

BEPS celebrates the 10th anniversary of the PRSA Code of Ethics

The Public Relations Strategist

December 16, 2010

Ten years ago, PRSA's Board of Ethics and Professional Standards (BEPS) rewrote the Society's Code of Ethics in an effort to change the tenor from a punitive approach to one that was more enlightened and educational. To celebrate 10 years of the code helping to guide ethical behavior, we invited the former members of BEPS to revisit the challenges they faced in drafting the new code and shepherding it through ratification by the membership.

Participants:

- Bob Frause, APR, Fellow PRSA/ Chairman & CEO, Frause Full Spectrum Communications
- James E. Lukaszewski, ABC, APR, Fellow PRSA/ Chairman & President, The Lukaszewski Group Inc.
- Kathy Fitzpatrick, APR/ Professor, Quinnipiac University
- Linda Welter Cohen, APR/ CEO, The Caliber Group
- Jeff Julin, APR, Fellow PRSA/ President, MGA Communications Inc.
- James Frankowiak, President, Coastal Public Relations Group
- James Wyckoff, Adjunct Instructor, New York Institute of Technology
- Judy Voss, APR/ Director of Professional Development, PRSA

Patrick McLaughlin, APR: Perhaps it makes sense to jump into the historical perspective of how you were all involved [in creating the new code] 10 years ago and why that was an important issue for the organization.

Bob Frause, APR, Fellow PRSA: All of us were meeting and taking a look at these confidential cases that would come up. [We were] getting really frustrated that we'd get to a point in the investigation, and the attorney would tell us that we couldn't do anything because we didn't have enough evidence to assure ourselves that we wouldn't get taken to court if we issued a suspension or some other form of punishment to the alleged ethics violator.

What was also frustrating was that none of these cases could ever be used for any kind of educational purposes because they were in the confidential "black box." But now that we've opened it up, it's a whole different story.

Jeff Julin, APR, Fellow PRSA: When you talk about why [the old code] didn't work, you really had to talk about ... why enforcement didn't work. PRSA has no legal standing; we could not really do the investigations that were needed to understand the circumstances [around] the alleged unethical behavior and then make a decision.

Kathy Fitzpatrick, APR: We were also concerned about the punitive nature of the code and the fact that the focus was not on ethical public relations practices but on what kinds of practices were prohibited.

Julin: My recollection is that Jim Lukaszewski's drumbeat was, let's educate. And I totally agreed with that. That was ... the beginning of where we were to go.

Linda Welter Cohen, APR: I remember reviewing several ethics complaints with the ethics board and how difficult it was to obtain any concrete information that would enable us to either provide consultation or make a decision. We ran up against this scenario time after time. We started to have deep discussions about whether we should focus PRSA resources on education [or] punishment. We concluded that education would more likely produce the kind of outcome we desired for our profession.

Frause: The Ethics Resource Center’s final recommendation was to keep the enforcement component as part of the new code.

Then somewhere along the line, we flipped and completely took all of the enforcement components out of our first draft. Even the current “enforcement” language in the Member Pledge was not included in our first recommendation to the board.

Julin: We all agreed for a long time that enforcement wasn’t working. [But] we weren’t ready to say, “Let’s get rid of it,” because we didn’t think the Society was ready to move that quickly.

Fitzpatrick: Bob Frause said [that] code enforcement was impossible without becoming a licensed or regulated profession. He was a strong proponent of an aspirational and educational code, yet he recognized the desire for accountability. One of the most difficult challenges was overcoming the natural desire to develop a code that could be enforced.

Cohen: I recall that for a long time we were split right down the middle, for we could understand and appreciate arguments for each approach. We spent a lot of time talking about the ramifications of either direction before we finally arrived at [our] conclusion.

Fitzpatrick: We also looked at other nonprofit organizations’ codes of ethics, and what we found was that PRSA had the only code with such a sophisticated enforcement process.

Frause: Jim and I presented the new code without any enforcement provisions to the board at its meeting in Tahoe. Board member Kathy Lewton, APR, Fellow PRSA, raised her hand and said, “Do you mean to tell me that we have completely taken all enforcement provisions out of this code?” We said yes, and we gave the rationale [as to] why. A spirited discussion ensued. The vibe at the time was that this was going to be a deal killer.

Jim and I asked for a time-out to discuss. We huddled in the corner and said, “Well, maybe we could insert an enforcement provision in the Member Pledge that was based on members breaking the law and receiving a conviction.”

So we proposed the current Member Pledge language: “Those who have been or are sanctioned by a government agency or convicted in a court of law of an action that fails to comply with the Code may be barred from membership or expelled from the Society.” Situation resolved. Someone called for a vote, and they approved it unanimously.

James E. Lukaszewski, ABC, APR, Fellow PRSA: I asked constantly throughout the process: Do we want to be known by the number of people we kick out or by the quality of practitioners who belong?

To me, this question was the defining thought process [behind] the inspirational concept. We needed to take a measure of ourselves as professionals rather than being police. Our inspirational process would be about integrity, honor and competence.

Julin: [We discussed that] letting a legal body — whether it was the SEC or a court — rule on the alleged ethics or unlawful action put the Society on solid ground to expel a member. It was a better way to go since they were the ones who could legally investigate the allegations.

James Wyckoff, APR: We tried to gauge not only our ability to legally remove someone from the Society’s ranks but also 1) the repercussions concerning defamation suits, 2) the impact of removal from PRSA on a practitioner’s business and career, and 3) the possibility that we might be wrong in any given decision.

Cohen: I think the education and opportunities to provide feedback throughout the process had a lot

to do with its universal acceptance. We did our homework and prepared members well so they could make the best-informed decision.

Strengths and weaknesses

McLaughlin: Now that you've had an opportunity to look back at what you were able to create 10 years ago, is there anything you would do differently?

Julin: For me, this code is the foundation for our advocacy initiative. But I think advocacy and ethics are much closer today than they have been in recent years. We've been purposeful about linking those two and not just [saying], "Let's have a conversation once or twice a year."

Cohen: One of the best things I've seen transpire is that ethics is now a focus at the Chapter level. Many Chapters now have ethics officers devoted to teaching educational programs about public relations ethics and professional standards at least once a year. It is encouraging to see that our desire to bring about ethics education is reaching nearly every member.

Frause: The Professional Standards Advisories (PSAs) are awesome, too. The whole PSA effort over the past 10 years has really enhanced the code.

If we were going to do it again, I'd want to expand the examples at the bottom of each code provision. Those were good to start with but somewhat thin after the first couple of years. And now that we have the PSAs, they're able to enhance the code that much more.

If it were up to me, I would combine the code and the PSAs into a new code booklet.

Julin: [The code] is a great platform to talk about ethics. There wasn't a lot to talk about with the old code, other than memorizing the provisions so you could pass your APR exam. So another benefit was the discussion that members have had over the years.

Fitzpatrick: From an educator's perspective, this code is much better for teaching in the classroom: the format of the code, the core values and particularly the why behind the how. The old code was just a punitive list of things you shouldn't do. The new code lists the provisions and explains why we should do the things we do. The current code contributes to informed decision making by providing the background young professionals need to understand the importance of ethics.

Wyckoff: Young professionals first taking the pledge are far removed from some of the business issues (e.g., account pitching and maintenance), so I wonder if the materials might be aimed at various experience levels or be labeled as such.

One area that affects the current young professionals is the use of reviewing or tweeting on behalf of clients. PR technicians, as I refer to them in their first few years in the business, portray themselves as consumers. This runs counter to the honesty value point and disrupts the free flow of information. [This is] similar to the discussion about front groups.

Julin: What's interesting about the code is it doesn't have all the answers. But it makes you ask good questions. It says that ethics is something that you have to process for yourself, for your organization and for what you do. Here's the foundation on which to have that discussion.

Cohen: We came to the conclusion that there would be new situations that would come up, and that the new code as organized would allow for new examples to be added over time. The old code didn't allow for new additions or educational opportunities. I think that's one of the strongest aspects of the new version.

McLaughlin: Would someone address the fact that there has been a great deal of cost savings because of the adoption of a less punitive approach?

Frause: Our budget for the ethics attorney was between \$25,000 and \$30,000 a year. It was frustrating to pay that kind of money each year to be told we didn't have a case or that we couldn't pursue a case because we lacked evidence. If we were still under the old code, we would have paid in the neighborhood of \$250,000 to \$300,000 in attorneys' fees over the past 10 years. Plus, all of the ethics work would be confidential, and there wouldn't be one lick of education, because that wasn't our mission.

Add in PRSA staff time and research, and I think all in all the Society spent \$150,000 on the code revision. Subtract that from the \$250,000 to \$300,000 that we would have paid in legal counsel, and we conservatively have saved the Society somewhere between \$100,000 and \$150,000 in the past 10 years. Those savings will continue, because the cost to execute the new code is related to some staff time and collateral printing costs. The rest of our mission is carried out by hardworking PRSA volunteers on the Board of Ethics and in the Chapters under the leadership of the Chapter ethics officers.

McLaughlin: We do regular calls with the ethics officers and provide examples that they can share at the Chapter level.

Lukaszewski: Of all the things we've accomplished, one of the most important is establishing ethics officer functions in every Chapter.

Cohen: How is PRSA responding to members' ethics concerns today? Do the Chapter ethics officers still serve as ethics consultants for Chapter members? Or is BEPS still receiving these kinds of calls as we did more than a decade ago?

Judy Voss, APR: They come through me, and I pass them on to the current BEPS chair, Tom Eppes, and he gets back to the members.

Lukaszewski: I've always wanted to see ... some kind of an ethics hotline that was publicly advertised that people could call. We can offer opinions — and that's another area that I'd like to see us move into in addition to the PSAs. The PSA is a very formal process designed to supplement the code so we don't have to change the basic code; we just amend it.

Cohen: Has any member brought forward any provisions or core values that they felt were missing from the new code?

Lukaszewski: There really hasn't been. The only lingering issue ... is enforcement. It's still out there.

“The expectation of inspiration”

Frause: We've proposed a bylaws amendment that's going to go forward in the 2010 Assembly that removes the word “violation” from pretty much everything on the website and in the code and in the bylaws.

Lukaszewski: Language matters. The way we describe events and circumstances is important. The word “violations” has the wrong connotation, and its use perpetuates an expectation of punishment that has simply gone away.

We want to perpetuate the expectation of inspiration. We want to perpetuate the expectation of

education. We want to perpetuate the aspirational nature of what ethical practice really is. We want to set the tone for what ethics is really about: integrity and competence.

McLaughlin: Things have changed from 10 years ago; certainly technology has changed. Do you anticipate the need for the code to evolve, or do you think it's capable of addressing whatever issues come up regardless of the technology involved?

Wyckoff: Two things that have emerged since we did our work are self-publishing, such as blogs, and social media like online reviews and Twitter. Areas we might want to study to see if the code might be revised are editorials produced by PR practitioners and the blurring of the line between editorial and public relations. For example, last year a prominent PR executive mentioned several firms in his column/blog at a well-read newspaper. Then, in an e-mail to his account people, he suggested that follow-up pitches be made, implying a quid pro quo for the publicity, or a promise of editorial for fee.

Another questionable practice is PR staff reviewing or tweeting on behalf of clients as if they were run-of-the-mill consumers.

Julin: I think one of the beauties of the document is how well it has adapted to the new technology, particularly around social media and commenting and anonymous posting.

Fitzpatrick: The provisions allow that to happen. The values certainly did [as well], but in explaining the provisions and the rationale and intent, you can put so many emerging trends into the context of these core provisions.

Frause: The PSA has given us the ability to enhance the explanation that much more.

Julin: The question is, Do we need to review and look at new things?

Fitzpatrick: I think where the expansion could come is in the examples. I don't even see anything here about the Internet ... nothing about new media, social media and all of the emerging channels of communication. It would be a good idea for a group to take a look at the examples and to see where new channels of communication and issues that have surfaced in the past 10 years could be addressed.

Lukaszewski: If we add the element of opinions, which are less formal than the PSAs, then we have something that is of the moment, so to speak.

Cohen: The PSAs have been a great tool, especially when there has been a need for PRSA to respond quickly with an opinion or provide guidance about a new ethics situation. However, I would still like to see the PSAs or more examples regularly added to the code so that it will continue to be the most current single source of ethics education available to members, students and public relations professionals.