Report on a Case by the Board of Ethical Review

Case No. 63-9

Subject: Monthly Publications by Firms
Canon 2 - Canons of Ethics; Canon 3 - Canons of Ethics; Canon 22 Canons of Ethics; Rule 3-Rules of Professional Conduct; Rule 5-Rules of Professional Conduct; Rule 31-Rules of Professional Conduct; Rule 42-Rules of Professional Conduct.

Facts:
Some consulting engineering firms regularly issue publications which are devoted to current engineering activities, personnel news, plans for future work and personal items regarding civic or social activities of partners, officers and employees. A typical issue of such a publication includes a picture and story on the opening of a new office of the firm., story and picture on the participation of partners in a civic venture, descriptions of several projects being handled by the firm, stories and pictures on new personnel joining the firm, story and picture on engineering employees who had obtained state registration, story and picture on an award to the firm for outstanding participation by employees in a community fund drive, story and picture on the participation of an officer of the firm in the signing of an Engineers' Week proclamation by the Governor of the state, several stories on new engineering assignments, and a project directory listing all of the current engineering work of the firm. The monthly publication is circulated to clients, potential clients and employees.

Question:
Is it ethical for an engineering firm to issue and distribute outside of its own staff a monthly publication of the type described above?

References:
Canons of Ethics-Canon 2- "He will not advertise his work or merit in a self-laudatory manner and he will avoid all conduct or practice likely to discredit or do injury to the dignity and honor of his profession."

Canon 3-The engineer will endeavor to extend public knowledge of engineering, and will discourage the spreading of untrue, unfair and exaggerated statements regarding engineering."

Canon 22-"He will endeavor to provide opportunity for the professional development and advancement of engineers in his employ."

Rules of Professional Conduct Rule 3-"He should seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well-being of his community."

Copyright © 1963 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).

Rule 5-"Circumspect advertising may be properly employed by the engineer to announce his practice and availability. The form and manner of such advertising shall satisfy in all respects the dictate and intent of the Canons. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another engineer, either specifically or by implication."

Rule 31-"Whenever possible, he will name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments."

Rule 42-"He will urge his engineer employees to become registered at the earliest possible date."

Discussion:
Our discussion assumes that all the material in the type of publication described is factual and meets the requirements of Canon 2 and Rule 5 by avoiding self-laudatory or other objectionable language. The publication which was examined meets these requirements. Under Rule 5, it is further required that the media to be employed for "circumspect" advertising must be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession. Although this language is related primarily to advertising in commercial or trade publications, the same principles apply to "house organs" of engineering firms. If such an engineering firm publication is prepared on a basis consistent with the principles indicated in Rule 5, we find no reason to question it as an appropriate media, provided its distribution is limited to interested, potential or actual clients. This type of presentation is also consistent with the purpose of Canon 3 to extend public knowledge of engineering.

Distribution of the publication to employees is not specifically mentioned in Rule 5, but we consider this a most desirable practice as being in line with Canon 22 and Rule 3. The type of material contained in the publication relative to personnel of the firm, public service activities, registration of employees, etc., is a commendable method of imparting professional concepts to employees and to other readers of the journal. A "house organ" prepared and -edited with the required restraint and good taste also serves to implement Rule 31 in giving credit to engineers responsible for professional accomplishments and can serve, as has been done in the particular ex ample, to encourage employees to become registered as stated in Rule 42.

Nevertheless, the practice of is suing "house organs" poses considerable danger unless rigidly con trolled to prevent their becoming unprofessional in tone. In addition to meeting the ethical restrictions and limitations already noted, such publications should be prepared with a critical eye to good taste in format, color, illustrations or other techniques which might reflect adversely upon the dignity of the profession.

Copyright © 1963 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).

Conclusions:
It is ethical for an engineering firm to issue and distribute to clients, potential clients and employees a monthly publication of the type described, provided the content is not self-laudatory, undignified or in violation of good taste.

BOARD OF ETHICAL REVIEW: Phil T. Elliott, P.E. A. C. Kirkwood, P.E. W. S. Nelson, P. E. M. C. Nichols, P.E.* E. K. Nicholson, P.E. N. O. Saulter, P.E. L. R. Durkee, P.E., Chairman *

NOTE-Member Nichols agrees with the conclusion that it is ethical to distribute to employees a monthly publication of the type described, provided it is not self-laudatory, undignified or in violation of good taste. It would also be proper to send copies of the publication to other persons when the publication has an item of special interest or significance to such persons.

To maintain a regular or indiscriminate mailing list for the publication to clients and potential clients is unethical. Member Nichols believes the distribution of the publication in the manner stated was likely to discredit and do injury to the dignity and honor of the profession, and therefore, was in violation of Canon 2. He further believes that such a publication is an improper media within the meaning and intent of Rule 5, and is in violation of this Rule.

Copyright © 1963 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).