



[Ethical Guidelines for Statistical Practice: Report of the Ad Hoc Committee on Professional Ethics]: Comment

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The American Statistician, Vol. 37, No. 1. (Feb., 1983), pp. 11-12.

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eral guidelines" remain general and that the details be part of the much-needed special studies described in Statement I.C.3.

Statement II.C.6 encourages us to address criticism to the inquiry instead of to individuals. Probably what is meant by this statement is that criticism of facts rather than of people keeps the discussion on a higher plane and encourages a more profitable outcome from a review, and, of course, this meaning deserves support. Yet short statements like this without context could misdirect our attention. Another way of looking at this statement is that it seems to direct us to relax what little vigilance we have against fraud. I have often argued that we statisticians have no special strength in detecting fraud. We, and other scientists, start with the idea that nothing outrageous has happened. Most of what we do is based on mutual trust. Once we are convinced that something unsavory has occurred, we can, of course, help ferret out the problem, but we do not have a vigilant attitude against fraud.

As my final example of the difficulty of context-free principles, Statement II.D.3 advises statisticians not to accept contingent-fee arrangements. Frequently government and private industry advertise for groups to carry out research, based on submission of bids. Statis-

ticians are often part, an essential part, of the team preparing the response. If the group wins the contract, then the statisticians are likely to be employed as consultants on the project—which to me is clearly a contingent-fee arrangement, though others may feel differently. Are we to have some statisticians help prepare the bid (often free of charge), and others unfamiliar with the planning execute the project? Or are these organizations to be deprived of statisticians altogether? Neither, I think, and I am sure that in the proper context this advice is excellent, though why it is all right for, say, lawyers and not for statisticians needs to be explained.

Although my remarks may sound negative towards these guidelines, that is not my message. Instead (a) I am pleased to see progress in the direction of alerting us to our long-standing ethical problems; (b) I want some general statements on ethics; (c) We need the more detailed guidelines in a context where they can be properly appreciated. Specifically, the arabic numbered items in Section II, while excellent in the abstract, seem to take us too far too fast; (d) We need advice about methods of handling specific difficulties; (e) I look forward to the establishment of a Committee on Professional Ethics and to its activities as described in Section I.C.

Comment

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One can certainly imagine that considerable time and energy must have been spent preparing these guidelines. The Committee on Ethics should be commended for its endeavors. While I believe in general that the resulting document positively contributes to our profession and to the practice of statistics, I am concerned about several facets of the document.

Over the last year or so in my capacity as president of our local ASA chapter and as instructor for a consulting techniques course, I have discussed the proposed guidelines with many faculty members and students. The question that was most often asked concerning these guidelines was, "Do we really need an official document from ASA dealing with ethical considerations for statistical practice?" While it is true that statistical consultants in universities may find little opportunity to invoke these guidelines, the mere existence of the document should be helpful. I propose to post the resulting document on a bulletin board in our statistical laboratory beside the information describing the services (and charges) that we offer. If the final document is available in a shorter version showing only Section II, I believe all statistical service facilities would be well advised to post the guidelines.

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In my private practice as a statistical consultant, there have been several occasions in which it would have been helpful to reference these guidelines. In one situation in which I was asked to testify before a legal body, a situation arose that eventually developed into a question concerning whether professional statisticians have a formal code of ethics from their national organization. At the time there was not any and it therefore required considerably more time and effort on my part to convince them of the correctness of my position.

After reading the document several times, I began to wonder what the difference is between the several documents that I have seen dealing with professional ethics. In particular, there appear to be at least the following types of documents: (a) a code of professional ethics, (b) rules of conduct, (c) concepts of professional ethics, and (d) guidelines. I proceeded to contact a colleague, Terry Lantry, who is Professor of Accounting and Business Law in the Business College at Colorado State University. Professor Lantry is familiar with codes of conduct for professionals. He suggests that a code should consist of three parts: concepts of professional ethics, rules of conduct, and interpretations of rules of conduct. While I am not sure that I appreciate the distinction between the three sections of such a document, it does appear as if we have portions of each of these sections in Section II, General Guidelines. For

example, one might view the first sentence in Section II.A as the first *concept* of professional ethics dealing with integrity and the three items listed below it as rules of conduct. Under Lantry's organization for a code of conduct, the term "guidelines" is reserved for clarification and interpretation of the rules of conduct, which are viewed as enforceable ethical concepts. My point is this: If the ASA feels that this document is necessary for whatever reason, is it not important that it be prepared in a manner that is consistent with accepted legal form? I am, of course, not asking that it be cumbersome, rather that the format be consistent with whatever is standard, and that the use of terms like "guidelines" be consistent with accepted usage. Perhaps this document does meet these standards, but a sample of size one suggests to the contrary.

The document that is finally accepted should, I believe, make provision to apply to all who use statistical methodologies, whether they refer to themselves as statisticians or not. As the document now reads, one can violate the guidelines without concern if one merely claims not to be a statistician, since all of the guidelines begin "Statisticians should . . ."

Whether my comments will cause any revision in the document or not, I propose that the document could be improved by rearranging the order of the five sections. I believe the following order will focus the reader of the

guidelines after establishing the background for their creation. Clearly, the first portion should be the Preamble. Within the Preamble though, I am not sure why the "therefore" in the last paragraph follows from the previous two paragraphs. I suspect that it follows from the charge to the Committee on Ethics. If the order of the rest of the document placed Section II, General Guidelines, after all of the other sections, I believe the result will be to strengthen the impact of the guidelines. Within Section II, I find that the four subsections could be captioned as A. Integrity; B. Confidentiality; C. Validation; and D. Responsibility to Clients. I also propose that a fifth subsection be added along these lines: E. Responsibilities to Colleagues. Statisticians should conduct themselves in a manner that will promote cooperation and good relations among members of the profession.

I do not believe that the ASA Committee on Ethics should actively seek out violations to these guidelines; rather, it should respond to alleged violations only if absolutely necessary. It is hoped that the guidelines will serve as a standard and will not often need to be challenged.

One thing is certain. The guidelines and the function of the ASA Committee on Professional Ethics will need to be modified to some extent after the three-year trial period. All of us will have a better idea concerning possible changes after reviewing past experience.

Comment

IRWIN D.J. BROSS*

Newer professions (such as statistics) considering ethics codes and committees can take a leaf from the book of older professions (such as medicine) and profit from the experience of others: "Ethics" is a tricky business.

The machinery of medical ethics is now receiving severe criticisms in *A Theory of Medical Ethics* (Veatch 1981) and numerous articles. The failure of this machinery to control malpractice or other professional misconduct has led to charges that it is mainly used to cover up such abuses. In dealing with the machinery for professional ethics, it is essential to distinguish actual performance of the machinery from what is hoped or expected of it. Good intentions don't prevent bad practice.

The ASA may be aiming at the right target but in proposing the trial Ethical Guidelines for Statistical Practice, it is pointing in the wrong direction. Admittedly, something should be done about the steady erosion of ethical standards in government agencies, in research and educational institutions, and in the medical and scientific professions. My new book, *Scientific*

Strategies To Save Your Life (Bross 1981), gives several examples of how unethical conduct has endangered the public health and safety (Chapters 11, 13, and 14). But is setting up "Ethics" machinery the answer?

The recent fraud in research at Harvard Medical College (Broad 1982) would suggest that internal committees tend to delay, rather than expedite, the resolution of ethical problems. There is a tendency to suppose erroneously that just because a review machinery (often a peer review machinery) exists, it can take care of ethical problems. In practice, committees confronted with these complicated and unpleasant ethical messes (i.e., biomedical frauds tend to involve departmental practices, administrative inadequacies, and persons other than the ones accused of fraud), often look for an easy way out that may not be an ethically valid solution. Conflict of interest and other ethical issues plague the judges as well as those judged (who, on some other occasion, may well be doing the judging). Calling a group an "Ethics Committee" does not change the nature of committeemanship. When given hard choices with painful consequences, committees will dodge the issues, delay the decisions, pass the buck, or otherwise avoid an onerous and unrewarding task.

Unfortunately, a code of professional ethics may tend

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