Report on a Case by the Board of Ethical Review

Case No. 77-8

Selection of Former Member of Selection Team for Promotion

Facts:
Engineer A, employed by the XYZ Manufacturing Company, is assigned to an internal task force composed of engineers to develop a job description and qualifications for a supervisory engineering position and to prepare a list of qualified engineers for the position. The task force interviews a number of candidates, eliminating some and advising them that they are no longer under consideration. At the conclusion of its interviews the task force members all agree that none of those considered is of the quality desired. The other members of the task force, however, tell Engineer A that they believe he is highly qualified and suggest that he resign from the task force so that he may be considered for the position as being in the best interest of the company.

Question:
Would it be ethical for Engineer A to resign from the task force and permit himself to be considered as a candidate?

References:
Code of Ethics-Section 8-"The Engineer will endeavor to avoid a conflict of interest with his employer or client, but when unavoidable, the Engineer shall fully disclose the circumstances to his employer or client."

Section 11-"The Engineer will not compete unfairly with another engineer by attempting to obtain employment or advancement or professional engagements by competitive bidding, by taking advantage of a salaried position, by criticizing other engineers, or by other improper or questionable methods."

Discussion:
If we assume, as we do, that those in management who appointed Engineer A to the task force would know the facts when and if A's name were presented for the higher position, we would see no ethical problem regarding his relationship with his employer. As has often been noted in the past, a conflict of interest between an employed engineer and the employer occurs only when the circumstances are such that an advantage to the engineer would be at the expense of the employer. Even if that were the case, however, §8 recognizes, at least by implication, that an employer may waive the conflict when it is to his or her advantage to do so.

There may be some implication that Engineer A had some hidden role in the determination of the task force members, including him, that none of the other candidates was acceptable for the higher position. If Engineer A were improperly motivated to influence an adverse conclusion on the other candidates he could have had in mind the

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result that the other members of the task force would turn to him. But this is a highly conjectural approach, without supporting evidence, and we assume under these conditions that the other members of the task force could not so easily have been led to that result.

The ultimate ethical issue under the above assumption is whether Engineer A had competed unfairly with other engineers by attempting to obtain advancement by "improper or questionable methods." If there were any reasonable basis to support a suspicion that Engineer A had, in fact, used his position on the task force to achieve the position for himself, that would be a clear violation of §11 of the code. But more than general suspicion is required to sustain such a finding. It must be supported to at least some reasonable degree by evidence, even though such sufficient evidence might be circumstantial in the context of the entire proceeding. Such evidence, circumstantial or not, has not been indicated in the information available to us.

We would observe, however, that a more prudent course of action by Engineer A would have been to resign from the task force prior to the interviews of the candidates, assuming that Engineer A realized at that time he was interested in having the job as his later actions indicated.

Conclusion:*
It would be ethical for Engineer A to resign from the task force and permit himself to be considered as a candidate.

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Board of Ethical Review
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