Report on a Case by the Board of Ethical Review

Case No. 73-9

Endorsement of Project by Local Chapter

Facts:
A state highway department proposes routing a new state highway through a city via route X. A group of local citizens who believe they will be adversely affected by the proposed routing employ Engineer A to study the proposed route. Engineer A concludes that route Y would be a superior route. Engineer B, a partner in the same firm as Engineer A, appears before the local chapter of the state society of which he is a member, explains the circumstances of the project, answers all questions asked of him and asks the chapter to publicly endorse route Y.

Questions:
1. Is it ethical for a partner of Engineer A to request the local chapter to endorse a project in which he is directly involved?

2. Is it ethical for members of the local chapter to take a public position on a controversial question in which a member of the chapter is involved?

References:
Code of Ethics-Section 1 (g)- "He will not use his professional affiliations or public office to secure personal advantage and will avoid any act tending to promote his own interest at the expense of the dignity and integrity of the profession."

Section 2(b)-"He shall 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."

Section 4(a)-"He shall not issue statements, criticisms, or arguments on matters connected with public policy which are inspired or paid for by private interests, unless he indicates on whose behalf he is making the statement."

Section 5 (a)-"The Engineer will insist on the use of facts in reference to an engineering project in a group discussion, public forum or publication of articles."

Discussion:
For the purposes of this case we assume that both Engineer A and Engineer B relied on the use of facts, even if intermingled with opinion, in commenting upon the alternative routes and the preference for route Y, as required under Section 5(a). We also assume that there is no question concerning compliance with Section 4(a) regarding disclosure of the party on whose behalf Engineers A and B are stating a position on a matter of public policy. And we further assume for our purposes that the group of local citizens is covered by the reference to "private interests" and is paying the firm for its study and opinion.

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Having thus disposed of those preliminary facets of the Code related to the facts, we turn to the application of Section 1(g) as it may be tempered by or related to the principle espoused in Section 2(b). Certainly it was entirely proper for Engineers A and B to be retained by the local citizens for the stated purpose and to offer their professional judgment and opinion as to the merits of the alternative routes. Participation in engineering considerations of such public issues is to be encouraged as a direct means of fulfilling the objective of providing "constructive service in civic affairs. . . ." We do not interpret that aspect of professional responsibility as being confined to free community services.

The ultimate question as to Engineers A and B is whether they are attempting to use their professional affiliation with the local chapter to secure personal advantage. Presumably there would not be any personal advantage in securing chapter endorsement of their position in terms of money under our assumption that the firm is being paid by the local citizens group regardless of the outcome of the controversy. However, it may be construed that there could be a personal advantage in having the unbiased support of an independent group of some influence in the community for the views of the engineers in question through enhancement of their standing and prestige in the local area.

On balance we are not inclined to conclude that the mere fact of membership in the local chapter should prevent engineers involved in an otherwise legitimate and ethical question from voicing their views and seeking approval of their findings and conclusions from a larger peer group of the profession. We might be inclined to a different result if it were shown that Engineers A and B had a position of special influence in the chapter other than normal membership, such as holding office or membership on a committee involved in the question, or that they had exerted influence of some sort on the officers or members of the chapter. There is no such indication in the facts before us. And, as noted, it has been made clear to the chapter membership that Engineers A and B had been retained by a group with a particular point of view on the controversy.

As to the second question, it would be highly destructive of a major function of the chapter if the Code were construed to prevent the local membership from expressing an opinion on a matter of local concern of an engineering nature because one or more members were involved on behalf of a particular interest group. We believe it is a reasonable and fair assumption that the members of the local chapter would not be unduly influenced in favor of the opinion offered by those who hold membership in the chapter. We prefer to believe that the local chapter members would not be swayed by that fact alone or even influenced by that connection standing alone. Rather, it is basic to the professional concept of peer judgment that the other members of the profession would exercise independent judgment without regard to personal relations through membership in a professional organization.

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Conclusions:

1. It is ethical for a partner of Engineer A to request the local chapter to endorse a project in which he is directly involved.

2. It is ethical for members of the local chapter to take a public position on a controversial question in which a member of the chapter is involved.

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