Public Statements – Engineering Society President

Case No. 07-2

Facts:

Engineer A, the president of a professional engineering society, is invited to address a gathering of engineers and engineering students at a college of engineering where engineering students, engineering faculty, and university administration are present. During Engineer A's presentation, Engineer A makes some general comments that could be interpreted as critical of certain research, instructional, and educational methods employed by some college engineering programs, including the program at the university hosting the event. Following his remarks, Engineer A is criticized by some of the engineering faculty and university officials for what are perceived as Engineer A's critical remarks. Some of the engineering faculty contact Engineer A and request an apology or a retraction of his remarks. Engineer A refuses to issue an apology.

Questions:

1. Was it ethical for Engineer A to make his comments critical of certain research, instructional, and educational methods employed by some college engineering programs, including the program at the university hosting the event?

2. Was it ethical for Engineer A to refuse to apologize for his remarks?

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.1.	-	*NSPE Code of Ethics*	Engineers shall be guided by their relations by the highest standards of honesty and integrity
. 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*

Discussion:

Over the years, the manner in which professional engineers conduct themselves has been the subject of several Board of Ethical Review opinions. The Board's recent consideration of BER Case No. 04-6 was an example. In that case, under similar facts, Engineer A, the president of a national technical society, was 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, Engineer A noted that

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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 were members of the newer discipline, Engineer A said, "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 practiced in the newer discipline, raised his hand and tried to take the edge off of Engineer A's comments before the members of the audience (to no avail). Immediately following the presentation, Engineer B sent a letter to Engineer A, criticizing Engineer A for his comments, copying many leaders within the engineering profession, and requesting that Engineer A apologize for his comments. In finding that (1) it was unethical for Engineer A to make his comments regarding the newer discipline of engineering and (2) it was ethical for Engineer B to send a letter to Engineer A, criticizing Engineer A for his comments, the Board noted that 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. Said the Board, "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, in BER Case No. 04-6, the Board noted 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 professional leaders, the Board was 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. Said the Board, "There was 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." The Board also cautioned that its opinion in the BER Case No. 04-6 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.

In contrast to the facts in BER Case No. 04-6, the facts in the present case appear to relate not to an "ad hominum" attack, but to a legitimate issue of public policy and professional concern relating to educational policy and process. There is nothing in the facts to suggest that Engineer A was expressing anything other than an appropriate and reasonable opinion on matters affecting educational institutions and those who work or who attend those institutions. Nor is there anything in the facts to suggest that Engineer A made the comments in an offensive or otherwise objectionable manner.

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Moreover, the fact that this presentation was made at an institution of higher learning, where academic freedom and the right to challenge conventional wisdom should be celebrated, contrasted with the offended response by the college and university faculty and administration gives one great pause. Rather than expect Engineer A to issue an apology for his comments, it would seem college and university faculty and administration should evaluate the legitimacy and the merits of Engineer A's candid remarks. If following a consideration of those remarks, individuals within the college or university have concerns about Engineer A's critical comments, those individuals should seek a forum to offer contrary viewpoints and, if appropriate, debate Engineer A regarding the merits of his views. The role of the university is to encourage legitimate debate—not stifle or inhibit dissent.

Conclusions:

1. It was ethical for Engineer A to make his comments critical of certain research, instructional, and educational methods employed by some college engineering programs, including the program at the university hosting the event.

2. Although it may have been appropriate for Engineer A to apologize, it was not unethical for Engineer A to refuse to apologize for his remarks.

Board of Ethical Review:
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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, and university engineering departments), 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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