**How Internal Ethics Advice and Support Achieved a WIN-WIN Outcome in an Employee-Employer Dispute**

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**INTRODUCTION**

This is a personal account of an experience I had over 20 years ago, which I am writing about for the first time. It involved an IEEE Member employee, who reported to me, who brought an ethics matter to my attention and sought advice on what he should do. At that point I got involved without any hesitation. This decision put my job on the line, but then I was able to persuade my Program Manager to make an accommodation in his work assignment to this most senior engineer subordinate, which resolved an otherwise unethical assignment.

I am writing this to assist the new IEEE TAB/SSIT Task Force, which has been formed to look into IEEE’s involvement history in ethics and any gaps found needing fixed (1, 2, 3, 4). More specifically, this will demonstrate how rendering ethics advice and ethical support can result in a WIN-WIN situation, involving employee-employer ethics disputes, if and when such services are available. While this was resolved internally in our place of employment, it shows how such a similar external service, if it were re-instated and provided by the IEEE, could be a vital service to employed IEEE Members working in an organization, again striving to achieve a WIN-WIN outcome

**My Qualifications for Handling This Employee-Employer Ethics Dispute**

How was I qualified to render ethics advice and support in this WIN-WIN employee-employer dispute?

Well, for me, first I went through a somewhat similar experience prior to the subject one, but that first time it did not work out favorably for me but it made me sensitive to similar ethics conflict situations and the need to be able to resolve them favorably. This second time, the main point of this paper, did have a good ending for all parties involved.

I got involved in IEEE ethics and professional activities in the early 1970’s (5), once IEEE membership in 1972 voted by more than 82% to amend its constitution and added “professional activities” for the first time. Within a month I got approval from the Orlando Section Board to form IEEE’s first Professional Activities Committee, or PAC, starting in 1973 (6). Through that PAC, our monthly meetings discussed ethics, professionalism, employment issues, etc and were well attended.

Once the BART case began to have articles published in Spectrum (7) and CSIT’s newsletter did similarly (8) about it, and the leadership role taken by Dr. Stephen H. Unger, I read all about it, and in the process I got to know Steve, and subsequently viewed him as a mentor to me. IEEE’s entering its Amicus Curiae brief in the BART case (9) really got my attention. While the argument it presented to the court did not set a legal precedent, since the case was settled out of court, it represented an IEEE landmark in ethics responsibility to me.

Over the next 18 months, I became Pro Active in my company, promoting professionalism, ethical conduct among my fellow engineers and encouraging them to become licensed Professional Engineers. Later, in 1974, I became a Licensed PE in the State of Florida. One of my main achievements was my proposal for and getting approval to establish a Professional Activities Program in the IEEE SOUTHEASTCON for the first time, that was held in Orlando in the Spring of 1974. During Engineers Week that year, I was awarded an Engineer of the Year for Professional Activities by the Orlando Section. During the SOUTHEASTCON Professional Papers Section, I presented a few papers on what I had learned leading the first IEEE Professional Activities Committee.

**IEEE Formed the Member Conduct Committee to Discipline and Provide Ethical Support**

Shortly after this, in 1977, the IEEE United States Activities Board, USAB, led by John Guerrera, formed an Ethics Task Force Committee (10). It was charged with developing procedures for both Discipline and Ethical Support, as IEEE had just updated its 1912 Code of Ethics. I volunteered and served on it along with Steve Unger and others (11). We developed a set of procedures for both activities; discipline and ethical support. Later, these were combined with a set of discipline procedures developed by Jim Fairman, for the Board, and the two, once combined, formed the first Member Conduct Committee in February 1978.

Later that Spring, I received a phone call from a Virginia Edgerton, who asked for ethical support from the IEEE in regards to her having been fired from her position working on a new Police Dispatch system for the City of New York. When she raised the issue of how this system would add delays in the separate 911 system, and recommended changes, her Supervisor refused and fired her. I then referred her to Steve Unger, of IEEE’s CSIT, who led the investigation, resulting in IEEE approving ethical support, which later resulted in her receiving an IEEE SSIT Barus Award (12).

**My System Architect Assignment, Which Led Me Into the WIN-WIN Ethics Dispute**

Beginning in 1993, while employed by a large corporation in Melbourne, FL-USA, I was assigned as the System Architect of an extremely large $1 BILLION information systems proposal for the US Air Force. This assignment was over a year in advance of the expected Request for Proposal. This was to create the Defense Messaging System, or DMS (13), to serve all branches of the military services as well as civilian agencies of the Federal Government. It was to serve up to 2,000,000 users, located at small, medium and large sized bases. It was intended to carry data, text, video, imaging data, in a secure manner. It had to meet stringently stated performance measures. Further, it had to comply with new CCITT standards for Message Switching, the X.400, and Directory Assistance, the X.500. Additionally, it had to be Network Manageable. Finally, the system had to be built using Commercial Off-The-Shelf , or COTS, hardware and software products.

My employer elected to pursue this program as a Prime Contractor, meaning it needed to assemble an array of teammates and suppliers. For the most part, the creating of teammates and major suppliers fell to Business Development Manager, Keith G. and Program Manager Bill V., both of whom were business types, not engineers. Once it was determined that a vendors’ product met the program’s requirements, that being the function of engineering, the rest was primarily a business/political decision to position the best array for a WIN.

**The Assignment Was Made to Evaluate Two Competing Vendors’ Products**

Bruce V., an experienced networking software engineer, was assigned to me and I put him in charge of the X.400 Message Switching Transfer Agent, or MTA, Subsystems, the heart of the overall DMS. Bruce and I never knew each other prior to his being assigned to the proposal, but he previously had gained important and relevant experience working on a CCITT X.25 Packet Switching Network for a Federal Agency of the US Government. He performed excellently in the role I assigned him to.

One day, while I was working in my office, he came in, sat down and told me about being assigned by Program Manager Bill V. and Business Development Manager Keigh G. to evaluate a second COTS product from a competing supplier, to one he had just evaluated. That did not seem unusable to me, other than as my being the System Architect and his immediate Supervisor, I had not been consulted about this assignment made to him. Then he explained that there was a problem and he needed advice as to what he should do. It seems that when he had evaluated Product A, he had been given a full 40 hours to do the work, but for Product B, he was not given 40 hours, but a much small amount. This revelation made it clear as to why he came in for advice.

Coincidently, just behind me mounted on my office wall was a copy of the latest IEEE Code of Ethics (14). He had not even mentioned anything about ethics but it was evident to him that this was not a fair way to compare competing products, one of which was to be selected for our program, and would potentially yield the winning vendor a sizable bit of business. I did not hesitate in saying to him, that the assignment that was made to him, with less than an equal 40 hours approved to do a competing evaluation, was unethical business-wise. He agreed and I said for him not to do anything and that I would look into it for him and attempt to get it straightened out.

This assignment, to me, strongly suggested that our Business Development Manager, Keith G., had a preferred vendor, A, which he wished to be selected over B, and by restricting the amount of time to do a competitive evaluation of B’s product, was a biased and unfair comparison; and thus, unethical in a business sense, in my opinion. Now what to do about it was up to me as the System Architect and Bruce V.’s immediate Supervisor. To have done nothing about his concern, to play it safe and just send Bruce on his way to follow the direction given him, was not in my DNA to do.

**Action I Took to Alert Management of the Unethical Request That Had Been Made**

I immediately knew that I had to communicate the situation to my Program Manager, Bill V. and to copy Business Development Manager, Keith G. I did this using our program email service. I elected this method as I wanted it documented what I was bringing to their attention and why. So I sent an email to Bill and Keith, stating that the requested evaluation, with less than equal amount of hours to do the testing, would be unethical and that I had instructed Bruce not to proceed until it had been cleared up.

**My Program Manager, Bill V., Took Positive Action But my Department Supervisor, Phil G., Responded With an Ultimatum**

In these assignments, we engineers had two supervisors; one a Program Manager, at my level, and the other a Department Supervisor. The Supervisor hires, assigns engineers to projects, trains them, evaluates them and fires them. My Supervisor, Phil G., communicated to me, by phone I recall, advising me that Program Manager Bill V. said that he could not have one working for him, if he believed that he, Bill, was unethical.

My Supervisor, Phil G., gave me an ultimatum: to either resolve this with Bill V. or you will be looking for another job. That was quite clear, and threatening, but I was not surprised. Remember, I had been through worse and for less, as I made reference to above.

I contacted Bill and requested meeting with him the next morning, to which he agreed. I explained what I needed to meet with him about.

**My Meeting with Program Manager Bill V. to Resolve the Unethical Work Assignment Resolved the Dilemma**

I met with Bill the next morning in his office. I explained why Bruce had come to see me and the dilemma he found himself in. I explained to Bill that to require and unequal evaluation of competing products from vendors A and B, would be business unethical. He responded that he could not have anyone work for him who believed he, Bill, was unethical. It seemed we were at an impasse.

He expressed that unless we could work out something, I would be removed from the program. I responded that all I was requesting was to fund the same amount of time, 40 hours, to evaluate product B as was done for product A. That was all. Bill considered my request, and then agreed to do that. With that response, the crisis was over and we had an understanding of how to proceed.

I came away from the meeting with Bill feeling we had achieved a WIN-WIN outcome, and we did it all internally, face to face. I advised Bruce of the decision, which relieved him, and he then proceeded to evaluate product B, on a 40 hours basis.

**Lessons Learned From This Experience**

It just happened that Bruce’s Supervisor, me, was knowledgeable about business and engineering ethics, the giving of ethics advice, and to be Pro Active in offering ethical support to one placed in employment jeopardy. In this case, however, I turned out to be the engineer whose employment was placed in jeopardy by coming to the aid of Bruce, not he, with my raising the issue with Management. But this dispute was able to be resolved internally, resulting in what I term a WIN-WIN outcome, in these respects:

a. Bruce had the full 40 hours approved to evaluate Product B on an equal basis with Product A.

b. My continued employment with this company was not affected nor was my position as System Architect.

c. The company possibly was spared being sued for potential lost revenues by Company B, once they would have learned that their product had not been equally evaluated against Company A’s product, which most likely would have been the choice of Keith in Business Development.

d. The most important lesson learned, was that this demonstrated that it is possible to achieve WIN-WIN outcomes, when persons involved are knowledgeable about ethics, have the availability of ethical support services, and the leadership to apply these to achieve a good outcome for all involved.

e. Compared with the 3 big IEEE cases of ethical support, those being the BART, Virginia Edgerton and Salvador Castro, each of them had first been fired, and then sought ethical support from the IEEE after the fact. In this situation, the conflict had been able to be resolved before it got to the stage of my actually being fired; however the threat of doing so had been voiced.

f. An approach which could be applied in these situations would be to offer ethics advice and ethical support to an affected engineer employee, in this instance from within the organization. Steps should then be taken to achieve resolution of the conflict, explaining the applicable ethics principles to the employer, persuading he/she for an accommodation, then ultimately striving for a WIN-WIN outcome. It seems to me that if there were an internal process, such as an Ethics OMBUDSMAN, it should be possible to handle other conflicts like this one was, and resolve it long before one actually had to lose their employment.

g. If such a process could be established internally, why couldn’t the IEEE restore the original ethics advice and ethical support processes that were created and assigned to the Member Conduct Committee in 1978, and followed for the next 20 years, before the Board terminated them and all other ethics support services (15)? This may be the most important lesson to be learned from my experience, on behalf of Bruce and likely saving our employer from a possible suit by Vendor B’s company to recover lost business.

**A Postscript**

 A few years following this incident, when I was serving on the Member Conduct Committee, Steve Unger, then Chair of the IEEE Ethics Committee, asked me to write the first Bi-Monthly article for the INSTITUTE to publish (16). I chose to write about this incident, but in very general terms. In the article, I coined the term, Ethical Harassment, which now other authors have begun to refer to. In its basic terms, what I intended for Ethical Harassment to refer to was situations where pressure/coercion is applied to one to get him/her to change their position that a charge of an unethical action existed. It’s basically the application of inappropriate pressure on an ethical individual(s) to produce a different, but unethical wanted outcome.

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