

Building Moral Foundations for Ethical Professional Practice: The Nigerian Surveyors' Experience

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1.0 ABSTRACT

To influence the society they serve positively, Surveyors need to earn and maintain public trust by not only exhibiting high technical capability, but also high moral standards and integrity. This paper therefore deals with issues of professionalism, morality and ethics, and how professional associations ensure public trust by having code of ethics, which governs their activities.

Surveyors in Nigeria have code of ethics given by the professional association, called Nigerian Institution of Surveyors (NIS), and a statutory regulating body, the Surveyors Council of Nigeria (*SURCON*). The codes of ethics from these two institutions regulate professional practice in the country.

The paper analyses the activities of these two institutions over the last ten years in checkmating unethical practices and found the Institutional laws and regulations inadequate in addressing the problems. Our findings show that using Laws and regulations to maintain ethical practice is always limited in their effect, and relatively weak. The paper believes that integrity and ethics must be built from within, reserving the use of law and regulations as last choices only. Based on this fact, this paper focuses attention on what happens in the inside of the professional, the moral make-up that shapes all other professional action. The paper proposes a new professional ethics based on two ethical principles- *the Golden Rule* and *Hippocratic Oath*. We saw the universality of these two principles and its applicability in the Nigerian context. Based on these two principles, a more pragmatic, positive ethical behaviour was proposed where the professional sees himself highly obligated to his society, employers and funders, his profession and professional colleagues. In dealing with each of these, he makes sure that he is fair to all concerned, by not knowingly do harm unto any, and by acting in a way that he will want them to deal with him. This is the whole gamut of moral foundation being canvassed in this paper.

Finally, the paper advocates a revision of the existing code of ethics based on the proposed moral foundation.

2.0 INTRODUCTION

Individuals form professional associations in order to maintain ethical standards and sustain the reputation, authority, and public standing of their profession. Without ethical standards, there could be such wide variations in behaviors that the group itself would lack cohesiveness. Therefore, individual members of a profession must operate within the laid down rules of professional conduct or ethics. The code of ethics belongs to the group, as does the responsibility for their enforcement. Ethical standards, which reflect laws and rules that are only enforceable by governments are insufficient to sustain a profession. [4]

Professional ethics are molded and shaped by three identifiable attributes. First is the development of the professional as a moral person. Next is the influence on the professional by his work environment, most significantly those principles displayed by his managers and role models. Thirdly there are those standards developed by the various professional societies and regulatory authorities, these chart a path for ethical conduct [1].

3.0 DEFINITIONS AND MEANINGS

3.1 **Ethics** is defined in the Oxford English Dictionary as the "Science of morals; moral principles or code".

3.2 **Morals** is defined as that which is concerned with goodness or badness of human character or behaviour, or with the distinction between right and wrong.

3.3 Professional Ethics

Professional Ethics concerns one's conduct of behaviour and practice when carrying out professional work. The institutionalization of codes of ethics is common with many professional bodies for their members to observe. For example, Surveyors in Nigeria have a code of ethics, which members of NIS accept and adhere to.

3.4 Morals vs. Professional Ethics

We proceed further by considering the relationship between morality and professional ethics.

Morality usually implies a set of internally held values, quite often (but not necessarily) deontological, or deity-based. Many moral belief systems center on what are held to be intrinsic or universal values-Truth, Honesty, the "Golden Rule" or other measure of goodness.

Professional ethics on the other hand, is usually connected to a shared understanding of proper conduct and guidelines among a group of people associated by means of their profession.

“Morals are an internal barometer by which an individual may guide his personal beliefs and actions. Ethics provides an overarching structure by which professionals can act given a set of external conditions. By this overarching ethical structure, usually called a Code of Conduct or Code of Ethics, professionals share a commonly held set of guidelines as to how their fellow professionals can reasonably be expected to act in the same or similar conditions”[9]

It is expected that each professional will be guided by his/her internal morals as well as external codes of ethics.

3.5 Ensuring Ethical behaviour

What factors influence a professional's adherence to a profession's code of ethics? Is adherence due to fears of legal sanctions or penalty or just by sheer personal ethics? Jerry E. White thinks that the use of Laws and regulations are limited and relatively weak, and therefore “far from the solution to ethical behavior. ...integrity and ethics must be built from within, reserving the law and fear as last choices only.”[6]

Based on this fact, this paper focuses attention on what happens in the inside of the professional, the moral make-up that shapes all other professional action.

4.0 REGULATION AND CONTROL OF SURVEYING PRACTICE IN NIGERIA

The regulation and control of the surveying profession in Nigeria, is vested in the Surveyors Council of Nigeria (*SURCON*) by decree No 44 of 1989. This body is responsible for registering surveyors and maintaining discipline within the profession. As part of the provision of the decree, there should be a SURCON STATE ETHICS COMMITTEE in each state of the federation. Apart from SURCON, which is a statutory body, there is also the collaborative effort of the professional body. NIS has a code of ethics in which all surveyors operating in Nigeria must adhere to. The codes of ethics governing the practice of surveying in Nigeria laid down by these two controlling bodies are summarized below [8]:

Remuneration of Surveyors, Business Office of the Surveyor, Private Practice by Surveyors in Paid employment, Attitude towards Professional Colleagues, Malicious Injury To Professional Colleagues, Advertisement By Surveyors, Professional Misconducts, Misuse of Professional's Name, Issuance of False certificates, Continuous Professional Development Requirements, Conduct Relating to the Council's Seal, Civic Responsibility of the Surveyor, Schedule of Penalties, etc

4.1 Activities In The Last 10 Years

1. Efforts have been made by these two regulating bodies in ensuring professional discipline and maintaining professional ethical standards. The two bodies have been handling cases dealing with unethical practices. See Table 1 below for details.
2. Some states, especially those in the northern part of the country are yet to have very functional SURCON STATE ETHICS COMMITTEES, after more than 20 years of the promulgation of the decree.
3. There were many incidences of unethical practices in the country. Many people do not report cases of unethical practices. Of the few that were reported, Undercutting of Professional Fees was among the commonest.
4. Seeking legal redress or even reporting cases of professional misconducts always result in time wasting. Many prefer to bear a wrong than to face the harrowing experience of numerous court adjournments and police unending invitations during investigations.
5. Other issues peculiar to the Nigerian environment affect the smooth operation of these two regulating agencies. Problems of corruption, nepotism, tribalism are challenges that hamper their effectiveness.

TABLE 1
TABLE SHOWING LIST OF CASES REPORTED TO NIS NATIONAL ETHICS COMMITTEE

YEARS	NATURE OF CASES	TRIAL	SANCTIONED	OUTCOME OF CASE
2003	Professional Charges/undercutting	"		Resolved
	Private Practice while in paid employment, professional misconduct		"	Resolved
	Undercutting and Professional practice while in paid employment		"	Resolved
	Professional misconduct/misuse of professional name	"		Resolved
	Professional charges/undercutting and unprofessional attitude towards a colleague	"		Resolved
	Professional misconducts		"	Resolved
2004-2008	NONE REPORTED			
2009-2010	Professional misconduct/undercutting of professional fees		"	Resolved
	Unprofessional attitude towards a colleague			Resolved
	Plan backdating and unprofessional conduct	"		Resolved
	Private practice while in employment/undercutting		"	
	Professional misconduct	"		Resolved
	Professional misconduct	"		Resolved
	An independent Survey carried out by court order	"		Resolved
2011	Unprofessional attitude towards a colleague	"		
	Professional misconduct/undercutting of professional fees	"		
	Unprofessional attitude towards a colleague	"		
2012	NONE REPORTED			
2013	NONE REPORTED			

SOURCE : NIGERIAN INSTITUTION OF SURVEYORS

Table 1 shows cases reported to the National Ethics committee of NIS, indicating those tried, those sanctioned with stipulated penalties, and the final outcome of the case.

5.0 MORAL FOUNDATIONS

NIS members have different cultures and religions and thus have different moral and ethical values. What constitutes morality to all these people? Or what actions are acceptable to all? Is there a common denominator?

To answer these questions, we consider two ethical values, accepted by persons of all persuasions - the Golden Rule and the Hippocratic Oath. These two are described further below.

The Golden Rule states : “Do unto others as you would have others do unto You.”
The Golden rule applies not only to friends and neighbours, but to a global community [3]

The Hippocratic Oath(PrimumNonnocere)
This Rule states : “Above all, not knowingly to do harm”

The Hippocratic Oath is normally associated with the medical profession, but when examined closely, it has universal application. Peter Drucker , the noted business guru suggests that “primum nonnocere, not knowingly to do harm, is the basic rule of professional ethics, the basic rule of public responsibility. [7]

5.1 Obligations for Ethical Professional Practice

The moral code of practice being canvassed in this paper is based on the ethical principle of always treating others with respect and never merely as means to an end. It requires that a Surveyor considers the impact of his actions on other persons and to modify his actions to reflect the respect and concern he has for them. It emphasizes his obligations to other persons, to his colleagues and the profession, to his employers, and to society as a whole. Therefore he should acknowledge the need for integrity, independence, care and competence, and a sense of duty. To uphold and advance these values, he must get himself obligated to the following [10]:

I. *A Surveyor’s Obligations to The Society*

He Does the Best Work Possible :By being objective, using due care, and making full use of his education and skills.He practises with integrity and is not unduly swayed by the demands of others. He strives to do what is right, not just what is legal.

He Speak Out About Issues: Calls attention to the unprofessional work of others when necessary; and admits when he has made a mistake and makes corrections where possible.

II. *A Surveyor’s Obligations to His Employers and Funders*

He Delivers Quality Work : By ensuring he is qualified for the tasks he accepts to do. He identifies risks and the potential means to reduce them.

He Has Proper Professional Relationships: He avoids all conflicts of interest with clients and employers, and does not solicit for any inappropriate benefit that is connected to his working relationships. He honors contracts and assigned responsibilities, and accepts decisions of employers and clients, unless they are illegal or unethical.

III A Surveyor's Obligations to Colleagues and the Profession

He Respects the Work of Others: By accepting and providing fair critical comments on professional work of others. He recognizes the limitations of his own knowledge and skills and uses the skills of other professionals as need arises; He works respectfully and capably with other Surveyors or team members; and deals honestly and fairly with his prospective employees, contractors, and vendors.

He Contributes to the Development of the Profession: By publishing results so others can learn about them; and volunteering time to his professional educational development.

6.0 CONCLUSION

The paper has looked into the activities of the regulating bodies – SURCON & NIS in the last ten years, and observes the challenges facing them in maintaining professional ethics. We also found out that of the three factors that determine adherence to ethics- personal morality, influence of role models, law and professional regulations– only personal morality is most effective, as no professional regulation or rules of conduct can handle every conceivable situation.

In this regard, the paper proposes a new professional ethics based on a sound moral foundation. This moral foundation is based on two ethical principles- the Golden Rule and Hippocratic Oath. We saw the universality of these two principles and its applicability in the Nigerian context. Based on these two principles, a more pragmatic, positive ethical behaviour was proposed where the professional sees himself highly obligated to his society, employers and funders, his profession and professional colleagues. In dealing with each of these, he makes sure that he is fair to all concerned, by not knowingly do harm unto any, and by acting in a way that he will want them to deal with him.

7.0 RECOMMENDATION

(1) Professional ethics should be made a major part of the training programme for surveyors,
(2) A code of conduct must be dynamic to accommodate changing practices. Many changes have taken place since NIS code of ethics was approved in 1991. There is need for a revision in line with the present realities.

(3) Professional ethics should be incorporated as part of Surveyors Mandatory Continuous Professional Developments Programme, so that each surveyor inculcates these values in his professional practice. Personal ethics should be emphasized since any ethics built on such foundation is sure to stand.

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BIOGRAPHICAL NOTES

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