**NEW INTERPRETATION OF EMCC OPS MANUAL NULLIFYING ITS ITEMS 1.3 AND 1.4 RESTRICTING ETHICS ADVICE AND ETHICAL SUPPORT**

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**February 8, 2018**

1. **THESIS ARGUMENT OF THE CONCERNED ETHICS VOLUNTEERS, CEV**

***We, the members of the Concerned Ethics Volunteers\*, do hereby express the belief that in order for IEEE to assist its members to protect the public from defective technologies, threats to the environment, fraud, personal discrimination against members and abuse of the public interest, while it strives to achieve its goal of “Advancing Technology for Humanity”, it must provide its Members access to EMCC’s Ethics Advice and Ethical Support in the practice of their profession*.**

1. **SUMMARY**

**Since the late 1990’s, IEEE has systematically restricted the 2 services of Ethics Advice and Ethical Support from being offered to its members by preventing the Ethics and Member Conduct Committee, EMCC, from providing them. This is in direct contradiction of the Member Conduct Committee’s dual charter of Member Discipline and Ethical Support being empowered to it to provide these since it was founded, in February 1978, exactly 40 years ago.**

**To begin with, under New York State Law for Non Profit Corporations (which IEEE is one) their Directors’ primary duty is to work for the benefit of its members and to uphold its Constitution, Bylaws and Policies over outside and personal interests. In particular to this paper’s arguments are these applicable Governance entities which over the affected years should have been allowed to override the dual restrictions that were used incorrectly, we argue:**

1. ***IEEE Constitu******tion:***

***ARTICLE I - NAME, PURPOSE AND TERRITORY, Section 2 Purposes (2) “Professional……the promotion of ethical conduct.”***

1. ***IEEE By-Laws:***

***I-110 Member Discipline and Support***

***I-305 Para 5 Ethics and Member Conduct Committee***

1. ***IEEE Policies:***

***SECTION 7 – PROFESSIONAL ACTIVITIES PART A***

***Para 7.8 IEEE Code of Ethics, Article 10***

***Para 7.9 IEEE Amicus Policy***

***Para 7.10 Procedures for Member Conduct Complaints***

***Para 7.11 Ethical Support***

**Now focusing specifically upon the issues addressed herein, careful study of the actual wording of Bylaw I-305.5 and Paragraph 1.5 of the EMCC Ops Manual, currently used to restrict the EMCC for the past 15+ years, and comparing with other By-Laws and Policy statements, show a different meaning from what was first advanced upon the EMCC as policy since early 2000. The first restriction statement to date is contained in Bylaw I-305.5, which is placed in the EMCC Operations Manual, along with the second, Paragraph 1.5, in a one line statement. Both are provided next and the languages we now challenge, as being wrongly interpreted and applied, are highlighted in bold red.**

1. **Bylaw I-305.5 Restricting EMCC from offering Ethics Advice**

***Statement #1: I-305 Functions and Membership of Committees***

***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****.”*

**CEV COMMENTARY #1:** *At first, this seems to say that no Ethics Advice shall be provided to IEEE members. But, upon closer examination, it does not say that at all. It actually reads “***nor shall they provide advice to individuals”.** *The word* ***“individuals”*** *is the operative word. Nowhere else in this By-law is that word used, instead the word “members” is used.*

*We have found where IEEE clarifies its official meaning of the word* ***“individuals****” in its membership promotion WEB page, at:*

[*https://www.ieee.org/membership\_services/membership/join/join\_DB.html*](https://www.ieee.org/membership_services/membership/join/join_DB.html)

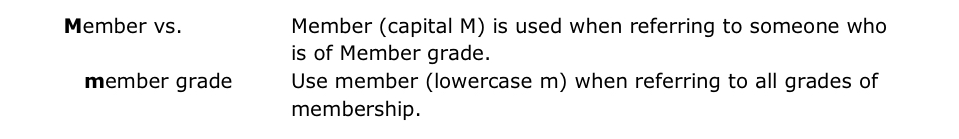
*and that does make an important and relevant distinction about* ***“individuals”*** *for membership. It says:*

**“Qualifications and dues**

|  |  |  |
| --- | --- | --- |
|  | | |
| professionals  Professional membership is open to **individuals** who by experience give evidence of competence in an IEEE designated field……” |  |  |

*Here,* ***“individuals”*** *are considered candidates for membership, but are not treated yet as* ***IEEE members****. This, then, is an important distinction relevant to the issue being challenged.*

*Additionally, in the IEEE Board Glossary, it defines what constitutes “IEEE member”, as follows:*

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***Here it does not include “individuals” as being recognized as IEEE “members”.***

**CEV COMMENTARY #2:** *So we have here 1 of 2 possible meanings to be considered:*

***Interpretation 1****. If IEEE had intended to restrict ethics advice from IEEE members, it did not write that. Instead, it restricted advice from new member candidate* ***individuals*** *instead. Further, the IEEE Glossary clearly does not recognize* ***individuals*** *as IEEE members. Following both logic, this then would not restrict ethics advice from being provided to IEEE members. But instead, IEEE used the word* ***“individuals” which IEEE Membership treats as non-members..*** *Therefore, the CEV treats* ***“individuals”*** *NOT to be IEEE members, but rather they are* ***Non-IEEE members*** *and makes this restriction a non-issue.*

***Interpretation 2****. On the other hand, if the word* ***“individuals****” was intended by IEEE to mean* ***IEEE members****, and be considered valid, then it would restrict ethics advice from IEEE members. That has been the initial interpretation the EMCC operated with and the CEV took from what was actually written but now CEV sees it misinterpreted the meaning.*

*So today the Concerned Ethics Volunteers takes Interpretation #1 in that* ***“individuals”*** *does not mean IEEE members, and therefore the EMCC is NOT restricted from providing ethics advice to* ***IEEE members*** *after all under Bylaw I-305.5, and nothing further needs to be done except for everyone to understand that* ***“individuals” are NON IEEE members****. Now the IEEE needs to clear this up and state that the EMCC is not restricted from offering ethics advice.*

1. ***Statement #2: A Single Sentence 1.4 Limits to Activities***

***1.5 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.”***

**CEV COMMENTARY #3:** *Here, once again it’s a matter of wording. This Paragraph 1.5, deals with the issues of collective bargaining matters which labor unions engage in. Nowhere is there a mention about engineering professionalism or ethical conduct or situations where an engineer’s employment is placed in jeopardy for striving to practice in conformance with IEEE’s Code of Ethics.*

*Therefore, the CEV takes the position that the one line statement:*

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

***refers to labor union matters and not professional ethical matters of engineers*** *and therefore* ***does not restrict the EMCC from offering support to IEEE members in matters of employee-employer ethical disputes at all.***

***This contradicts what Senior Staffer Cindy Poko wrote to Walter Elden in October of 2015 that “this restriction applies to both labor union matters as well as professional ethical ones”.***

**NOTE: What remains now is for this position to be accepted as the correct interpretation and to be stated by IEEE as its official policy.**

1. **IEEE’s OWN G OVERNANCE BY-LAW/POLICY STATEMENTS SUPPORT THE CEV’S CONCLUSIONS**

**Here, important IEEE By-law and Policy Governance statements support the conclusions which the Concerned Ethics Volunteers have presented herein, laid out as follows.**

# IEEE Position Paper on Ethical Conduct Awareness

**In November of 2004, the IEEE Board of Directors approved a position paper on Ethical Conduct Awareness, in which it stated in part the following:**

## Upholding IEEE Code of Ethics

*“The EMCC emphasizes that* ***IEEE is committed to being supportive of any member who acts to uphold the IEEE Code of Ethics****. It recognizes that voicing concern about ethical violations could jeopardize a member’s career opportunities. Nevertheless, the EMCC believes that by raising awareness of IEEE’s strong stance on ethical conduct through this Position Paper,* ***its members in industry, academia and elsewhere will be helped to carry out their professional responsibilities*** *in a manner consistent with the highest traditions of IEEE.”*

**IEEE’s Article 10 of its Code of Ethics**

**This part of IEEE’s Code of Ethics states the following:**

*“10. to assist colleagues and co-workers in their professional development and* ***to support them in following this code of ethics.****”*

**CEV COMMENTARY #4:** *The highlighted statements in* ***RED*** *are the operative words. Taken together, they state* ***IEEE will “support” its members in ethical matters****. This is exactly what the CEV believes is what the written words in the EMCC Operations Manual really mean, commented on above, and* ***is exactly what By-law I-305.5 and the single sentence against employer-employee disputes do not restrict.***

1. **IEEE By-law I-110 Member Discipline and Support**

**Para 10 Requests for Support This states: “*IEEE may offer support to engineers and scientists involved in matters of ethical principle*** *that stem in whole or in part from adherence to the principles embodied in the IEEE Code of Ethics, and that can jeopardize a person's livelihood, can compromise the discharge of the person’s professional responsibilities, or that can be detrimental to the interests of IEEE or of the engineering profession.”*

**CEV COMMENTARY #5:** *First, 3 members of the Committee of Ethics Volunteers, Dr Stephen Unger, Walter Elden and Victor Zourides, helped draft the language in 1977 which codified* ***Member Discipline and Ethical Support in this By-law****, when the original Member Conduct Committee was formed and approved in February of 1978, and Walter Elden presented the USAB proposal,* ***to empower the MCC with******discipline and support authorities,*** *to the IEEE Board of Directors at its San Diego meeting in November 1977 when it considered forming a MCC.*

***Policy 7.11 Ethical Support***

***Part A - Submission of Requests for Support, Inquiries and 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.*

*3.Information which any individual wishes to bring to the attention of,* ***or inquiries 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.”* And

***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”.*

**CEV COMMENTARY #6:** *Taken collectively, it is clear that* ***it has been the intent of IEEE since 1978 to provide both ethics advice (via Member inquiries) and ethical support to its Members.***

1. **IEEE Governance Hierarchy Policy Negates These Restrictions**

**CEV COMMENTARY #7:** *If one just looks at the above By-law, Policy and Procedures statements, it is abundantly clear that* ***the two mis-interpreted restrictive sections of the EMCC Operations Manual reside at the very bottom of the IEEE Governance hierarchy****,* ***and cannot override the PRO Ethics Advice and Ethical Support statements, even if they are mis-interpreted to in fact restrict ethics advice and ethical support.***

1. **LACK OF HISTORICAL IEEE BOARD STATEMENTS SUPPORTING THE 2 RESTRICTIONS**

**IEEE’s Executive Director, Corporate Governance Staff, the Ethics and Member Conduct Committee Staff, Spectrum, The INSTITUTE and SSIT Technology and Society Editors were extended requests to provide past IEEE Boards of Directors documentation which justified being AGAINST the EMCC providing ethics advice and ethical support to IEEE Members. To date, after 3 repeated requests over a month’s time during March of 2017, only the Editors of Spectrum and the INSTITUTE replied and reported that since 1998, there were no Board justifications published to inform the Membership.**

**CEV COMMENTARY #8:** *If there was no justification for these restrictions,* ***did the Board actually act to restrict the EMCC or did Staff Member(s) create it on their own or were pressured by some unknown to create it? In other words, how did these 2 restrictions become policy? The CEV has requested clarification for IEEE Staff as to how these 2 restrictions came into effect, without any response to its request.***

**SUPPLEMENTAL ETHICS ADVICE AND ETHICAL SUPPORT BACKGROUND**

# Timeline: Elevating Ethics for Engineers

[**http://theinstitute.ieee.org/tech-history/technology-history/timeline-elevating-ethics-for-engineers**](http://theinstitute.ieee.org/tech-history/technology-history/timeline-elevating-ethics-for-engineers)

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

[**http://theinstitute.ieee.org/ieee-roundup/blogs/blog/key-milestones-missing-from-an-ethics-support-timeline-on-the-institute**](http://theinstitute.ieee.org/ieee-roundup/blogs/blog/key-milestones-missing-from-an-ethics-support-timeline-on-the-institute)