

ENGR 4335 - Public Policy, Professional Ethics, and Construction Law

Welcome to CMGT 4335 (PM Capstone Course). The educational model for any true “professional” normally has the shape like that of the letter “T”. You can think of the bottom vertical leg of the T as your technical engineering hard skills competence, knowledge, and practice that you have gained in both the classroom and the team practice projects in courses like 3310, 3315, 4315, etc. The top leg of the T shaped model is made up of the critical “soft skills” needed to be a professional engineering/technology leader such as leadership, business acumen, people management, construction and contract law, regulations, character, ethics, lifelong learning, professionalism, etc.

The 4335 course objectives will focus on four of these “soft” skills required of a *practicing professional construction leader*.

Course Objectives:

1. Look at and understand what “Public Policy” is and the impact it has on the engineering and construction professional. We will focus on TRUST between the professional and society.
2. Look at TRUST being defined by the correct professional Ethics for the “practicing” construction professional.
3. Look at construction Law, construction contracts, and legal obligations under the various construction contractual arrangements used in the CM industry.
4. Look at and understand UCC and its application and impact on the CM business.

The following are course competencies:

- a. **Skilled Leadership and Technical Communicator**—the student will exhibit mastery in communicating thru exercises in explaining work results and assigned class exercises.
- b. **Team leader and Team player Skills**—the student will display team work skills in assigned group exercises.
- c. **Solving complex programmatic Problems (Critical Thinking)**—the student will use lecture and demonstration to foster conceptual thinking quantitative/statistical skills, in making drawings according to specifications.
- d. **Professional Ethical Decision Making and Behavior**—the student will understand and exhibit the ethical decision making in the completing individual homework assignments, and in working with other students as part of a team.
- e. **Personal and Team Accountability for Achievement**—the student will complete the assigned projects at the time designated by the instructor and will demonstrate on both exercises and exams that he has learned the material presented.

1. Class Meets:

In Campus face to face by maintaining HCC restrictions for limited room capacity due to COVID-19: *Tuesday, Thursday in HCC 0A216* from 9.30AM to 10.50 AM,

IAW the course schedule (see Encl 1) These lessons are broken up into 4 distinct blocks of material. Like any other CAPTONE course, each lesson will cover a lot of material with the lecture and in class time having a strong emphasis on APPLICATION of the material to real world problems. **Staying current on the reading and homework is critical –we make big jumps each class in knowledge and practice!**

- a. I will teach based on the schedule in Enclosure 1. If you will miss a scheduled class, you are still responsible for turning in any homework assigned for that day (send to me by email) and the material covered in class. ***Quizzes are frequent and common*** AND are 30% of final grade. You will not get the points for a missed Quiz unless I have given you an authorized absence ahead of the class.
- b. Office: HEC 225
Office Phone:
Email: shossain@uttyler.edu
Office Hours: Mon/ Wed:12.30 PM – 2.30 PM, Thu: 12.30 PM – 2.00 PM, or by appointment

2. **Class Room Procedures:**

- a. Bring study notes, textbook, and note-taking material to every class. Class preparation is your individual responsibility.

Note: I will often pick someone at random at the start of class to discuss what the author covered in the reading homework so be ready and be prepared.

- b. **NO ELECTROIC DEVICES** are to be used in class– no exceptions –that means no cell phones, no computers, no ipads, etc – there is no material and tasks covered in this class that will require technology to accomplish them. ALL DEVICES are to be off and stowed away at start of class.

Mandatory Textbook:

Public Policy 6th Edition from Kraft: ISBN 9781544351599

Common Sense Construction LAW from Smith and Currie, Wiley: ISBN 978-1-118-85810-3

Engineering Ethics by Charles Fleddermann from E Source: ISBN 13:978-0-13-214521-3

I will check for the texts FOR GRADE during an upcoming class!!

3. **Final Grade Weighting Scale:**

| <u>Course Points</u> | <u>Grade Scale</u> |
|-------------------------------|---------------------------|
| Hour Exams (3 nos) | (60 %) |
| Homework/Quizzes | (20%) |
| Professional Practice Project | <u>(20 %)</u> |
| | <i>100%</i> |

Note: If you get less than 70% as your final combined grade you will fail the course.

Remember you need a C or better in a core major class to move on to the next course or to graduate.

Note: Your final grades **are only A, B, C, D, F --** We DO NOT “up” a grade if you are close to a B or an A! Your final average IS your final weighted average and is a result of the weighted grade and not the raw total average shown in Canvas.

You will always know where you stand for your grade in Canvas. I will return all graded exercise to you quickly – keep track of them – I will also post grades in Canvas so can see what your raw unweighted cumulative grade looks like. If you do not agree with a posted grade see me ASAP –right after they are posted. Some key rules:

1. **DO NOT bring a disputed grade to me if that grade has been posted for more than 14 days.**
2. **DO NOT wait till the last week of the course to talk about how to improve or salvage a poor grade. This is a cumulative grade process – not a single event.**

Note: There is no way to ADD to your grade once an exercise is graded –the cumulative grade is the FINAL grade – there are NO adjustments made at end of course

4. **Exams:**

a. The dates for Exams are included in the course schedule (subject to change as needed through the semester). Official reasons for missing an exam include official University participation, family emergency or other unforeseen EMERGENCY circumstance. Regardless of the reason you are required to notify the instructor **prior to the exam** and as early as feasible. **IF you are not present at the start of the exam you will receive a 0 –there are no late starters for an exam –the class room is closed once an exam starts!**

b. All the Exams closed book.

c. There are **NO hallway/bathroom/stress breaks** allowed during exams.

d. **There are NO electronic device allowed in an exam. Your exam will be collected and your grade will be a zero AND you will be given an F for the course if you are caught cheating, walk out of the classroom without handing in your exam or using an electronic device/calculators, during the exam! There are no trail learning exceptions for cheating!**

Homework is an assessment of your ability to self-learn and study the material. As a construction engineer you have an on-going responsibility to the profession to continually learn and stay current on professional best practices and lessons learned. The lecture model you are most familiar with is not how real world professionals learn. They stay current thru professional seminars, associations, self-study and self learning. Your 4335 homework has been set up to start this practice and is a measurement of your ability to learn key principles on your own. It is a vital skill to master. You cannot rely on the lecture and classroom material covered to learn all the critical material that will be on the quizzes and exams. **You should be able to read and understand the material BEFORE you come to class.**

Note: Just like the real jobs that many of you have -- **We expect you to be on time and ready when class starts. IF you come late without prior permission:**

1. you will not be allowed into the class and interrupt the project underway for that day.
2. You must see me after the end of class and explain why you were late. You will get a ZERO for that class and exercise if you do not have a valid excuse for your tardiness.

3. An excuse for being late would be death in family, validated urgent medical emergency validated by a doctor note, or some validated significant act of God like a car accident.
4. Anything due for that class that is not turned in by start of class is late. It is possible in extenuating circumstances to have A “COORDINATED LATE” submission that can occur when you contact me in advance. (That means 24 hours in advance except for real emergencies).

8. Students Rights and Responsibilities. To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, please follow this link:
<http://www.uttyler.edu/wellness/StudentRightsandResponsibilities.html>

9. Grade Replacement/Forgiveness. If you are repeating this course for a grade replacement, you must file an intent to receive grade forgiveness with the registrar by the 12th day of class. Failure to do so will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates will receive grade forgiveness (grade replacement) for only three course repeats; graduates, for two course repeats during his/her career at UT Tyler.

10. State-Mandated Course Drop Policy. Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the 12th day of class (See Schedule of Classes for the specific date). Exceptions to the 6-drop rule include, but are not limited to, the following: totally withdrawing from the university; being administratively dropped from a course; dropping a course for a personal emergency; dropping a course for documented change of work schedule; or dropping a course for active duty service with the U.S. armed forces or Texas National Guard. Petitions for exemptions must be submitted to the Registrar's Office and must be accompanied by documentation of the extenuating circumstance. Please contact the Registrar's Office if you have any questions.

11. Disability Services. In accordance with federal law, a student requesting accommodation must provide documentation of his/her disability to the Disability Support Services counselor. If you have a disability, including a learning disability, for which you request an accommodation, please contact Ida MacDonald in the Disability Support Services office in UC 282, or call (903) 566-7079. *You MUST contact me for accommodation needs.* I will not contact you first.

12. Student Absence due to Religious Observance. Students who anticipate being absent from class due to a religious observance are requested to inform the instructor in advance for an excused absence and late submission of work.

13. Student Absence for University-Sponsored Events and Activities. If you intend to be absent for a university-sponsored event or activity, you and the event sponsor request must notify me at least two weeks prior to the date of the planned absence.

14. Social Security and FERPA Statement. It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades (e.g., via e-mail) risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

15. Emergency Exits and Evacuation. Everyone is required to exit the building when a fire alarm goes off. Follow your instructor's directions regarding the appropriate exit. If you require assistance during an evacuation, inform your instructor in the first week of class. Do Not re-enter the building unless given permission by University Police, Fire department, or Fire Prevention Services.

Initial Course Schedule (*Subject to change as needed throughout the semester*)

| Date | Materials Covered | Assigned Reading | PS/Project Assignments |
|---------------|--|-----------------------|--|
| 8/24 | Course Syllabus and Objectives AND Public Policy <i>Assign Project and Teams</i> | See CANVAS | Read assignment in Canvas – Be prepared to give overview |
| 8/26 | PP/Trust/ Professional Ethics: Legs to the stool & Sources of Professional Ethics | Canvas | “ |
| 8/28 | Texas Professional Practice PP LAW (the Who, What, How, Enforcement) | Texas Engineering Law | |
| 8/31 | Project #1 –Develop CM Code of Ethics | “ | |
| 9/2 | CM Process, CM Business Model, and the Legal Context of a Contract for Construction | Canvas | UTUBE video |
| 9/4 & 9/7 | Interpreting a Contract | CH 1 | |
| 9/9 | Contracting Methods | CH 2 | |
| 9/11 | P3 | CH 3 | |
| 9/7 | Test #2 | CH 4 | |
| 9/14 & 9/16 | Competing for a Contract | CH 7 | |
| 9/21 & 9/23 | <u>The UCC and CM contracts</u> | CH 8 | |
| 9/25 | Authority and Responsibility of a Design Professional | CH 9 | |
| 9/28 & 9/30 | Subcontract Admin and Dispute Avoidance | CH 10 | |
| 10/2 & 10/5 | Contract Changes | CH 11 | |
| 10/7 & 10/9 | Differing Site Conditions | CH 12 | |
| 10/12 | Schedules, Delays, and Accelerations | CH 13 | EVMS paper |
| 10/14 | TEST #3 | | |
| 10/16 & 10/19 | Inspections, Acceptance, Warranties, and Commissioning | CH 14 | Quality Paper |
| 10/21 & 10/23 | Limiting Risks and Avoiding Disputes | CH 15 | |
| 10/26 | Payment Bonds | CH 16 | |
| 10/28 & 10/30 | Performance Bonds and Terminations | CH 17 | |
| 11/2 | Exam #4 | | |
| 11/4 & 11/6 | Proving Costs and Damages | CH 18 | |

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| 11/9 & 11/11 | Environmental and Safety Concerns | CH 19 | |
| 11/13 & 11/16 | Construction Insurance | CH 20 | |
| 11/18 | Labor and Employment Issues | CH 21 | |
| 11/21 to 11/27 | Fall Break | | |
| 12/2 | Federal Gov Contracting --Overview | CH 24 | ZOOM |
| 12/4 | Test # 5 & Course Wrap Up and Survey | | |

Additional Syllabus COVID INFO:

Additional Syllabus Information

Important Covid-19 Information for Classrooms and Laboratories

Students are required to wear face masks covering their nose and mouth, and follow social distancing guidelines, at all times in public settings (including classrooms and laboratories), as specified by [Procedures for Fall 2020 Return to Normal Operations](#). The UT Tyler community of Patriots views adoption of these practices consistent with its [Honor Code](#) and a sign of good citizenship and respectful care of fellow classmates, faculty, and staff.

Students who are feeling ill or experiencing symptoms such as sneezing, coughing, or a higher than normal temperature will be excused from class and should stay at home and may join the class remotely. Students who have difficulty adhering to the Covid-19 safety policies for health reasons are also encouraged to join the class remotely. Students needing additional accommodations may contact the Office of Student Accessibility and Resources at University Center 3150, or call (903) 566-7079 or email saroffice@uttyler.edu.

Recording of Class Sessions

Class sessions may be recorded by the instructor for use by students enrolled in this course. Recordings that contain personally identifiable information or other information subject to FERPA shall not be shared with individuals not enrolled in this course unless appropriate consent is obtained from all relevant students. Class recordings are reserved only for the use of students enrolled in the course and only for educational purposes. Course recordings should not be shared outside of the course in any form without express permission.