



Strengthening Professional Ethics in the Land Sector

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1. Introduction

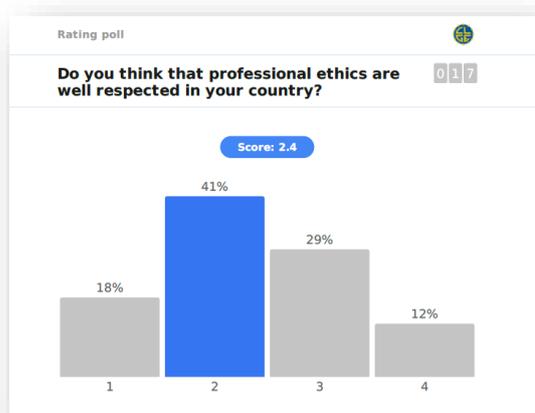
In 2018, CLGE and NSPS, in cooperation with FIG and Leica Geosystems, have celebrated the first Global Surveyors Day. This celebration took place during the Land and Poverty Conference in Washington, on 21 March 2018, to be repeated every year on the same day, everywhere in the world.

For the first edition of the Global Surveyors Day, the World Bank has supported our initiative by authorizing a reception as well as a specific Round Table about the future of Surveying.

Unfortunately, due to the bad meteorological circumstances, the World Bank was closed on that very day and we had to relocate the celebration to the State Plaza Hotel, close to the original venue. However, the event was a success, thanks to the help of our partners, including the World Bank Staff.

This year we got the kind permission and cooperation from the Land and Poverty Conference staff to repeat our initiative. The subject of the year is directly based on the outcome of the previous round table and has inspired us to proclaim 2019 the year of the Professional Ethics.

During last year's Round Table about the future of our profession, we conducted an enquiry amongst the participants. More than 90% of them expressed the believe that professional ethics are an essential to the exercise of our profession. However, nearly 60% of the participants esteemed that the professional ethics aren't well respected in their country. This is at least a questioning if not a worrying observation.



Hence, the Forum of Regional Bodies within FIG proposed to intensify the efforts amongst their members in the field of professional ethics.

We recommend to emphasize the professional ethics during the whole of 2019 and this led to the above mentioned round table in 2019.

The three subsequent sections about the theme will be presented with the aim to spark the discussion during a Round Table:

- Worldwide, Regional and local initiatives to regulate professional ethics
- Professional ethics under pressure, how to cope with technical developments
- Ethics, from theory to practice

Worldwide, Regional and local initiatives to regulate professional ethics

Back in 1998, FIG has edited an important document about [professional Ethics](#). It is also involved in the International Ethics Standards Coalition developing a universal set of [ethical principles](#) for real estate and related professions.

Similar initiatives have been conducted at regional levels such as in the [USA](#) and [Europe](#), to mention a few. In many countries, legislation imposes a set of ethical principles to professional surveyors. The question is to know how these different initiatives are enforced.

The first presentation aims at describing the situation at hand and to envisage perspectives for the future.

Professional ethics under pressure, how to cope with technical developments

Professional ethics are important. This applies since eternities. However the principles are changing over the years. They have to be dynamic and adapt to the changing world.

This presentation aims at showing the impact of new technologies and trends on our professional ethics. Crowdsourcing, drones, big data and data mining, blockchains, ... the number of evolutions is impressive and this puts a tangible stress on our ethics.

Ethics, from theory to practice

There is perceptual a gap between the importance of professional ethics and their application in real life. Professionals tend to consider ethical principles as important but don't want to invest efforts in pursuing them in their daily routine or at least they suspect their colleagues to neglect these aspects.

The presentation aims at describing this paradox and starting the discussion about possible practical solutions that could improve the situation.

1. Worldwide, Regional and local initiatives to regulate professional ethics

The concept of professional ethics has long existed among those whose mission is to serve the interests, and protection of, their fellow citizens in any number of activities and situations. It is difficult to determine the exact history regarding the implementation of professional ethics standards for Professional Surveyors. Suffice it to say that whether or not there has been written criteria regarding ethical behavior, the concept is timeless.

A valid question is whether there should be adherence to a single international ethics standard, or are there sufficient differences in practice characteristics and local customs among the countries/regions worldwide to warrant "location or regional specific" ethics guidelines. The FIG Publication No. 17 "Statement of the Ethical Principles and Model Code of Professional Conduct", published in 1998, provides a comprehensive fundamental statement regarding ethics and conduct, but acknowledges that location and regional differences do exist. Likewise, adherence to the recently published "International Ethics Standards" document is voluntary even though it could be adopted by any regulatory entity as being mandatory for its jurisdictional area. The "Code of Conduct for European Surveyors" established by the Council of European Geodetic Surveyors (CLGE) explicitly recognizes the respective disciplinary regulations of national associations and/or legal authorities. In the United States such recognition is also acknowledged in the approach to the establishment of, and adherence to, Codes of Ethics created by the surveying profession and those established by the respective entities which regulate the licensing of Surveyors.

Of course, the above mentioned initiatives in the field of professional ethics are only a few amongst other similar work. Our will is not to be exhaustive but only to give a few examples and show the similarities. Hereafter, we will focus on the US approach.

In the United States, the primary entities which have developed ethics standards/rules/canons for Professional Surveyors include the respective State Licensing Boards, and Professional Membership Organizations. Each of the 50 states (as well as the District of Columbia) issues a license to practice as a Professional Surveyor when an individual has met the academic and work experience requirements established by its Licensing Board. Once an individual has met the educational and/or pre-license experience requirement for a particular state, attaining a license is a two-step examination process (Fundamentals and Principles/Practice), often with a specified amount of additional work experience required between successfully completing the Fundamentals exam and being approved to take the Principles/Practice exam. Items related to *ethical behavior* can occur within these examinations.

Post licensure, Professional Surveyors are typically required to confirm attainment of a specified number of "continuing education" credits within license renewal cycles, typically bi-annually. Such courses are provided through the Professional Membership Organization in each state. In some cases, courses through online providers are acceptable. Within the continuing education process, the majority of state licensing boards require some number of course hours to be on the topic of *ethics*. Misreporting by licensees regarding topics taken to meet the continuing education requirements can result in disciplinary action by the licensing board.

The majority of Professional Membership Organizations in the respective states have developed professional ethics standards/guidelines for their Professional Surveyor members. The National Society of Professional Surveyors (NSPS) has developed its Creed and Canons. However, these organizations rarely have a mechanism to take action upon their members for any lack of compliance. That

task may be undertaken by the Courts in some categories, but this is typically reserved for the State Licensing Boards.

All State Licensing Boards are members of the NCEES (formerly known as, National Council of Examiners for Engineering and Surveying). Through its members-only *Enforcement Exchange* web-based database, the member boards can enter disciplinary actions taken against violators, and as other member boards are reviewing licensure applications they can use that information to screen applicants for any previous disciplinary actions against them. Among others, some of the categories of disciplinary actions taken by respective state licensing boards include: *fraud*; *negligence/gross negligence*; *incompetence/gross incompetence*; *misconduct*; and *unlicensed practice*, all of which contain ethics characteristics. Currently, 85% of the NCEES Member Boards utilize this site when reviewing applications for examination. So while the specific intent for the database is for review related to license applications, it also serves as an ethics monitor.

Still, there is no guarantee that any assessment/action taken by a licensing board will satisfy an aggrieved party. There are instances in which a perceived breach of ethics (or conduct) might find its way into the court system. The establishment of Codes of Ethics, etc. by a professional group is an important tool upon which a court might rely.

Given the similarities within the respective Codes of Ethics throughout the world, would it make sense to have one single, basic code of conduct, or ethics, for all surveyors? Is it enough, and internationally acceptable, to rely upon the International Ethics Standards document, or are there too many issues specific to the respective countries as to make this unfeasible? If there were to be an international ethics standard, how would monitoring occur to insure fairness in implementation among the respective countries?

2. Professional ethics under pressure, how to cope with technical developments

To be finalized soon.

3. Ethics, from theory to practice

This paper is not written from a scientific perspective, methodically concentrating on ethics, deontology, codes of conduct and alike. There are plenty of scientists, researchers and even centres or networks specialized in these matters¹. We merely are looking at the subject from the professional perspective.

Actually, the specialized institutes are well advanced in understanding professional ethics, their underlying principles and specificities. However, we do observe that there is a gap between the theory and practice.

Our first enlightening experience was the outcome of the question asked during the 2018 World Bank Round Table on the Future of our Profession. 90% said that Ethics are important and 60% believed that the existing rules and codes are not well respected!

Following this awkward and a bit frightening realization, we went on with our investigation. When asked, many professional surveyors say that they have an

¹ To cite a few: Ethics Network at Ryerson University, Canada; European Business Ethics, Network (EBEN), France; Centre for Professional Ethics at Keele at Keele University, UK; Centre for Professional Ethics at the University of Central Lancashire, UK; Center for Applied and Professional Ethics at California State University, Chico, USA; Ethics Institute at Dartmouth College, USA; Institute for Business and Professional Ethics (IBPE) at DePaul University, USA; Center in the Study of Ethics in the Professions at Illinois Institute of Technology, USA; Hoffberger Center for Professional Ethics at the University of Baltimore, USA; Institute for Applied and Professional Ethics at the University of Ohio, USA; Association for Practical and Professional Ethics (APPE) at the University of Indiana, USA

ethical practice but they admit that their knowledge of the official code of conduct is not so good anymore. They cannot remember when they read the rules the last time.

During a discussion about codes of conduct and ethical rules the majority of the participants was sticking to an outdated regulation. They still believed that the use of publicity by property surveyors was forbidden, while, under pressure of a certain liberalization, publicity is allowed since 2005, as long as it is done in a moderate and appropriate way, it means respectful of the clients and competitors.

At the same meeting, a lawyer, specialized in surveying matters, introduced new limitations in the use of personal data in relation with the European General Data Protection Regulation. She said: "I don't know if your profession has some confidentiality obligations...", whilst there is a full chapter on this aspects in current decree governing our professional conduct.

Hence we think that it is very important to bridge the gap between theory and practice and we would propose a discussion on ways to do so.

Probably, there are many ways to bridge the gap between theory and practice. We have started a review of these methods but our findings are of course not exhaustive yet.

This very Round Table on "Strengthening Ethics in the Land Sector" is a first and humble initiative. We wanted the subject to appear on the radar. We also decided to devote the year 2019 as the year of Professional Ethics. However, such initiatives could be counter-productive, since people could think: " we did it, now we can move on, think about other things and ... forget it".

This means that a more structural is required. A first set of actions are related to the education and information of professionals, authorities and the general public.

Applied ethics must become a compulsory part of all academic curricula giving access to the Land Professions. The continued professional education programmes should include updates, new trends and specialized information on these matters. They should also include practical sessions. The regulatory bodies should stress the ethical dimensions of the land sector and raise awareness on it among the general public and competent authorities².

Chambers and professional associations should make sure that the information gathered by competence centres on professional ethics is unlocked to the land professionals.

It is important to measure the knowledge and monitor the respect of professional codes of conducts, deontology and ethical rules. This encompasses testing the general knowledge of the applicable deontology – we have seen that there's room for improvement – monitoring complaints, cases and penalties applied in case of infringements against applicable rules.

We've been looking for good practices. Based on what's done by larger companies, the use of in house company theatres appears to be efficient. Staff members are invited to look small theatrical sketches about diverse potentially dangerous situations such as for example:

- The use company time, knowledge and means for private goals
- The acceptance or refusal of gifts, tips or bribes
- How to deal with dishonest or unethical competition
- How to deal with confidential information
- How to deal with unacceptable requests from a boss or client
- The use your professional contacts for private goals

² Common Values for Professionals within Europe, CEPLIS, Brussels, 2016, p. 7.

- How to share or retain information

After these sketches, the scenes are discussed with the staff members, under the control of specialised people, who might be the actors. The goal is not to find "the" correct answers but to discuss about the possible difficulties and raise awareness.

For smaller entities, the development of Massive Open Online Courses (MOOCS) could offer an economical solution. However, in this case, the interactive part, during which the scenes are discussed and acceptable behaviour is outlined is much more difficult to implement.

Another interesting approach are the Ethics Bowls (with reference to College Bowls in the field of American Football). A moderator asks two teams questions that pose an ethical problem on topics ranging from professional ethics to social and political topics. The proposed solutions are scored by a panel of specialized judges. Since 1997, the national Ethics Bowl Competition has taken place every year at the annual meeting of the Association for Practical and Professional Ethics. For the past few years ten regional bowls have taken place throughout the U.S. with over 100 teams competing. The top thirty-two teams are then invited to participate in the national competition.

A last interesting approach, suitable for smaller structures, is the organization of so called "Dilemma Trainings". As for the Ethics Bowls, dilemmas are presented to a small group of about 10 participants. The dilemmas consist of situations in which two or more ethical rules are competing. The situations do not allow to obey equally to the different rules, following one could create an infringement of another (e.g. confidentiality vs. transparency). Dilemma trainings raise the awareness among the participants on this kind of difficulties. When asked, many professionals pretend that they never face ethical dilemmas. After getting some examples, they realize that their perception is wrong, however, it takes them a lot of time to find pertinent examples from their daily routine. This proves that ethical tensions are sometimes difficult to apprehend and that it is certainly useful to discuss them in a group, even if these discussions do not lead to one single correct answer. When, within a majority of groups the same result is obtained, it can lead to a part of the code of conduct. If such a consensus is not achieved, this indicates that the proposed problem requires our special attention and that the help of external professionals might be of help (lawyers, sociologists, psychologists, philosophers, ...).