**Report on a Case by the Board of Ethical Review**

**Case No. 68-7**

**Personal Misconduct**

**Facts:**
An engineer employed by a manufacturing company was discharged by his employer for being drunk on several occasions while in the performance of his duties. The discharge of the engineer and the reason therefore received some local newspaper publicity. The local chapter of the state professional engineering society of which the engineer is a member proposes to bring charges of unethical conduct against him and to take appropriate disciplinary action if the charge is sustained.

**Question:**
Does personal misconduct of the type indicated constitute a violation of the Code of Ethics?

**Reference:**
Code of Ethics-Section 1 - "The Engineer will be guided in all his professional relations by the highest standards of integrity, and will act in professional matters for each client or employer as a faithful agent or trustee."

**Discussion:**
It is generally assumed, and properly so, that the Code of Ethics is intended to govern the conduct and action of members of the profession in relation to their professional duties and activities. The pertinent question, therefore, is whether personal misconduct should be considered within the scope of "professional relations" and "professional matters" in the context of the mandate of Section 1.

We believe that personal misconduct within and during the engineer's performance of professional duties is inexorably tied to the requirement for the performance of professional services on the basis of integrity and as a faithful agent of the employer. It is axiomatic that a drunk person cannot perform at the high level required of him. Such a condition would necessarily raise at least a doubt that the engineer could perform his duties with full recognition of the obligations imposed upon him to protect the public safety and the interests of his employer.

We do not deal in this case with the question of whether personal misconduct separate and apart from the performance of professional services would be a violation of the Code. That would raise a somewhat different issue and would require a determination of whether such personal misconduct reflected upon the honor and dignity of the profession.

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**Conclusion:***
Personal misconduct of the type indicated is a violation of the Code of Ethics.

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BOARD OF ETHICAL REVIEW CASE REPORTS: The Board of Ethical Review was established to provide service to the membership of the NSPE by rendering impartial opinions pertaining to the interpretation of the NSPE code of ethics.

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