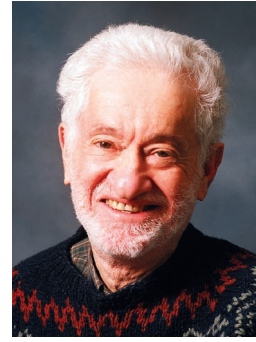


The Case of the Vanishing Ethics Article



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The Spring 1999 issue of *IEEE Technology & Society Magazine* contained an article about how efforts to get the IEEE to support, in a meaningful way, the ethical practice of engineering, were terminated a decade ago. When that Spring 1999 issue was added to the IEEE online publication archive, the article was mysteriously missing. Efforts by IEEE-SSIT (*T&S's* home society) to remedy the omission were stonewalled for years. Just recently, John Baillieul, the IEEE VP for Publications, responded promptly to a new request by *T&S Magazine* editor Keith Miller to have the article inserted in the archive, and it is now available there: “The assault on IEEE ethics support,” Unger, S.H.; *Technology and Society Magazine*, IEEE vol. 18, no. 1, Spring 1999, p.36.

What was this all about? Why did this particular article end up in an Orwellian memory hole? Check out the original article for yourself using IEEE Xplore or at <http://www1.cs.columbia.edu/~unger/articles/assault.html>. To this day, no response to the article was ever published challenging its contents or attempting to justify the behavior it describes.

During the early 1990s, the IEEE United States Activities Board (now IEEE-USA) endorsed a set of proposals by its Ethics Committee, chaired by Joe Wujek, to strengthen IEEE support for engineering ethics. Instead of merely preaching ethics to members, the IEEE was urged to actively assist engineers trying to abide by the IEEE Ethics Code, particularly in situations where doing so jeopardized their careers. Rudimentary procedures along these lines were incorporated in the charter of the Member Conduct Committee (MCC), but had been virtually unused for over fifteen years. Very few IEEE members were even aware of its existence. Therefore, one proposal was that a copy of the IEEE Code of Ethics be distributed

to IEEE members along with the annual IEEE dues notice. A second proposal was that there be a regular ethics column in *The Institute*.

Two major additional proposals were to establish:

- 1) An ethics hotline for members seeking advice on ethics-related problems.
- 2) An ethics support fund to assist engineers in situations where their efforts to practice ethically gets them into situations where they need financial assistance.

The IEEE Board of Directors (BoD), after due consideration, formed a new IEEE Ethics Committee (EC) in 1995 to work on implementing the USAB proposals. The EC got off to a strong start, establishing an ethics hotline and bolstering the IEEE's ethics support operations in several other ways. A detailed plan was worked out for an ethics support fund, to be financed by voluntary contributions by members (via a checkoff feature on the dues notice).

IEEE attorneys reviewed guidelines for both the hotline and support fund, making various suggestions for changes, all of which were accepted. They approved the final version of the hotline procedures before it was endorsed by the BoD and went into operation in August 1996. For a full year, the hotline operated successfully, providing useful advice to dozens of engineers. An article summarizing some interesting hotline cases can be seen at: <http://www1.cs.columbia.edu/~unger/articles/ethicsCases.html>

However, despite the fact that the IEEE lawyers had approved the hotline procedures, and despite the fact that no problems of any kind surfaced, the same lawyers resurrected the argument that the hotline exposed the IEEE to threats of serious lawsuits. The EC researched this issue thoroughly, checking with other organizations that ran similar operations (on a much larger scale), and learned that there was no foundation

for such concerns. No lawsuits of the type the IEEE lawyers warned about had ever been filed against these organizations. Furthermore, whatever miniscule risks existed could have been eliminated by obtaining liability insurance, which was available for such purposes at a modest cost. Such insurance is inexpensive, in itself evidence that the risks are minor.

Nevertheless, without ever talking to the EC or responding to its requests for a meeting, the IEEE Insurance Committee recommended to the IEEE Executive Committee (ExCom) that the hotline be terminated. The ExCom, in turn, again without giving the EC a chance to respond, peremptorily shut down the hotline.

While this was going on, the IEEE attorneys decided that, although they saw no legal or tax problems with the support fund proposal, there was a remote possibility that the IRS might rule that it entailed a private inurement, which would jeopardize the tax exempt status of the IEEE. They suggested that this possibility could be eliminated by seeking an advanced ruling from the IRS. A reading of the definitive law text dealing with private inurement made it obvious that the support fund proposal came nowhere near such a violation. Nevertheless, the EC agreed to hold things up until an IRS ruling was obtained. The lawyers then turned around and argued that such a request might call IRS attention to other, unrelated, IEEE activities that might lead to trouble. This pair of arguments (we need IRS reassurance, but asking them might cause trouble) became a catch-22; the IRS was not consulted and the fund was never implemented.

The ExCom then commissioned a blue-ribbon committee consisting of a former IEEE President, the current IEEE VP for Professional Activities, and an attorney often involved in IEEE activities, to review the activities of the EC, paying particular attention to the operation of the hotline. The report of this committee was presented at the February 1998 ExCom meeting. It praised the overall work of the EC, and strongly recommended that the hotline be re-instated. It pointed out that appropriate liability insurance was available at reasonable rates. After a brief open discussion, the ExCom went into executive session with the IEEE attorney. The EC Chairman (me), who had

that very day been re-appointed by the IEEE BoD, was excluded on the grounds of “attorney-client privilege!” After the closed session, a vote was taken and, with only one abstention, the blue-ribbon committee report was rejected. In conjunction with some other moves by the ExCom, this effectively terminated the drive for ethics support.

To see for yourself the current status of IEEE ethics activity, visit the website of the Ethics and Member Conduct Committee (successor to the MCC and the EC): <http://www.ieee.org/web/aboutus/ethics/index.xml>. In particular, consider a new IEEE bylaw, I-306.7, which reads:

“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]

Is there any other society whose ethics committee members are prohibited from giving advice to individuals? It is important to understand that ethics support is not a matter of engineers versus managers, or even engineers versus corporations. Decent engineering managers are often the ones most in need of organizational support. Properly run corporations can only benefit when ethical engineers make it harder for unscrupulous competitors to cut corners, and when their own engineers point out internal issues that might lead to serious problems.

The ethics hotline and the support fund were good ideas ten years ago, and they are still good ideas. Other potentially powerful methods for ethics support have been suggested. But, for the past decade, these and other steps have not been taken.

This situation constitutes a challenge to IEEE members. Will they passively accept the status quo in which the IEEE, in the ethics area, confines itself to preaching, sponsoring student essay contests, and the like; or will they demand that their professional society play an active role in backing them up when they are in conflict with large organizations over ethical issues? I hope we will insist that the IEEE becomes a bold, active leader in ethics, not a timid, passive bystander, paralyzed by an unfounded fear of litigation.

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