

# **THIS IS A POSITION STATEMENT**

## **THE RE-ESTABLISHING OF IEEE MEMBERS’ RIGHT TO ETHICAL SUPPORT INVOLVING “EMPLOYEE-EMPLOYER” PROFESSIONAL DISPUTES**

October 19, 2015  
Updated November 18, 2015

### **This Position Statement is Based Upon an Abundance of IEEE Documentation**

**IEEE’s Code of Ethics  
IEEE’s Member Conduct Committee, MCC, History,  
IEEE’s Past Ethical Support Cases  
The MCC’s Discipline and Ethical Support Procedures,  
The Legislative Intent of IEEE’s MCC Authors,  
New York State Not for Profit Corporate Law  
and  
IEEE’s Corporate Governance Documents**

---

**The Author**

**Walter L. Elden, P.E. (Ret)**

**IEEE and SSIT Life Senior Member  
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)  
IEEE Florida Council, (1996-97)  
[w.elden@ieee.org](mailto:w.elden@ieee.org)**

**(Author’s Background and Qualifications are Included at the End of this Document)**

# FORWARD

At a recent church service, the theme was about “serving others”. Therefore, I took that and prepared this document to be my last IEEE career contribution, intending for it to serve in the “public interest”, the Institute of Electrical and Electronics Engineers (IEEE), and my fellow/women Engineers, Scientists and Technologist Members Worldwide. I have prepared this Position Statement document to provide 1.historical, 2.educational and 3.organizational governance data to support my opinion that IEEE Members have a right to be afforded “ethical support” in their practice, and that IEEE’s Directors and leaders owe that right to them, as its governance documents clearly state. Each year upon renewing one’s IEEE Membership, all Members agree to practice in accordance with the IEEE Code of Ethics, expecting and deserving to be provided full “ethical support” by the IEEE as a result of agreeing to that. Its in IEEE’s ethics Code (Article 10) where each Member agrees to support other Members to uphold the Code. In this context, the term Members include everyone up to and including the President, Officers, Directors and all other Leaders and Members of the IEEE, worldwide

I decided to write this Position Statement once I discovered this “right of ethical support” had been taken away from the Members, beginning in the 2000-2005 period, through the insertion of a one sentence restriction in the Ethics and Member Conduct Committee Operations Manual in Paragraph 1.4 Limits of Activities. Prior to that period, I heard this restriction viewpoint stated verbally by Past IEEE President Wallace Read in 1998, who was then a member of the Member Conduct Committee, at which time I also was a member. Today it “prohibits the EMCC from involvement in employee-employer disputes”. Additionally, in a writing to me recently, IEEE Senior Staff Manager Cindy Poko wrote that ”this restriction covers not only Trade Union matters but Professional ones too”, and the latter is the main problem at hand.

This Position Statement presents my opinion and analysis showing and documenting that the subject restriction has no basis of legitimacy and needs to be declared NULL and VOID. However, I will leave it to those who follow me in their IEEE careers to take up my challenge to work to restore full “ethical support” to the Members as was the original intent when the Member Conduct Committee was created. The MCC was first approved and established in February 1978. I contributed to writing the MCC’s “ethical support” procedures then and therefore have first hand historical knowledge about what the authors and leaders at the time had intended. Now, I ask this one question, before presenting my detailed analysis and finding, in the form of a challenge to IEEE:

***Who will now be the IEEE Members that will step up and accept my challenge to correct this injustice?***

I hope in my remaining life time, as I am 84 now, as an IEEE Member to be able to see this fully rescinded and the original “ethical support” service restored, as it was intended to be provided.

## RECOGNITION OF FELLOW IEEE ETHICS MEMBERS

I now wish to acknowledge names of some of those I knew and some I served with on IEEE Committees, who made contributions in support of the IEEE Code of Ethics, Ethical Support and Professionalism over the years. I apologize for omitting any names. Those I know of are Holger Hjortsvang, Max Blankenzee, Robert Bruder, Carl Barus, Dr. Stephen H. Unger, Faith Lee, P.E., Victor Zourides, P.E., John Thatcher, P.E., Joseph H. Wujek, Ray S. Larsen, Gerald L. Engel, Dr. Stephen T. Kowel, Mal Benjamin, Joe R. Herkert, Charles W. Turner, Wallace Read, Virginia Edgerton, Salvador Castro, P.E., Martha Sloan, Victor Paschais, James F. Fairman, Jr., Albert Flores, David Monts, John Guarrera, Adolf F. Schwab, Eduardo Arriola, Prasad Kodoli, Tom O. Donnell, and Debbie Powers.

# **TABLE OF CONTENTS**

**FORWARD-Page 2**

**A. INTRODUCTION-Page 4**

**B. SUMMARY OF FINDINGS AND CONCLUSIONS-Page 5**

**C. IEEE PROFESSIONALISM AND ETHICAL SUPPORT EARLY HISTORY CONTRADICT THE SUBJECT RESTRICTION-Page 6**

**D. PRECEDENTS FOR HOW THE IEEE HAS HANDLED EMPLOYEE-EMPLOYER DISPUTE ETHICS CASES-Page 9**

**E. BACKGROUND ON THE EMCC'S RESTRICTION PROHIBITING GETTING INVOLVED IN EMPLOYEE-EMPLOYER DISPUTES-Page 10**

**F. IEEE BEGAN SYSTEMATICALLY ELIMINATING ETHICAL SUPPORT SERVICES TO ITS MEMBERS-Page 12**

**G. THE PROHIBITION OF THE EMCC AGAINST GIVING ETHICS ADVICE NEEDS TO BE RESCINDED-Page 13**

**H. ANALYSIS OF IEEE'S GOVERNANCE DOCUMENTS SHOWS THE EMCC RESTRICTION TO BE INVALID-Page 15**

**I. CONCLUSIONS-Page 19**

**J. ADDITIONAL COMMENTS SINCE FIRST ISSUED-Page 20**

**K. MY EDUCATION, IEEE AND INDUSTRY QUALIFICATIONS FOR AUTHORIZING THIS POSITION STATEMENT-Page 21**

# A. INTRODUCTION

## PURPOSE

This Position Statement lays the historical and Governance groundwork as the basis to restore to the Members of the IEEE, their right, since the BART Case in 1975, to receive “ethical support” from the Ethics and Member Conduct Committee, EMCC, in matters of “professional/ethical” employee-employer disputes. Further, it reinforces the IEEE position that all Collective Bargaining/Trade Union disputes are to be excluded from ethical support, Constitutionally, without any dispute about it. I am fully qualified to state this position, as supported by my Educational, Technical and Professional experience (refer to my background, enclosed at the end).

## BACKGROUND

Since 2005, there has been an official restriction clause, found inserted into the EMCC Operations Manual and approved by the IEEE Board, apparently used to deny the Members their right to “ethical support” from the IEEE, by prohibiting the EMCC from involvement in professional/ethical “employee-employer disputes”. However, even prior to that time, beginning around 1999, it was learned that a Staff Member to the EMCC would brief the EMCC committee on IEEE policy on ethics, including **“this restriction concerning employee-employer relations”**. This briefing practice occurred even before it became fully approved Policy of the IEEE Board and first inserted in the EMCC Manual in the 2005 version.

## **THE IEEE NEEDS TO EITHER RESCIND OR RE-INTERPRETE THIS RESTRICTION**

This Position Statement takes the view that the subject restriction needs to be officially rescinded or re-interpreted to authorize “professional/ethical” support in employee-employer disputes, so as to restore this right to IEEE Members. The subject “employee-employer” ethical support restriction is non-supportable, based upon 1. IEEE and Member Conduct Committee History, 2. the legislative intent of the authors of the original procedures which formed the first Member Conduct Committee in 1978 and 3. the New York State Law and the top most IEEE Governing Documents. A reversal of this practice now needs to occur so that the full “ethical support” rights of IEEE Members are fully restored to what had existed for nearly 30 years since the BART Case. This right of ethical support came into being by its Members in 1972 voting by over 82% YES to amend the IEEE Constitution, adding Professional Activities and the IEEE Code of Ethics to its long standing Technical and Educational Activities.

It will now be up to others to get involved to achieve this goal. My work is now complete with the preparation of this Position Statement. I will remain available for consultation, however.

## **B. SUMMARY OF FINDINGS AND CONCLUSIONS**

The following summary findings and conclusions will be shown to be true and correct in subsequent writings which follow in this document, thus making the subject restriction in the EMCC Operations Manual null and void and/or irrelevant:

1. The applicable IEEE Code of Ethics, beginning with the 1974 Code, states principles only about professional/ethical conduct. It does not apply to collective bargaining or trade union issues which the EMCC is prohibited from dealing with. Therefore the subject restriction to professional/ethical disputes in question is not relevant nor valid.
2. The writers of the proposed Ethical Support and Member Discipline procedures in 1977, which the original and succeeding Member Conduct Committees were/are based upon, only recognized professional/ethical and not trade union matters to be dealt with. However, it recognized that in many cases, there will be professional/ethical employee-employer disputes and related matters to be dealt with. Again the subject restriction does not override this.
3. As the writer and author of this Position Statement, I, Walter L. Elden, personally was a member of the USAB Ethics Task Force in 1977 which prepared one set of Ethical Support and Member Discipline procedures. This led to the forming of the MCC in February 1978. I, therefore, had first hand knowledge of the legislative intent of those Task Force co-authors for what the MCC would deal with and not deal with. At no time was trade union activities ever discussed and why would we have, as there was a clearly written prohibition written into the IEEE Constitution when it was amended in 1972 adding Professional Activities. Therefore, the subject restriction has no standing here, unless just to prohibit professional/ethical support cases, which has been its result.
4. I personally made the presentation to the IEEE Board of Directors in 1977 of USAB's two proposals for forming the MCC dealing with ethical support and member discipline. It was envisioned and explained to the IEEE Board that the MCC would only deal with professional/ethical issues and not any trade union matters. Once again, the subject restriction has no standing here either.
5. Contained in the May 1981 publication of the Ethical Support procedures of the MCC, there was a waiver which clearly stated that the MCC did not engage in collective bargaining or trade union matters. This negated any need for adding the subject restriction.
6. It is shown, later, that there were three Precedent "ethical support" cases handled and approved by the IEEE, those being the BART, the Virginia Edgerton and the Salvador Castro Cases. In each case, they dealt only with professional/ethical matters and were each of an employee-employer dispute type. These cases are strong precedents showing how irrelevant the subject restriction is today. In one case, I assisted in initiating it. In one other, I did some of the Ethics HOT Line investigation to determine if it had merits, which it did. My personal knowledge reinforces how the subject restriction has no applicability to any of these case types, but if it had been in place, none of these cases could have been supported to their conclusion by the IEEE, as they were.
7. While the subject restriction is currently in the revised 2009 issue of the EMCC Operations Manual, I was told in an email by IEEE Staff Senior Manager Cindy Poko that it was first approved by the IEEE Board in 2005. I can now report that when I served on the Member Conduct Committee my last year in 1998, former IEEE President Wallace Read served on the MCC also. At one of the meetings, held in Newark, NJ, he said to the Committee:

**“I do not believe that the IEEE should get involved in employee-employer ethical disputes”.**

At the time and since, I could not have disagreed more with Read on what he voiced. His statement may well have been the start of the effort which eventually led to establishing of the subject restriction.

8. New York State Law, IEEE’s Constitution, Bylaws, and Policies documents, higher in precedent than the EMCC Operations Manual, contradict and supercede the subject restriction clause now in the Manual thus nullifying it, as is what the Policies Document states occurs in documents conflicting.

9. IEEE’s Bylaw I-305 restricts the Ethics and Member Conduct Committee from giving ethics advice to the Members. This should also be challenged and the Members need to get it rescinded. This prohibition was never intended to become real.

10. An Ethics Conflict Resolution Service, ECRS, which was proposed by Past IEEE President/MCC Chair Martha Sloan, should be revisited, considered and adopted, to formalize the restoration of giving ethics advice to the Members. When the Ethics HOT Line operated, ethics advice is what was given.

---

## **C. IEEE PROFESSIONALISM AND ETHICAL SUPPORT EARLY HISTORY CONTRADICT THE SUBJECT RESTRICTION**

### **IEEE’S FIRST MODERN DAY CODE OF ETHICS WAS APPROVED IN 1974**

We must begin discussing “ethical support” with a specific Code of Ethics to be supported in mind, so I begin with the 1974 Code adopted by the IEEE. But actually, prior to the 1974 Code, there were actually two previous Codes, that had been adopted by one of IEEE’s predecessor Societies, the AIEE, in 1912, and then in 1950. As an aside, I was the one who found the 1950 AIEE Code, located at the Illinois Institute of Technology. IEEE in preparing its Amicus Curiae brief in the BART case was not even aware that there existed the 1950 AIEE Code.

Here are the relevant links:

**Codes of Ethics at the Illinois Institute of Technology**

<http://ethics.iit.edu/ecodes/ethics-area/10>

**The 1912 AIEE Code of Ethics**

<http://ethics.iit.edu/ecodes/node/5068>

**The 1950 AIEE Code of Ethics**

<http://ethics.iit.edu/ecodes/node/3232>

**The 1974 IEEE Code of Ethics**

<http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=6368710>

The 1974 Code was a direct result of the IEEE Members voting in November 1972 by over 82% YES to amend its Constitution to add **“professional activities”** and **“the promotion of ethical conduct.”**

Before the 1974 Code got approved, however, there was a lot of debate, led by Dr. Stephen H. Unger, a former IEEE Ethics Committee Chair and Member of the IEEE Board of Directors, to provide for supporting those who tried to uphold the Code, but came into conflict with their employer. The IEEE Board just wanted to provide for disciplining unethical conduct, whereas Unger and others on the Committee on the Social Implications of Technology, CSIT, voiced the need to provide for ethical support as well.

**A record of this debate history is documented here:**

<http://www.asee.org/public/conferences/56/papers/12973/download>

**and here, Unger in 1973, prior to there being a Member Conduct Committee, presented his Proposal for Supporting the Ethical Engineer:**

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS1-5-73.pdf#page=8>

Until 1973, there were just proposals for supporting the ethical engineer, and they only focused on the upholding of the IEEE Code of Ethics in employee-employer professional/ethical disputes, and nothing to do with Collective Bargaining, or Trade Union matters.

**The current IEEE Code of Ethics, approved in 2013, is found at this location:**

<http://www.ieee.org/about/corporate/governance/p7-8.html> and at:

<http://theinstitute.ieee.org/briefings/business/approved-ieee-code-of-ethics>

In Item 10, the following is stated:

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

The highlighted words are the operative ones. It commits the IEEE, its Members and Officers, to supporting its Members trying to uphold its Code of Ethics. In order to be able to fully carry this out, it must be able to accept and deal with employee-employer disputes, dealing with professional/ethical issues, thus overriding the subject restriction, and providing ethics advice when sought.

## **HOW THE IEEE MEMBER CONDUCT COMMITTEE AND ETHICAL SUPPORT CAME ABOUT IN 1978 AND ITS RELEVANCE**

The history discussed above, leading up to the 1977 period, sets the stage for the IEEE trying to agree on whether to just discipline alleged violations of the 1974 Code, or to additionally provide ethical support. Again, both actions were to pertain just to professional/ethical matters. It happened that I volunteered and was appointed to an IEEE USAB Ethics Task Force in 1977, and as a result, played an important historical part of the establishment of the IEEE Member Conduct Committee. All of this history is documented next.

**EDITORIAL: Implement the IEEE 1974 Code of Ethics**

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS5-19-77.pdf#page=8>

**Proposed Procedures for IEEE Support of Ethical Engineers**

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS5-19-77.pdf#page=8>

The following is taken from the above support procedures:

## APPENDIX B

### Supplementary Remarks to Support Proposal

#### 1. Objectives.

The machinery described here is intended to support engineers only in ethics-related matters. Other factors are to be considered only if directly related to the ethical issue. (For example, a pay cut used to pressure an engineer into backing down on an ethical matter.)

Note the restriction stating “to support engineers only in ethics-related matters.” As I have written before, in developing these support procedures, they only dealt with professional/ethical and never trade union matters, making the subject restriction unnecessary and in contradiction to the legislative intent of the original writers of the support procedures.

#### **Proposed Procedures for Handling Alleged Infractions of the IEEE Code of Ethics**

<http://ewh.ieee.org/soc/ssit/Newsletter%20Archive/1972-1981/TS5-19-77.pdf#page=10>

As a member of the USAB Ethics Task force which developed these proposed procedures, I was the leader of the work which prepared the ethical support portion. We did this one Saturday, in the Spring of 1977, in a Hotel in New York City. Steve Unger led the work which developed the discipline procedures. We each captured our process in flow diagram forms, on large, white, sheets of paper mounted on a 3-legged easel. Steve took his discipline process sheet and I took my ethical support process sheet. About 15 years ago, I provided mine to the IEEE History Center to retain in its historical archives. However, prior to this, in May of 1981, the IEEE USAB Professional Activities Committee for Engineers (PACE) published them, and links are provided next.

#### **Ethical Support and Discipline Procedure Flow Charts and Process Descriptions, May 1981**

[http://ethw.org/images/a/a4/MCC\\_and\\_Ethics\\_flowchart.pdf](http://ethw.org/images/a/a4/MCC_and_Ethics_flowchart.pdf)

**The IEEE USAB Ethics Task Force’s Proposals for Ethical Support and Member Discipline were presented to the IEEE Board of Directors, at its San Diego meeting, in November 1977, as follows:**

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

I had been asked by then IEEE USAB President John Guerrero to make this presentation to the Board. When I did, we actually had 2 separate proposals; one for ethical support and the other for member discipline. Unknown to us, the IEEE Board had assigned Attorney-Engineer IEEE Member Jim Fairman to prepare a separate set of proposed procedures, but for just disciplining members. We each worked independent of and not knowing of the others work. He had not addressed nor was asked to address ethical support. The above link explains what happened next. At any rate, in February 1978, the IEEE Board approved the merger of the Board’s and USAB’s proposals, into and one set of procedures and thus created the Member Conduct Committee.



## WHAT THE ORIGINAL MCC WRITERS' LEGISLATIVE INTENT WAS FOR ETHICAL SUPPORT

From the outset in the early 1970's, once the IEEE Constitution was amended adding professional activities to it and the BART case came on the scene, with IEEE entering its landmark legal ethics statement in filing an Amicus Curiae in the case, and in doing so upholding the engineer's obligation to practice in accordance with an established Code of Ethics, this moved the Institute in a pro-professional support direction. During my first hand personal experience working on the USAB Ethics Task Force and making the presentation of USAB's two proposals for ethical support and member discipline to the IEEE Board, we consistently promoted upholding the highest of professional activities, ethical conduct and NEVER advocated anything dealing with Collective Bargaining or Trade Union matters.

To reinforce how strong this was the case, next here is one of the key statements in the Ethical Support process procedure, published in May 1981 by USAB PACE, which stated under SUPPORT, Para. 2. MCC:

- "a) 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*
- Obtain from the requesting IEEE member a letter of waiver; and*
  - Send to the employer(s) concerned a letter disclaiming any and all purpose or intent to engage in collective bargaining on behalf of the IEEE member with respect to such matters as salaries, wages, benefits, and working conditions customarily dealt with by labor unions."*

**This is documented in the following IEEE USAB PAC document, of May 1981:**

[http://ethw.org/File:IEEE\\_PAC\\_Ethical\\_Support\\_Flow\\_Diagram\\_and\\_Procedures\\_of\\_May\\_1981.doc#file](http://ethw.org/File:IEEE_PAC_Ethical_Support_Flow_Diagram_and_Procedures_of_May_1981.doc#file)

This made it explicitly clear and consistent with the same wording in the amended Constitution, that only professional/ethical matters were to be dealt with in ethical support cases and not trade union matters. Further, invariably, they probably will through necessity, be of an employee-employer dispute, by their vary nature. The subject restriction completely countermands the safeguards issuing this Waiver provided.

## D. PRECEDENTS FOR HOW THE IEEE HAS HANDLED EMPLOYEE-EMPLOYER DISPUTE ETHICS CASES

### THE BART, VIRGINIA EDGERTON AND SALVATOR CASTRO CASES

There are at least three cases which IEEE has handled, involving employee-employer ethics dispute cases. First, there was the BART case, then the Virginia Edgerton case, and then the Salvador Castro case, as follows:

**The BART Case of 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>

As the Member Conduct Committee did not exist at this time, Steve Unger, of the Committee on the Social Implications of Technology, investigated this and the CSIT forwarded its findings report to the IEEE Board of Directors, who approved it and an Amicus Curiae was entered into the case. The issues in this case were professional and ethical.

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

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

**The Virginia Edgerton Case is here:**

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

I was involved in this case at its beginning. Virginia Edgerton phoned me in the Spring of 1978, told me about her situation and asked for ethical support. At the time, I knew the new Member Conduct Committee had been established but I also knew of Steve Unger and the CSIT record for investigating and bringing the BART Case to the IEEE Board for action, whereas the MCC had not established a track record yet. So I referred her to Steve and he handled her case from there until the CSIT turned it over to the MCC to concur to recommend IEEE support her. While the MCC and the Board voted to provide ethical support, it was Unger and the CSIT which actually published the support report about her case, and not the MCC nor the IEEE Board. The issues in this case were strictly professional and ethical.

**The Salvador Castro Defective Infant Breathing Device, in which he was fired:**

<http://onlineethics.org/Resources/Cases/infantsunderpressure.aspx>

[https://en.wikibooks.org/wiki/Professionalism/Salvador\\_Castro\\_and\\_Air-Shields,\\_Inc](https://en.wikibooks.org/wiki/Professionalism/Salvador_Castro_and_Air-Shields,_Inc)

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

Here again I was involved in this case. This was during the period when the IEEE Ethics Committee operated an Ethics HOT Line, around 1997. I was one who assisted in setting this up and one of those who did preliminary investigations into whether there was merit to a case or not when a Member contacted it for ethics assistance. This one had merit. Eventually it was handed over to the Member Conduct Committee, wherein I briefed the MCC members on what had been learned about the claims and merits of the case. Eventually, the MCC voted to send it to the Board of Directors for ethical support which was approved. The issues in this case were strictly professional and ethical.

## **E. BACKGROUND ON THE EMCC'S RESTRICTION PROHIBITING GETTING INVOLVED IN EMPLOYEE-EMPLOYER DISPUTES**

### **The Origin of this Restriction**

I first became aware of and read about the subject restrictive statement on a Power Point Slide of former 2002-03 EMCC Chair, Charles Turner. I was quite taken back by it, but not surprised by it, considering

earlier similar IEEE actions which systematically reduced IEEE commitment to ethical support of its Members, beginning around 1997 while I served on the Member Conduct Committee and was its Liaison to its Ethics Committee, both til the end of 1998.

When I was serving my 3<sup>rd</sup> year on the then Member Conduct Committee in 1998, co-Member and former IEEE President Wallace Read verbally expressed that exact statement to the full Committee. At the time, since it was expressed in and to the Member Conduct Committee, it seemed to me to mean he wanted IEEE to “not get involved and provide” any support to members placed in employment jeopardy for upholding the IEEE Code of Ethics in their place of employment. Coincidentally, at the same time, IEEE had already begun the process of doing precisely that and continued so, until for all practical purposes, the “ethical support” provision in the IEEE By-Laws became non-existent. Since then, I have wondered if Wally Read was the author of the restriction or was just one of several of other IEEE leaders then, who advocated and then acted upon writing it into the EMCC Operations Manual.

In my personal opinion, I feel these reductions in ethical support and adding this EMCC restriction, was an IEEE **Pro-Employer/Business set of actions**, to the detriment of the IEEE Member employees, and could well be agued violated Article 10 of the IEEE Code of Ethics, wherein it states:

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

Further, it could additionally be considered as a possible Conflict of Interest, wherein the business interests of an IEEE Member were placed first to that of the overall professional interests and well being of the IEEE Members. During my 3 year term on the MCC, 1996-98, I had never heard of, been told of or read about this restriction. The earliest dated written record I have been able to find is the slide of Charles Turner, which is dated 12-12-2008. He Chaired the EMCC 2002-2003.

**Charles Turner’s slides in question are at this location:**

<http://web.eecs.umich.edu/~aey/eng100/lectures/pdfshort/ethicslecture.pdf>

Since finding his slide, I searched and found it in the EMCC Operations Manual, that had been updated February 2009 and approved by the IEEE Board of Directors.

In the EMCC Operations Manual is found the subject restriction, stated as follows:

#### **“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.”***

**The 2009 IEEE Ethics and Member Conduct Committee Operations Manual**, which can be reached at this link:

[http://www.ieee.org/documents/emcc\\_opm\\_feb09.pdf](http://www.ieee.org/documents/emcc_opm_feb09.pdf)

It states that:

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

This restriction was at the end of Para. 1.4 Limits of Activities, (following the prohibition there against engaging in ***“collective bargaining on such matters as salaries, wages, benefits, and working conditions, customarily dealt with by labor unions,”***).

Recently I was informed by Senior IEEE Staff Manager Cindy Poko that the restriction was first approved by the Board of Directors in 2005. But as reported previously, former IEEE President Wallace Read, who was then on the Member Conduct Committee, expressed this viewpoint to the full Committee in 1998. That was the first I had ever heard such a restriction stated by an IEEE official. Further, and this is the most disturbing revelation, she further advised me that this restriction ***“applies to both Trade Union and Professional Activities Disputes”***. This Position Statement disputes the validity of that claim.

To recap, when I served my last year on the Member Conduct Committee in 1998, Wallace Read, a co-Member of the MCC and former IEEE President, said to the Committee:

***“I do not believe the IEEE should be involved in employee-employer ethical disputes”.***

Finally, it wasn't until 2005, as I was told, that this view became approved by the IEEE Board as the subject restriction currently placed on the EMCC. However, former EMCC Committee Chair, Charles Turner, informed me in September 2015, that around the 1999-2001 period, when he was a MCC Member, Staff member Lyle Smith would brief the new committee on IEEE policy on ethics, including the restriction concerning employee-employer relations. Apparently, while this was the practice then prior to 2005, it was not an approved policy of the IEEE Board until 2005.

## **F. IEEE BEGAN SYSTEMATICALLY ELIMINATING ETHICAL SUPPORT SERVICES TO ITS MEMBERS**

During the 1997-98 period, just prior to this unofficial restriction going into effect upon the EMCC, there had become a pattern of several key ethics support services becoming terminated by the IEEE. Up until then, each had operated effectively and without any problems, such as the Ethics HOT Line, a Legal Support Fund, and the removal of key Pro Ethics Support members from the Member Conduct and the Ethics Committees, such as Steve Unger, Ray Larsen, Walter Elden, and others.

Steve Unger wrote about these events in his papers titled:

- **The Assault on IEEE Ethics Support (in 1999)** at this WEB location:
- <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4274770>
- **The Case of the Vanishing Ethics Article (in 2008)** at this WEB location:
- <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4538973>

I wrote a supporting Letter to the Editor backing up Unger's remarks in what was titled:

- **IEEE Has Shown Disregard Towards Proactive Ethics Activities (in 2008)** at this WEB location
- <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4623819>

From the time of the creation of the Member Conduct Committee in 1978 until this restriction in the 1999-2005 period, there was never such an official policy of denial of ethical support for IEEE Members. Whether the addition of this restriction upon the EMCC was a continuation and the final straw of the other cut backs in ethical support programs and services, is left to the reader to decide.

The final ethical support measure the IEEE shelved was a proposed Ethics Conflict Resolution Service, discussed next.

## **G. THE PROHIBITION OF THE EMCC AGAINST GIVING ETHICS ADVICE NEEDS TO BE RESCINDED**

Beginning around the time that IEEE started shutting down the existing ethical support services provided by way of the MCC/EMCC to its members, another restriction came into effect which prohibited the EMCC from giving advice to individuals.

**This restriction is found on the EMCC WEB site, at:**  
[http://www.ieee.org/about/ethics/ethics\\_mission.html](http://www.ieee.org/about/ethics/ethics_mission.html)

as well as in By-Law statement I-305 Para 4.

### ***“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.**” (Emphasis added)*

It was not always the case that advice in ethical matters was not given to IEEE Members from either the existing Ethics and Member Conduct Committee or the prior Ethics Committee. During the 1996-98 period of the EC, when it successfully operated its Ethics HOT Line, the receiving of inquiries, requests for assistance and clarifying the meaning of the Code of Ethics in various specific situations, was the norm. I, along with other volunteers, received and handled these requests. We routinely advised the Member on the specific ethical matter they were concerned with. Some, like the Salvador Castro matter, eventually resulted in a full ethical support by the MCC and the Board of Directors. It was just a fundamental thing to do in those matters; to provide ethical advice.

## **A Proposed Ethics Conflict Resolution Service (ECRS) To Assist IEEE Members in Ethical Situations Was Proposed in 1998**

During my final year serving on the Member Conduct Committee in 1998, Martha Sloan, a Past IEEE President, was our Chair. And, another Past IEEE President, Wallace Read, was also on the Committee. She envisioned a new service to be provided to Members, which would be for the purpose of trying to resolve a potential ethical conflict situation, involving an employee with another employee, or with an

employer, most likely. She called it the **Ethics Conflict Resolution Service, or ECRS**. She outlined its elements and how it could operate. The Committee received it positively and gave her its support. There were no objections voiced.

I volunteered to become the Editor to prepare the set of procedures for proposing the new ECRS to the Board for consideration and adoption. Over the next several months, I submitted drafts to the Committee, received their comments, incorporated them and advanced the procedure to where it was a final DRAFT, ready to be submitted to the Board for consideration.

**Here is what the Ethics Conflict Resolution Service, ECRS, consisted of:**

[http://ethw.org/images/9/9b/Ethics\\_Conflict\\_Resolution\\_Service\\_ECRS.docx](http://ethw.org/images/9/9b/Ethics_Conflict_Resolution_Service_ECRS.docx)

**Elements of the Ethics Conflict Resolution Service were:**

- 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**

It should be evident from this list of envisioned services that the prohibition to the giving of ethical advice to the Members was not even a consideration. Further, these services would have been in addition to what the IEEE Ethics HOT Line had already been providing, successfully, and without any incidents, until it was terminated by the IEEE Ex Com in that same year, 1998.

At the end of my 3<sup>rd</sup> year serving on the MCC, without warning, I was informed that I was being replaced and would not serve the final 2 years of my appointed 5 year term. Further, it was learned later into the next year, after making an inquiry to Martha Sloan, the one who proposed creating the Ethics Conflict Resolution Service, that the DRAFT Proposed ECRS never was submitted to the IEEE Board for consideration by the new 1999 MCC.

It was then after that period, that the subject restriction on the EMCC to “not give ethical advice” to Members went into effect and still exists today, as reported above. That restriction should be challenged by the Members and efforts made to get it rescinded. Further, Martha Sloan’s envisioned Ethics Conflict Resolution Service should be given a second serious consideration. I feel fortunate for having saved my notes from the 1998 ECRS Draft, so I was able to report on its content above herein for posterity.

## **How This Restriction on the EMCC is Invalid by IEEE Policy**

As this restriction I have discussed is contained in the EMCC Operations Manual, it is a Level 4 document in IEEE Governance, below in hierarchy of the Policies Manual, at Level 3, which is below the By-Laws, at Level 2, which is below the Constitution, the top most Level 1, which itself is under the Certificate of Incorporation, as far as precedence is concerned. An important paragraph in the Policies Manual, under the heading **IEEE GOVERNMENT** makes it very clear that a lower level document statement **CAN NOT** negate or over ride one in a higher document, which is the case here.

I have reviewed extensively each of these documents and I have found and documented several instances where statements above this Level 4 restriction over rides it, making it a "moot" restriction. Each are discussed next.

## **H. ANALYSIS OF IEEE’S GOVERNANCE DOCUMENTS SHOWS THE EMCC RESTRICTION TO BE INVALID**

This section addresses the Governance documents from the top most New York State law for Non Profit Organizations, down to the EMCC Operations Manual, which is where the subject restriction statement is contained.

### **The New York State Not-for-Profit Corporate Law**

The law in the state of New York which covers Non Profit Organizations, is at the top of the overall Governance chain of documents affecting the running of the IEEE. So, what the law is in our case, and how it applies to the duties of IEEE’s Board of Directors, is most relevant to if the subject restriction is valid or not. I will begin with a slide from the briefing given by the “IEEE in 2030” Committee on October 4, 2015 to the IEEE Board of Directors.

**The “IEEE in 2030” effort to restructure the IEEE for the year 2003 contains this slide:**

Slide 24, “**Board Source Governance Review**”, at this location:

[http://ethw.org/images/3/3e/IEEE Board Governance-Loyalty of Directors Slide 24.JPG](http://ethw.org/images/3/3e/IEEE_Board_Governance-Loyalty_of_Directors_Slide_24.JPG)

which is part of the 4 October 2015 Power Point Presentation to the IEEE Board,

titled “**IEEE in 2030 Optimizing for Impact**”, at this location:

[http://www.ieee.org/about/corporate/IEEE in 2030 Background and Information for the BoD 4 Oct 2015 mbr.pdf](http://www.ieee.org/about/corporate/IEEE_in_2030_Background_and_Information_for_the_BoD_4_Oct_2015_mbr.pdf)

In this slide, Point 2 states:

***“Under New York State Corporate Law, the board’s loyalty is first and foremost to the good of the corporation, in this case IEEE. Representative Boards, such as IEEE’s where Directors represent Regions and Societies, can create conflicting loyalties.”***

In our case, the organization is the collective IEEE Members, Staff and Employees and the law states they are to be where the Directors’ first loyalty is to. That even overrides from which IEEE Group or entity they were elected to the Board from. Further, it would likewise exclude allegiance to any non-IEEE employer or client or other special personal interest. So if the IEEE Organization is where first loyalty is to be given, what would the legal duties of such Directors be in their IEEE capacity?

# A Non Profit Organization Directors' Legal Duties and Obligations to IEEE's Members, Staff and Employees

Sources about what the law is here, are the following:

<http://www.charitiesnys.com/pdfs/Right%20From%20the%20Start%20Final.pdf>

<http://cullinanelaw.com/nonprofit-law-basics-what-are-the-duties-of-nonprofit-directors/>

Quoting from the second source:

*“Directors are required to perform their duties in good faith, with ordinary care, and in the best interest of the nonprofit, explained as follows:*

- ***In good faith.*** Good faith is shown by honesty and faithfulness to duties and obligations.
- ***With ordinary care.*** Ordinary care is the use of good judgment and common sense. It means doing to perform their duties ***in good faith, with ordinary care, and in the best interest of the*** what an ordinarily prudent person in a similar position would do under similar circumstances. Ordinary care may differ from director to director based on their background and experience and the role they play in the organization.
- ***In the best interest of the nonprofit.*** A director acts in the best interest of the nonprofit if the director reasonably believes that the action will benefit the nonprofit. Doing what is in the best interest of the nonprofit means being ***loyal*** to the nonprofit – it means the nonprofit’s interest prevails over the director’s personal or business interest. ***Doing what is in the best interest of the nonprofit means that directors are obedient to the “laws” of that nonprofit, which include adhering to the Articles of Incorporation (or Certificate of Formation), bylaws, tax-exempt status, and faithfully following its mission and purpose.*** As always, it means that directors follows all laws applying to the nonprofit – federal, state, and local laws and regulations.” (Emphasis was added in last bullet to highlight the operative part.)

## How does a Director’s first loyalty apply to the IEEE in the subject restriction?

Given that the law states that the first obligation of the Director is to the Organization, I take the position that the Members, who with the employees and staff, make up the organization, and that ALL Members of the IEEE agree to abide by its Code of Ethics, and in the code, Article 10 makes it quite clear that each Member is to support the other Members in upholding the Code of Ethics. In other words, to “provide ethical support” if and when asked, needed and justifiable. Therefore, for the IEEE Directors to have passed and approved the subject restriction against the EMCC to get involved in employee-employer disputes of a professional/ethical nature, **would therefore be a violation of the IEEE Code of Ethics, Article 10**, in my humble opinion. Therefore, the Directors of IEEE should rescind this restriction and remove it from the EMCC Operations Manual.

## The IEEE Certificate of Incorporation, or CoI Document

The link for the IEEE Certificate of Incorporation is here:

[http://www.ieee.org/documents/01-05-1993 Certificate of Incorporation.pdf](http://www.ieee.org/documents/01-05-1993%20Certificate%20of%20Incorporation.pdf)



The CoI was last revised in 1997. In it, there is the language providing for the engaging in Professional Activities and the prohibition against Collective Bargaining in matters such as trade union issues. In my opinion, this does not prohibit the EMCC for entering into employee-employer disputes, dealing with professional/ethical issues and thus the subject restriction is in conflict with the CoI.

## **The IEEE Constitution Document**

**The link for the IEEE Constitution is here:**

[https://www.ieee.org/documents/ieee\\_constitution\\_and\\_bylaws.pdf](https://www.ieee.org/documents/ieee_constitution_and_bylaws.pdf)

In the Constitution, Article I, Section 2 at the end, contains this statement:

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

My view about this negative clause is that it has little or nothing to do with IEEE’s policies for Member Discipline and Ethical Support, as the early history and precedent cases have shown that the MCC deals with Professional and Ethical matters and not trade union matters. The above clause applies to hourly labor union matters which it makes quite clear, whereas the IEEE’s MCC charter deals with Professional employee Ethical behavior and conflict, entirely unrelated. So the subject restrictive clause has little or no applicability.

## **The IEEE Bylaws Document**

**The link for the IEEE Bylaws is here:**

[https://www.ieee.org/documents/ieee\\_constitution\\_and\\_bylaws.pdf](https://www.ieee.org/documents/ieee_constitution_and_bylaws.pdf)

It is here where the teeth is found for invalidating the subject restriction contained in the EMCC Operations Manual.

### **Bylaw 110 Paragraph 3. Member Discipline**

This part of the Bylaws provides for two important authorities for the IEEE; the first is to receive complaints alleging a violation of some part of the IEEE Code of Ethics. This could be any combination of Employee to Employee, Employee to Employer, Employer to Employer, Employer to Employee. Unless the matter can be settled by the parties themselves, and one seeks IEEE to become involved, by definition it may lead to an employee-employer dispute, and must have nothing to do with labor union issues. That is just the nature of it. So, under this Bylaw provision, the IEEE would have to be involved to determine any merit of the case or not and to try to find a solution to the matter. This part of the Bylaws, in my opinion, overrides the subject EMCC restriction.

### **Bylaw 110 Paragraph 10 Member Support**

***“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 ...”***

As in the matter of a complaint of unethical conduct, this too can involve Employee to Employee, Employee to Employer, Employer to Employer and Employer to Employee situations. The more likely situation will be Employee to Employer of the four. Here, the Employee sees an engineering situation needing correction, brings the matter to his next higher authority but gets a NO response to do anything to correct it, then the Employee may go above this Higher Authority or go outside to Blow the Whistle, which leads to some form of reprisal or termination, thus affecting the Employee's livelihood, and he/she seeks the IEEE EMCC help to resolve it. This then may lead to the IEEE getting involved in an Employee-Employer type dispute, or at best may only be filing an Amicus Curiae legal brief in any court action, expressing the requirement of the Employee to uphold the IEEE Code of Ethics, but not being an Adversary in the proceedings. The BART Case is an important precedent for this kind of ethical support action by the IEEE, as was the Virginia Edgerton and Salvador Castro cases. At any rate, only professional/ethical issues are involved and are fully authorized to be handled by the EMCC, thus overriding the subject restriction.

## **IEEE Policies Document**

**The IEEE Policies Document is found here:**

[http://www.ieee.org/documents/ieee\\_policies.pdf](http://www.ieee.org/documents/ieee_policies.pdf)

The following is from the Policies document.

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

***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;”***

Here in the above statement, it is made clear that the request for support deals with “ethical” and not trade union issues. As this is contained in a document higher than the EMCC Operations Manual where the subject restriction is found; thus it can not override the authority given to the EMCC in the above Policy statement.

***“4. A full description of the circumstances, events and facts which relate to the ethical matter for which IEEE support is sought.”***

This statement makes it abundantly clear that the EMCC is empowered to deal only with ethical issues, not Trade Union matters, so the restriction statement in the EMCC Operations Manual is not applicable here.

***“Part D - Responsibilities of the Ethics and Member Conduct Committee***

***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.”***

This is an important waiver statement to be sent to the employer, signed by the requesting Member for support. It makes it very clear that the EMCC does not engage in collective bargaining or trade union matters but says nothing restricting it from handling ethical support requests involving professional/ethical issues between an employee-employer. As this same statement is contained in the

EMCC Operations Manual, there is no question that the EMCC has any authority to deal in Trade Union matters, only Professional/Ethical. Therefore, the subject restriction statement in the EMCC Operations Manual is not relevant.

## I. CONCLUSIONS

I have shown that IEEE's history of providing ethical support in employee-employer professional/ethical dispute cases, the legislative intent of the authors who wrote the original Member Conduct Committee procedures for Disciplining and Ethically Supporting Members, and the family of New York Law and IEEE Governance Documents, all provide consistent statements for IEEE providing "ethical support" in employee-employer disputes, when they involve professional/ethical and not collective bargaining/trade union issues. Therefore, the subject restriction should be rescinded by the IEEE Board of Directors and removed from the EMCC Operations Manual.

The additional restriction for the EMCC not to give ethical advice makes no sense what so ever. Article 10 of the IEEE Code of Ethics basically says that to be a requirement, to support fellow Members to abide by the code, and at times seeking ethical advice will be the prudent action to take, and the IEEE needs to be ready to respond.

Now, it remains for IEEE Members themselves to understand this and to decide to see that it happens, for the sake of protecting the public and their individual careers.

---

# J. ADDITIONAL COMMENTS SINCE FIRST ISSUED

Fellow IEEE Member:

I invite you to go to the **INSTITUTE BLOG** (it's link is below), read it, read my **POSITION STATEMENT** and then provide me feedback by answering the QUESTIONS in the BLOG.

Your participation can make a difference.

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

---

## COMMENTARY ON MY OWN BLOG

Walter L. Elden, P.E. (Ret), IEEE and SSIT Life Senior Member,  
IEEE Region 3, Daytona Beach Section, USA  
[w.elden@ieee.org](mailto:w.elden@ieee.org)

First, I urge you to read my Position Statement (link in the BLOG) and then provide me your answers to the questions I posed. Once compiled, they will be provided to the INSTITUTE to publish.

I wish to inform and then motivate a number of you “younger IEEE Members” (as I am 84 years of age and retired from active participation any longer in these matters) to get involved in the ethical support area and to take back control of that part of the IEEE. I say take back for I believe that just as was the case documented so well in Edwin T. Layton, Jr’s excellent book “**The Revolt of the Engineers**” (a must read book), where he reported how the Business Leaders and Executive Members of the American Institute of Electrical Engineers, the AIEE, got control of it then through a ruling by the New York Supreme Court in June 1913, that what my Position Statement is all about is exactly the same thing as what happened to the IEEE beginning around 1998.

In essence, what my statement is all about is how the modern era Business Leaders and Executive Members of IEEE were able to abolish the multiple “ethical support” programs and services which operated very effectively in the 1975-1998 era which my Position Statement has documented. As a result, you men and women Members of IEEE who follow me, (and here I refer to all Engineers, Scientists and Technologist Members, throughout the World) must decide whether the IEEE will return to being the Institute of Electrical and Electronics ENGINEERS or continue on as the Institute of Electrical and Electronics EXECUTIVES, in providing ethical support to Members who find themselves in “professional/ethical” employee-employer disputes, which jeopardizes one’s employment/career. It is now up to you to make the choice whether to take back the IEEE or permit it to go along as it has since 2000, prohibiting the Ethics and Member Conduct Committee, the EMCC, from getting involved in employee-employer disputes. I hope you choose to act wisely and responsibly in support of Article 10 of the IEEE Code of Ethics.

November 18, 2015

## K. MY EDUCATION, IEEE AND INDUSTRY QUALIFICATIONS FOR AUTHORIZING THIS POSITION STATEMENT



**Walter L. Elden, P.E. (Ret)**

I am fully qualified to author and advocate this Position Statement. It is based upon my education, professional and ethical support activities, experience working in industry and my volunteer services in IEEE. I am an 84 year old Life Senior Member of the IEEE (and the Society of the Social Implications of Technology, the SSIT) for over 60 years, since a Student Member in 1957 of the predecessor AIEE/IRE Societies, which merged into the IEEE.

Two courses I took at the University of Florida, “American Institutions” and “Professionalism, Ethics, Economics and Safety”, each focused me that I would, as an Engineer, be a part of a Company’s Management Team, and not as Rank and File Labor. This stressed that I should act and expect to be treated as a Professional, through upholding the Engineer’s Code of Ethics. I have applied those principles throughout my working and IEEE careers, which have led me to present this Position Statement on behalf of the “Employee Engineer”. Later, as a licensed Registered Professional Engineer, I had first hand professional experience in a product liability safety case in which I testified under oath in sworn depositions against 2 Defendant Manufacturers, as an Expert Witness, in a multiple child death resulting from a mobile home fire. In my testimonies, I cited the two most probable sources for the cause, their products, with this resulting in an out-of-court settlement in favor of the two surviving Plaintiff parents. Further, I have also served in several legal court cases as a Plaintiff, a Defendant and a Juror.

---

My degrees were in Electrical Engineering with a BEE ( With Honors) from the University of Florida, 1958, and a MSEE from the University of Houston, 1962. I was inducted into the Sigma Tau Engineering Honorary at Florida and then in 2008 inducted into the University of Florida GATOR GUARD, being a 50 year Graduate. I became a licensed Registered Professional Engineer in Florida (#7289) in 1974, but now it is retired. Also in 1974, I attended UCLA, where I completed a one week course in “System Safety and Product Liability”, then joined and published papers for the System Safety Society.

My Technical engineering work experience ranged from designing airborne/space Telemetry/Data acquisition equipment, valued in the \$100,000 range, to a totally integrated information system proposal, as its System Architect, for the US military services, valued at \$1Billion. In that, I oversaw 3 major Subsystems, directed their system design and led a team analyze the overall system performance . I chaired several data and Internet information ANSI, IEEE and SAE industry and Corporation standards committees. I was issued an award for a voice encoding Patent Disclosure. I initiated the Engineers Week recognition ceremonies at the Harris Corporation in 1995, which to this date is celebrated annually and is used to issue its top Engineering and Scientific Employee awards. I was a member of the Florida Engineering Society, the State NSPE entity.

In December 1972 I formed IEEE's first Professional Activities Committee, or PAC, in the Orlando Section, one month after the IEEE Members approved by more than 82% the adding of Professional Activities into its Constitution. In 1974 I was awarded an Engineer of the Year for those professional activities. Then I initiated holding the first IEEE Professional Papers Section at the 1974 SOUTHEASTCON, held in Orlando, FL, at which I presented 5 Professional and 1 co-authored, Air Force Communications Study, Technical, papers. In 1998 I received the IEEE USA Merit Award for promoting Professionalism and Ethics.

I was one of the original architects of the IEEE USAB Ethics Task Force; which, in 1977, drafted the proposed procedures leading to providing two services: 1. Member Discipline and 2. Ethical Support for upholding IEEE's Code of Ethics. Subsequently, USAB President John Guerrera asked me then I then presented those procedures to the IEEE Board of Directors, on behalf of the USAB, for adoption, at its November 1977 Meeting in San Diego. At the Board’s next meeting, in February 1978 Board meeting, those procedures, which had been tabled along with another set of 1. Member Discipline but no 2. Ethical

Support procedures, (developed for the Board by Attorney-Engineer Jim Fairman), combined them, and the IEEE Board approval them, which formed the original Member Conduct Committee, known as the MCC. Today, it is the Ethics and Member Conduct Committee, or the EMCC. The principles upon what I based my input to developing the ethical support procedures was a paper I wrote, which the IEEE CSIT published in its NEWSLETTER, ISSUE NO. 6, March 1974, titled, "The Dilemma Faced by Professional Engineers Working in Industry".

In 1978, I was contacted by IEEE member Virginia Edgerton, seeking "ethical support" for being fired in trying to correct a design defect in a New York City 911 system. I was able to refer her to Dr. Stephen H. Unger, with IEEE's CSIT, which ultimately led to it becoming the first "ethical support" case approved by the MCC and the Board of Directors, since the BART case in 1975, but all through the efforts of CSIT.

Later, in 1996-98, I subsequently served on the MCC, as well as performing MCC to Ethics Committee Liaison. Additionally I was one of several Moderators of the IEEE Ethics HOT Line during 1996-98 and designed the first MCC and EC WEB sites. I additionally wrote several of the Bi- Monthly Ethics column articles, along with Members of the Ethics Committee. These were published in the INSTITUTE between 1997 and 2001, including one article reporting on the Member Conduct Committee and some of its few accomplishments during its first 20 years in existence. This may have been the first article published about the MCC. I don't believe another one has been published since, some nearly 20 more years again, as in 2018 the MCC, now the EMCC, will be 40 years since first formed in February 1978. In 1996 and 1998, I attended the IEEE Sections Congress and in my MCC-EC Liaison role, presented talks about the MCC during the Ethics Committee papers sessions. Around 1997 while a member of the MCC, I responded to and assisted in helping Salvador Castro's Ethics HOT Line request to successfully gain "ethical support" from the MCC and IEEE's Board of Directors for his being fired for trying to get a design defect in a respirator for infants, which could be fatal, corrected.

During my last year serving on the MCC, in 1998, I assisted then MCC Chair, and former IEEE President, Martha Sloan develop her suggested set of Ethics Conflict Resolution Service, or ECRS, procedures. She envisioned, if approved, that IEEE would provide early on advisory services to IEEE members when faced with potential or real ethical conflicts, before escalation to a real dispute or legal case. This proposal was never approved by the IEEE and now today this type of ethical advice is prohibited for the EMCC to even give to the Members.

When the IEEE Ethics HOT Line was abruptly terminated in 1998, by an action of the IEEE Executive Committee, unjustifiably, I proposed and co-authored the forming of a non-IEEE Online Ethics HOT LINE, which continued the identical service outside of IEEE successfully by volunteer Engineers, each an IEEE Member, for several years. In 1999-2000 I served on the Board of Directors of the National Institute for Engineering Ethics, the NIEE, where I proposed and NIEE became a co-sponsor of the Online Ethics HOT Line we had been operating, and surprisingly had a relationship established with it by the IEEE. Later the HOT LINE was transferred to the National Academy of Engineering. Those HOT Line services that were provided to Engineers who sought help and advice as well as limited support, demonstrated that a HOT Line could and was operated successfully by volunteer IEEE engineers, without any insurance claims or incidents, contrary to the reasons used by the IEEE when it "shut the IEEE ETHICS HOT LINE" down in 1998.

In one request for ethical support of a personal nature in my work environment, around 1995, an engineer who worked for me asked "What is the ethical thing to do in his particular stated "employee-employer" matter?" It happened that while he reported to me on the project, he had seen the IEEE Code of Ethics I had mounted on one wall of my office. This matter involved the Program Marketing Manager, the Program Manager and the employee Engineer, who was a Member of the IEEE. Having had IEEE prior experience in such matters, I was able to resolve this matter successfully within the Company. Later, the first IEEE Ethics article I wrote for the INSTITUTE Ethics column, published in 1997, was about this matter, which I titled "Curtailing Ethical Harassment" for which several authors have cited as being what coined a definition for "Ethical Harassment". This was a real "employee-employer" conflict, which fortunately was able to be resolved without having to seek IEEE ethical support.

I was invited in 1996 and participated in the first Ethics Roundtable discussion sponsored by IEEE Spectrum. The results were published in the December 1996 edition of Spectrum. In addition to devoting my primary IEEE volunteer services in the ethical support area, I also served on both of the IEEE USA's Professional Employment Guidelines and the Salary Survey Committees around 1996-97. In Florida I served on the IEEE Florida Council in 1997 where I represented the Melbourne IEEE Section Chairing its Professional Activities Committee for Engineers, PACE. I have spoken about the IEEE, Professional and Ethical matters at the Universities of Florida, South Carolina, Central Florida and the Florida Technological University.

---

**Walter L. Elden, P.E. (Ret), w.elden@ieee.org**  
**2028 Crane Lakes Blvd., Port Orange, FL 32128 USA**  
**386-882-6398 CELL, 386-763-1135 HOME**