Report on a Case by the Board of Ethical Review

Case No. 81-6

Grievance Procedure

Facts:
An engineering school hired a new department head from another educational institution. Some ten months later, engineers of the department met and prepared a memorandum of grievances against the new department head. That followed a series of attempts by individual faculty members to resolve grievances by personal contact with the department head. When those efforts failed, several of the faculty members told the department head they intended to take the issues to the dean. Each of the 22 faculty members signed the memorandum and submitted it to the dean of engineering. The dean then confronted the department head with the memorandum. The department head submitted a statement rebutting the various allegations and, in turn, accused the faculty members of maliciously injuring his professional reputation. The aggrieved faculty members, after reviewing the department head's memorandum, and at the request of the dean, prepared a 20-page detailed statement expanding on their grievances.

Question:
Did the engineer members of the faculty act ethically in submitting their grievances to the dean?

References:
Code of Ethics - Section II.4. - "Engineers shall act in professional matters for each employer or client as faithful agents or trustees."

Section III.1. - "Engineers shall be guided in all their professional relations by the highest standards of integrity."

Section III.8. - "Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers, nor indiscriminately criticize other engineers' work. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action."

Discussion:
We are not informed of the details of the grievances of the faculty members, but assume for the purposes of this case that the grievances were of a substantial nature and were not matters which normally could be considered as routine differences of opinion which are bound to arise in the day-to-day relationships between a department head and the faculty.

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The Code deals with this kind of relationship only in broad terms, requiring all engineers to interact with each other on a professional basis, i.e., as "faithful agents or trustees." The department head is not an employer of the faculty members in either a legal or actual sense, yet for our purposes we think it appropriate to treat the case in that light.

If so, the question is whether the filing of grievances against an employer by a group of employees constitutes unfaithful action in the sense in which the Code provision is intended. We think it would be going too far to hold that engineering employees may never file grievances against an employer, or against a higher-level engineer in the organization. It is well recognized and accepted that when there are substantial differences between employee and employer there should be means to present those differences to superior authority when it is not possible to resolve them directly.

In professional relations, however, such actions should be undertaken only under the most urgent circumstances and only after every good-faith effort has been made to reconcile the differences between the parties. It is noted in the facts that the intent to file the grievances was made known to the department head.

We turn to the requirement of Section III.1. of the Code with regard to the impact of this issue in terms of the integrity of the profession and the engineers involved in the clash. If, as surmised above, the situation has reached a point of no return following good-faith efforts to avoid the open conflict, the action of the faculty members would not imply a lack of integrity.

Human nature being what it is, we have to recognize that there will be clashes of personality and of policy issues. We believe that the overall purpose and intent of the kind of professional relationships contemplated by the Code require the highest level of effort to resolve such disputes, but when this is unavailing the aggrieved engineers must be allowed to take their case to higher authority.

Conclusion:
*The engineer members of the faculty acted ethically in submitting their grievances to the dean, assuming, however, that they had first exhausted their best good-faith efforts to resolve the issues with the department head.

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