

TEACHING PROFESSIONAL ETHICS IN CONSTRUCTION MANAGEMENT AND PROPERTY

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Abstract: Ethics is a significant element of any professional practice, and is of particular relevance to the construction and property industries where professional judgement and advice is such a core activity. Recent consideration of professional ethics as a generic issue has moved attention from compliance to governance. In other words, the idea that practitioners simply comply with a particular set of ethical codes has been superseded with the idea that practitioners need to engage with ethics as a constantly changing set of values that they individually need to govern. Certainly there is still a need for benchmarking professional practice against particular ethical codes, but the responsibility of the practitioner to appreciate and 'own' particular value systems is of growing importance. This paper will review these changing perspectives on professional ethics, and relate those changes to how professional ethics might be taught within an undergraduate construction management and property program.

Keywords: Ethics Education; Professional Institutions; Codes of Practice

1 Introduction and Background

Ethics have provided a mainstay of professional practice for as long as professionals have existed (Alger et al, 1965). Certainly one of the defining features of a profession is that its members consider their duties in the public interest, and not simply to the exclusive benefit of themselves. Professional ethics provide the benchmark against which such public interest can be evaluated. Historically, the ethical standards of different professional groups were determined by the groups themselves, under the guise of their respective professional representative bodies. In that context, professional institutions established ethical standards and required all members to adhere to those standards. These standards were typically explicit and absolute. Members of the professional institution were required to comply with the ethical standards, but no more. Provided the standards were met, practitioners could be confident that they were acting in an ethical manner.

In line with the role and character of professional ethics as a set of absolute standards, professional ethics traditionally has been taught in terms of right and wrong decisions. The typical course in professional ethics would identify the standards required by the relevant professional institution, and then examine each standard in detail, in order to highlight the boundaries of acceptable and unacceptable ethical behaviour. The ideal teaching instrument for such an approach to ethics is the, so-called, ethical dilemma. The ethical dilemma approach would describe a typical scenario for the practitioner, within which a particular ethical dilemma arises. The typical scenario would present an either/or situation, from which the student would identify the 'correct' ethical choice of action. By virtue of a multitude of such scenarios, the range of ethical standards could be considered, from which the relevant boundaries for appropriate ethical behaviour could be determined.

More recently, the concept of professional ethics has changed (Fan et al, 2001). Professional ethics are still the mainstay of professional practice, but they are no longer viewed in absolute terms. Standards are being replaced with codes. The role of the professional institution has moved from one of setting standards and monitoring compliance, to one of agreeing codes and governing how such codes might be interpreted. Ethical conduct is now regarded as an ongoing dialogue between our basic obligations to uphold the rights of the community, the moral autonomy of the relevant professional practitioner, and taking into full account the impact of decisions on all stakeholders, including the environment (Vee and Skitmore, 2003). The dialogue aims to ensure that these often competing considerations are brought more into balance.

How has the nature of professional ethics changed?

1.1 Ethics Is Increasingly A Matter Of Judgment

Whereas ethics have traditionally been considered in absolute terms, they are now recognized as rarely, if ever, presenting a uniquely correct solution or response. In other words, the ethical dilemmas through which the boundaries of acceptable ethical practice were traditionally determined are no longer held to be representative of professional practice. The context for professional practice is now so fluid and dynamic, that any sense of a generic case/response has become untenable. Every situation is different in some substantive respect, and a mechanical set of either/or standards no longer provide an effective representation of that changing context. Increasingly, and significantly, individual judgment is required. Each situation must be freshly interpreted and interrogated as it arises, and not simply type-cast into a particular category of prescribed ethical standards.

1.2 There Are No Absolutes

Whilst it is undoubtedly the case that certain responses to a particular ethical situation are going to be deemed generally unacceptable, and therefore wrong in a notionally absolute sense, the boundary is far from fixed. There is rarely, if ever, a particular point at which wrongs transform into rights. At best, all we can accept is that some responses are better than others. There is not an end point (right) for contemporary ethics, because new options for actions are always emerging and we can always continue to consider new possibilities. Acceptable ethical behaviour is no longer about reaching a particular point or place (standard), but rather a commitment to ongoing self-reflection and continual improvement.

1.3 The Options Are Incommensurate

Situations are rarely, if ever, either/or dilemmas. Instead, different solutions are commonly possible, and each different solution may have advantages and disadvantages of different sorts. When there are advantages of different sorts, the measures of each are likely to be fundamentally different as well, making a common measure across all options impossible. Where no single metric can be applied, the options are said to be incommensurate. Incommensurability undermines any attempt to establish absolute standards.

1.4 Ethical Situations Are Of Increasing Significance

Whereas the scope of professional ethics has traditionally been regarded at a personal level only, today they are set in far broader relief. The solutions being proposed typically need to fulfill some responsibility beyond that of the individual, be this in the form of a general moral responsibility, a professional responsibility, a family responsibility, or whatever. There are now given specifications (standards of care, personal goals, professional codes) that are established explicitly in order to govern our behavior in an increasingly complex world. Respect for basic human rights provides one of the broadest of these specifications. In any event, the emergences of such specifications and our responsibilities in accordance with them, has raised and broadened the significance of failing to satisfy them. Each situation is now far more highly charged in an ethical sense than was ever the case previously.

2 Teaching Professional Ethics in Construction Management and Property

In line with the changing nature and context of professional ethics as it is practiced and governed within the construction and property industries, a revised program of study is required. The following details a particular course (BENV1382: Social Responsibility and Professional Ethics) offered as part of the Bachelor of Construction Management and Property program of study at The University of New South Wales, Australia. The course is equivalent to 1/32 of the overall program of study, undertaken in the third year of study, and is compulsory for all students.

2.1 Course Outline

The course considers the ethical responsibilities of persons and organizations within the building industry to each other, their clients and society. It examines ethical theories relevant to professional conduct, rationales for the social responsibilities of building professionals and firms, and identifies tools that can assist managers in ensuring ethical and social responsibilities are fulfilled.

After participating in the lectures and discussions, reading recommended texts and completing the assessment tasks, students are expected to be able to:

- * recount the areas of social responsibility relevant to the building industry and the justification for society's concerns
- * outline key ethical theories and understand their implications for personal and corporate behaviour
- * explain the usefulness and limits of rules and regulations in promoting ethical and socially responsible behaviour
- * demonstrate familiarity with building industry codes of conduct
- * understand the benefits and challenges associated with fulfilling ethical and social responsibilities
- * identify practical management tools which can assist organizations to fulfill ethical and social obligations
- * present a positive attitude towards observing professional ethics in the building industry

The course is both lecture and discussion-based, supported by a series of practical exercises. The conceptual framework is provided through key lectures, and these are contextualized in practice by a series of guest lectures from professional and social activists. The focus of the teaching strategy is on students developing their capacity to recognize and interrogate issues of social responsibility and professional ethics as a practical response to the situations they encounter.

The method of assessment is through a series of eight (8) exercises which build to an overall assessment for the course. Each exercise requires the students, amongst other things, to reflect on one of the ethical situations described in the lecture series. Each reflective process follows a particular format, presented and explained to the class in detail. The format adopts a six (6) step process of interrogation and interpretation which all students are required to follow for each of the exercises.

2.2 A Six Step Process of Reflective Ethical Practice

A six (6) step process of interrogation and interpretation has been developed by the author to establish a framework for effective reflective ethical practice.

Step One requires the student to explore a range of the possible perspectives from which a particular situation might be considered, and to then describe the situation in terms of one particular perspective. Clearly different points of view will render different interpretations for any given situation. It is important that students recognize how much the situation changes when considered from a different perspective. The different perspectives typically attend to the different people identified as party to the situation, as described in the lecture. However, it is also acceptable for students to identify any alternative perspectives, provided they are valid. Thus described, the situation is cast in a particular light.

Step Two identifies uncertainties in the situation, as described. One key consideration of any particular perspective is the bias that inheres within a given perspective. Bias is inescapable, but what is bias within a given description and what is not, is uncertain. A given description will also leave certain details, assumptions and context unstated. It is important for students to recognize that any description is limited, biased and thereby uncertain. Having the student identify some of the uncertainties inherent within any description reinforces the fact that they must not take things at surface value. By virtue of a thorough examination of such uncertainties, students begin to recognize the presumptions and prejudice in their own accounts and descriptions.

Step Three is the first point at which options are considered. Rather than prescribe an either/or option up-front, these exercises begin with an exposition through which different perspectives are identified, uncertainties recognized, and a range of options considered. This all serves to emphasize the complexity of situations, rather than their generic simplicity. The options considered need to be genuine possibilities, and should reflect the full scope of options available. It essentially requires the student to provide alternative courses of action, different ways of acting and responding to the situation as presented: genuine choices. It poses the question: What, if anything, can and should a person do in such a situation? The richer the set of

choices available in any situation, the more empowered the person will feel, and the more confident they will be in their final decisions. The traditional either/or scenario approach only serves to limit choice and is disempowering.

Step Four moves from the options identified in step three, to making choices between those options. Given the ambiguity of any particular situation, from the options available, what initial action should be considered? The professional practitioner has to act. At this stage the student is being required to commit to some particular course of action and, therefore, to some particular ethical position.

Step Five is about seeking assistance. Again, professional ethics are no longer a strictly personal consideration, but are set in broader community values (specifications) as well. Inevitably, there will be people with more experience and expertise in how to interpret and apply (govern) these external specifications. Such people might be advisors from the professional institutions, more senior colleagues, relevant delegates, or simply confidantes. The objective is to identify where assistance and, ideally, more objective advice on the proposed course of action might be sourced. Such advice could suggest an alternative course of action, or how to realize the proposed course of action more effectively. Most critically, however, the student needs to appreciate that such advice can and should be sourced, and how and where they might source it.

Step Six is about the preparation required to make the most of the advice being sought. Students are required to make explicit what it is they want to say and/or find out from the source of advice identified in step five. Again, the intention is to position the student for an outcome, and to move them to action.

2.3 The Educational Model

The broader educational model being applied in this course is problem-based learning. Students are required to solve a series of ethical problems, where the problems are presented as complex situations, and where there is no clear and obvious solution. The six step process is explicitly designed to render the problem in its full richness, and the approach is markedly different to traditional ethical dilemma scenario techniques. The true significance of the educational model, however, is in the focus of its teaching. This course does not focus on teaching ethics as a set of standards to be applied and complied with in any absolute sense. It does not establish rules of ethical conduct. Rather, the focus is on a process of interrogation, 'the' process of interrogation through which effective ethical practice might emerge. It is a process of raised awareness of an individual value system. In moving the focus from content to process, the educational framework is also switching from a pedagogical structure based on the constructivist theory of learning (Steffe and Gale, 1995) to one based on social, or experiential-based, learning.

Social learning offers a particular orientation to teaching and learning that privileges, in a very direct and central way, a learning process based on personal observation and experience (Wenger, 1998). That is to say, that the mastery of knowledge and skills (learning) under the rubric of social learning, requires the learner to engage (directly) with (and in) the socio-cultural practices that constitute their particular domain of professional practice. The socio-cultural practices are the shared routines, sensibilities, vocabulary, styles, artefacts, procedures, etc. that the people who constitute a particular professional group have developed over time (Wenger, 1998): what Schön (1983) refers to as the language, media and repertoire of a particular professional practice.

The six step process employed in the course described above provides the critical framework through which any ethical problem can be experienced. Because the same process is repeated several times, students are encouraged to learn the process itself rather than particular content. Because the process seeks to expose the complexity of problems rather than conceal them, students are more confident and better-placed to meet the challenges of the current professional context in construction management and property. Because the emphasis of the course is on the governance of ethics within given specifications, not compliance with explicit ethical standards, it more directly reflects the changing nature of professional ethics in practice.

3 Student Responses

The course has been offered for many years, but was revised in 2006 to respond to the changing nature of professional ethics. As such, the current structure and delivery of the material does require further refinement.

Of particular note, however, students were strongly supportive of the material in general being part of a degree program in construction management and property. Even with relatively limited professional experience, students could readily see and appreciate the relevance of the course and the importance of the skills to their immediate and future careers. In a survey of student evaluations of the course, the specific strengths of the course were identified as:

- * the significance of the subject being addressed and its immediate relevance in practice
- * the development of process skills through repeated (experiential) exercises
- * the relevance and enthusiasm of the guest lecturers, in particular, lending credibility to the course
- * the raised awareness of personal attitudes and value systems
- * the improved sensitivity to personal conduct and ethical issues

At the same time, a number of weaknesses were identified as:

- * the lack of experience with, and confidence in, such an educational model
- * the difficulty in determining right and wrong responses, and interpreting assessment criteria
- * the apparently repetitive nature of some steps within the format provided

These responses to the course have implications for the program more generally: the mode of learning needs to be taught as much as the course content; students need to be made more comfortable in situations of uncertainty and complexity; graduate attributes are as important as course content; amongst other things. Overall, the response to the course by the students has been entirely encouraging. The course will continue again in 2007 in its current general form, with more emphasis on how assessment criteria are to be interpreted and applied.

4 Review

Professional ethics is an increasingly significant element of professional practice, particularly in the construction and property industries, and particularly given its changing nature. Many professional institutions are shifting their attention from compliance with absolute standards to the governance of codes of conduct. However, the shift is not universal, and is generally a relatively recent phenomenon. At the same time, practitioners are being slow to engage with ethics as a constantly changing set of values that they individually need to govern. The responsibility of the practitioner to appreciate and 'own' particular value systems is of growing importance. A change in how professional ethics is taught within undergraduate construction management and property education is being called for.

This paper reviews a recently revised course in professional ethics that seeks to respond to the changing nature of professional practice in this regard. It adopts a particular educational model that employs experiential learning, and focuses on process rather than content. In particular, a six step process of reflective ethical practice is presented. Students have been required to follow this six step process for a series of eight (8) exercises. It is maintained that this six step process promotes the necessary change in awareness and sensitivity demanded by the emerging nature of professional ethics.

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