

IEEE Professional Ethics Advice and Ethical Support Policies

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**Submitted On behalf of the
IEEE Concerned Ethics Volunteers, CEV**

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INTRODUCTION

The IEEE Board of Directors, at its February 2019 meeting, approved and established the “Committee on Diversity, Inclusion and Ethics, CDIE”.

One of its stated Tasks is to:

“Develop Professional Ethics Advice and Support Policies”

President Jose Moura then on March 29, 2019 requested the following:

“Walter, I would very much appreciate if you could provide me with the exact wording that reflects the very minor rewording of Bylaw 305.5 and Policy 7.11 you refer to in your two items below. I will take it from there.”

This submission, therefore, is that response, based upon individual and collective efforts of members of the Concerned Ethics Volunteers, a Blue Ribbon Committee, which began in 2015 and continued into 2019.

IEEE Concerned Ethics Volunteers, CEV

Walter Elden*, P.E. (Ret) Editor, Member Conduct Committee, 1996-1998

Jeanette Barott, Daytona Section Chair, 2015

Ray Larsen**, Ethics Committee, 1996-1998

Dr. Martha Sloan**, a Past IEEE President and Chair, Member Conduct Committee, 1998

Dr. Charles Turner**, Chair, Ethics and Member Conduct Committee, 1999-2006

Dr. Stephen Unger**, Chair, Ethics Committee 1996-1998

Victor Zourides*, P.E. (Ret), Ethics Committee, 1996-1998

IEEE Senior Member

*IEEE Life Senior Member

**IEEE Life Fellow Member

NOTICE

Recommended changes and/or additions to the existing Governance Policies are provided in red, next.

IEEE BYLAWS

300. MANAGEMENT

300 MANAGEMENT

I-305. Functions and Membership of the Committee

5. Ethics and Member Conduct Committee.

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. **Here, “individuals” refers to candidates deemed qualified for IEEE membership but does not apply to IEEE members who may request advice and/or support under IEEE Bylaw I-111.**

The Ethics & Member Conduct Committee shall not be involved in labor union employee-employer disputes; this restriction does not apply to professional and/or ethical disputes where advice and/or support are sought under IEEE Bylaw I-111 and Policy 7.11.

Membership.

The IEEE Ethics and Member Conduct Committee shall be appointed by and responsible to the Board of Directors and shall consist of not more than nine members of IEEE, including the Chair and Vice Chair, who are not members of the Board of Directors. The Committee membership should include persons having experience and knowledge of the major organizational units of IEEE

IEEE POLICIES

SECTION 7 –PROFESSIONAL ACTIVITIES PART A -IEEE POLICIES

7.11 Ethical Support

Part A-Submission of Requests for **Ethical** Support, Inquiries and **Ethics Advice** Information.

1. All requests for support regarding circumstances of affected by adherence to the IEEE Code of Ethics shall be sent to the Chair, IEEE Ethics and Member Conduct Committee, IEEE, c/o Corporate Activities, 445 Hoes Lane, Piscataway, NJ 08854 by traceable mail.
2. Information which any individual wishes to bring to the attention of, or inquiries **and/or requests for ethics advice** for which a response is sought from IEEE, shall be submitted in the same manner but need not be notarized or sent by traceable mail. Information and inquiries shall be reviewed by the Ethics and Member Conduct Committee and forwarded, with or without comment or recommendation, to the Board of Directors for consideration and action as may be appropriate.

Part B -Form and Contents of the Request for Support.

The request for support shall be in the form of an affidavit, typewritten, notarized and signed by the individual. Such request shall be notarized, or include equivalent certification of signature in areas outside of the US. The Request for Support shall include:

1. The name(s), position(s) or title(s) and address(es) and telephone numbers (where available) of the employer or others who are believed to have knowledge pertaining to the subject of the Request;
2. The issue, incident(s), or the matter of ethical principle which the person believes is involved together with the specific provisions of the IEEE Code of Ethics deemed relevant or considered to have precipitated the condition(s) of jeopardy;
3. Documents, statements and any other evidence to be considered as supporting the Request. The identification and location of any other documents and material relevant to the Request but not provided in the submission;
4. A full description of the circumstances, events and facts which relate to the ethical matter for which IEEE support is sought.

Part C -Procedure on Receipt of Request for Support.

The Chair of the Ethics and Member Conduct Committee shall:

1. Review the Notarized Request for Support, Inquiry, **Ethics Advice**, or matter of information to ascertain that the incident or event involved occurred no longer than two years prior to receipt thereof. Should the interval exceed two years, all material shall be returned without duplication or distribution, noting this limitation.
2. If the incident occurred within the two-year limitation period, then promptly acknowledge Receipt of the Request, Inquiry or information.

Transmit copies of the Request, Inquiry, **Ethics Advice**, or information to Committee members, ensuring that no other distribution or duplication of the material is made, except to provide IEEE counsel with relevant documents, etc. in connection with a request for legal advice.

3. Take steps to consider the Request for Support, Inquiry, **Ethics Advice** or information submitted, assemble information, provide for Committee evaluation and prepare a Report on Preliminary Investigation within a period of one hundred twenty (120) days from acknowledgment of receipt of the Request, Inquiry or information. In those instances where investigative difficulties preclude completion within this limitation, the IEEE President may grant extension upon request.
4. Ensure, during the period of its investigation, that the Ethics and Member Conduct Committee, acting on its own behalf or through ad hoc Committees appointed by the Ethics and Member Conduct Committee Chair, seek relevant information from IEEE members, employees and others as may be appropriate to the nature and contents of the Request for Support, Inquiry or information. Such information as may be obtained shall be reduced to writing and included in the file or records of the Chair of the Ethics and Member Conduct Committee of the case under review.
5. During the course of the investigation ensure that the contents of the Request, identity of persons involved and the scope of the inquiry shall remain undisclosed by the Ethics and Member Conduct Committee to the extent practicable, consistent with the need to secure valid information and conduct an expeditious review.

Part D -Responsibilities of the Ethics and Member Conduct Committee.

1. If in the course of its investigation and review the Committee deems it appropriate to contact persons or entities outside the membership of IEEE or the employer concerned, the Committee shall:
 - a) obtain from the requesting individual a letter of waiver; and
 - b) send to the employer(s) concerned, a letter disclaiming any and all purpose or intent to engage in collective bargaining on behalf of the individual with respect to such matters as salaries, wages, benefits, and working conditions, customarily dealt with by labor unions, **and**
 - c) **state to the employer that the issues being addressed are of professional and/or ethical conduct.**
2. The Ethics and Member Conduct Committee, upon concluding its investigation, shall prepare a Report on Preliminary Investigation which shall include findings, conclusions and recommendations based on relevant information and technical and professional opinions.
3. If the request is deemed to be meritorious, the Committee shall submit to the Board of Directors the request and its Report on Preliminary Investigation upon conclusion of its review of the request together with any matters or information related thereto.
4. If the Request for Support is deemed to be without merit, the Ethics and Member Conduct Committee Chair shall notify the requesting individual by traceable mail of the action to terminate and shall include a copy of the Report on Preliminary Investigation.
5. If new or additional information considered material is received within ten business days following service of notice by the Chair of the Ethics and Member Conduct Committee, the Committee may reconsider and revise its findings. If the prior findings are affirmed, no further consideration shall be granted and the requesting individual so notified. Subsequent submission of a Request or Inquiry bearing on the same or substantially similar incident or issue may result in the Committee declining further consideration.

Part E –Forms of Ethics Advice to be Provided.

- 1) **The following Ethics Advice services are authorized to be provided, as initial Conflict Resolution steps, to minimize escalating to where Ethical Support would need to be requested:**

- a. Ethics Education**
- b. Interpretation of IEEE Governing Ethics Documents**
- c. Holding Face-to-Face Meetings**
- d. Providing a Sounding Board Function, Electronic or Hard Copy Media Assistance**
- e. Providing a Third Party Hearing Panel of Experts or Peer Review**
- f. Providing Whistleblower Avoidance Advice**
- g. Conducting Mediation or Arbitration Service**
- h. Operating a Moderated Ethics HOTLINE**
- i. Establishing an Ethics Legal Support Fund**
- j. Providing Amicus Curiae Legal Briefs in Employee-Employer Ethics Disputes**
- k. Publishing of Ethics articles in the INSTITUTE on a continuing basis**
- l. Providing Ethics Outstanding Service Awards (like the SSIT Barus Award)**
- m. Providing an OMBUDSMAN function**

Ethics and Member Conduct Committee WEB Page

Vision

Limits on activities

The Ethics and Member Conduct Committee, which is governed by IEEE Bylaw I-305, 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. **Here, “individuals” refers to candidates deemed qualified for IEEE membership but does not apply to IEEE members who may request advice and/or support under IEEE Bylaw I-111.**

The Ethics & Member Conduct Committee shall not be involved in labor union employee-employer disputes; this restriction does not apply to professional and/or ethical disputes where advice and/or support are sought under IEEE Bylaw I-111 and Policy 7.11.

Ethics and Member Conduct Committee Operations Manual

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.” Here, “individuals” refers to candidates deemed qualified for IEEE membership but does not apply to IEEE members who may request advice and/or support under IEEE Bylaw I-111.

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 labor union employee-employer disputes; this restriction does not apply to professional and/or ethical disputes where advice and/or support are sought under IEEE Bylaw I-111 and Policy 7.11.

SUMMARY

CDIE's Restoring of IEEE Ethics Advice and Support

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March 11, 2019

- **IEEE Ethics Policy** are the rules and regulations addressing its members' ethical practices, member discipline, advice and ethical support
- In the 1975 BART Case IEEE Amicus Curiae, it stated IEEE's position that "*legally, engineers had an implied contract term protecting their ethical practice protecting the public*"
- In 1978 IEEE established its Member Conduct Committee, with Bylaws, Policies and Procedures, to both Discipline unethical practice and to offer support when one is placed in employment jeopardy for upholding the IEEE Code of Ethics
- During the MCC's first 20 years both Ethics Discipline and Ethical Support policies were followed but beginning in 1997-98, all Pro Ethics Advice and Support policies were terminated; including an Ethics HOTLINE, publishing bi-monthly INSTITUTE articles, creating an ethics support fund, handled no Ethical Support cases known of, an Ethics Conflict Resolution Service proposal was never presented to the Board and Pro Ethics MCC/EC members were removed
- In the early 2000 era EMCC began withholding both Ethics Advice and Ethical Support from IEEE's members. But this violating established written policies in Bylaws, Policies, the Code of Ethics; each of which are still on the books to this day
- An added Bylaw I-305.5, incorporated in the EMCC Ops Manual as Items 1.3 and 1.4, were stated by IEEE Staff to apply to both Trade Union and Professional employee-employer conflicts, and used to justify the denials of Advice and Support
- Both practices were shown by the Concerned Ethics Volunteers to not be valid but both Advice and Support are still denied to members but when restored need to include:

an IEEE Ethics HOTLINE, to make it clear that the IEEE can easily get low cost liability insurance dealing with any risks involved in ethics support, initiate a fund (created by voluntary contributions) to assist engineers needing support when upholding ethical principles, re-establish a monthly ethics column in the Institute or the Spectrum, develop modern Ethics Implementation Guidelines, tailored to major technologies of IEEE. Models of the NSPE, ASCE and the ACM/IEEE CS, are good examples to follow and apply.

- Clarify in IEEE bylaw I-305.5, which is Item 1.4 in the Ops Manual, that the employee-employer dispute restriction only applies in Trade Union matters, and not in professional/ethical ones faced by engineers.
- In Bylaw I-110 Part 10, change the providing of Ethical Support from a "may" to a "shall" policy. An alternative is that members may choose to act to amend the Constitution to require it be mandatory.

Reference Ethics Materials Published in the INSTITUTE

Updated Aug 18, 2019 the Institute Links now are Spectrum Links

2017

Timeline: Elevating Ethics for Engineers

<https://spectrum.ieee.org/the-institute/ieee-member-news/timeline-elevating-ethics-for-engineers>

Key Milestones Missing From an Ethics Support Timeline on *the Institute*

<https://spectrum.ieee.org/news-from-around-ieee/the-institute/ieee-member-news/key-milestones-missing-from-an-ethics-support-timeline-on-emthe-instituteem>

2018

Do IEEE's Ethics Policies and Practices Support Its Tagline, 'Advancing Technology for Humanity?'

<https://spectrum.ieee.org/news-from-around-ieee/the-institute/ieee-member-news/do-ieee-ethics-policies-and-practices-support-its-tagline-advancing-technology-for-humanity>

Significant Milestones Over the Past 40 Years

<https://spectrum.ieee.org/news-from-around-ieee/the-institute/ieee-member-news/ieee-ethics-significant-milestones-over-the-past-40-years>

When Advice and Support Went Dark

<https://spectrum.ieee.org/news-from-around-ieee/the-institute/ieee-member-news/ieee-ethics-when-advice-and-support-went-dark>

Nine Ways to Restore Ethics Advice and Support to Strengthen IEEE's Tagline

<https://spectrum.ieee.org/news-from-around-ieee/the-institute/ieee-member-news/nine-ways-to-restore-ethics-advice-and-support-to-strengthen-ieee-tagline>