

PRSA Code of Ethics Moves From Enforcement to Inspiration

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More than half a century ago in 1950, PRSA wrote its first code of ethics. The brief document was part of an effort by the Society to enhance the professional standing of public relations. Since that time, the PRSA Code has been updated a number of times. A significant revision came in 1959 when enforcement provisions were added and PRSA's Bylaws rewritten to establish a judicial process for handling code violations. Under the new system, judicial panels located in the various PRSA districts heard complaints of code violations and recommended appropriate actions to the PRSA Board of Directors. PRSA members were charged with bringing potential violators to the attention of the judicial panels.

In 1962, the work of the judicial panels was supplemented with the establishment of a nine-member Grievance Board (renamed the PRSA Board of Ethics and Professional Standards or "Board of Ethics" or "BEPS" in 1983). These panels served as "watchdogs" for the Society to investigate complaints by non-members or situations in which violations may have occurred but complaints were not filed by members. Following an investigation, the Grievance Board presented charges to the appropriate judicial panel for a ruling on the matter. In brief, the Grievance Board acted as a "prosecutor," which decided whether to file a charge and the judicial panels served as "juries," which determined guilt and recommended punishment.

This enforcement system remained in place until October 2000, when PRSA members adopted a new code of ethics. The new code included no enforcement provisions, placing more emphasis on the personal commitments of members to uphold industry standards. Although the decision to drop enforcement was not an easy one, it was the only one that made sense, according to members of the Board of Ethics, who are responsible for enforcement activities. PRSA's judicial system simply was not practical for a body that had no legal authority over its members.

Code enforcement has long been a point of debate among PRSA members. In fact, during the 50 years the early codes were in effect, the most contentious issue addressed was enforcement. Although members historically expressed support for a "code with teeth," they also expressed concerns that their code didn't have any. A 1973 survey of PRSA members found that they were especially concerned about the lack of enforcement actions and the Code's inability to relate to non-PRSA members. Although early PRSA leaders shared members' concerns regarding PRSA's lack of jurisdiction over non-members, they also placed some blame on PRSA members themselves for contributing to enforcement problems. Members were reminded that if they were not willing to charge fellow members with Code violations, the Grievance Board had no evidence on which to base charges. Another factor cited by PRSA leaders as contributing to members' negative perceptions of enforcement was the confidential nature of the grievance process. Since PRSA Bylaws stipulated that all enforcement proceedings became confidential

when an investigation began, the Grievance Board could not inform members about their work.

At the same time, a review of code enforcement actions suggests that members had real cause for concern. According to PRSA documents, during the first 50 years in which PRSA had a code of ethics, only 10 of 232 cases investigated resulted in formal sanctions against members for unethical behavior. If letters of “admonishment” or “concern” sent by the PRSA Board of Directors to members are included, the number is at least double the figure for formal sanctions, although existing records do not indicate how many such letters were sent. Additionally, six of the 10 formal sanctions were based on the findings of a court of law rather than the findings of PRSA judicial panels, meaning that only four formal sanctions resulted from investigations conducted by the PRSA Board of Ethics in 50 years.

Although this figure does not reflect the countless hours spent by Grievance Board -- and later Board of Ethics -- members on enforcement activities, the fact remains that the enforcement system simply was not effective in holding members accountable for unethical behavior. (Unless, of course, one assumes that 222 of the 232 allegations of ethical misconduct were groundless.) In addition to members’ reluctance to report on the behavior of their colleagues, there were other problems. For example, when members were notified that they were being investigated, many simply resigned rather than go through the judicial process, continuing to practice but outside PRSA’s reach. Additionally, accused members often refused to provide evidence related to their conduct -- although required to do so under the former codes -- relying instead on legal counsel to handle their communication with BEPS. The potential for defamation lawsuits complicated the matter even further.

In fact, BEPS’ inability to prosecute potential code violators was a significant impetus for the new code of ethics adopted by PRSA members in 2000. Another compelling factor was the need to update PRSA standards to better address contemporary issues and practices. When BEPS members sat down to write a new code, their goal was to develop a new – not a revised – document that dealt with enforcement problems and defined the professional responsibilities of public relations practitioners in the 21st Century.

According to BEPS Chair Robert Frause, the most significant challenge faced during code development was “overcoming the natural desire to develop a code that could be enforced.” At the same time, years of experience had taught BEPS members that PRSA could not enforce a code of conduct without legal authority to subpoena evidence and sanction members. Thus, the new code includes no references to enforcement, with the exception of a provision providing PRSA the right to expel a member found guilty of misconduct in a court of law.

The intent was to provide a code that inspires ethical behavior rather than emphasizes punishment for unethical conduct. The new code is voluntary, requiring members to pledge to uphold code principles every year when they renew their dues. Those who refuse will not retain their memberships in the Society. In that respect, the Code raises

the ethical bar for today's public relations professionals and puts them in charge of their individual and collective ethical destiny. Without a formal enforcement program in place, it will be up to each member to keep that bar high.

This article is adapted from an unpublished paper based primarily on documents provided by PRSA to the author.

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