

# IEEE'S MEMBER CONDUCT COMMITTEE — 20 YEARS OF OPERATIONS

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MCC member

This month, IEEE's Member Conduct Committee, a standing committee of the IEEE Board of Directors, celebrates its 20th anniversary of serving its members, the profession and public in its dual missions, member discipline and ethical support, with little or no fanfare.

The MCC came into existence in the late 1970s through the convergence of several forces: the post-Vietnam conscience; the IEEE amending its constitution to add professional activities for the first time; the creation of the United States Activities Committee (USAC) later becoming a full board; ethical issues raised by IEEE's amicus curiae entered in the BART case of three engineers who sued over their being fired for their ethical actions to increase safety; and the investigative actions of the Committee on the Social Implications of Technology (now a full society in the IEEE).

Through the leadership of engineer-attorney Jim Fairman, IEEE USAC Vice President John Guarrera and IEEE USAC Ethics Task Force Chair Stephen Kowell, proposals and subsequently the bylaws, policies and procedures which set up the current MCC were drafted, prepared and presented to the BoD, which approved them in February 1978.

The MCC is composed of five voting members, including a BoD appointed chair, one or more non-voting resource members and support staff.

It operates under Bylaw I-113, affecting IEEE members, and I-114.5, affecting IEEE delegates, officers and directors. IEEE members can be affected by the MCC by virtue of their agreeing, when signing their membership renewal card each year, to the statement that "All members of the IEEE shall be gov-

erned by IEEE's Constitution, Bylaws, Statement of Policy and Procedures and Code of Ethics." Violations of any of these can lead to charges of either misconduct or unethical conduct brought against them or a request by them to the MCC for the IEEE to render ethical support in matters jeopardizing their employment or proper ethical practice.

**INVESTIGATIVE POWERS.** In matters of member discipline, the MCC is charged with conducting the necessary investigations, much like a grand jury, to determine whether there is a basis for cause. If there is, then, upon approval of the BoD, a Hearing Board is convened by the BoD and the MCC acts as the prosecutor, presenting the case against the accused member.

The Hearing Board acts as the jury, finds guilt or innocence and recommends the degree of punishment, which then goes to the BoD for upholding or reducing. Publication of findings may then occur.

In matters of ethical support, the MCC again conducts the necessary investigations, and if the facts substantiate that the IEEE member acted to uphold the IEEE Code of Ethics, and his/her employment was placed in jeopardy as a result, can recommend for the IEEE to render support to the member.

The types of support which might be rendered may include: the writing of a letter stating the member acted in accordance with the code of ethics; the entering of an amicus curiae brief upholding wrongful discharge of an engineer acting in an ethical manner in any court case brought by the member against a former employer or client; publicizing the ethical issues raised in such a case; or offering financial assistance to the member.



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**CASE LOAD.** During the 20-year life of the MCC, there have been approximately 20 who have served on the committee, of which nine have been MCC chairs. The MCC has handled a total of 79 cases; of which 53 have been member conduct and 23 have been ethical support matters. Numerous requests for MCC information packages about its procedures have been requested, with only a few resulting in the filing of actual cases.

Of the 53 member conduct cases, only one has ever reached the Hearing Board state, and it resulted in the IEEE BoD censoring the member. Of the 23 ethical support cases, the first one to be concluded resulted in the MCC publishing its "Report on Preliminary Investigation" in several IEEE publications in the Virginia Edgerton case in 1978. This case, however, had originally been thoroughly investigated and then turned over to the MCC by the Committee on the Social Implications of Technology. In 1980 the second ethics support case resulted in the MCC recommending that the IEEE support the member, but the ExCom/BoD voted not to. In one other ethics support case, while the MCC was conducting its investigation it sent observers to an administrative court hearing, along with the National Society of Professional Engineers sending its own observers. It was concluded that the presence of these observers caused the company complained against to offer an out-of-court settlement to the IEEE member.

During 1997 there were two ethics support cases. In the first, the BoD approved the MCC's recommendation to have the IEEE's

attorney contact the attorney of a member embroiled in an ethics dispute. Since the member had not yet established a court case, the MCC suspended any action until that time. In the second case, the MCC voted to have the IEEE attorney communicate with a complainant's attorney to initiate an amicus curiae brief in his case. In all other cases since 1978, they were either withdrawn or terminated for various reasons.

**LITTLE PUBLICITY.** Over the years, except for the Edgerton case, no other cases have been publicized, in spite of repeated recommendations made in 10 MCC annual reports to the BoD and by all four of the Five-Year MCC Review Committees. All 14 committees stressed the need to publicize the existence and purposes of the MCC to the IEEE membership and to publicize closed cases, protecting confidentiality, for the purpose of educating the members on ethical and member conduct matters. In spite of these repeated recommendations, this has not happened. It is not known if the IEEE will make a change in this practice and begin shedding more light on the operations and cases handled by the MCC in the coming years.

The MCC currently operates its own Web page at "www.ieee.org/committee/mcc" on which may be found the governing bylaws and the policy and procedure statements under which it operates.

*The Member Conduct Committee is comprised of Martha Sloan, 1998 chair; Peter A.E. Rusche, past chair; Walter L. Elden; Jane G. Evans; Deborah M. Powers; and Robert J. Frank (consulting), with staff support from Cindy Poko and Charles F. Stewart.*

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