PROMOTIONAL EFFORT – PUBLICATION OF A BOOK

Case No. 03-10

Facts:

Engineer A is the director of engineering for a major governmental agency in a large city. Recently the city suffered the effects of a major catastrophic event. During the event, Engineer A was highly visible, conducting press conferences, being interviewed by national media, and quoted in the international, national, regional, and local media. Following the events, Engineer A decides to write a book describing his personal and professional experiences and views in connection with the catastrophic event. There is also the possibility that the event will be the subject of a television mini-series or a motion picture.

Questions:

1. Would it be ethical for Engineer A to write the book about his personal and professional experiences and views in connection with the catastrophic event?

2. Would it be ethical for Engineer A to cooperate in the development of a television mini-series or a motion picture concerning the catastrophic event?

References:

Section II.3.	-	*NSPE Code of Ethics:*	*Engineers shall issue public statements only in an objective and truthful manner.*
Section II.3.b.	-	*NSPE Code of Ethics:*	*Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.*
Section III.1.e.	-	*NSPE Code of Ethics:*	*Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.*
Section III.2.c.	-	*NSPE Code of Ethics:*	*Engineers shall endeavor to extend public knowledge and appreciation of engineering and its achievements.*
Section III.3.c.	-	*NSPE Code of Ethics:*	*Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.*

Discussion:

The issues raised by this case are questions of first impression not earlier raised before the NSPE Board of Ethical Review. There are no earlier NSPE BER opinions to provide this Board with particular or special guidance on the

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questions raised. However, the Board views the facts of this case as potentially involving the issues of confidentiality, continuing education, self promotion, the dignity and honor of the engineering profession, and related issues.

As a general proposition, the Board does not view any provision in the NSPE Code of Ethics that would *per se* prevent an engineer under normal circumstances from authoring a book or participating in the development of a production, either for television or film, describing or depicting a particular factual event or set of events based upon the engineer's personal knowledge of the event(s). In this connection, the Board does not believe it is necessary to make a distinction between either type of media since the Board is of the opinion that it is the content that is most important and not the method by which the content is being delivered.

Engineers have an obligation to contribute positively to the image of the profession, by seeking out opportunities to provide the public with a fuller understanding of the critical role of engineers in society. Obviously, this obligation must be tempered with good judgment and discretion, as well as the potential impact upon the engineer's employer or client.

Applicable NSPE Code provisions relating to honesty and truthfulness should apply, as well as other NSPE Code sections relating to confidentiality and conflicts of interest, etc. Clearly, however, it must be acknowledged that the creative process often involves artistic license and sometimes an engineer may not, in the final analysis, be able to control the final product that is developed. However, it is the Board's view that to the extent that the engineer is able to maintain effective control over the process, the engineer has an obligation to insist that the production be done in good taste and with as much editorial accuracy as possible. With these considerations in mind, the Board will seek to examine some of these issues in order to provide a degree of guidance to engineers.

Confidentiality is a factor that could come into play in the development of such a production. For example, an engineer involved in a highly publicized event may at times be privy to confidential information or material the disclosure of which might cause financial damage, embarrassment, or invasion of privacy. Therefore, an engineer involved in such an undertaking should take appropriate steps to eliminate or minimize the impact that such a

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project might have in causing such potential harm, both to clients and to third parties. This could include seeking permission or a release from individuals or others that may be impacted by such a project.

The potential exists that the development of such a program could have important professional and public educational benefits both to the engineering profession and to the public in general. For example, such a program could project a positive image about the engineering profession in the minds of the public, as well as the general media, public officials and others. At the same time, a poorly developed program or one that casts members of the engineering profession in a negative light also has the potential of damaging the existing positive image that engineers currently enjoy within society. Certainly, it would be appropriate for any documentary of this type to project a view that accurately upholds the dignity and honor of the engineering profession and that does not distort or mischaracterize incidents, events or individuals.

It is important that any individual engineer who is involved in a situation described under the facts should take appropriate steps not to engage in efforts toward self-promotion that would reflect negatively upon the engineering profession. While the Board is certainly not in a position and should not attempt to establish standards or guidelines for engineers engaged in this type of activity, it can safely be said that such activities should be conducted in a responsible, fair, and balanced manner with consideration given to the role that engineers play in our society. While there should never be any attempt to limit free expression and speech, engineers as professionals should be mindful of all aspects of their professional obligations when undertaking such activities.

Finally, it should be noted that sometimes, government officials such as Engineer A are restricted by regulation regarding their outside activities. In this connection, the Board would note that Engineer A should carefully confer with appropriate governmental departments to be certain that any outside activities such as those described under the facts are consistent with the legal and regulatory requirements that may exist. Some of these requirements may mandate restrictions on financial arrangements that might be negotiated between the engineer and private entities involved in the development of the project.

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Conclusions:

1. It would be ethical for Engineer A to write the book about his personal and professional experiences and views in connection with the catastrophic event consistent with any local legal and regulatory requirements.

2. It would be ethical for Engineer A to cooperate in the development of a television miniseries or a motion picture concerning the catastrophic event consistent with any local legal and regulatory requirements.

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Each opinion is intended as guidance to individual practicing engineers, students and the public. In regard to the question of application of the NSPE Code to engineering organizations (e.g., corporations, partnerships, sole-proprietorships, government agencies, university engineering departments, etc.), the specific business form or type should not negate nor detract from the conformance of individuals to the NSPE Code. The NSPE Code deals with professional services—which must be performed by real persons. Real persons in turn establish and implement policies within business structures.

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