UNDERSTANDING THE BASICS OF

PUBLIC SERVICE ETHICS

Promoting Personal and Organizational Ethics

ILG Institute for Local Government

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Special thanks to the following individuals whose time and effort contributed to this publication:

Bill Chiat
Program Manager, CSAC Institute for Excellence in County Government
Executive Director, California Association of Local Agency Formation Commissions

Craig Dunn
Associate Professor, Department of Management, Western Washington University
Senior Consultant, The Centre for Organization Effectiveness

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UNDERSTANDING THE BASICS OF PUBLIC SERVICE ETHICS: Promoting Personal and Organizational Ethics

1400 K Street, Suite 205

Sacramento, CA 95814

(916) 658-8208 • FAX (916) 444-7535 • www.ca-ilg.org

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About This Guide

A complex set of ethics laws guide elected officials and agency staff in their service to their communities. These laws are one source of guidance on what they should do or not do in a given situation.

However, ethics laws only constitute *minimum* standards for officials' conduct. The law is a floor for conduct, not a ceiling. Just because a particular course of action is legal does not mean it is ethical.

What tools are available to help elected officials and agency staff set their sights higher than the minimum requirements of the law? Moreover, how can leaders promote ethics not only in their own behaviors, but throughout the organization?

This guide offers some help, with a three-part strategy.

1. Be clear on what ethics means in public service as it applies to one's own behaviors, including how to resolve the inevitable ethical dilemmas that arise in their service.
2. Promote a culture of ethics within the organization.
3. Have a thoughtful strategy for dealing with ethics issues when they arise.

The guide concludes with a list of references for further reading on ethics.

A COMPLETE LIBRARY ON PUBLIC SERVICE ETHICS ISSUES

As part of its *Understanding the Basics of Public Service Ethics*, the Institute for Local Government offers California local officials a series of resources designed to help them meet both the law's and the public's expectations for public service:

- *Personal Financial Gain Laws*
- *Perk Issues, Including Compensation, Use of Public Resources and Gift Laws*
- *Transparency Laws*
- *Fair Process Laws and Merit-Based Decision-Making*
- *Promoting Personal and Organizational Ethics*

In addition, as part of its "Everyday Ethics" series, the Institute regularly analyzes situations local officials face from both a legal and ethical perspective.

To access these resources, visit www.ca-ilg.org/trust.

Walking the Ethics Talk: Strategies for Success

What Is "Ethics?"

Ethics is what one ought to do--the kind of behaviors that would make the world a better place especially if everyone engaged in them.

Ethics is particularly important in public service. The public's trust and confidence in its leaders and institutions is vital to success in public service. It's definitely not an "extra" for those in leadership positions.

- **Power of the Collective:** Elected officials and agency staff make decisions about what can and cannot happen in the community. They also spend scarce taxpayer dollars. Because their actions affect many people, it is especially critical that those actions serve the best interests of the community, as opposed to narrower personal or political interests.

- **Stewards of Public Trust:** Public trust and confidence is vital to public agencies' ability to address the pressing issues and needs of the day. Elected officials and agency staff are stewards of that trust and confidence. This means that perceptions as well as reality matter. Part of protecting that public trust and confidence is avoiding not only actual improprieties, but also perceptions of improprieties.

The key question is: how does the conscientious public servant sort through competing considerations and determine "the right thing to do?" When it comes serving the public, how does one put one's values into practice?

"It takes 20 years to build a reputation and five minutes to ruin it."

— Warren Buffett

UNIVERSAL ETHICAL VALUES

Research by the Institute for Global Ethics identifies ethical values that transcend virtually all cultures and religions.[1]

Among them are:

- Trustworthiness
- Responsibility
- Respect
- Loyalty
- Compassion
- Fairness

The concept of "integrity" might be understood as endeavoring to honor all these values, in all facets of one's life, and on a consistent and ongoing basis.[2]

"The Right Thing to Do" — Values

There are a number of sources of guidance. One, of course, is the law. For example, California has a complex array of laws relating to ethics in public service. But laws are only minimum standards. The laws define what one must (or must not) do, not what one ought to do.

To determine what one ought to do, go to the root of the matter and think in terms of values. The chart above identifies key ethical values that tend to resonate with nearly everyone--irrespective of culture, religion or national origin.

What do these values mean in the context of public service? The chart on the next pages provides some food for thought.

PUBLIC SERVICE VALUES

How do core ethical values translate into action in public service? Here are examples of what values mean in practice.

Trustworthiness

I remember that my role is first and foremost to serve the community.

I am truthful with my colleagues, the public and others.

I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.

I do not accept gifts or other special considerations because of my public position.

I do not knowingly use false, inaccurate or biased information to support my position.

I do not use my public position for personal gain.

I carefully consider any promise I make and then keep it.

Fairness

I make decisions based on the merits of the issues.

I honor the law's and the public's expectation that agency policies will be applied consistently.

I support the public's right to know and promote meaningful public involvement.

I support merit-based processes for the award of public employment and public contracts.

I am impartial and do not favor those who either have helped me or are in a position to do so.

I promote equality and treat all people equitably.

I excuse myself from participating in matters when my or my family's financial interests may be affected by my agency's actions.

I credit others' contributions in moving our community's interests forward.

I maintain consistent standards, but am sensitive to the need for compromise, creativity and improving existing paradigms.

Responsibility

I work to improve the quality of life in the community and promote the best interests of the public.

I promote the efficient use of agency resources.

I do not use agency resources for personal or political benefit.

I represent the official positions of the agency to the best of my ability when authorized to do so.

I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.

I take responsibility for my own actions, even when it is uncomfortable to do so.

I do not use information that I acquire in my public capacity for personal advantage.

I do not promise that which I have reason to believe is unrealistic.

(For staff members) I give my best analyses, recommendations and effort in my work.

I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political or professional advantage.

I do not disclose confidential information without proper legal authorization.

I am proactive and innovative when setting goals and considering policies.

I consider the broader regional and statewide implications of the agency's decisions and issues.

I promote intelligent innovation to move forward the agency's policies and services.

Respect

I treat everyone with courtesy and respect, even when we disagree.

I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.

I gain value from diverse opinions and build consensus.

I follow through on commitments, keep others informed, and provide timely responses.

I am approachable and open-minded, and I convey this to others.

I listen carefully and ask questions that add value to discussions.

I involve all appropriate stakeholders in meetings affecting agency decisions.

I come to meetings and I come to them prepared.

I work to improve the quality of life in my community.

Compassion

I realize that some people are sometimes intimidated by the public process and try to make their interactions as stress-free as possible.

I convey the agency's care for and commitment to its community members.

I am attuned to, and care about, the needs and concerns of the public, officials, and staff.

I recognize a responsibility to society's less fortunate.

I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

I safeguard confidential information.

I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.

I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.

I don't oppose final decisions once they have been made by the decision makers, except through internal lines of communication.

I put loyalty to the public's interests above personal, professional and political loyalties.

THE IMPORTANCE OF PUBLIC PERCEPTION

The interesting — and somewhat unique — aspect of public service ethics is that it is not exclusively an introspective process. A public official or employee can be absolutely confident that he or she is able to put personal interests or relationships aside, but the public may still question whether indeed that is so.

Public perception, therefore, matters a great deal in one's analysis of what the "right thing to do" is in public service. This is because those who make decisions on the public's behalf are stewards of the public's trust in their governing institutions.

The key goal is for all members of the public to be assured that personal interests played no role in a public servant's decision. This does not mean though, that ethics means yielding to popular prejudices or passions. One of the responsibilities of public service is to do what's best for the community, even when it may be politically unpopular to do so. The key is to always act on one's best judgment on what serves the community's interests – not one's personal, professional or political interests.

Types of Ethical Dilemmas

There are two common types of ethical dilemmas:

- **Personal Cost Ethical Dilemmas.** This involves situations in which doing the right thing may or will come at a significant personal cost to the decision-maker or the decision maker's agency. These also can be known as "moral courage" ethical dilemmas.
- **Right-versus-Right Ethical Dilemmas.** This type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values.[3]

Of course, some dilemmas are a combination of both: a conflict between competing sets of "right" values (a right-versus-right ethical dilemma) and a situation in which doing the right thing involves personal or political costs (a personal cost ethical dilemma).

Personal Cost Ethical Dilemmas

What kinds of costs cause "personal cost" ethical dilemmas?

- **Position.** Sometimes one can fear that doing the right thing will jeopardize one's position, whether it be elected, appointed or hired.
- **Financial.** Some costs can be financial, for example a missed opportunity for financial gain or material benefits.
- **Relationship.** The cost can be more directly personal, as when a particular course of action may jeopardize a valued relationship.

In these situations, the answer is relatively simple, but certainly not easy. The bottom line is that being ethical means doing the right thing regardless of personal costs.

Right-versus-Right Ethical Dilemmas

Right-versus-right ethical dilemmas can be more difficult to resolve.

No one gets a job (employment or elected or appointed office) without the help of others. It's right to feel gratitude and loyalty to those who have helped one attain a certain position.

What if that supporter wants an elected official or agency staff member to do something that conflicts with his or her sense of what best serves the community's interests? This presents a conflict between the responsibility to do what is in the public's best interest and loyalty to a supporter. Responsibility and loyalty are both bona fide ethical values.

For any public servant, the ethical value of responsibility (and the responsibility to do what is in the public's best interest) trumps the ethical value of loyalty. This is when thinking about the public's perception of the right thing to do can be a useful dilemma-resolution strategy.

Sorting through Ethical Dilemmas

The following questions can help identify what the right thing to do is in a given situation:

- Which ethical values are involved in this decision (for example, trustworthiness, compassion, loyalty, responsibility, fairness, or respect)?
- Is this a situation in which ethical values are in conflict (right-versus-right dilemmas) or in which there is a significant personal cost associated with doing the right thing?
- What are the facts? What are the public benefits to be achieved or the public harm to be avoided by a particular decision? Is there a decision that does more public good than harm?
- What are the options?
    - For right-versus-right dilemmas, is there a course of action that would be consistent with either both sets of ethical values or consistent with an ethical value of particular importance in public service (for example, trustworthiness, responsibility and fairness)?
    - For personal cost ethical dilemmas, is there a course of action that both involves doing the right thing and minimizes the potential costs of pursuing the right course of action?
    - What decision best reflects the responsibility of elected officials and agency staff to serve the interests of the public as a whole or to promote public trust?

It can also be useful for elected officials and agency staff to think about their boundaries *before* they find themselves in a difficult ethical dilemma. This approach tends to avoid the temptation to engage in "situational ethics," in which one might compromise one's values in order to avoid the personal costs associated with doing the right thing.

This approach tends to avoid the temptation to engage in "situational ethics," in which one might compromise one's values in order to avoid the personal costs associated with doing the right thing.

GOOD INTENTIONS NECESSARY, BUT NOT NECESSARILY SUFFICIENT

Many public servants figure that their solid values system will be enough to keep them out of trouble in terms of both ethics and the law—and that solid values system means that it isn't necessary to learn about public service ethics laws.

As great as it is that people intend to set their sights considerably higher than the minimum requirements of the law, it still is wise to spend time understanding ethics laws. These laws are complex and not necessarily intuitive. Moreover, missteps are costly, not only in terms of penalties, but also in terms of public perception.

Promoting a Culture of Ethics

Human nature being what it is, it can be difficult to prevent all lapses of judgment. There are, however, some strategies organizations can pursue to minimize them. It all boils down to promoting a culture of ethics in a community and within an organization.

Lead by Example

Of course a key element of fostering an ethical culture is the behavior and attitudes of the organization's leadership. It's about "the tone at the top." The commitment of an agency's leaders to consistently demonstrate high standards of honesty, respect, transparency and trustworthiness is key to infusing those standards in the organization's day-to-day operations, including the behaviors of staff.

One way to do this is to consistently practice civility in one's relations. Civility is closely linked to the ethical value of respect. Thoughtful people can reasonably disagree about the best way to solve difficult problems. Disagreement is not a bad thing in itself. It can be a healthy element of the decision-making process and keeping the organization from making missteps.

The issue is how disagreement is expressed. The crucial part of civil discourse is to keep the focus on the merits of a given proposal. Another way of putting it is to criticize ideas, not the person advancing the idea.

For more ideas and information about civility in public discourse, visit www.ca-ilg.org/civility.

Evaluate the Prevailing Message

Communities and organizations send messages in various ways about what's important. For example, one way in which people can get into trouble is if the prevailing culture is to value a "just get it done" or "whatever it takes" approach to job tasks and responsibilities. It's an ends versus means analysis. Are the ends all important or is the process by which ends are achieved also an important concern?

Ethics, of course, is about the means by which ends are achieved. Emphasizing and rewarding only outcomes may inadvertently be signaling that the means or processes by which people achieve ends don't matter. Even worse, it may signal the ends justify any means, even ones that may be unethical.

Include Values in Mission Statement

A way of signaling that ethics is important is to have an adopted set of values to guide everyone. One vehicle is the agency's mission and values statement. Including one or more values relating to ethics (for example, trustworthiness) in a mission and values statement underscores the agency's commitment to ethics.

Note: It can be confusing if an agency has too many separate statements about what principles the organization says it lives by. The ideal is to have one statement that everyone can remember and internalize. Multiple statements may cause people to question which set of statements are really important or whether it's just about making statements for the sake of making statements.

Adopt a Values-Based Code of Ethics

Another strategy is to engage in a process of adopting a code of ethics. A values-based ethics code identifies the values that are important and how they apply to the organization's efforts. A values-based code is a list of "do's," whereas a rule-based code tends to be more of a list of "don'ts." Typical values to include in a code include trustworthiness, respect, responsibility and fairness.

Simply adopting such a set of principles is not enough, however. As the Ethics Resource Center counsels "Don't just print, post and pray." The values need to be integrated and highlighted at every opportunity for such a statement to truly play a role in fostering a culture of ethics.

For example, is the statement posted on the agency's website? This is part of making a public commitment to live by those values and walk the talk.

The Institute for Local Government has published a process-oriented guide on adopting a values-based ethics code. The guide is available online in electronic form without charge at www.ca-ilg.org/ethicscodes.

In fact, the "ethics codes" section of the Institute's website offers a number of resources on the topic, including sample codes adopted by other public agencies. Note, however, that these examples are offered as a starting point to craft a values-based code for one's own organization. Simply adopting another agency's code is not likely to affect or inform behaviors.

Hire for Ethics

The prevailing wisdom is that organizations need to hire for attitude and train for skills. Ethics, of course, is a major aspect of an individual's attitude. In fact, the Josephson Institute goes so far as to modify this advice to "hire for character and train for skills." Although this advice may be too broad for top level positions, the point remains that it is important to include considerations of character in any hiring situation.

So how does a public agency hire for character?

The goal is to attract candidates whose values are compatible with the agency. One strategy for doing so is to publicize the agency's values as part of the recruitment and application process.

Another is to conduct a thorough background review of applicants. Needless to say, an applicant who is willing to mislead an employer in order to be favorably considered for a job is likely to mislead the employer on other matters. Reference checks are critical, including questions about behaviors and attitudes as well as skills and communications ability. This includes routinely verifying college degrees and certifications and checking driving and criminal records.

Reference checkers need to assure themselves that not only did the person work where and when they state on their resume, but they accurately report their job title and scope of their responsibilities. Reference checkers should ask references to add anything that was not asked and listen to what is not said. An example is references who struggle to find the right and diplomatic thing to say about a candidate.

There are also questions one can ask as part of the interview process (see next page).

INTERVIEWING FOR ETHICS

1. Carefully probe claimed accomplishments, skills and/or competencies on an applicant's resume, particularly if the accomplishment seems out of synch with the job title or an applicant's level of experience.

   A candidate's discomfort or hesitancy in providing specifics may be a sign of resume inflation. So is a defensive reaction to the question in the first place. This can indicate that a candidate doesn't have the claimed qualification and may be trying to bully or bluster his or her way out of a tight spot. Even if the candidate does have the qualifications, the defensive or cranky reaction can indicate sensitivities or proclivities that would contribute negatively to an agency's work environment.

2. Ask the candidate about an ethical dilemma they have faced in a past position and how they resolved it. Also inquire "knowing what you know now, would you approach the issue in the same way?"

   This question probes as a threshold matter whether an individual thinks in terms of ethical dilemmas. Unless the applicant is for an entry level position or early in his or her career in terms of previous work experience, most applicants will have had some situation that gave them some pause. If he or she hasn't, it may be that the candidate doesn't look at situations in terms of presenting ethical dilemmas.

   If he or she has faced a dilemma, evaluate the way the applicant resolved the dilemma. Does it appear that the individual is concerned with doing the "right thing," even at a potential cost? If the individual took the expedient route over what might be characterized as the ethical route, is there a sense of regret and a realization that he or she should have approached the issue differently? (Honesty, self reflection and a capacity for growth can be valuable qualities in a candidate.)

   Conversely, a candidate can react too righteously to a situation. If the candidate perceived a wrong and then immediately went straight to the media without making any effort to work up the chain of command, this can signal only a superficial commitment to promoting ethics in the workplace.

3. Probe how the candidate would deal with the following situation: "You are facing an important deadline, but meeting the deadline would involve not complying with either agency practices or legal requirements. Do you meet the deadline or do you follow the agency's requirements? Why?"

   With this kind of question, the issue is the extent to which process and following the law is important to the candidate. Candidates with either a "get it done" or "whatever it takes" mentality can get a public agency into trouble. To the extent that an agency has publicized its values as part of the application process, the applicant's answer may reflect how seriously he took the agency's stated commitment to those values.

4. Explore a scenario like the following that might arise for the position for which the person is interviewing. “An individual who does business with the agency or has a matter pending with the agency asks you to lunch and offers to pay. Do you accept the invitation to lunch? Do you let him or her pay? Why or why not? What do you say?”

   This kind of question (or some variation relevant to the position for which a candidate is interviewing) can help the interviewer assess the degree to which the candidate is sensitive to issues of public trust and appearances of impropriety. There also might be an issue of perception even on the part of the individual who is extending the invitation. Even if the individual extending the invitation “plays the game,” he or she may resent having to do so or may simply assume that currying favor is necessary to achieve a desired outcome.

5. Present a situation in which an employee might be tempted to be dishonest in a way that would be relevant to the position. Alternatively, ask them how they have handled a situation in which they made a mistake in a past position, noting that virtually everyone makes mistakes.

   Again, unless the applicant is very early in his or her career in terms of previous work experience, most applicants will have had occasion to misstep. If they deny that they ever have, it may be a signal that they are not willing to admit to mistakes and alert management to situations that may benefit from corrective action before developing into something more embarrassing for the agency.

   What the interviewer is looking for in this answer is a willingness to admit his or her mistakes and to be part of the corrective action. Not only is this a useful quality in terms of the organization’s ability to do damage control, it also signals a willingness to take personal responsibility for one’s actions, even if it comes at a potential cost in terms of embarrassment, discipline or something more severe.

6. If applicable (see list below), ask the applicant whether the candidate is familiar with and ascribes to his or her profession’s code of ethics.

   The following organizations are among those who have adopted statements relating to professional standards of ethics:

   - The International City/County Management Association
   - The American Institute of Certified Planners
   - The International Institute of Municipal Clerks
   - The California Society of Municipal Finance Officials
   - The City Attorneys Department of the League of California Cities

An applicant’s familiarity with his or her profession’s standards is an indicator of the applicant’s sensitivity to the unique ethical issues the profession faces, as is of course his or her adherence to those standards. Links to these various codes and others are available from the “ethics codes” section of the Institute for Local Government’s Ethics Resource Center: www.ca-ilg.org/ethicscodes.

Vote for Ethics: Campaign Ethics

Campaigns are, of course, the "hiring process" for elected officials. Campaigns are also the time period during which the public and the media tend to pay the most attention to local policy and political issues. Campaigns are a key opportunity to sound the ethics message.

One step is to encourage ethical campaigning. There are a variety of ways to do this. In California, candidates have the opportunity to sign a voluntary code of campaign conduct; there is also a more updated version of the code (called a "pledge" to avoid confusion with the statutory code) available at www.ca-ilg.org/campaignethics that goes into more detail.

Some local agencies have elevated the discussion of ethics to a campaign theme. For example, the City of Santa Clara has developed a "Vote Ethics" campaign to encourage residents to hold candidates accountable for the tenor and focus of their campaigns.

RESOURCES FOR FURTHER INFORMATION

See the Institute publication, *Success in Public Service: What You Need to Know Before You Are Appointed or Elected* (www.ca-ilg.org/candidatepamphlet). This pamphlet is designed to be included in candidate information packets, as well as packets for those seeking appointments to boards and commissions. It provides a brief overview of ethics law requirements for those seeking public office.

Another publication, *Win the Right Way: How to Run Effective Local Campaigns in California* (www.ca-ilg.org/win), describes how to run a successful and clean campaign.

Have Strong Internal Policies

An agency's policies can help prevent and detect missteps. Examples include:

- Procedures for inventorying and accounting for agency property;
- Regulations governing outside employment (to avoid conflicts of interest and soliciting work while on agency time);
- Policies explaining procedures for reporting and investigating allegations of misconduct and protection of those that report misconduct;
- An anti-nepotism policy;
- Procurement rules and regulations with decision-making criteria and processes for purchases of goods and services;
- Procedures for disposal of surplus agency property;
- Transparency requirements, that disclose both positive and negative information within the organization, to the public and financial institutions;
- Internal controls in place, including such practices as
  - Segregating duties among staff to minimize risk of error or misconduct;
  - Limiting access to agency assets such as cash, equipment, documents and credit cards to safeguard against unauthorized acquisition, use or disposition;
  - A system of authorizations, approvals, and verifications;
  - Diligent reconciliation processes to compare various sets of data to one another; and
  - Periodic audits of financial information and agency functions.

For more information on wise practices, see the Institute for Local Government's *Ethics Law Compliance Best Practices*, available at www.ca-ilg.org/ethicsbestpractices.

Include Ethics in Employee Orientations

The old saw about the importance of first impressions holds true with members of the agency's leadership and workforce. This is especially true if someone is unfamiliar with the special ethical obligations associated with public service. Someone may be completely unfamiliar with the role perception can play in the public's trust and satisfaction with the way the agency does business; they also may be unaware that practices that are commonplace in the private sector (such as steering the agency's business to friends, for example) may not be appropriate for the public sector.

As an illustration, the International City/County Management Association recommends that new employee orientations include:

- A clear and concise statement by the chief administrator of the agency's expectations concerning employee's sensitivity to ethical concerns;
- Training on federal, state and local laws that apply to the employee's actions;
- An explanation of the organization's management philosophy—its mission and values; and
- The organization's processes for holding employees accountable for both ethical and lawful behavior, including safeguards that exist against groundless or unfair accusations.

Another issue to cover is where someone should go for advice within the organization if he or she is facing an ethical dilemma and is unsure how to resolve it. For employees, usually one's immediate supervisor is the first choice (and employees should be encouraged to ask how a given course of action may jibe with the organization's stated commitment to ethics). If this approach proves unproductive, the employee should be encouraged to work up the chain of command. In some agencies employees may be able bring their concerns to an ombudsman or ethics officer.

In California, state law requires elected and appointed officials to receive training on their legal and ethical obligations as public servants.[4] This training needs to occur within a year of taking office to satisfy the requirements of the law,[5] but obviously scheduling such training as soon as a group of officials take office maximizes the likelihood that their public service starts off on the right foot. Many agencies have top level staff participate in this training or training more tailored to ethical issues staff face.

RESOURCES FOR FURTHER INFORMATION

See the Institute publication, *Success in Public Service: What You Need to Know Before You Are Appointed or Elected* (www.ca-ilg.org/candidatepamphlet). This pamphlet is designed to be included in candidate information packets, as well as packets for those seeking appointments to boards and commissions. It provides a brief overview of ethics law requirements for those seeking public office.

Make Ethics Part of Employees' Performance Evaluation

Providing regular feedback—positive and negative—to staff on ethics issues is another important element in promoting a culture of ethics. Management experts note that behaviors that are rewarded are those that will be repeated. The International City/County Management Association recommends the following as examples of ethics-related performance standards:

- Performing activities in accordance with relevant laws and regulations;
- Setting a good example in situations in which discretion is required; and
- Demonstrating commitment to the organization's mission, goals and values.

Violations of ethical standards should be addressed consistently and fairly.

FREE ONLINE ETHICS COURSE

To help local officials meet their ethics training requirements, the Institute for Local Government and the Fair Political Practices Commission have developed a free online ethics training course. The course has been approved by the Attorney General's Office and Fair Political Practices Commission. See www.fppc.ca.gov/index.html?id=477.

Discuss Ethical Dimensions of Situations

Leaders at all levels of an organization can encourage sensitivity to ethical issues by simply bringing them up. If an agency has a values-based code of ethics (see discussion on page 15), analyzing issues in light of the agreed upon values in the code is an effective way to keep the code relevant and helpful.

The International City/County Management Association recommends that public agency managers use staff meetings to explore and review the ethical dimensions of decisions and actions. This helps employees be aware of the priority given to ethical concerns and communicates that ethical considerations are an integral part of their job responsibilities.

One way to do this is to use media reports of others' missteps and pose the questions:

1. What are we doing to prevent this, and
2 What would we have done differently in this situation?

Another technique is to schedule quarterly discussions with the management team, in which each member describes their own efforts to keep ethics issues front and center with their reports. Such discussions promote the diffusion of good ideas and practices throughout the organization.

Finally, newsletters and intranets can also be good opportunities to discuss ethical issues. Looking for ideas on what to discuss? *ICMA Public Management (PM) Magazine*, published by the International City/County Management Association carries a regular ethics column, as does the monthly magazine of the League of California Cities (*Western City*). A list of past *Western City* columns is available online at www.ca-ilg.org/everydayethics. Current issues of *PM Magazine* can be accessed at http://icma.org/pm/9101/.

Many people also enjoy The Ethicist column in the *New York Times Magazine* (http://www.nytimes.com/pages/magazine/columns/index.html) and Michael Josephson's commentaries (available through http://josephsoninstitute.org/).

Seek Feedback

Finally, an "ethics audit" can be helpful to assess an agency's culture. The Ethics Resource Center suggests pondering the following questions:

- What are the norms of behavior? What is valued?
- Are employees rewarded for succeeding at any cost or are they urged to be shepherds of the organization's reputation as well as its assets?
- What pressures do they face to commit misconduct?
- What systemic problems exist that could encourage good people to make bad decisions?

The Institute for Local Government, in collaboration with the International City/County Management Association, has developed a questionnaire to assist local agencies with such an assessment. The questionnaire is available online at www.ca-ilg.org/culturechecks. This questionnaire supplements the "Ethics Law Compliance Best Practices" the Institute also makes available to local agencies to reduce the likelihood of ethics law-related missteps (www.ca-ilg.org/ethicsbestpractices).

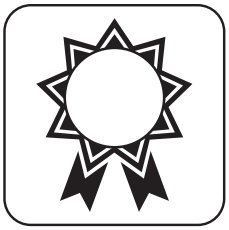
Educate and Celebrate

Training programs have two benefits. First, done well, they can impart useful information to participants. Second, the existence of the training program itself (when coupled with other efforts) underscores the importance an organization places on avoiding missteps. Such training should include opportunities to share thoughts about how to analyze and resolve commonly faced ethical dilemmas in their respective roles if possible.

California law requires that elected and appointed officials who receive either compensation for their service or reimbursement of expenses receive training in public service ethics laws and principles.[6] This training must occur within the first year of service and every two years after that.[7] The first training an official receives must cover a wide-range of issues; subsequent trainings can delve into ethics laws and issues in more detail.[8]

Associations of public agency professionals also tend to place a high value on periodic education on ethics issues, either as part of their formal continuing education requirements or just because it's a good idea. These professionals also frequently attend the same training required under state law for elected and appointed officials, to show their own commitment to both public service ethics laws and ethics principles.

Finally, another education tool is to celebrate examples of when members of the team do the right thing.



What to Do When You Suspect an Ethics Problem: Dealing with Ethics Missteps

How Should an Agency Respond?

An organization's leaders have a responsibility to quickly, decisively, and proactively address potential ethics scandals.

Usually, assembling collective wisdom about the best way to proceed is helpful. Although some may hesitate to become involved, this is where the personal cost aspect to this ethical dilemma comes in.

As Rushworth Kidder, founder of the Institute for Global Ethics, observes in his book *Moral Courage*, having values is different from living by values. Living by values involves:

- A commitment to those values;
- An awareness of the risks associated with standing up for those values; and
- A willingness to endure those risks.[9]

SUGGESTED STEPS WHEN A SCANDAL MAY BE BREWING

Stop: Examine your motivations.

- Figure out what the "wrong" might be.
- Determine what the consequences might be of letting the situation go unaddressed.
- Speak with others to see if they share your concerns.
- Discuss the issue with the individual (or have a trusted confidante do so).
- Determine whether an internal investigation is appropriate.
- Determine whether external enforcement authorities should be contacted.
- Consider steps to prevent the situation from recurring.

For more information, see the Institute publication, *"Walking the Line: What to Do When You Suspect an Ethics Problem,"* at www.ca-ilg.org/whattodo.

Confronting Problematic Behavior

Confronting problematic behavior involves potential personal costs. This conversation will be delicate inasmuch as there is a very real risk of damaging one's relationship with the misbehaving individual. A good approach is to have a trusted colleague have a private heart-to-heart early on about the potential consequences of continuing on a particular course of conduct.

These consequences typically have political, legal, and media dimensions. By encouraging the public official to address the problem, the agency's leadership is trying to spare both the misbehaver and the agency the embarrassment that would occur should the situation persist.

It may also be useful to encourage the individual to consult with his or her own legal counsel about the potential penalties and expenses associated with further inaction. Financial consequences may motivate change. There also is the risk that judges or juries may be inclined to make an example of a public officials because of their station in the community—and to rebut any inference of lenient treatment.

There also seems to be a tendency to assume that "no one will find out" about ethical or legal lapses. With all of the transparency requirements that apply to elected officials and agency staff (in addition to the likelihood that there will be detractors in the community watching for missteps), it is very likely that problematic behavior will be found out. In spite of this, it is important to understand individuals' capacity for self-delusion when it comes to ethics issues. A key goal of this conversation is to overcome any state of denial and self-delusion the public official may be in.

People are capable of intentionally disregarding facts and other information because such information contradicts the way they want things to be (instead of being realistic about the way things are). Psychologists and others call this "willful ignorance."

In addition, the agency may want to get the public official to commit to a specific and immediate course of remedial action. Consult with the agency attorney's office to determine whether and how to put this commitment in writing. Let the public official know what the agency will have to do if he or she does not take the promised steps—and then promptly follow up.

Conclusion: Everyone Is Responsible for Ethics

The hard truth is that individuals with leadership roles are not only held accountable for their own conduct, but for the conduct of the organization and those within it. Leaders need to be able to answer the following time-honored questions:

- What did you know?
- When did you know it?
- What did you do about it?
- What could you have done to prevent it?

Vince Lombardi once observed that "[i]ndividual commitment to a group effort [is]…what makes a team work, a company work, a society work, a civilization work." The challenge for any organization's leaders is to have strategies to inform, inspire, and encourage individuals to act ethically and also to hold them accountable when they do not.

Endnotes

1 *See* Rushworth M. Kidder, *How Good People Make Tough Choices* (Simon and Schuster, 1995) at 13-49.

2 Derived from the thinking of Professor Craig Dunn, Western Washington University.

3 Derived from the thinking of Rushworth M. Kidder, Institute for Global Ethics (www.globalethics.org).

4 Cal. Gov't Code § 53235(a), (b).

5 Cal. Gov't Code § 53235.1(b).

6 Cal. Gov't Code § 53235(a), (b).

7 Cal. Gov't Code § 53235.1(b).

8 Cal. Gov't Code §§ 53234(d), 53235(b); California Attorney General, "Ethics Training for Local Government Officials" (www.ag.ca.gov/ethics/pdf/eth_loc_guide_final.pdf).

9 Rushworth M. Kidder, *Moral Courage* (William Morrow) (2005) 7.

References for Further Information

General Websites

Ethics Resource Center
www.ethics.org

Institute for Global Ethics
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www.ca-ilg.org

Josephson Center for Public Service Ethics
http://josephsoninstitute.org/public/

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INSTITUTE FOR LOCAL GOVERNMENT

1400 K Street, Suite 205
Sacramento, California 95814
Telephone: 916.658.8208 Fax: 916.444.7535
www.ca-ilg.org

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