

- Preamble - Code of Ethics
- Section I.3. - Code of Ethics
- Section II.3. - Code of Ethics
- Section II.3.a. - Code of Ethics
- Section II.5.a. - Code of Ethics
- Section III.1. - Code of Ethics
- Section III.3.a. - Code of Ethics
- Section III.10. - Code of Ethics

AUTHORSHIP OF ARTICLE -- MISLEADING REFERENCE

FACTS:

Engineer C is employed by UVW Consultants, a major structural engineering firm and is a project manager for a bridge. After completing his work on the bridge, Engineer C leaves the firm and associates with another structural engineering firm which has not relationship to the bridge project. As an employee of the new firm, Engineer C authors an article for an international structural engineering journal on the bridge project. Under the title of the article, Engineer C lists his name and identifies his affiliation with his current firm. The only credit given to UVW Consultants is listed at the end of the article under "Engineer of Record."

QUESTION:

Was it ethical for Engineer C to list his name and the two firm names in the manner indicated?

DISCUSSION:

The obligation of the engineer to give appropriate credit for other's work was considered in Case 92-7 (which also dealt with responsibility to identify the source of data). In that case Engineer B, a professor of civil engineering, conducted research and developed a paper based upon data obtained from professors, in the chemistry department, who did not reveal that the data was generated by Engineer A and XYZ Consultants. Engineer B published a paper.

Engineer A's data was displayed prominently therein and the work of XYZ constituted a major part of the paper, no credit being given for either. After publication Engineer B learned the actual source of the data and finding. The question: Did Engineer B have an ethical obligation to clarify the source of data contained in the paper. In evaluating the case that the Board considered earlier in Case 75-11 in which it was made clear that the engineer must clearly and individually identify each source of data.

Another recent case, 92-1, also addressed whether it was ethical for an engineer to fail to give credit for another engineer's work. There, Engineer A the prime professional contractor for the design of an elevated highway bridge employed Engineer B, for his special expertise, to design a critical aspect of the bridge. Engineer A later entered the bridge in a national contest, winning the prize.

However, the entry failed to credit Engineer B for his part of the design. Following discussion of Sections I.3., II.3.a., III.3., III.5.a., and III.10.a. the Board decided that it was unethical for Engineer A to fail to give Engineer B credit.

This case differs from these earlier cases in that, while giving prominence to his new firm by its identification at the title, Engineer C did list UVW Consultants as "Engineer of Record" *at the end of the article*. While it may be argued that the stated listings were not dishonest, the Board cannot accept that defense for something so potentially misleading and unfair. Consider -- had the author been a journalist or free-lance technical writer, surely UVW Consultants, the design firm, would have been recognized as material to the article and would have been clearly identified within the body of the article. Engineer C's failure to include that relevant and material information is believed deliberate and less than forthright.

Other sections of the Code are considered also relevant in the instant case. The Preamble, in its third sentence, requires "...honesty, fairness and equity..." And Section III.1. says that "Engineers shall be guided...by the highest standards of integrity." We do not view that Engineer C behaved to these standards toward his former employer UVW in his article.

Also relevant are Canon I.3. and Section II.3. which require that engineers shall issue public statements only in an objective and truthful manner. Section II.3.a. goes further with "...They shall include all relevant and pertinent information..." Neither his opening identification nor his closing listing of the engineer of record can serve as full compliance here.

Section II.5.a. provides that engineers shall not falsify or permit misrepresentation of...their associates' qualifications. We believe that the opening identification with his present employer serves to impute the qualification in the article to the new employer who had nothing to do with the project.

And Section III.3.a. provides that "Engineers shall avoid...a material misrepresentation of fact or omitting a material fact necessary to keep statements from being misleading..." Once again, Engineer C's article fails to pass muster.

Finally, Engineer C's article is deficient when measured by Section III.10. which requires that engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

CONCLUSION:

It was not ethical for Engineer C to list his name and the two firm names in the manner indicated.

BOARD OF ETHICAL REVIEW

William A. Cox, Jr., P.E.

James G. Fuller, P.E.

Donald L. Hiatte, P.E.

Robert L. Nichols, P.E.

William E. Norris, P.E.

Jimmy H. Smith, Ph.D., P.E.

William W. Middleton, P.E., Chairman

(G:\BER\1995\BER95-7.APP)