

Ethics in Professional Practice: Protecting Yourself and Taking Action

Granite State Designers & Installers

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GSDI Mission Statement

It is the mission of GSDI to provide a cooperative interface between members, communities and regulatory bodies while providing and promoting knowledge opportunities in the field of wastewater disposal with an emphasis on environmental protection.

BYLAWS OF THE
NEW HAMPSHIRE ASSOCIATION OF
NATURAL RESOURCE SCIENTISTS

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ARTICLE XI - CODE OF ETHICS

Section 11.1. Purpose and Scope

A. In order to establish and maintain high standards of integrity, skills, and practice, this Code of Ethics shall be binding upon all Members of the New Hampshire Association of Natural Resource

Scientists (NHANRS).

B. A Member has obligations of morality and responsibility as well as scientific and professional knowledge.

C. A Member shall be guided by the highest standards of ethics, personal honor, and conduct.

D. Any Member who is certified or licensed to practice in New Hampshire is further required to comply with the rules and ethical standards adopted by the Joint Board of Licensure and Certification.

Section 11.2. Relationship between Members and the Public

A. A Member shall:

1. Express an opinion or conclusion only upon matters of established fact or direct observation;

2. Be thoroughly informed before stating an opinion or conclusion and shall present an opinion or conclusion in a public forum only if qualified to do so by training or experience;

3. Clearly distinguish professional judgment or opinions from matters of fact or record;

4. Avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound practices;

5. Represent facts and results of research accurately;

6. Perform professional assignments only when qualified by education or experience in the specific technical field involved; and NHANRS By-Laws – Approved on January 28, 2012 at the Annual Meeting Page 9 of 10;

7. Reveal to clients, regulators, and/or the public any conflict of interest or circumstances, which may interfere with full representation of the scientific facts or professional opinions.

B. A Member shall not:

- 1. Affix his/her signature or seal to any map, plan, or document concerning a subject matter for which he/she lacks competence by virtue of education or experience, nor to any such map, plan, or document not prepared under his/her direct supervisory control; or**
- 2. Accept an assignment requiring education or experience outside of his/her own field of competence, except to the extent that his/her services are restricted to those phases of the project in which he/she is qualified or under the direct supervision of a person who is qualified. Nothing herein prohibits the owner of a firm from accepting work which an employee, subcontractor, or associate would be qualified to perform.**

Section 11.3. Relationship between Members and Employer or Client

A. A Member shall:

- 1. Protect, to the fullest extent possible, the interests of the employer or client insofar as such interests are consistent with the law and his/her professional obligations and ethics;**
- 2. Engage, or advise his/her client or employer to engage, and cooperate with other experts and specialists whenever the client's or employer's interests would be best served by such service;**
- 3. Work diligently and honestly to complete contractually-specified tasks or assignments authorized by his/her employer; and**
- 4. Fully disclose the nature of compensation for any professional services.**

B. A Member shall not:

- 1. Issue a false statement or false documents even if directed to do so by an employer or client;**
- 2. Use, directly or indirectly, any employer's or client's information in any way that would violate the confidence of the employer or client;**
- 3. Seek to profit economically from information gained, unless written permission to do so is granted by the client, or until it is clear that there can no longer be a conflict of interest with the original employer or client;**
- 4. Accept, without the client's written consent, assignment with another client if the interests of the two clients are in any manner conflicting;**
- 5. Divulge information given in confidence except as required by law; or**

6. Accept undisclosed fees for referrals or for representing a client.

C. A Member who finds his/her obligations to an employer or client conflicts with this Code of Ethics shall work to have the objectionable conditions corrected.

Section 11.4. Relationship between Members

A. A Member shall:

1. Freely give credit to whom the credit is due for work done by others;
2. Cooperate with others in the profession and encourage the ethical dissemination of technical knowledge;
3. Exercise courtesy to other Members;
4. Attempt to determine whether another Member is currently or was previously employed on a project, and shall inform that Member of his/her role in the project; and
5. Avoid professional association or business relationship with other Members engaged in unethical practices. NHANRS By-Laws – Approved on January 28, 2012 at the Annual Meeting Page 10 of 10.

B. A Member shall not:

1. Direct or require anyone under his/her authority to act in any way inconsistent with this code of ethics;
2. Maliciously attempt to injure the reputation of another by using false, biased, or undocumented statements in testimony or in written reports;
3. Attempt to injure another Member's reputation, prospects, practice or employment;
4. Use public employment or an elected or appointed public position to compete against other Members; or
5. Plagiarize oral or written communications or knowingly accept credit rightfully due another person.

Section 11.5. Duty to the Profession

A. A Member shall:

1. Notify the NHANRS Board of Directors if he/she has positive knowledge and direct evidence that another member has violated the NHANRS bylaws, which include this Code of Ethics. The NHANRS Executive Committee shall investigate the alleged violation and determine the appropriate course of action;

2. Maintain original records of field work and complete professional files for a period of at least five years from when his/her involvement in the project ended; and
 3. Encourage and mentor employees, students, and trainees in pursuit of Member advancement and ethical development.
- B. A Member shall not make representations on behalf of NHANRS except as authorized by the Board of Directors.

Constructive Conversations – An Overview

Difficult conversations or negotiations are complex. There are usually three conversations¹ taking place. First is the “What Happened?” conversation – this is the surface conversation about what took place, who did what, etc. Part of the conversation takes place out loud and part in the minds of the participants. The second conversation is the “feelings conversation.” Participants ask themselves about their feelings – are they valid? Are they appropriate? What should I do about the feelings of the other participants? The third conversation is the “identity conversation” in which we ask ourselves what the situation means to us. It is an internal debate about whether we are good or bad, right or wrong.

There are also three stories in each situation: yours, theirs, and the third story. The third story is the one a neutral observer would tell. It is not fraught with the emotion and baggage of your story or their story.

When you are expecting a difficult conversation, you want it to be constructive. Preparing for a constructive conversation is important. Good preparation allows you to negotiate from a place of honesty and strength while considering the relationship with and needs of the others involved.

¹ Difficult Conversations, Douglass Stone, Bruce Patten, Sheila Heen, pages 7-9.

Understanding Difficult Conversations

Definition of Difficult Conversations: Anything you find hard to talk about

- Topic - such as race, religion, gender, politics, morals, principles
- When we feel vulnerable
- When our self-esteem is implicated
- When the issues at stake are important and the outcome uncertain
- When we care deeply about what is being discussed
- When we care about the people with whom we are having the difficult conversation

Three Conversations²

1. What Happened

Anchored in the past, this conversation is positional and is usually about who should have done or said something differently. Usually, people will not agree on what happened. The more people involved, the more versions of what happened.

2. Feelings

Feelings in conversations may be implied or expressed directly. There may be direct expressions such as "I'm angry," or "I'm really hurt," but indirect expressions such as "This is the thanks I get," reveal hurt while expressions such as "I'm under a lot of pressure from above," suggests anxiety." Decoding the feelings conversation is important to understanding the difficult conversation.

3. Identity

What the situation means to the speaker is the conversation with oneself. What does this mean to my self-esteem or my future? My competence? The type of person I am? If someone yells at me and I yell back, but I pride myself on always being calm, what does it say about me that I lost my cool?

² *Difficult Conversations*, Douglas Stone, Bruce Patton, and Shelia Heen, 1999, Penguin Books, NY.

Preparing For a Constructive Conversation

1. Consider the three conversations

- What do you think happened
- What might they think happened
- How are the others seeing things
- How am I seeing things
- What have I contributed to the problem
- What have they contributed to the problem
- How do I feel
- How do they feel
- What impact has the situation had on you
- What impact has the situation had on them

2. Check Your Purposes

- Why are you having this conversation
- What is the outcome you expect
- What is the outcome others expect
- Try to support learning, sharing and problem-solving

3. Decide Whether to Raise Things

- Consider whether to raise each issue
- How will the issue contribute to the conversation
- How could the issue undermine or damage the conversation and potential outcome
- Is it important enough to my purpose to include in the conversation
- Does it relate to something else in the conversation or anticipated outcome
- Is this the best way to raise the issue and reach your purpose

4. Start from the Third Story

- Describe the problem as the difference between your stories
- Share your purpose in having the conversation
- Invite others to join you in finding a solution together
- Refrain from starting with how you feel
- Don't start with your story
- Don't start with their story
- Begin by exploring what the uninterested observer would have seen

5. Explore Their Story and Your Story

- Ask questions to understand their perspective
- Acknowledge that you understand their view
- Paraphrase to be sure you “get it”
- Be prepared to share your perspective after listening to theirs
- Include your perceptions and your feelings without overdoing it
- Reframe the conversation from negative to positive

6. Engage in problem solving

- Consider how to resolve the dispute
- Ask for their suggestions
- Respond by including how their suggestions meet their needs and yours
- Work from their suggestions to make other proposals
- Focus on your needs and theirs
- Invent options that meet everyone’s needs
- Look to standards for what should happen
- Consider how to continue communication

Changing the Conversation

Change the conversation to a **Learning Conversation³** with the following assumptions:

Conversation	New Assumption	Goal of Conversation
What Happened	<ul style="list-style-type: none">▪ Each of us brings different information and assumptions to the table.▪ There are important things that each of us doesn't know▪ I know what I intended▪ I know the impact their actions had on me▪ I don't know their intent▪ We have probably both contributed to this mess	<ul style="list-style-type: none">▪ Explore each other's perceptions▪ Share the impact on the individual▪ Find out what the other was thinking▪ Find out what impact I have on them▪ Understand how our actions interact to produce this result
Feelings	<ul style="list-style-type: none">▪ Feelings are the heart of the situation▪ Feelings are usually complex▪ I may have to dig a bit to understand my feelings	<ul style="list-style-type: none">▪ Address feelings - mine and theirs - without judgments or attributions▪ Acknowledge feelings before problem-solving
Identity	<ul style="list-style-type: none">▪ There may be a lot at stake psychologically for both of us▪ Each of us is complex▪ Neither of us is perfect	<ul style="list-style-type: none">▪ Understand the identity issues on the line for each of us▪ Build a more complex self-image to maintain my balance better

³ Ibid.

Open-Ended Questions

Open ended questions are ones in which the answer can be anything, and that the person asking the question does not suppose a particular outcome in advance. When gathering information, open-ended questions are the most effective way of getting a great deal of good quality information. Open ended questions bring down people's defenses and allow them to share information with you.

Some things to avoid:

1. Leading questions that force the other party to give you the answers you want to hear. You might corner them into giving you the answers you want, but you are not likely to really find out what happened.
2. Asking yes/no questions. Prosecuting attorneys use very narrow yes-no questions to lead witnesses into saying what they want them to say. People rightfully feel defensive in response to yes/no questions and will not volunteer any additional information.
3. Blaming, judgmental, or accusing language in the questions. If people feel you are going after them, you are not likely to get them to cooperate with you and give you information.
4. Making people feel like you're analyzing them or have "figured them out." They will resent you and stop cooperating.

Examples:

Open: What would you like to see happen as a result of this meeting?

Closed: You really don't want to see this sale go through, do you?

Open: What did you discuss with my client?

Closed: Are you trying to steal this client away from me?

Open: Why didn't the report go out to the customer last night?

Closed: Are you the person who screwed up the report that was supposed to go out last night?

Open: When are you planning to hold my performance evaluation?

Closed: Are the performance evaluations going to be late again this year?