

*An Input to the Task Force To
Restore IEEE Ethics Advice and
Support to its Members*

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About the Author

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- **BEE (with HONORS) U of Florida, 1958, MSEE U of Houston, 1962**
- **IEEE and SSIT Life Senior Member (1957 – Present)**
- **IEEE USAB Ethics Task Force Committee (1977)**
- **IEEE Member Conduct and Ethics Committees (1996-98)**
- **IEEE USA Employment Guidelines and Salary Survey Committees (1996)**
- **IEEE Melbourne, FL Section Professional Activities Committee for Engineers (PACE) (1997-1999)**
- **IEEE Florida Council, (1996-97)**
- **IEEE Professional Engineer of the Year Award, IEEE Orlando Section (1974)**
- **IEEE USA Merit Award for Promoting Professionalism and Ethics (1998)**
- **Harris Corp. ,Staff Systems Engineer (1980 – 1997)**
- **Bel Canto Singers, Daytona Beach, FL (2009-2014)**
- **Daytona State College Symphony Orchestra (Violin), (2008-Present)**
- **Daytona Travelling Golf League, (2009-Present)**
- **Resident of Crane Lakes Golf and Country Club, Port Orange, FL (2007 – Present)**

Introduction

This input provides a proposed starting point for the new Task Force being formed by IEEE TAB to **“look into IEEE’s ethics matters and gaps, and to then make recommendations for correcting them”**. This Task Force is being assigned to the Society on the Social Implications of Technology, SSIT, and to report to TAB at its February 2016 Meeting. Herein, I am providing some specific considerations for the Task Force to consider adopting. Others are urged to do the same.

In 1998 IEEE 's Board Cancelled all Ethical Support Activities

- Beginning in 1997 and carrying into 1998 and beyond, the IEEE Executive Committee and Board began to systematically terminate the various Ethical Support services and programs which had been put into operation previously,
 - **In particular the Moderated Ethics HOT Line,**
 - **The Giving of Ethics Advice to its Members in need,**
 - **Ethics Legal Support Fund,**
 - **Publishing of the Bi-Monthly Ethics articles in the INSTITUTE (which I have saved) and lastly**
 - **Removal of the Pro-Active Employee Engineers supporting Ethical Support initiatives.**
 - **Martha Sloan's ECRS Proposal was never acted upon**

*During the 1999-2005 Era the EMCC was **Informally** restricted from involvement in Employee-Employer Professional/Ethical Disputes*

- Former IEEE President Wally Read became a member of the Member Conduct Committee in 1998 and Ethics Committee in 1999 during which the EC and MCC was combined into today's EMCC.
- At a MCC Meeting, he expressed **“being against IEEE involvement in employee-employer ethics disputes“**, then beginning around 1999, the EMCC **informally** began practicing that restriction, **to not get involved in employee-employer professional/ethical disputes and to not give ethics advice, later it became an official IEEE Policy**
- I was informed by email correspondence from a former EMCC Chair that **as early as 2000 the EMCC was routinely briefed by a Staff member on that restriction** and further **over the 6 years he had served on the EMCC that at no time had there been an employee-employer ethics support dispute referred to it.**

*During 2005-2015 **Full Formal Enforcement** of EMCC Restriction Against Providing Ethical Support Measures Was Practiced*

- In 2005, the **IEEE Board approved and formally** inserted into 1.4 of the Ethics and Member Conduct Committee's OPERATING MANUAL this one line RESTRICTION:
"THE EMCC SHALL NOT BE INVOLVED IN EMPLOYEE-EMPLOYER DISPUTES"
- Upon my asking a Senior Staff Manager if this applied to just Collective Bargaining Trade Union issues, she wrote to me **that it also included Professional and Ethical disputes.**
- **1.4 also prohibits the EMCC from giving ethical advice** as written into the EMCC Ops Manual

The EMCC Ops Manual Cover
in which is found the ethical support restriction (next)



**Ethics and Member Conduct Committee
Operations Manual**

IEEE
445 Hoes Lane
Piscataway, NJ 08854 USA

The EMCC Ethical Support Involvement Restriction in Employee-Employer Dispute

1.3 Scope

IEEE Bylaw I-305.6

“The Ethics and Member Conduct Committee shall make recommendations for policies and/or educational programs to promote the ethical behavior of members and staff, and shall consider instituting proceedings, as defined in IEEE Bylaws I-110 and I-111, related to matters of member and officer discipline and requests for support. Neither the Ethics and Member Conduct Committee nor any of its members shall solicit or otherwise invite complaints, nor shall they provide advice to individuals.”

1.4 Limits to Activities

IEEE Constitution, Article 1, Section 2

“The IEEE shall not engage in collective bargaining on such matters as salaries, wages, benefits, and working conditions, customarily dealt with by labor unions.”

The Ethics & Member Conduct Committee shall not be involved in employee-employer disputes.

***IEEE’s Restriction for the EMCC Not to get Involved in Employee-Employer Disputes is a Violation of IEEE’s Governing Documents and MCC History
Read my Position Statement document on this.***

2016 and Beyond; Is there a way Ethical Conflicts May be Resolved Early Before Becoming full Disputes

- So, as of now, **the IEEE restricts the EMCC to not support its Members when they face an employee-employer ethical/professional issue** which has placed their **employment in jeopardy**.
- **Why did the Board back then believe there was a problem** which led them to discontinue each of the ethical support services and programs ?
- After all, the **ethical support programs had been enacted previously and had worked very well**, as was documented by Dr Stephen H. Unger, several times.
- **My Position Statement*** investigated this **“ethical support restriction”** matter thoroughly, concluded, and documented that **it was invalid and violated New York law and IEEE's family of Governing Documents**.

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http://ethw.org/images/d/d6/A_POSITION_STATEMENT_DOCUMENTING_ETHICAL_SUPPORT_MEANING.doc

Some of the Negative Results of Prior Support Cases Which Might Have Influenced the Board Enacting the Restriction Policy

- In the 3 major ethical conflict cases where IEEE did render support, prior to 2005, namely BART, Virginia Edgerton and Salvador Castro, **the support was given after, and not before**, the situation had escalated to their respective dangerous stages
- In each case, the **Member engineers had been fired**
- Board Members may have **become reluctant for IEEE to support the Employee**, to protect the Employers
- By terminating these programs, it **got full control of avoiding these situations**, by not getting involved
- But how **was the Public Safety, Health, & Welfare protected?**
- **By adopting this Restriction, to what legal liability did the IEEE exposed itself to, by restricting ethical support in the public interest?**

In the Future, what should the IEEE do to restore full ethical support in employee-employer professional/ethical disputes?

- **Could anything else have been able to be done in advance,** instead, to be able **to defuse the situation** before they reached criticality?
- If it could have been successful, **wouldn't that have possibly produced a "WIN WIN" outcome** for the employee, the employer and the public/client?
- **Why then shouldn't the IEEE work toward that goal,** instead of restricting the EMCC from even getting involved in employee-employer disputes in the first place; **really a NO WIN outcome** for employees and the public/client

- Then what kind of program might be capable of producing the desired **"WIN/WIN"** outcome?
- **Let us try to find “motivated Employee and Employer Members” to join and work together** to find a better solution
- We **need an Organizational Unit (OU)** of the **IEEE** to step up and **lead this effort**
- **Which OU best fits this need?**

What I Propose IEEE Should Do to Restore Full Ethical Support

1. Recommend the **IEEE USA** and the **Society on Social Implications of Technology, the SSIT**, jointly to **take the lead**, as was done previously, led by Dr. Steve Unger, since the 1970's in the BART Case, and IEEE USA **Proposing Discipline and Ethical Support, forming the MCC**
2. IEEE USA and SSIT could form a **Blue Ribbon Task Force of Employee and Employer** Members working jointly. Additionally, have each of **Regions 6-10 appoint a Member or Members to join with the IEEE USA-SSIT Task Force**, and that way **all Regions of IEEE would be represented**, as they should be.

3. Build Upon and Expand the **Martha Sloan Ethics Conflict Resolution Service, ECRS, Proposal**
4. Work together to **restore EMCC offering Ethical Advice and Support to Members** in Employee-Employer Disputes
5. Work to get **Governance Language in the IEEE Constitution** and Implementation Language in By-laws, etc
6. Continue overseeing these **services perpetuate and not get eliminated** again

Rationale for Selecting IEEE USA and the SSIT

This is based upon several factors:

1. It was the **CSIT** early start of the SSIT, led by Steve Unger, that led the effort resulting in **IEEE supporting the BART engineers**, a precedent setting achievement of Ethical Support
2. Then the **USAB**, an early version of today's IEEE USA, which followed BART, **formed its Ethics Task Force in 1977, where Steve led preparing Ethics Discipline and I led preparing** Ethical Support procedures, leading to forming the Member Conduct Committee in February 1978.
3. So it just seems logical for these two **now to join forces** and work to restore what was taken away in the early 1998-2005 period

4. Using the Bylaws/Policy/Manual Governance Documents to restore these Rights is **not recommended** as another IEEE Board would be able to remove these Rights any time it saw fit.

5. **No. A Constitutional Amendment is what's needed** because the **Members and not the Board votes and controls** what goes in there and would provide longevity and be not easy to change

6. Lastly, Martha Sloan, when Chair of the Member Conduct Committee in 1998 when I served with her, gave us her vision of an **Ethics Conflict Resolution Service, ECRS, and so I recommend starting with that and building upon it**

Basic Ethical Services Which Could be Provided

1. Build Upon/Expand Martha Sloan's **Ethics Conflict Resolution Service, ECRS**, Proposal Incorporating:
 - a) A Moderated **Ethics HOT Line**,
 - b) An Ethics **Legal Support Fund**,
 - c) **Support and Amicus Curiae Legal Briefs** in Employee-Employer Disputes
 - d) **Publishing of Ethics articles** in the INSTITUTE on a continuing basis
 - e) **Ethics Outstanding Service Awards** (like the SSIT Barus Award)
2. **Amend the IEEE Constitution** and add these into it as **it gives the Members protective control**, not the Board, **as the Board can Amend if placed in the ByLaws**

*Let's look at Martha Sloan's **Ethics
Conflict Resolution Service (ECRS)
Proposal***

WEB Page of the ECRS

[http://ethw.org/images/9/9b/Ethics Conflict Resolution Service
e ECRS.docx](http://ethw.org/images/9/9b/Ethics_Conflict_Resolution_Service_ECRS.docx)

*Specific Elements of the Sloan Ethics Conflict Resolution Service, **the ECRS***

- 1. Provide Education to the Members**
- 2. Interpret applicable IEEE Governing Documents**
- 3. Hold Face-to-Face Meetings with Those Charging or Asking for Help**
- 4. Provide a Sounding Board Function, Electronic or Hard Copy Media Assistance**
- 5. Provide a Third Party Hearing Panel of Experts or Peer Review**
- 6. Whistleblower Avoidance Advice**
- 7. Mediation or Arbitration Service**
- 8. Membership in and Assistance from the Ethics Officers Association**

What Can IEEE Members Do To Assist Restoring Full Ethics Support

- Become **educated** about IEEE's full **History in Professional and Ethical Matters**
- **Advocate removing restrictions** against the EMCC giving **Ethical Advice and Support** in Employee-Employer Disputes
- **Amend the IEEE Constitution, not the ByLaws**
- **Adopt a Section Position** and urge IEEE Entities and Organizational Units to support your position
- **Stay involved, informed, be a Proponent and not allow a future IEEE Board to restrict full ethical support**

Supplemental Material

IEEE's History of Involvement in and out of Giving Ethics Advice and Support

In a separate slide show presentation, given at an IEEE Daytona Beach Section meeting, I gave a **historical walk through** of IEEE's **supporting and then not supporting ethics advice and support** for its Members, starting in 1884 through 2015. It provides the basis for making the proposal herein to form a Joint Task Force to **address and restore ethics advice and support**, as it was originally intended and instituted.

That Slide Show will be distributed separately but is available upon request.

Suggested Readings on the WEB

The IEEE USAB Ethics Task Force's Proposals for Ethical Support and Member Discipline presented to the IEEE Board of Directors, November 1977

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS5-20-77.pdf>

A Position Statement on EMCC Restrictions in Ethics Employee-Employer Disputes

http://ethw.org/images/d/d6/A_POSITION_STATEMENT_DOCUMENTING_ETHICAL_SUPPORT_MEANING.doc

Martha Sloan's Ethics Conflict Resolution Service Proposal

http://ethw.org/images/9/9b/Ethics_Conflict_Resolution_Service_ECRS.docx

IEEE INSTITUTE Roundup Opinion Paper on Employee-Employer Disputes

<http://theinstitute.ieee.org/ieee-roundup/opinions/ieee-roundup/position-statement-on-employeeemployer-disputes>

Continued

The Assault on IEEE Ethics Support (in 1999)

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4274770>

The Case of the Vanishing Ethics Article (in 2008)

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4538973>

IEEE Has Shown Disregard Towards Proactive Ethics Activities (in 2008)

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4623819>

BART Case : 3 Engineers Fired Who Sued and IEEE Entered an Amicus Curiae:

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS1-4-73.pdf#page=6>

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=6366689>

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=6498825>

The Virginia Edgerton Case Involving 911 Delay Flaws, Who was fired:

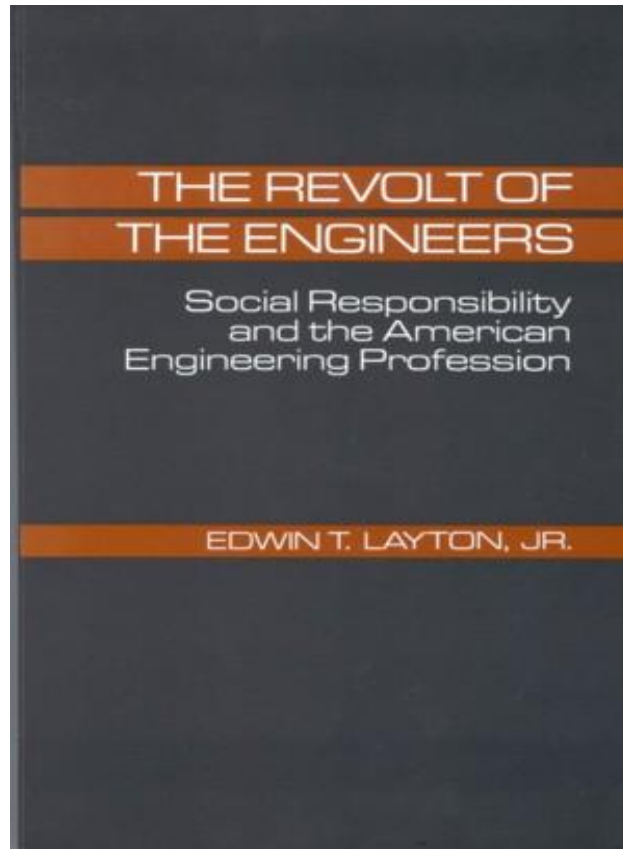
<http://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=6500365>

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS6-22-78.pdf#page=3>

The Salvador Castro Case of the Defective Infant Breathing Device:

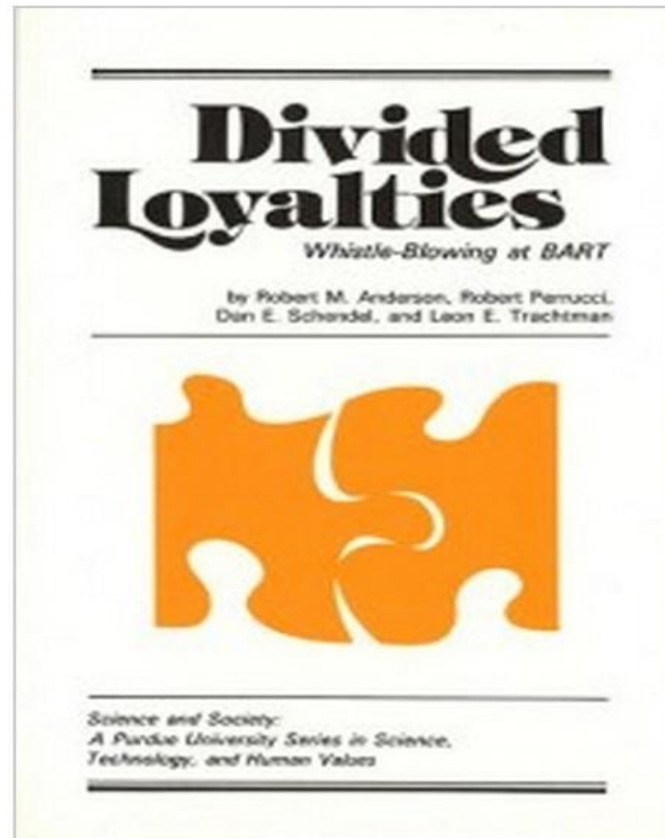
<http://www.onlineethics.org/cms/23337.aspx>

Continued
Early History of the AIEE and IRE, 1884 +



<http://www.amazon.com/The-Revolt-Engineers-Responsibility-Engineering/dp/080183287X>

IEEE Entered The BART Case in 1975



In Appendix E is found the IEEE Amicus Curiae filed in BART January of 1975

<http://www.amazon.com/Divided-Loyalties-Whistle-Blowing-Science-Society/dp/0931682096>