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Professional Responsibility and Codes of Conduct

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Professional Responsibility and Codes of Conduct presents an overview of major issues concerning professionalism as they relate to the Responsible Conduct of Research (RCR). Joe Herkert emphasizes both the micro (between individuals) and macro (between professionals and society) ethical dimensions of professional responsibility and codes of conduct. We compare ethical codes with aspects of moral theory, expanding the discussion with some of the classical readings for this topic. We present a case study from the Association for Practical and Professional Ethics. We consider the complex issue of whistle-blowing. We close with a sampling of additional resources.

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1) Introduction

Why do we need Professional Codes in the first place? Isn't behaving ethically part of the job of a professional and thus, part of the educational process that every person receives as part of their training?

Actually, it isn't that simple. No one starts out trying to be unethical—it's more a question of juggling several responsibilities at once, a situation Margaret King described in *The Mentoring of Graduate Students* in Module 3. In trying to fulfill our various obligations, we may honestly be unsure of the best way to proceed. In Module 1, we discussed this dilemma of conflicting loyalties, as one of the central challenges for a professional. In this Module, our faculty expert is Joe Herkert, Department of Arts and Sciences, Arizona State University.

One way to look at Professional Codes is to see them as a systematized approach to mediating the conflicts that can occur when one person, acting in their professional capacity, wears several hats. Another view is that formal Codes of Conduct are a reflection of the relationship between society and trained experts.

The topic of professional responsibility is about more than right or wrong conduct. Those of us, who train in areas of research, whatever the discipline, see our work as a form of public service. This is why we go into the field in the first place, to honor our discipline and to work in the public interest. In, *Meaningful Work Rethinking Professional Ethics*, Mike W. Martin speaks of this larger context to professionalism.

"While codes vary from one professional society to another, they typically share common features in describing the responsibilities of engineers to the public, their employers and clients, and their fellow engineers. All modern engineering codes state that the most significant responsibility of engineers is to protect the public safety, health, and welfare. Codes often also emphasize such characteristics as competence, trustworthiness, honesty and fairness."

Herkert, Joe. "[Future Directions in Engineering Ethics Research.](#)" *Science and Engineering Ethics*, 7.3, 2001. 407.

"As usually understood, professional ethics consists of shared duties and episodic dilemmas; the responsibilities incumbent on all members of specific professions, together with the dilemmas that arise when these responsibilities conflict. More recently, attention has been paid to the virtues, although usually limiting their role to promoting shared duties, I seek to widen professional ethics to include personal commitments, especially commitments to ideals not mandatory for all members of a profession. In doing so, I discuss neglected issues about meaningful work, moral psychology, character and virtues, self-fulfillment and self-betrayal, and the interplay of private and professional life."

Martin, Mike W. *Meaningful Work: Rethinking Professional Ethics*. New York: Oxford University Press, 2000. vii.

3) Applied Ethics: Professional Codes and Moral Theory

A professional code is a statement of shared values, out of which arises a prescription for right action. As such, these codes share characteristics with moral theory. A good professional code, like a good moral theory, will have inner consistency. Thus, what is right for one person will be right for another, in all, or at least most situations. A code is similar to moral theory of behavior in that both attempt to answer the question "How should I/we behave?" At the same time, a moral code should leave room for interpretation.

For simplicity, let us think about moral theory as being of two types, Consequentialist and Non-Consequentialist. The former focuses on the results of our actions, deciding whether or not an action is good by looking at the consequences. Utilitarianism is one of the more common theories of this sort. A phrase that captures this attitude is "the greatest good for the greatest number."

Non-Consequentialist theories focus on the principle behind the action, deciding that an action is good based on the principle we follow. For example, are we treating people fairly or not, regardless of the consequences? Theories that follow this approach are called Deontological, after the Greek word "deontos" for duty or obligation. A phrase that captures this approach is "we have an obligation to respect the rights of the individual."

In trying to clarify what "right action" is, codes of conduct are often a combination of both Deontological and Utilitarian approaches. They are expressions of the deontological approach, in that they are saying, "Here are the principles to follow." Yet they have a utilitarian flavor in that they say, "Everyone will be better off if we all observe the same standards."

There is a third approach to defining right action, neither consequentialist nor non-consequentialist, which is called Virtue Theory. Here, we decide that "the right thing to do" is based on an idea of how a virtuous person would behave in such a situation.

The fourth approach, that of Care Ethics, is different. Here, instead of intellectual analysis, right action consists of feeling from the heart: what makes an action right is how greatly the action will increase the network of caring relationships.

Non-Consequentialist, for example, Deontological

An act is right if it follows a principle whatever the consequences.

Consequentialist, for example, Utilitarian

An act is good in so far as it provides for the greatest good for the greatest number.

Virtue Theory

An act is good if it is in accordance to the way that a virtuous person would act.

Care Ethics

An act is good if it increases the network of caring relationships.

Most professional codes are actually a combination of all four approaches. The idea of following the rules is central to a code, as is the idea of the code acting for the general welfare. There is also the implication that following a code is an act of virtue. And codes subtly bring out the Care Ethics approach as well: a good code will work to strengthen ties between professionals and between professionals and the public. Whether a professional group follows a more consequentialist or non-consequentialist scheme when formulating ethical codes of conduct, they are similar in that both are focusing on clarifying the special duties professions have, both to each other and to the public they serve.

If we look at Michael Davis' definition of a professional code we can see that he is following the deontological, or non-consequentialist school of thought, where an action is good *in and of itself*. His articulation of "right conduct" is quite similar to what Tom Regan calls the "Universalization Test" that we have seen in Module 1.

"To be a code of professional ethics, a code must be a morally permissible standard of conduct each member of the profession wants all others to follow even if their following it would mean he must do the same."

Michael Davis, [*Thinking Like An Engineer: The Place of a Code of Ethics in the Practice of a Profession*](#)

"The Universalization Test asks whether we would be willing to have everyone act in this manner."

Tom Regan, [*Research Ethics, An Introduction, Module 1*](#), p. 22

In both statements we can see that the idea of having a duty or obligation to behave in a particular way is important. Professional codes of conduct are in this same spirit of setting down a consistent set of principles to guide us when faced with dilemmas of "what is the right thing to do."

"A complete professional code enumerates both the obligations and the privileges of the vocation or association they are attached to. The positive rights and duties of the professional group... are directly or indirectly related to the satisfaction of the needs, which ought to be promoted by the members of the group... Professionals of all descriptions have a firm obligation to satisfy the needs, to promote the interests and to respect the values of their clientele, as the fulfillment of this duty constitutes the basis of their privileged position in society."

Hayry, Heta and Matti. "[*The nature and role of professional codes in modern society*](#)." [*Ethics and the Professions*](#), Ruth F. Chadwick, Ed. Avebury: Brookfield, 1994. 139.

4) Major Theme: The Relationship Between Professionalism and Ethical Codes

Joe Herkert notes that when thinking about the interface of professional responsibility and ethical action, it is useful to start with some basic definitions.

1. WHAT IS A PROFESSION?

A profession is a group having specialized training, knowledge and skills and a commitment to a social good.

2. WHAT IS PROFESSIONAL RESPONSIBILITY?

Professional responsibility is the responsibility to use the specialized knowledge and skills for the benefit of both individuals and society in general.

3. ARE SCIENTIFIC RESEARCHERS PROFESSIONALS?

Research scientists do have specialized training, knowledge and skills and use these abilities to benefit both individuals and society.

4. WHAT IS A PROFESSIONAL CODE?

A group agreement, the contract, the values of the group made tangible and concrete, guidelines for how to use the specialized skills. It is discipline and context specific.

V. HOW DOES THIS DIFFER FROM A PERSONAL "ETHICAL CODE"?

An ethical code is about the values we live by in general and refers to our behavior in society; a general ethical code is not discipline or context specific. A professional code of ethics is discipline and context specific.

VI. ARE THERE SIMILARITIES OR SHARED VALUES BETWEEN ETHICAL CODES AND PROFESSIONAL CODES?

Yes, both types of codes have many shared values, some of which are honesty, fairness, doing no harm and the desire to improve the quality of life for as many people as possible.

VII. WHAT ARE SOME OF THE LIMITATIONS OF PROFESSIONAL CODES?

Professional codes can be difficult to enforce. In attempting to both set standards and allow for individual moral freedom a code can end up as only a minimal standard. There is also the problem of having a multiplicity of codes; for example, one specific to a discipline, another set forth by the university, a third set of rules

from the funding agency and a fourth established by the government, leading to confusion.

Tom Regan (see [*Research Ethics: An Introduction*](#)) believes that nothing can take the place of personal, moral deliberation when faced with ethical conflicts. Joe Herkert agrees with this – in his article he asks if codes can lead to minimal standards if they are utilized in the place of rigorous personal decision making.

In addition, Dr. Herkert brings up the particular responsibility a professional has when acting with moral autonomy. He points out the need for professional codes to be context specific so that they are useful to the issue at hand. What makes sense is to be concrete since issues relevant to one profession may be irrelevant to another.

For example, take Archeology. Here are some of the professional hats an archeologist might wear—i.e., these are the people for whom she might feel a particular responsibility. We can see that there might indeed be a conflict between the desire to expand knowledge and to broaden the public understanding of past history and that of honoring the past of an indigenous tribe.

Special Duties Category

1. The museum
2. The archeological site
3. The indigenous people at the site
4. The field of archeology itself; i.e. to expand knowledge in this area
5. The public, i.e. to keep the public informed as to past history

How might “right balance” be achieved? We can see in this sort of example, the relevance of Joe Herkert’s point that a professional will strive to balance both micro and macro ethics. As an example of micro ethics, the archeologists at the site must objectively report their findings; in terms of macro ethics, how the field of archeology relates to different indigenous tribes is an issue of macro ethics.

Does the [Archeological Institute of America’s Guidelines](#) help in clarifying professional responsibilities in all five areas at the same time? Or does it leave areas open to personal interpretation? Is it possible to be 100% sure in every situation? How might a more general ethical code relate to specific disciplinary questions? Recall the Code developed by Gregory Brock that we discussed in Module 1: How might the [Guidelines for the Responsible Conduct of Researchers](#), help out in resolving conflicts such as those an archeologist might face? Do you think that every professional should look to two codes for guidance, 1) a discipline specific one, and 2) the more general code such as Brock’s code? At what point do we have codes that are useful and context-specific and when do we have too many?

Thought Question:

How is it possible for your decisions as a professional to be self directed and at the same time, responsive to your professional code of ethics? See an essay written by a student on this theme, [Autonomy](#), by Noe Brambila.

5) Case Study:

This case study is from the collection published by the [Association for Practical and Professional Ethics \(APPE\)](#), posted by the [Online Ethics Center hosted by the National Academy of Engineering](#). The case, [A pHis Tale](#), explores the complex issues that can arise when doing research in environmental areas. This case is an excellent springboard for a discussion about the different between micro and macro ethics and the role of professionalism in dealing with the inherent tension that can arise when issues of public interest are part of the mix.

We will present a summary of the Case Study here in the box to the right, but reading the original Case Study, Discussion Questions and Commentaries will enable you to go more deeply into the issues. You will find that with this case, as well as others, there are three levels of questions and/or concerns; firstly, there will be specific issues germane to the specific lake research, secondly, there are concerns about researcher objectivity and obligations to the discipline to collect information without bias, and thirdly, there are the deeper, more complex societal and ecological implications to ponder. E.g. how do we distinguish between professional responsibility to honor the scientific imperative to be 100% certain before releasing results vs. the professional responsibility to take action concerning an environmental concern?

Tom is studying pH levels in a series of lakes covering a 100 square miles. Large numbers of fish have been dying and the study hopes to determine the reason for this. Tom begins to suspect that acid rain, a result of emissions from nearby power plants is the source of the problem. The data are not yet sufficient to prove this and another study is in the works. Tom shares his concern that action to save the fish, both for the ecosystem and the fisherman who depend on them, should be started even if all the data is not yet in. He discusses the issue with friends who are in a local environmental group. Tom is torn because his professional responsibility as a researcher to stay objective is important, and yet he feels he also has a responsibility to the fish and the fisherman.

Access the original Case Study, [A pHis Tale](#), read it thoroughly, including the Discussion Questions.

Review [Tom Regan's Check List](#) from page 4 of Module 1. Doing this will enable you to see the inter-relationship of research ethics in general to the context specific concerns of using animals in research.

For example, we see in the Case Study that Tom and Richard are discussing publication and meeting with a local environmental group. Can we relate Tom's

dilemma to the issue of conflicting obligations? Who is Tom most obligated to: the senior scientist on the project, his own career, or his conscience? How might this Case Study link to Regan's point 8: "*Are any duties of justice involved? If so, who has what rights? Against whom?*"

Cast a wide net in your thinking about these issues in terms of Regan's *Morally Relevant Questions*.

Again, as in the case study for Module 1,
What seems to you to be *resolved* in your own mind?
What seems to you to be *unresolved* in your own mind?
What do you find challenging to *articulate*?

Now review the [Commentary by Brian Schrag](#), and [P. Aarne Vesilind's commentary](#), which accompany this case. Reading their ideas when you have already struggled with this case will add to your ability to think through the ethical issues and help you work on areas that you feel are still unresolved. Doing this will help you articulate the deeper issues of this case. One of the realities of both case studies and real life situations that involve moral dilemmas is that you might have decided on how to go forward, and yet still feel the pull of the dilemma or find that there are still areas that feel unresolved to you.

6) Study Question: Can a Code of Ethics Make Whistle-blowing Obsolete?

One of the most famous real life situations that involved whistle blowing was that of the lead up to the tragic launch of the Challenger. The engineers on the team were strongly against the launch. However, they were pressured by their bosses to support the launch. The famous phrase, "now put your management hats on" has become famous.

The [Engineering Code of Ethics](#) is clear that work must be done with the prime goal of the health and safety of the public. Yet this was not followed. Why? Much has been written about this case: [The Online Ethics Center](#) has an excellent presentation in their category of "Moral Exemplars." These are professionals that have gone beyond the normal call of duty in their actions. You can read about this case titled [Roger Boisjoly and the Challenger Disaster](#), the main whistle blower in the launch scenario.

We might ask: if there are Professional Ethical Codes in place, why would whistle-blowing be necessary? Why didn't the officials follow their code and decide against the launch? Here is an excellent example of how competing obligations comes into play. The management team at Morton Thiokol was concerned that if they further delayed the launch, a launch the United States Government was exceedingly interested in for publicity reasons, they might lose their contract. But this does indeed bring up the question of what to do when a professional ethical code either is not being followed or does not work. What is one to do? This is the painful problem a whistle blower faces.

Read through the Online Ethics Center presentation of the Challenger disaster. Ask yourself, why did the codes of ethics not work? Were different ideas about professionalism part of the problem? What do you think the core problem was?

In the box to the right, we have quoted from an online essay on professionalism written by Roger Boisjoly. You can see how Virtue Ethics is part of his professional stance.

"About 5 years into my original engineering career, I was observed by a senior Q/C manager as I was being pressured by a project manager, on the Apollo space program, to sign off on a discrepant part that was part of the hardware that would eventually land on the moon. I refused to sign the paperwork and the project manager stormed off in a huff. The Q/C manager approached me and gave me a congratulating handshake for my stand but I told him that I was just doing my job. He then shared the following advice with me to help me defuse any and all future ethical dilemmas concerning the acceptability of a product. He said, "Ask yourself the following question. Would you allow your spouse or another member of your family to use the product in question without any reservations whatsoever? If you cannot answer that question with an immediate 'Yes', then you have no business signing off on that product for a stranger to use."

[Professionalism](#) Roger Boisjoly

7) Resources

Articles

Aagaard-Hansen, Jens and Maria Vang Johansen. "[Research Ethics Across Disciplines](#)." *Anthropology Today*, 24.3, 2008. 15-19.

Bok, Sissela. "[Whistle Blowing and Professional Responsibilities](#)" *Ethical Issues in Professional Life*. Callahan, Joan, Coeditor. NY: Oxford University Press, 1988. 331-334

Elliot, Den. "[Researchers as Professionals, Professionals as Researchers: A Context for Laboratory Research Ethics](#)." *Professional Ethics*. 4. 3&4, 1995. 5-16 .

Pritchard, Michael S. "[Professional Responsibility: Focusing on the Exemplary](#)." *Science and Engineering Ethics*, 4. 2, 1998. 215-229.

Reiser, Stanley Joel and Ruth Ellen Bulger. "[Social Responsibilities of Biological Scientists](#)." *Science and Engineering Ethics*, 3.2, 1997. 137-143 .

Walsh, Kenneth D. "[Do Civil Engineers Have An Ethical Responsibility To Their Client At The Expense Of The Environment?](#)" *Civil Engineering*, 1995. 62-63.

Watkins, Joe. "[Conflicting Codes: Professional, Ethical and Legal Obligations in Archeology](#)." *Science and Engineering Ethics*, 5.3, 1999. 337-345 .

Werhane, Patricia and Jeffrey Doering. "[Conflicts of Interest and Conflicts of Commitment](#)." *Professional Ethics*, 4. 3 & 4. 47-81.

See the Special Issue on [Whistle blowing](#) from *Science and Engineering Ethics*.

Books

Bayles, Michael D. "[*The Professions*](#)" Ethical Issues in Professional Life, Joan C. Callahan, Ed. New York: Oxford University Press, 1988. 27-30.

Davis, Michael, Thinking Like an Engineer: Studies in the Ethics of a Profession. Association for Practical and Professional Ethics, 1998.

Davis, Michael and Andrew Stark, Eds. Conflict of Interest in the Professions. Association for Practical and Professional Ethics, 2001

Jeffrey, Cynthia, Ed. Research on Professional Responsibility and Ethics in Accounting, Volume 11. JAI Press, 2006.

Pritchard, Michael S. "[*Responsibilities*](#)." Meaningful Work: Rethinking Professional Ethics. New York: Oxford University Press, 2000. 32-50.

Resnik, David B. "[*Science as a Profession*](#)." The Ethics of Science: An Introduction. New York: Routledge, 1998. 34-52

Schreder-Frechette, Kristin. "Professional Codes and the Duty to Do Research." Ethics of Scientific Research. Rowman & Littlefield Publishers, Inc., 1994.

Websites

The Center for Applied Ethics has a website devoted to resources about Professionalism: [Starting Points in Professional Ethics](#).

[The Center for the Study of Ethics in the Professions](#); this is a well-known site, sponsored by the Illinois Institute of Technology. Aside from a large database of Codes of Ethics from many disciplines, they have many other resources, e.g. See their [Ethics Resources from the Center for the Study of Ethics in the Professions](#),

[Have You Read the Code of Ethics for Your Graduate Discipline?](#)

This is a website focused on codes of ethics by disciplines. This site is based at NCSU.

[Professional Practice](#) a website sponsored by the National Academy of Engineering's Online Ethics Center.