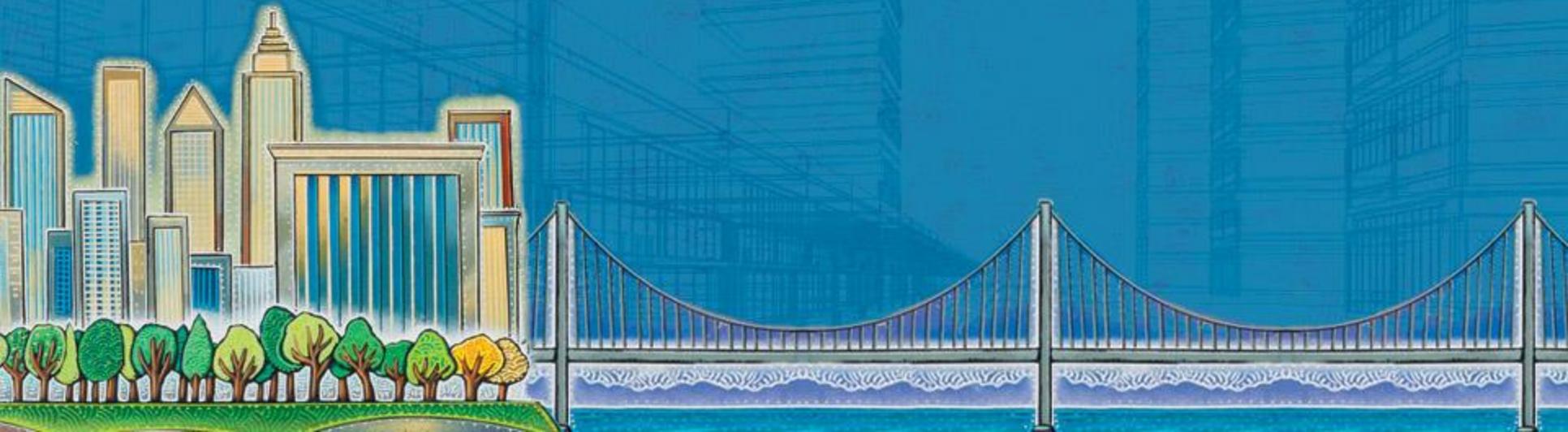
You don't want to spread terror in the community to people who don't need to be terrorized. We were terrorized, no question about that.

--William LeMessurier



Part 2

Evaluating Codes of Ethics



■ The AIA Code of Ethics

Members of The American Institute of Architects are dedicated to the highest standards of **professionalism, integrity, and competence**. This Code of Ethics and Professional Conduct states guidelines for the conduct of Members in fulfilling those obligations. The Code is arranged in **three tiers** of statements:

Canons, Ethical Standards, and Rules of Conduct:

- **Canons** are **broad principles** of conduct.
- **Ethical Standards** are more **specific goals** toward which Members should aspire in professional performance and behavior.
- **Rules of Conduct** are **mandatory; violation** of a Rule is **grounds for disciplinary action** by the Institute. Rules of Conduct, in some instances, implement more than one Canon or Ethical Standard.



■ Measuring LeMessurier Against It

- Apply technical **knowledge** and **skill** which is **ordinarily applied** by architects of good standing practicing in the same locality.
- If, in the course of their work on a project, the **Members become aware** of a **decision** taken by their employer or client which **violates any law or regulation** and which will, in the Members' judgment, **materially affect adversely the safety to the public** of the finished project, the Members shall:
 - a) **advise** their employer or client against the decision,
 - b) **refuse to consent** to the decision, and
 - c) **report the decision to the local building inspector or other public official** charged with the enforcement of the applicable laws and regulations, unless the Members are able to cause the matter to be satisfactorily resolved by other means.



■ The NSPE Code of Ethics--Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the **highest standards of honesty and integrity**. Engineering has a direct and vital impact on the **quality of life** for all people. Accordingly, the services provided by engineers require **honesty, impartiality, fairness, and equity**, and must be dedicated to the **protection of the public health, safety, and welfare**. Engineers must perform under a standard of professional behavior that requires **adherence to the highest principles of ethical conduct**.



■ The ASCE Code of Ethics

Canon 1.

Engineers shall hold **paramount** the **safety, health and welfare of the public** and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

Canon 3.

Engineers shall issue **public statements** only in an **objective** and **truthful** manner.



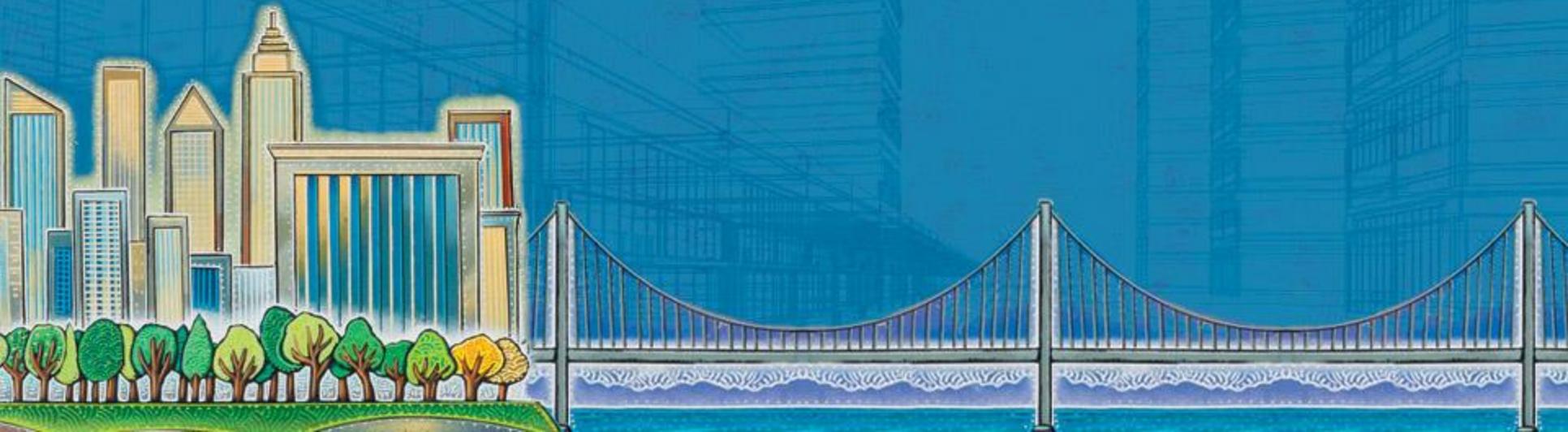
■ New York State Guidelines for Practice

Plans, specifications, and reports to which the **seal** of a **professional engineer** has been applied, must also be stamped with **appropriate wording warning** that it is a **violation** of this law for any person **to alter a document in any way, unless acting under the direction of a licensed professional engineer**. If a document bearing the seal of an engineer is altered, the **altering engineer shall affix to the document their seal and the notation "altered by"** followed by their **signature** and the **date** of such alteration, and a **specific description** of the alteration.



Part 3

Best Practices



■ Best Practices



Work for and with ethical people.



Prepare for the worst case scenario.



Review substitutions closely.



Protect public health, safety, and welfare.



“Panic appropriately.”

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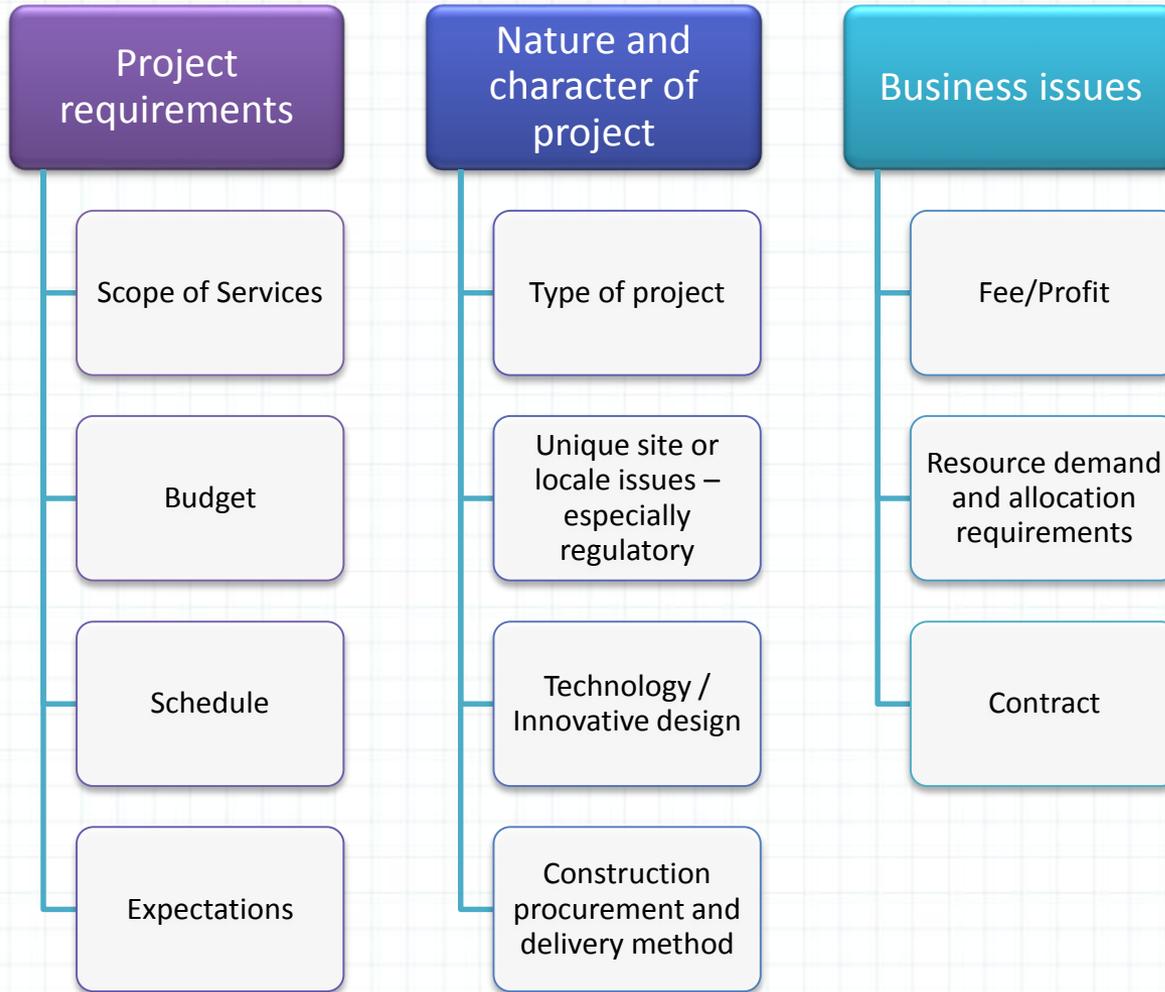
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“Panic appropriately.”

■ Work for and With Ethical People

Go/No Go Project Selection Process



■ Work for and With Ethical People

Subconsultant Best Practices—Evaluate:

Proposals

Qualifications

Expertise

Size

Special
Requirements

Reputation

Fees

Financial
Stability

Availability

Insurance
Coverage

Location



■ Prepare for the Worst Case Scenario

Suspension Provisions in the Contract

§9.1 If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Architect shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and time schedules shall be equitably adjusted.

AIA Document B101-2007



■ Prepare for the Worst Case Scenario

Termination Provisions in the Contract

§9.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§9.6 In the event of a termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses as defined in Section 9.7.

§9.7 Termination Expenses are in addition to compensation for the Architect's services and include expenses directly attributable to termination for which the Architect is not otherwise compensated, plus an amount for the Architect's anticipated profit for the value of the services not performed by the Architect.

■ Protect Public Health, Safety, and Welfare

Key Considerations



Confirm that your **contract** explicitly states that you're **not responsible for construction site safety**.



Don't interject yourself into site **safety procedures** or **meetings**.



If you **observe** an **unsafe condition**, inform the **contractor's superintendent** and **document** the situation to both the Contractor and the Owner.



If you observe **imminent danger**, take **immediate action** up to and including **pulling an employee out of harm's way**.



■ Review Substitutions Closely

If properly contracted, this can be an **additional service** (AIA Document B101 §4.3.2.5).



Don't approve proposed substitutions unless you've **researched them** or have **prior knowledge** or **experience**.



Document any **observed differences** to your client and the Contractor.

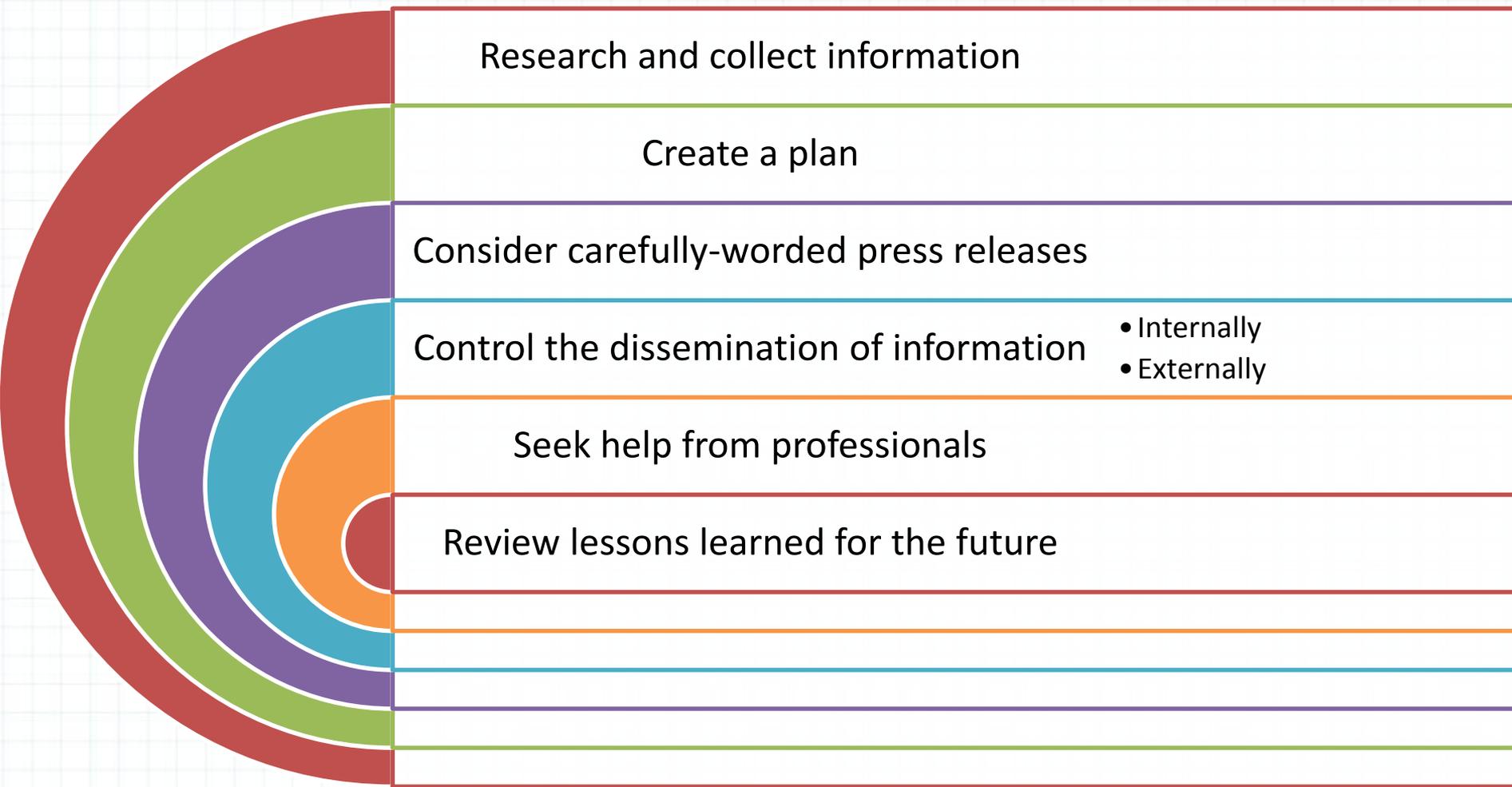


If the Owner approves a substitution despite your objections, confirm that you have **clearly stated your position**.



■ “Panic Appropriately”

Crisis Communication Tactics



Research and collect information

Create a plan

Consider carefully-worded press releases

Control the dissemination of information

- Internally
- Externally

Seek help from professionals

Review lessons learned for the future



■ “Panic Appropriately”

Effective Delegation starts with:

Defining the desired **outcome**

Identifying the best **candidate** for each delegated task, based on:

- Time
- Skills
- Commitment

Clarifying the **task(s)** and the **timeframe**

Maintaining proper **oversight**

■ “Panic Appropriately”

Observe/Inspect/Supervise—Choose Carefully

Observe

- Review the construction under defined rules to keep the owner apprised of construction progress and quality
- **Resource:** AIA Document G711—Architect’s Field Report

Inspect

- Examine the work carefully or critically
- Investigate and test officially
- **Goal:** Determine Substantial and Final Completion Dates

Supervise

- Be in charge
- Watch and direct





Thank you for your time!

QUESTIONS??

This concludes The American Institute of Architects
Continuing Education Systems Program

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