

Why PRSA Ended Punishment and Sanctioning Nearly 20 Years Ago, in 2000

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A Commentary Companion to "PRSA Code of Ethics Moves from Enforcement to Inspiration" by Kathy R. Fitzpatrick, APR, JD, Past BEPS Member, 2000 PRSA Code revision team member

The Search for Ideal Behavior

My favorite definition of ethics comes from Will Durant, an American philosopher who with his wife Ariel authored the 11 volume, "The Story of Civilization." The quote comes from his book "The Story of Philosophy" where he defines ethics as, "the search for ideal behavior." From a practical perspective, this, to me, is a truly useful definition of ethics for the Public Relations practitioner.

During Nearly 50 Years of Enforcement Failure, Prior To Adoption of The PRSA Code of Ethics Revision Of 2000, PRSA Learned Many Important Lessons:

- Coercing compliance is a failed ethics strategy, especially in a voluntary society such as PRSA.
- PRSA only has the power to insist on voluntary member Code compliance.
- PRSA can inspire ethical behavior, motivate ethical practice, educate best practice; clearly identify malpractice and other improper behaviors, and warn and teach members how to avoid them.
- The 2000 PRSA Code contains only aspirational, educational and procedural guidance and examples of malpractice.
- The concept of Code violations and violators ended with the 2000 Code revision.
- Ethical practice is the most important obligation of a PRSA member.

Having served on The PRSA Board of Ethics and Professional Standards (BEPS) for 25 years (I am now an Emeritus member) and as a Judicial Panel member in Minnesota for several years before that, and on the Counselors Academy Ethics Panel, *I can attest to the fact that many complaints about ethics were attempts by one member to get rid of another member they just didn't like or were complaints about business practice problems already covered by laws, rules and regulations rather than with personal or business ethics.*

As a voluntary Society, PRSA can:

- Establish voluntary practice standards, codes of conduct and practice guidelines.
- Inspire, educate, and motivate best practice through a wide variety of educational programs, motivational events and practitioners who inspire other practitioners to the highest levels of ethical practice.
- Promote voluntary compliance.
- Teach that Ethical practice is the most important obligation of a PRSA member.
- Establish reasonable, sensible and very limited procedures and regulations for becoming a member and removing individuals from membership.
- Establish what is unethical, improper, malpractice:
 - A threat to the ethical practice of public relations;
 - Behaviors inappropriate and/or inconsistent with the Code;
 - Behaviors disruptive or that undermine ethical practices;
 - Practices and behaviors destructive to the reputation of practitioners, our profession or our Society.
- Warn and teach members how to avoid improper behavior.

Organizations that can apply successful sanctions and punishment have:

- Some public policy or lawful delegation to actively coerce compliance and impose punishment and sanctions.
- Powers such as licensure (or permits) from a recognized public authority, and recognition or authorization of regulatory, oversight, or punitive authority delegated by a public body, i.e., city government, county government, state government, legislature, a court or Congress, for

establishing enforceable disciplinary processes.

In the absence of such public authority delegation, compliance in a voluntary Society like PRSA can only be voluntary.

Why Identifying Violators and Sanctioning at PRSA Ended Almost 20 Years Ago

Identifying violators and attempting to sanction malpractice failed. Sanctions on malpractice, as Fitzpatrick's study demonstrated, also failed. Response (citing fellow Society members) by PRSA members was dismal

With the Code revision of 2000, the concept and mechanism for prosecuting, or punishing malpractice, unethical behavior or "violations" was abolished. The PRSA Code simply cannot be violated. The PRSA Board of Ethics and Professional Standards recommends **against** use of the words, "violations," and "violators" to characterize any unethical behavior in Public Relations. The PRSA Code contains only aspirational, educational and procedural practice guidance.

Use the Lexicon of Unethical Public Relations Behavior

Every Code provision in the PRSA Code of Ethics, as well as every Ethics Standards Advisory (ESA) contains examples of improper conduct. As subsequent Professional Standards Advisories are developed, approved and deployed, additional terms to describe improper conduct will be further explained, and examples provided.

The current lexicon includes:

- Unethical conduct
- Improper conduct
- Malpractice
- Inappropriate behavior
- Inconsistent with the Code
- Disruptive to or can undermine ethical practice
- Destructive to the reputation of practitioners, our profession or our Society

Many Voluntary Societies Establish Voluntary Codes of Conduct

Voluntary societies have established inspirational codes of conduct. The Society of Professional Journalists (SPJ), International Association of Business Communications (IABC), American Association of Advertising Agencies

(AAAA) although some aspects of advertising are governed by laws, rules and regulations; and Word of Mouth (WOM) are examples of voluntary professional or trade associations.

These professional or trade associations, failing to have a legal basis for using enforceable regulatory oversight, have focused on inspiration and education of their members. Lawyers, doctors, accountants, police officers, dentists, hairdressers, barbers, and other services that are licensed by a state, county, government or court system are delegated the power to impose penalties and sanction violations.

A few voluntary Associations have set forth sanction and punishment language but these provisions can never be truly enforced. There have been several attempts to establish uniform codes across the world with sanctions but here again there is no real enforcement power and often wide differences in practice perceptions culture to culture. Oddly enough, malpractice, inappropriate behavior and improper conduct and practices are very similar culture to culture. The global model for Public Relations ethics codes is and remains the PRSA Code of Ethics 2000 revision.

PRSA's only real sanction is administered, as it should be, by the PRSA Board: expulsion for failing to fulfill basic membership requirements - usually nonpayment of dues or some form of moral turpitude such as a felony conviction, or perhaps gross malpractice or persistent provable unethical behavior.

PRSA has never been successful at sanctioning members. Virtually all such attempts have been successfully ignored, disputed, dismissed or discarded. Sometimes other means, such as persuading an individual to voluntarily leave the Society, were used to achieve the same outcome. Records indicating that members who were said to have received sanctions or punishment from PRSA for anything are rare and suspect.

Some members have left in a huff because they couldn't use the PRSA to sanction someone they didn't like. The two or three members who were convicted or plead guilty to felonies, left on their own initiative for the good of the Society. PRSA has never put itself to the test of taking successful action to expel.

Maintaining a prosecutorial posture brought significant financial risk to the Society coupled with extraordinary recurring legal expenses, retaining counsel to advise BEPS (usually to do nothing).

In 2000, our Society, after 3 ½ years of aggressive work, study, advice from experts, focus groups, many internal presentations to various elements within PRSA and the public relations industry, decided to move in a completely different direction, one where we could affect the practices of thousands of practitioners in positive and constructive ways, on a continuing basis. The Code was revised to reflect this educational, inspirational, and motivational approach and remains to this day.

Today, 18 years after Code revision, the institutional memory occasionally lapses. But, moving to a punishing scenario raises the same important, even urgent questions:

1. How does punishing Society members maintain our Society's reputation?
2. How does attempting to punish Society members and constantly failing enhance the reputation of our Society?
3. How does such aggressive, negative Society behavior enhance ethical practice especially the overwhelming evidence of failure over nearly 50 years of attempted enforcement prior to the Code revision of 2000?
4. To be credible today, a process of punishment and sanctions, previously conducted in total secrecy, would have to be public, open, transparent and disclose the complaint filers, the alleged unethical practitioners and the charges being alleged. Someone will keep score, mostly of our failures.
5. Do we want to be known for the number of practitioners we try to kick out each year, or rather, by the thousands of practitioners we help to be more ethical and appropriately professional each year?
6. Because the evidence over the past, now 70 years, fails to document the need nor the possibility of success of sanctions and punishment, the reputational price to be paid by our Society would be enormous. The evidence shows that such efforts fail most of the time. Now such proceedings and failures would be public, because they have to be and members would likely demand it.
7. Where is the evidence that punishment and sanctioning lead to more ideal behavior?

My hope is that these comments will better clarify how present policies came about and help inform the discussion of punishment and sanctions among practitioners. I served as BEPS Co-Chair during the 3+ year revision process led by Bob Frause APR, Fellow PRSA BEPS Chair; Seattle WA.

I am available to discuss any questions about these issues with fellow practitioners, Chapter Ethics Officers, Chapters via conference call, Zoom or in person.

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