

Declaration of Affiliation: Understanding Your Disclosure Obligations

Fundamentals

- IEEE develops high-quality standards intended for broad adoption
- In general, the best standards are those that balance the needs and interests of all stakeholders
- IEEE standards development is open to all interested parties
 - Openness means not being restricted to a particular type or category of participants.
- IEEE standards development processes must not be dominated by any single interest category, individual, or organization

Dominance

- Potential dominance in Sponsor ballots as evidenced by an unduly high proportion of individuals employed by or affiliated with a single entity or from a particular balloting classification is unacceptable, counter to open and fair participation by all interested parties, and deprecated by the IEEE-SA Standards Board.
 - IEEE-SA Standards Board Bylaws (Dec. 2016) § 5.2.1.3

What Is Affiliation?

- Basic definition: “An individual is deemed “affiliated” with any individual or entity that has been, or will be, financially or materially supporting that individual’s participation in a particular IEEE standards activity.”
- Employers and Others: “This includes, but is not limited to, his or her employer and any individual or entity that has or will have, either directly or indirectly, requested, paid for, or otherwise sponsored his or her participation.”
 - IEEE-SA Standards Board Bylaws (Dec. 2009) § 5.2.1.5

Disclosure Is Mandatory

- “Every member and participant in a working group, Sponsor ballot, or other standards development activity shall disclose his or her affiliation, which includes employer(s) and any other affiliation(s).”
 - IEEE-SA Standards Board Bylaws (Dec.2016) § 5.2.1.5
- “An individual’s status as representing an organization shall be based on self-disclosure of affiliation in compliance with the IEEE-SA policy on Disclosure of Affiliation and on other information that may be available to the IEEE-SA Standards Board and the Sponsor.”
 - IEEE-SA Standards Board Bylaws (Dec. 20169) § 5.2.1.3.1

IEEE Member Pledge

- “We, the members of the IEEE, in recognition of the importance of our technologies in affecting the quality of life throughout the world, and in accepting a personal obligation to our profession, its members and the communities we serve, do hereby commit ourselves to the highest ethical and professional conduct.”

IEEE Code of Ethics

<https://www.ieee.org/about/corporate/governance/p7-8.html>

Ethics, Conflicts, and Disclosure

- “avoid real or perceived conflicts of interest whenever possible”
- “disclose [conflicts] to affected parties”
- “reject bribery in all its forms”

Ethical Behavior and the Law

- members of SDOs “often have economic incentives to restrain competition”
- “the product standards set by such associations have a serious potential for anticompetitive harm”

Allied Tube & Conduit Corp. v. Indian Head, Inc.,
486 US 492 (1988)

Ethical Behavior and the Law, cont'd

“We look to see whether the process of standard-setting has been abused to seek an unfair competitive advantage and whether the proposed standard is the product of any anticompetitive conduct on the part of the organization or its members.”

U.S. Justice Department – American Welding Soc’y
Business Review Letter (Oct. 7, 2002)

Confidentiality, Non-Disclosure, and Consequences

- Failure to disclose affiliation(s) can result in complete or partial loss of rights to participate in IEEE-SA activities
- Confidentiality agreements
 - “An individual is not excused from compliance with this policy by reason of any claim of a conflicting obligation (whether contractual or otherwise) that prohibits disclosure of affiliation.”
 - Any other result would permit participants and those seeking to influence a group a “free pass” around IEEE rules

Use of Information

- How will this information be used?
 - All standards development group employer and affiliation declarations will be considered if there is an appearance of dominance in the standards development project or governance body.

- Will this information be shared with anyone else other than IEEE-SA?
 - Yes, employer and affiliation of participants is to be included in the minutes of a standards development meeting. Because minutes are to be available to all participants, the declarations are considered public information.

Difference between Employer and Affiliation

- An affiliation includes, but is not limited to, an individual's employer and any individual or entity that has or will have, either directly or indirectly, requested, paid for, or otherwise sponsored his or her participation.
- An employer is typically the entity that would be reporting an individual as an employee for tax purposes.
- If you are consulting or contracted with another entity, your employer and affiliation will typically be different [e.g., your employer, self-employed, or your consulting firm name as the employer; the client(s) as the affiliation].
- Do not assume that the IEEE-SA will conclude your affiliation is the same as your employer. You must declare any affiliation even if it is the same as your employer.

False Declaration or Refusal

- If it is determined that a person has made a false or misleading declaration of affiliation, their participation privileges may be suspended or revoked. This may be limited to the particular project or may, if warranted, cover all IEEE-SA activities. Similarly, if warranted, penalties may extend to the participant's employer and/or any person or entity that is considered an affiliate.
- If you refuse to disclose your affiliation, as outlined in IEEE-SA governance documents, you will lose certain rights. In a working group where voting rights are gained through attendance, no attendance credit will be granted if affiliation is not declared. Similarly, voting rights will be removed if affiliation isn't declared.

False Declaration (cont'd.)

- A person who believes that a participant's disclosure is materially incomplete or incorrect should report that fact to the Secretary of the IEEE-SA Standards Board and the appropriate Sponsor(s).
 - Sponsors not required to “police”

How Does a Consultant determine Affiliation?

- **For Consultants: The general answer is in the definition.**
 - An individual is deemed "affiliated" with any individual or entity that has been, or will be, financially or materially supporting that individual's participation in a particular IEEE standards activity. This includes, but is not limited to, his or her employer and any individual or entity that has or will have, either directly or indirectly, requested, paid for, or otherwise sponsored his or her participation.
 - ***It is the person or entity that is financially or materially supporting your participation.***

What if I Consult for Multiple Affiliations?

- If you represent more than one affiliate or multiple companies, they are financially or materially supporting your participation you should declare all of them. A small number of entities are more likely to be influencing your positions. With a large number of entities, with none explicitly or implicitly influencing your positions through financial or other incentives, it is less likely that your positions would be influenced by the relationship. The person disclosing has to honestly judge if their positions are "materially supported" and if so, declare it.
- If you consult for multiple companies but none pay for your time or expenses to attend standards development meetings, you are affiliated with those companies if they are influencing what positions you take on issues (e.g., if continued work is probably dependent on taking an agreeable position, then you are being influenced by that affiliate).

Why Do We Have to Do This?

- From IEEE's perspective: Compliance is important for preserving openness and preventing dominance
 - Tools for monitoring group activity and composition
 - Additional remedies
- From your perspective: more transparency in who you are dealing with and what their agenda might include
- The requirement applies to both individual and entity-based standards development projects.
- It is consistent with the IEEE Code of Ethics requirement to disclose conflicts of interest.

When Will I Be Asked to Declare Affiliation?

- When joining a technical area in myProject
- When joining a Sponsor Ballot Group
- At an in-person Working Group Meeting
- At an electronic or teleconference Working Group meeting

Note: WG includes Working Groups, Task Groups, and other standards-developing committees with a PAR approved by the IEEE-SA Standards Board.

Questions

For complete FAQ on Affiliation, and answers to questions regarding additional questions on employers, retirees, subsidiaries, parent affiliates, etc., see:

- <http://standards.ieee.org/faqs/affiliationFAQ.html#Q1>