ON THE ETHICS OF MISAPPLYING A CODE OF ETHICS

Marty J. Wolf, Catherine Flick

Bemidji State University (United States), De Montfort University (United Kingdom)

mjwolf@bemidjistate.edu; cflick@dmu.ac.uk

EXTENDED ABSTRACT

The computing profession sits apart from other disciplines in academia, in science and engineering, and in industry. It is not a profession in the strict sense, in the sense that engineers, doctors, or lawyers are. There is no licensure. There is no board to which ordinary citizens can make claims of malpractice that can strip credentials from someone who performs their job poorly or unethically. Regardless, there is a deep and mutually beneficial relationship among academia, computing companies, and conferences that is rare in other disciplines. The primary professional organizations play a key role in this relationship, bringing industry and academia together. These organizations sponsor conferences and are the leading publishers of computing-related research.

Each of two large professional organizations that represent computing professionals has its own code of ethics. The ACM Code of Ethics and Professional Conduct is longer and provides more guidance on its principles (ACM 2018). The IEEE Computer Society (IEEE-CS), the part of IEEE focused on computing professionals, does not have its own code of ethics, but its members are subject to the IEEE Code of Ethics (IEEE 2020), which is shorter than the ACM's and fits comfortably on a single sheet of paper. For the purposes of this paper these codes share two important features: the codes are directed only at individuals and those individuals are members of the respective professional organization.

IEEE-CS claims to have approximately 375,000 "community members" who represent 168 countries worldwide. ACM claims to have approximately 100,000 members, about half from North America and half from the rest of the world. While it is reasonable to assume that there are computing professionals who belong to both organizations, it is safe to say that combined, they represent no more than half a million computing professionals worldwide. A further point that lends to the importance of the considerations in this paper is that IEEE-CS does not appear to be a strong promoter of its code of ethics. There is no mention of its code of ethics on its landing page or its "about" page. Thus, there is a question about how actively it promotes its code of ethics. This observation is not meant to be a criticism of IEEE-CS, but rather, it is intended to help motivate the point that relatively few computing professionals may even have knowledge of the fact that they are subject to IEEE's code of ethics.

The ACM is upfront about the expectation that members agree to abide by their Code of Ethics and Professional Conduct on the membership application page. Further, ACM is clear to anyone applying for membership about its dedication to "promoting the highest professional and ethical standards." ACM expects its members to share that value, and ties the requirement to abide by the Code of Ethics and Professional Conduct to membership in the organization. Additionally it has a thorough and publicly available complaints handling process for suspected violations which can potentially result in membership being revoked, being banned from publishing in ACM publications and attending ACM events including conferences.

This leads us to the following concern: Given that so many computing professionals are not part of an international professional organization that holds as a key value the highest professional and ethical standards, should a professional organization such as ACM or IEEE-CS hold computing professionals generally to such a standard, and if so, how should it go about ensuring that all computing professionals are held to that standard?

Since IEEE and ACM are particularly powerful forces in computer science publishing, one option would be to expand the range of applicability of their respective codes to those who publish in their journals. This would serve two purposes. First, it would give an avenue to better educate computing professionals about the professional responsibilities found in the codes of ethics. Second, it would increase the range of sanctions that might be applied in cases where a violation is found. The possibility of losing publishing privileges in some or all of IEEE's or ACM's journals can be impactful, especially for academics. Unfortunately, this line of thinking only addresses a subset of computing professionals.

We recognize that there are many country-based professional organizations that do promote high ethical standards. There is a question about whether codes of ethics such as IEEE's and ACM's are truly reflective of international values as their development was done exclusively in English. Work done by Shannon Vallor suggests, however, that the values reflected in these codes of ethics may indeed be shared more globally (2016). The full paper addresses the appropriateness of international organizations collaborating with national or local professional organizations in developing, promoting, and applying codes of ethics to those entities where a given code of ethics may not be designed to apply.

A second concern we will address in the paper is that these professional codes of ethics do not apply to groups--and in particular companies. This concern manifests itself in a number of ways.

First, critiques of a code may misapply the code. For example, in a commentary where Aaditeshwar Seth called for the ACM Code of Ethics to "embrace goals such as achieving equality and overturning unjust social and economic structures through technological inventions," they identified a shortcoming of the code by providing an examples of corporate and government failures to recognize goals that are harmful to people and society. The code in this case was used for a purpose that it was not designed for.

A second concern that is sometimes raised with these professional organizations is that they do not apply their code of ethics to the companies that are developing technology. This criticism is particularly poignant when an organization such as ACM expresses its dedication to "promoting the highest professional and ethical standards" in public ways and expects its members to uphold those same standards. Even should a code of ethics be applied to a tech company, the process for investigating a complaint is unclear. Imagine that ACM tried to investigate a major company such as Alphabet for YouTube's recommendation system, which tends to lead people to some of the most extreme content on the site. How would such an investigation be carried out? Who would do the interviews? Would people at the tech company be allowed to talk without fear of retribution from their employer? What are reasonable sanctions should the company be found to have violated the code of ethics?

Organizations such as ACM and IEEE are certainly large enough and powerful enough to make public statements (as a possible sanction) about the harms caused by a tech company's product or actions. There is every reason to expect some sort of retaliation, though, due to how generously major tech companies support ACM and IEEE conferences through their financial and in-kind

contributions. Such a sanctioning regime may create a two-tiered system where companies that are supportive of conferences are less likely to face scrutiny than those that do not.

The IEEE-CS program that allows corporate memberships may be the seed of an approach to address these concerns. A corporate membership that came only with a commitment to the highest professional and ethical standards may provide a foundation for a "name and praise" system, rather than a "name and shame" system. A name and praise system would identify companies that adhere to best practices for ethical computing as well as techniques for verifying that those practices are actually effective. Yet there are limitations to this approach as well.

This paper will develop these questions and suggest some ways forward in order to foster a lively discussion about application - and misapplication - of codes of ethics.

KEYWORDS: Code of Ethics, Professionalism, Computing Profession, Professional Organizations, Professional Organization Responsibilities.

REFERENCES

ACM Code of Ethics and Professional Conduct (2018). https://www.acm.org/code-of-ethics

IEEE Code of Ethics (2020). https://www.ieee.org/content/dam/ieee-org/ieee/web/org/about/corporate/ieee-code-of-ethics.pdf

Aaditeshwar Seth. (2023). What's Missing in the ACM Code of Ethics and Professional Conduct. interactions 30, 3 (May + June 2023), 44–47. https://doi.org/10.1145/3588003

Vallor, S. (2016). Technology and the Virtues. New York: Oxford University Press.