Public Criticism – Comments Made at Engineering College

Case No. 04-6

Facts:

Engineer A, the president of a national technical society, is invited to address a gathering of engineers and engineering students at a college of engineering in Engineer A's technical discipline. Toward the end of Engineer A's remarks, he notes that engineers in his discipline of practice, as well as in certain other disciplines of engineering practice, are "paid to think" while engineers in a newer discipline of engineering practice are "paid not to think." After seeing that his comments were not well received by some members of the audience including some guests who are members of the newer discipline, Engineer A says "I should have asked if there were any engineers in this newer discipline in the audience before making remarks concerning their discipline." Engineer B, who practices in the newer discipline, raises his hand and tries to take the edge off of Engineer A's comments before the members of the audience. Immediately following the presentation, Engineer B sends a letter to Engineer A, criticizes Engineer A for his comments, copying many leaders within the engineering profession, and requests that Engineer A apologize for his comments.

Questions:

1. Was it ethical for Engineer A to make his comments regarding the newer discipline of engineering?

2. Was it ethical for Engineer B to send a letter to Engineer A, criticizing Engineer A for his comments, and copying many leaders within the engineering profession and request that Engineer A apologize for his comments?

References:

Section I.3	-	*NSPE Code of Ethics:*	*Engineers, in the fulfillment of their professional duties, shall issue public statements only in an objective and truthful manner.*
Section I.6.	-	*NSPE Code of Ethics:*	*Engineers, in the fulfillment of their professional duties, shall conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.*
Section III.7.	-	*NSPE Code of Ethics:*	*Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.*

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Discussion:
Engineers have an ethical obligation to act in a manner that reflects positively upon the engineering profession and to treat professional colleagues with appropriate respect and dignity. Issues relating to the manner in which engineers conduct themselves in relation to other engineers has been a subject of NSPE Board of Ethical Review opinions in the past.

In BER Case No. 96-10, Engineer A practicing in State X required the services of a structural engineer in State Y. Engineer A contacted Engineer B, who was the secretary of the State Y Society of Professional Engineers, to request the name of an appropriate engineer in State Y to perform the required structural engineering work. Engineer B suggested Engineer C, who Engineer A then decided to retain. Not satisfied with the services provided by Engineer C, including Engineer C's lack of regular communication with Engineer A, Engineer A later contacted Engineer B and told Engineer B of his general dissatisfaction with Engineer C, but did not first communicate this displeasure to Engineer C. Engineer A also remarked to Engineer B that he was interested in retaining the services of another structural engineer for the project. Soon thereafter, Engineer C contacted Engineer A and expressed his strong displeasure toward Engineer A for the comments he made to Engineer B. In deciding that Engineer A acted ethically in communicating with Engineer B, but acted unethically by not communicating with Engineer C, the Board noted that the only questionable action on the part of Engineer A was that when confronted with the less than satisfactory professional performance of Engineer C, Engineer A made note of this fact to Engineer B. While Engineer A's communication with Engineer B may have been an appropriate method of providing feedback, Engineer A should have also directed his comments about Engineer C to Engineer C. If Engineer A had a difficult time getting into contact with Engineer C, he could have explored other avenues of direct contact.

While the circumstances are somewhat different in the present case, the Board is of the view that unlike the situation in NSPE Case No. 96-10 which appeared to involve an effort to provide constructive feedback about another engineer, in the instant case, Engineer A's comments were merely an "ad hominum" (i.e., personal prejudice) attack both on the newer discipline of engineering and the members of that newer discipline. Such attacks are beneath the dignity of the engineering profession and should not be deemed acceptable under the NSPE Code of Ethics or other professional standards.

In addition, the Board believes that Engineer B's actions, while somewhat strong, were appropriate under the circumstances, considering the position of Engineer A and the need to take quick and effective corrective action to counter Engineer A's "ad hominum" attack. While arguably Engineer B could have attempted to approach Engineer A following his remarks and seek to have Engineer A remedy the situation by issuing a public apology without Engineer B communicating his displeasure to other engineering

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professional leaders, the Board is not persuaded that Engineer B's actions were outside of the bounds of the NSPE Code provided his letter was consistent with the comments made at the meeting. There is no suggestion that Engineer B's actions were intended or had the effect of being done falsely or maliciously and, therefore, the Board is convinced that Engineer B's actions were proper.

We would caution, however, that this decision should not be read to condone the mass distribution of critical letters or e-mails beyond those who are in an appropriate position of authority and responsibility to receive this information.

Conclusions:

1. It was unethical for Engineer A to make his comments regarding the newer discipline of engineering.

2. It was ethical for Engineer B to send a letter to Engineer A, criticizing Engineer A for his comments, and copying many leaders within the engineering profession as long as the letter was consistent with the comments made at the meeting and request that Engineer A apologize for his comments.

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