

A Healthy Professional Engineering Community is the Best Defense Against Corruption

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Corruption is a very real and ongoing problem within the field of civil engineering and construction. Due to the complex nature of the business, kickback schemes and bribery are easy to conceal and difficult to prosecute. Often, an individual engineer is faced with evidence of poor ethics within their own peer group. In addition, the ethical course of action in response is not always obvious or the easy thing to do. Examples of corruption, fraud, and bribery within the civil engineering profession validate the importance of a strong and engaged professional society of engineers.

Corruption, bribery, and fraud are not new problems for professionals working in civil engineering and construction. They may be as old as the field itself. That said, they are also not universal and there have been sustained efforts to combat them. Professional societies, such as the American Society of Civil Engineers, have also been around for quite a while. This year marks the 167th anniversary of the ASCE. In general, professional associations and societies serve two main interests. The first being the success and well-being of the professional members themselves, and the second is a genuine concern for public welfare. Balance between these two interests is a point of ongoing importance and has necessitated the involvement of the courts at times (Sawyer, 1984).

Through various cases over the last century, the United States Courts have come to the conclusion that they “support all appropriate actions by professional societies but prohibit those that are unduly paternalistic, that restrict the free flow of information or that tend to diminish competition” (Sawyer, 1984, p.96). This statement serves as a general guideline for the limits to

what professional societies can impose on their members regarding how they conduct business. In short, don't be too overbearing, and more information and competition are generally good things. Even when a professional association has good intentions to try and help its members, the courts may rule against them anyway. For example, in a case from 1978, *National Society of Professional Engineers versus United States*, the N.S.P.E. had enforced a rule "that no engineer could discuss price (fees) with a potential client until after he or she had been selected for the job" (Sawyer, 1984, p. 90). Though their intention seemed to be to help engineers get contracts based on their qualifications rather than providing the lowest bid, the courts determined this rule to be unenforceable (Sawyer, 1984). Basically, it's not the place of a professional association to limit competition amongst its own members.

Another important limitation on the role of a professional society is that it's not ethical for them to encourage their members to hold back information from their clients. At times professional societies have thought it prudent to "protect" the public or other professionals from information they didn't need to know. In the context of civil engineering, this may have taken the form of information regarding the process of a public agency awarding a bid to an engineer or contractor. The thought process being that the information was too technical for the public to understand or proprietary to an individual company. Instead, the courts take the position that "restricting access to information or to other professionals, etc., are attacks of the dignity and autonomy of said clients, and attacks, moreover, which may invade fundamental rights protected by the First Ten Amendments to the Constitution" (Sawyer, 1984, p. 92). When a community openly shares information among its members, it's a sign of a healthy community.

Given these restrictions that we have placed on professional societies, we can look at the role that they should play. When it comes to the field of civil engineering and an organization

like ASCE, it's informative to take the point of view of the individual member. In his article "In Pursuit of Profit", Steve Starrett lays out a number of realistic scenarios where individuals were faced with tough ethical decisions. In most cases, it came down to one individual to either go along with their peers and be complicit in an unethical business decision or stand up alone to their peers and supervisors. In one example, a young engineer working on a structural design is approached by his supervisor. The supervisor suggests that the engineer alter his design in order to increase the companies' profits. By changing the design to use more building materials, even though his original design already met code requirements, the company could earn more money since their fee would be a percentage of the overall construction costs. The young engineer was in a tough position. He knew that ethically, changing the design was the wrong thing to do, but contradicting his supervisor may put his job at risk (Starrett, 2013). One of the challenges of fighting corruption and fraud within the field of civil engineering is that often it's up to one individual to go against his peers or supervisors and risk their own career or reputation to call out an unethical decision.

Another challenge is that most common forms of corruption within the construction business are kickbacks, bribery, and collusion. These forms of corruption are all "easy to accomplish, hard to detect, and very lucrative" (de Jong, Henry, & Stansbury, 2009, p.107). A large construction project involving millions of dollars may create a tempting opportunity for an individual. What may be a relatively small amount of money within the context of the overall project, would be a large sum for an individual. There are numerous examples of complex kickback schemes that are difficult to trace and may go completely unnoticed aside from the professionals involved. This reality underscores the duty of the individual engineer to report corruption when they witness it, and the role that professional societies should play in providing

a safe outlet for reports of corruption. The presence of corruption in any civil engineering project may affect the overall quality of the final product. Civil engineers build roads, dams, bridges, and large buildings, all of which have the potential to cause great harm if they fail. It's clear that it is, therefore, the moral obligation of anyone involved to report corruption to the relevant authorities.

This is where professional societies play a crucial role in supporting their members. It may be helpful for a society to simply remind a professional member that they are protected by the Constitution in cases where they report an ethical concern that has safety implications for the public. This includes cases involving a competing individual or firm (Sawyer, 1984). For an engineer that may be isolated and under pressure from peers who take the point of view that "everyone does it", it is valuable for them to know that they are not alone. Fay Horton Sawyer states, "everyone does *not* accept or offer bribes, *nor* is it only the corrupt who prosper. Just reciting this helps" (1984, p.93). Engineer Stephen Unger went so far to say that " 'Awards may be made in cases where engineers show exceptional zeal in upholding ethical principles in the face of risks to their careers. These cases should be widely publicized for their educational effects' " (Sawyer, 1984, p.93). The more an individual feel that they are a member of a community of like-minded individuals, the more likely they are to seek out that communities' assistance when faced with a challenge.

The United States Courts have made it clear that the role of professional societies is not to limit competition or freedom of information within their given field. It is not their role to be an overbearing parent who rigs the game in favor of their own children. It is their role to provide support and advice to their members. The best thing that the civil engineering profession can do in response to instances of corruption and "pay-to-play" scandals is come together and remind

each other that we are a community of individuals who do have morals and ethics. We are a community of professionals who will stand up to corruption.

Works Cited

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