



Why PRSA Can't Punish

But it CAN inspire ethical behavior, clearly identify malpractice and other improper behaviors, and **warn and teach members how to avoid them.**

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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

Simply put, to have punitive power, PRSA must have additional authority conferred on the Society by a government agency, public legislative body, or judicial decision, instruction or opinion.

As a voluntary Society, PRSA can:

- Establish voluntary practice standards, codes of conduct and practice guidelines.
- Promote voluntary compliance.
- 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, inappropriate, inconsistent with the Code, disruptive or can undermine ethical practice, and destructive to the reputation of practitioners, our profession or Society.
- Warn and teach members how to avoid improper behavior.

The concept and mechanism for prosecuting, or punishing malpractice, unethical behavior or "violations," has been abolished. It is simply wrong to imply or infer that disregarding PRSA Code of Ethics guidelines is a violation of some enforceable regulation that can be punished with sanctions, fines, or other forms of coercion. The PRSA Board of Ethics and Professional Standards recommends against the use of the word "violations" to characterize any unethical behavior in public relations. The PRSA Code contains only aspirational, educational and procedural practice guidance.

Some public policy or lawful delegation is required to actively coerce compliance or punish, sanction, or even expel. Actions such as licensing (or permits) by 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, legislatures, a court or Congress, could provide the legal basis for establishing enforceable disciplinary processes. In the absence of such public authority delegation, compliance can only be voluntary on the part of any member or an accused.

Using the lexicon of unethical public relations behavior

Every Code provision in the PRSA Code of Ethics, as well as every Professional Standards Advisory (PSA) 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

Voluntary societies have established inspirational codes of conduct. Journalism, public relations, advertising, word of mouth (WOM), and many other voluntary 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 or government authority, can impose penalties and sanction violations.

There are advertising laws, rules and regulations that have legal remedies. These sanctions, if any, are administered by government agencies, commissions or authorities, rather than trade associations or business societies. And there must be some kind of public accusation or action, like filing a complaint within a jurisdiction competent to adjudicate the facts.

PRSA's only real sanction is expulsion for failing to fulfill basic membership requirements — usually nonpayment of dues and some form of moral turpitude such as felony convictions or, perhaps, gross malpractice or persistent unethical behavior.

PRSA has never been successful at sanctioning members. Virtually all such attempts have been successfully disputed, dismissed or discarded. Or other means, such as persuading an individual to voluntarily leave the Society, were used to achieve the same outcome. Records indicate that members, who actually received punishment from PRSA for anything, are rare and suspect. Some members have left in a huff because they couldn't use their membership to sanction someone they didn't like. The two or three members who were actually 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 actually taking successful action to expel.

Keep in mind that every potential case to be prosecuted in the past brought with it significant financial risk to the Society by pursuing some action for which it would unilaterally invest thousands of unrecoverable dollars and still only hope to achieve someone's voluntary compliance.

During the three-decade-period we thought we could enforce, PRSA provided a mid-five-figure annual legal budget.

In 2000, our Society 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 approach and remains to this day.

Today, 10 years after Code revision, the institutional memory has lapsed. Once again, we hear calls for punishment of others as a way of enhancing or endearing our profession to members. The question is how does punishing someone else ennoble, enhance or maintain our Society's reputation, or, for that matter, enhance ethical practice?

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 more appropriately professional each year?