

It's an architects,' engineers,' landscape architects,' or interior designer's bread-and-butter. In other situations, such as publications, magazines or newspaper articles can run afoul the responsibility not to take credit for the work of another design professional. Of course—as noted in the **CONCLUSION** of this Building Block article, the design profession is not the only business or artistic expression that grapples with this topic.



<https://thebluediamondgallery.com/highway-signs/p/portfolio.html>

ARCHITECTS

The 2020 American Institute of Architects' (AIA) Code of Ethics & Professional Conduct, states that:

Rule of Conduct 4.201: Members shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance and shall accurately state the scope and nature of their responsibilities in connection with work for which they are **claiming credit**. (Emphasis added.)

Commentary in the Code: This rule is meant to prevent Members from claiming or implying credit for work which they did not do, misleading others, and denying other participants in a project their proper share of credit.

Rule of Conduct 5.201: Members shall **recognize and respect** the professional contributions of their employees, employers and business associates. (Emphasis added.)

Ethical Standard 5.3, Professional Recognition: Members should build their professional reputation on the merits of their own service and performance and should recognize and **give credit** to others for the professional work they have performed. (Emphasis added.)

Note that while an AIA Ethical Standard is considered aspirational (which are more specific goals of the Code of Ethics & Professional Conduct compared to its Canons, and AIA Members should aspire in their performance and behavior in an ethical manner), Rules of Conduct are mandatory; violation of a Rule of Conduct is grounds for disciplinary action by the Institute. Penalties that may be imposed by the AIA National Ethics Council are: (a) Admonition; (b) Censure; (c) Suspension of membership for a period of time; and (d) Termination of membership.

The "Credit Cases" are known by the AIA's National Ethics Council as those complaints that an AIA member violated a Rule of Conduct, such as 4.201, and is the second most cited rule violation from the NEC's research over the last 10 years. Note that an Ethical Standard cannot be violated, as it is only aspirational.

ACTUAL NEC CASE DECISION

AIA NEC Decision 87-6: (*All initials, names, dates, places, and gender preferences in this decision have been changed.*)

The facts of this case, as found by the hearing officer and supported by the evidence, establish a violation of Rule 4.107 by three Members who allowed the scope and nature of the responsibility of their firm in connection with a project to be inaccurately portrayed in a newspaper advertisement. The facts further establish a violation of Rule 5.201 by one of the Members for failing to include in the advertisement an appropriate reference to his former firm, which had done the bulk of the architectural work on the project. The penalty imposed for these infractions is admonition.

Decision:

Members B, C, and D violated Rule 4.107 of the Code of Ethics and Professional Conduct by permitting the appearance of an advertisement that inaccurately gave credit to their firm for work that was the responsibility of another firm. In addition, Member B violated Rule 5.201 by failing to include in the ad an appropriate reference

to his former firm, which was the architect of record for the project. The penalty imposed by the Council for each of these infractions is admonishment.

A full discussion of this case is available at https://content.aia.org/sites/default/files/2016-08/Code_Of_Ethics_Decision_87_6.pdf

ENGINEERS

There are safeguards policing this situation. First adopted in 1914, the American Society of Civil Engineers (ASCE) Code of Ethics is the model for professional conduct for ASCE members. The 2017 ASCE Code of Ethics, **Canon 5 e.**, stated that engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others, explaining that:

Engineers shall **give proper credit** for engineering work to those to whom credit is due, and shall recognize the proprietary interests of others. Whenever possible, they shall name the person or persons who may be responsible for designs, inventions, writings or other accomplishments. (Emphasis added.)

In October 26, 2020 the ASCE updated their Code of Ethics to emphasize that:

5. PEERS, Engineers: a.) **only take credit** for professional work they have personally completed; b.) provide attribution for the work of others. (Emphasis added.)

In similar fashion, the 2019 National Society of Professional Engineers (NSPE) states in **Article 9** that:

Engineers shall **give credit** for engineering work to those to whom credit is due, and will recognize the proprietary interests of others. a.) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings or other accomplishments. (Emphasis added.)

The NSPE's Board of Ethical Review (BER) is a panel of engineering ethics experts that has served as the engineering profession's guide through ethical dilemmas. The board consists of seven licensed members who are appointed by the NSPE president. Since 1954, the BER and its work has evolved with the profession.

The BER's website is (<https://www.nspe.org/resources/ethics/ethics-resources/board-ethical-review-cases/misrepresentation-claiming-credit-work>) includes the following "Credit Case."

ACTUAL BER CASE RECOMMENDATION

Case Number:

Case 19-12; Year: 2019

Facts: (Note that the actual names of the engineers and firms are not used and replaced by capital letters.)

Engineer A is a professional engineer and owner of ABC Engineering. Engineer A recently learned that Engineer B, a former employee of ABC who recently started his own firm (DEFG Engineering), is claiming "extensive project experience." The DEFG Engineering website references a list of "past clients" and "past projects." In fact, Engineer A was the Engineer of Record and it was Engineer A's company (ABC Engineering) that was responsible for the design of the "past projects" referenced for "past clients." On none of the projects Engineer B lists on the DEFG website was Engineer B the Engineer of Record. Engineer B was an engineer-intern for most of Engineer B's tenure with ABC Engineering. While Engineer B performed tasks for the referenced clients and on "past projects," Engineer B's role was as a junior member of the design team.

Question(s):



<http://www.culture4change.com/434098364/6963801/posting/>

What are Engineer A's ethical responsibilities?

NSPE Rule Cited:

III.9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

BER Recommendation:

Engineer A should consider (1) sending a letter to Engineer B, noting the fact that Engineer B and Engineer B's firm are improperly and falsely claiming credit for work for which they were not responsible or in which Engineer B played a minor role; (2) demanding that Engineer B and Engineer B's firm cease and desist from including the subject references on their website; and (3) where appropriate, Engineer A shall report Engineer B to the state board of professional engineers.

A full discussion of this case is available at <https://www.nspe.org/resources/ethics/ethics-resources/board-ethical-review-cases/misrepresentation-claiming-credit-work>

IN CONCLUSION

Taking the credit of the work of another is not unique to the design professions—the music industry and publications (plagiarism) are just two examples. Nonetheless, the following applies no matter what walk of life.

“There are two kinds of people, those who do the work and those who take the credit. Try to be in the first group; there is less competition there.” *Indira Gandhi (daughter of Jawaharlal Nehru, the first prime minister of India, and served as prime minister from January 1966 to March 1977 and again from January 1980 until her assassination in 1984, making her the second longest-serving Indian prime minister after her father).*

“Don't try to take credit of others work in life, you will be like the moon not having its own light, and which shines due to the Sun's radiance.” *निशीथ कुमार माहेश्वरी, Nisheeth Kumar Maheshwari, (Fellow of the Insurance Institute of India).*



https://www.etsy.com/listing/879003946/sun-and-moon-decal?gpla=1&gao=1&&utm_source=google&utm_medium=cpc&utm_campaign=shopping_us_e-paper_and_party_supplies-paper-stickers_labels_and_tags-bumper_stickers&utm_custom1=_k_CjwKCAjwieuGBhAsEiwA1Ly_nQPH8sXbwZaa4M4dK1_w92D6mJlL3tHftJhAyeEKS6RRi76xmFtnhoCyhgQAvD_BwE_k_&utm_content=go_1844702820_70809581958_346364796630_pla316808249018_c__879003946_12768591&utm_custom2=1844702820&gclid=CjwKCAjwieuGBhAsEiwA1Ly_nQPH8sXbwZaa4M4dK1_w92D6mJlL3tHftJhAyeEKS6RRi76xmFtnhoCyhgQAvD_BwE

About the Author

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The above comments are based upon DesignPro Insurance Group's experience with Risk Management Loss Prevention activities, and should not be construed to represent a determination of legal issues, but are offered for general guidance with respect to your own risk management and loss prevention. The above comments do not replace your need for you to rely on your counsel for advice and a legal review, since every project and circumstance differs from every other set of facts.

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