



By Joel Leininger, LS

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The Ethics of Competence

Subconsciously, we know better. But somehow we have been persuaded to believe that ethics can preclude incompetent practice before it is attempted. The theory seems to be that people who have subscribed to a certain ethical standard will prohibit themselves from engaging in work beyond their expertise. What an odd notion. One would think that the licensing process itself would have dispelled any reliance on self-proclaimed competence, but apparently that is not the case.

Because the principle of preventing incompetent practice has as its beginning and end the protection of the public, the

of professionals by the public, it is very difficult to measure the competence of would-be practitioners in every discipline potentially practiced by them. To ease the conscience of the regulatory bodies, who probably have known this from the beginning, ethics is used as the constraint to bridge the potential gap in the competence assurance process. But, I believe, it is a faulty solution.

Engineers

Engineers, of course, have more at stake here than surveyors. Our practice, although diverse to some extent, is more homogeneous than theirs. Most states have but one P.E. license, although the breadth of that license, theoretically,

why not have prospective surveyors and engineers merely promise that they will limit their practice to areas they are competent in, and leave it at that? After all, they will be required to conduct themselves in that manner anyway. In the same vein, why bother with drivers' tests? Why not simply require people, prior to issuing the license, to sign a form stating that they will only drive a car if they know how? Millions of dollars (not to mention late nights poring over the driver's handbook and re-taking driving tests!) could be saved. Sounds a little silly, doesn't it? We really don't think that is good enough, do we? Apparently some comfort results in requiring one to "deliver the goods."

Fundamentally, there is no difference in professionals offering services in which they have demonstrated competence. Historically, obstacles – such as knowing where to begin – existed to dissuade incompetent practice, but that is becoming less of a problem. The availability of software to automate design tasks is making it more convenient to offer non-traditional services. Software assisting the design process in the hands of a competent designer is a wonderful enhancement to the operation. But the same software in the hands of someone who is ignorant of the principles involved is like an 18-wheeler in the hands of a 12-year-old... Get out of the way! Will the youngster be able to make the truck move? Perhaps. But whether he or she could navigate it to the correct destination is not something I'd count on. As another example, can *TurboTax* substitute for the analysis of a CPA? Not on any but the simplest of tax returns.

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arguments for or against ethics playing a major role in that function must center around the public's interest. (I take it for granted in this discussion that the public is the ultimate beneficiary of restricting practice to licensed people.) Generally unable to make an informed decision about procuring professional services, the public must rely on the evaluation of those vested with the responsibility of determining competence. In this country, that task has been delegated to boards of registration. Unfortunately, because of the wide diversity of solutions required

allows one to practice civil engineering and chemical engineering, *and everything in between*. Proponents argue that this presents no problem, because licensees promise not to do anything they don't know how to do.

All right, let's explore that theory. When ethics becomes the ultimate constraint on incompetent practice, then a *demonstration* of competence (that is, test) becomes superfluous. Isn't that true? NCEES spends enormous amounts of money on developing examinations to determine competence;

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Fringe Practice

No doubt, some will argue that although total abandonment of competence assurance is inappropriate, ethics can control “fringe” areas of practice where one discipline begins to merge with another. This is even more dangerous. Consider the engineer who, because he or she understands coordinate geometry, presumes that boundary placement presents little more than a mechanical exercise to be overcome by careful data entry. Although it is probably accurate that a surveyor would use coordinate geometry while analyzing the boundary location, it is also accurate to say that the geometric aspects of the process are secondary considerations. There is nothing required in that engineer’s education or experience to alert him or her of the other considerations affecting the task. How will ethics prevent the engineer from overstepping that line when he or she is unaware of the line’s existence? In the same manner, surveyors, who, because they understand volume calculations, believe that pond design essentially boils down to proper sizing, are dangerously close to the same line. One must not only *know* the principles surrounding a function, one must also know when one *doesn’t know*. If one doesn’t realize there is a question, he or she could hardly be blamed for overlooking the answer. This is fundamentally a competence issue, not one of ethics.

The protection of the public requires both competence and ethics. Neither alone will do. Competence without ethics breeds chicanery. Ethics without competence breeds incorrect and inappropriate results, however well-intentioned.

It is convenient from a regulatory standpoint, of course, to delegate the competence assurance process to the person under consideration. But it is also illogical. If the public could be served by what is, in effect, self regulation, licensing would be unnecessary. Of course, few would wave *that* flag. But isn’t that what this practice presumes? Even the most honorable intentions can run contrary to the public’s interest in restricting practice to competent people. Who is minding the store?

As they say, ignorance (or, in this case perhaps, ethics) is bliss. 

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