Report on a Case by the Board of Ethical Review

Case No. 63-4

Subject: P. E. Rating of Engineering-Construction Firms
Canon 5-Canons of Ethics; Canon 7-Canons of Ethics.

Facts:
A company operating "A Fact Finding Service for Industry," issued a questionnaire designed to secure opinions from professional engineers on "How well are engineering construction companies satisfying the needs of their clients?" It was stated that the replies would be kept in confidence and that the results of the survey would be presented in statistical form only. Five actual engineering-construction companies were named in the survey form. The instructions stated that "We are interested in your 'reputation judgments' of the companies listed. It is not essential for you to have had direct experience with these companies to have formed such judgments." The questions on which opinions were requested involved such aspects as organizational efficiency, versatility, reliability, etc., as well as characteristics of personnel and characteristics of projects handled.

Question:
Would it be ethical for a professional engineer to respond to a questionnaire of the type indicated?

References:
Canons of Ethics-Canon 5- "He will express an opinion only when it is founded on adequate knowledge and honest conviction while he is serving as a witness before a court, commission or other tribunal." Canon 7-"He will refrain from expressing publicly an opinion on an engineering subject unless he is informed as to the facts relating thereto."

Discussion:
Canons 5 and 7 convey the idea that an engineer should express opinions only on the basis of facts, honest belief and adequate knowledge. While Canon 5 is limited to the engineer serving as a witness, and Canon 7 is restricted to expressing an opinion publicly, the general principle should apply to all expressions of opinion. This is true even when the opinion to be given is treated as confidential.

Based on the above-stated principles, it seems clear that the engineer receiving the questionnaire should not answer it with regard to engineering-construction firms with which he has not had direct experience.

We also question the propriety of responding to the questionnaire under any circumstances. Even though the response may be confidential and used only for statistical purposes, it invites comparison of competing firms and may be calculated to

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show the five named firms in either a favorable or unfavorable position compared to other engineering construction firms.

While there appears to be no Canon or Rule to prohibit an engineer from expressing his opinion on certain firms, provided his opinion is based on facts and personal knowledge, good judgment indicates that expression of such opinions through a survey should be avoided, particularly if the engineer is not aware of the use which may be made of the survey results.

Conclusion:
It would be unethical for an engineer to express an opinion on certain firms which are not known to 4 him personally and by direct experience. Under any circumstances, responding to a survey of the type described should be avoided as a matter of ethical propriety.

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