

- II.3. - Code of Ethics
- II.3.a. - Code of Ethics
- III.1. - Code of Ethics
- III.3.a. - Code of Ethics

**EMPLOYMENT PRACTICES -- USE OF MISLEADING ADVERTISEMENT  
IN CONNECTION WITH AN AFFIRMATIVE ACTION PROCEDURE**

**FACTS:**

Engineer A is a volunteer chairman of a university search and screen committee. As part of the search and screening guidelines of the university, Engineer A is asked by the administration to do the following:

1. Recommend in strategic areas for the college keeping in mind the objectives of the university, including the enhancement of horizontal and interdisciplinary connections among faculty and its affirmative action commitments;
2. Recommend in strategic areas where there is a proven track record of need to support the state and the country as evidenced by continuing and new federal and state support (e.g., affirmative action programs);
3. Look for candidates that provide the opportunity for initial leverage of funding and positions supported by specific campus, state and federal initiatives (e.g., affirmative action programs);

Under the university procedure, a pool of candidates from under-represented minorities will first be recruited and only then will non-minority candidates be solicited.

Although the university publicly maintains that all qualified candidates will be considered, the university has a strong financial incentive in selecting individuals from under represented minorities in order to continue to receive federal, state and local financial support. Engineer A believes the university is misrepresenting the process to all candidates.

**QUESTION:**

Is it ethical for Engineer A to participate in the screening and selection process of the university under these conditions?

**DISCUSSION**

The key to the discussion of this case is that the engineer has advanced knowledge of possible deception. The ethical approach for the engineer to take in this case is to address the wording of the advertised program in the presence of the University authorities. Engineer A should first offer suggested corrective wording to be used by the University when publishing information concerning procedures for the search and screening committee.

It is incumbent for engineers who know of “deception” or “deceptive practices” being used in his work environment to bring such to the attention of the responsible parties and to advise the administration that the use of deceptive practices is not in the best interest of the institution. In fact, deception in the advertising may position the University (in this case) to have to defend its intentions in a court of law. However, regardless of the possible court actions or fear of such, engineers must at all times be truthful. Thus, if the advertisement indicates that minorities will be considered first, then there should not be a problem in serving on the committee. However, if the advertisement does not so state, all candidates should be treated equally.

**CONCLUSION:**

Under section II.3.a. of the engineer’s Code of Ethics, it is not ethical for Engineer A to knowingly participate in a program that uses deceptive advertisement regardless whether the engineer acting in a volunteer or paid position. Furthermore, it is unethical for the University as a whole to misrepresent information to the public which leads to deception.

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