BER Case 95-2

Approved
December 7, 1995

Fundamental Canon 4
II.1.d. - Code of Ethics
II.2.b. - Code of Ethics
II.3.a. - Code of Ethics
II.3.b. - Code of Ethics
II.3.c. - Code of Ethics
III.2.b. - Code of Ethics
III.2.c. - Code of Ethics
III.3.a. - Code of Ethics

ENGINEERING RESEARCH -- CLIENT CHANGES TO REPORT

FACTS:

Engineer A is a research professor at a major engineering college. He performs important research in connection with certain new technologies in the field of transportation. As part of his work, the university has received a number of grants from major corporations and the federal government. As the principal investigator, Engineer A collaborates with several other research professors at the university as well as graduate students. In addition, he routinely meets with representatives of government agencies and private funding groups and reports on the status of his research, and publishes the results in professional journals and at technical conferences. Engineer A has a long standing relationship with the university and is a tenured professor. He has received multiple honors and awards for his services. Engineer A highly values his reputation as a professor and researcher.

Engineer A meets with the major commercial sponsor of his transportation research and present the results of his research in a paper, including charts, graphs, and other illustrative material. The commercial sponsor clearly has a significant interest in the research report and its conclusions and, subsequently, the commercial sponsor makes certain changes in the research report bearing Engineer A's name without his knowledge and approval. The changes include altering report text, altering tables and removal of figures.

Engineer A seeks assistance concerning the appropriate course of action.

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QUESTION #1:
Would Engineer A be ethical in taking action against the sponsor?

QUESTION #2:
Was the sponsor ethical in altering Engineer A's report?

DISCUSSION:
There are several aspects of this case that need to be discussed in order to evaluate appropriate courses of action and ethical implications. There are questions which need to be answered before reaching an opinion in this case. Did the changes improve the report quality? Did the changes modify or change the results inappropriately? Did the changes make the report more readable or make it more confusing? Was the report published by the sponsor or just used in-house? In considering this case, some assumptions need to be made.

One could argue that if the "changed" report is to be used specifically and only by the sponsor in their internal decision making process and if the "certain changes" made by the sponsor did not change the actual conclusions of the engineers report, there might appear to be ethical implications on the part of the sponsor. The sponsor paid for the research and it is theirs to use as they see fit as long as they do not modify the results to serve a purpose not intended by the research engineer. However, the BER believes that the report remain the responsibility of the author and should not be changed. The sponsor could ethically write another report using the information from Engineer A's report with appropriate reference to Engineer A's report. Code Section II.2.b. requires that the engineer's name not be affixed to any document not prepared under their direction and control.

If the "changed" report is to be published by the sponsor or if the "certain changes" made by the sponsor did change the actual conclusions of the engineers report, there again appears to be ethical questions on the part of the sponsor. The sponsor paid for the research and it is theirs to use but not in a

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way that modifies the results to serve a purpose not intended by the research engineer. The sponsor is obligated to notify the engineer of the changes and seek his permission before making the changes. Under these circumstances, the engineer should at a minimum request the removal of his name from the changed report and if not granted, never accept a research project from that sponsor and at a maximum, take the sponsor to court. Of course, several actions between these extremes are possible and should be explored.

Referring to II.3.a. of the engineer's Code of Ethics, an engineer shall be objective and truthful in reports. They shall include all relevant and pertinent information in such reports. Furthermore, Section II.1.d. states that an engineer must not permit the use of their name in business ventures with any person that they have reason to believe is engaging in fraudulent or dishonest business or professional practice. Fundamental Canon 4 of the Code of Ethics states that the engineer shall act in professional matters for each employer or client as faithful agents or trustees. Assuming that the sponsor involved in this case was an engineer, he should also be aware of and adhere to the profession's ethics code.

CONCLUSIONS:

1. Engineer A would be ethical in taking action against the sponsor.

2. The sponsor in this case acted unethically towards Engineer A.

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