

Designing an Effective AB 1234 Course

www.ca-ilg.org/ab1234TrainerMaterials

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Step 1: Focus on Key Learning Objectives and Simplify

To be sure, AB 1234 requires trainers to cover an impressive amount of material in two hours. To be able to satisfy this requirement, trainers are well advised to keep in mind the learning objectives of AB 1234 education. These include:

1. Alerting officials to the wide range of ethics laws that govern their public service *and* when to ask questions
2. Motivating them to care about and conform their conduct to these laws, by impressing upon them the often-severe consequences of not being attentive to legal requirements
3. Helping them to connect and retain the information by using examples to illustrate key concepts
4. Encouraging officials to *think beyond legal restrictions* and provide tools for doing so
5. Providing officials with resources for further reference

Note that the learning objective is *not* to teach local officials the law—knowing the law is your job as agency counsel. In fact, it is unrealistic and inadvisable to structure the learning process in such a way that officials think they know enough to reach their own conclusions on such complicated issues as whether a given economic interest does or does not require them to disqualify themselves from participating in a given decision.

The learning objective is not to teach local officials the law . . .

Note too that the objective is also not to demonstrate how much you know about the law, with all of its nuances and complexities. Such an approach will frustrate the audience. It may also undermine their motivation to learn about ethics laws.

Related Resources

Additional resources from the Institute include:

- Sample presentation PowerPoint at www.ca-ilg.org/ab1234trainermaterials
- Sample training forms at www.ca-ilg.org/ab1234trainingmaterials
- Sample notice of ethics training options at www.ca-ilg.org/ab1234complianceoptionsnotice
- AB 1234 training requirements at www.ca-ilg.org/ab1234faq

Instead, the goal is to give officials the ability to know when a given situation may implicate an issue under ethics laws, so they know when to consult agency counsel or the Fair Political Practices Commission. A key goal of these training sessions is to enable participants to be able to issue-spot potential ethics and ethics law issues as a result of attending the training.

A tool in this issue-spotting effort is the Institute's "[Key Ethics Law Principles for Public Servants](http://www.ca-ilg.org/EthicsPrinciples)" [handout](#) (www.ca-ilg.org/EthicsPrinciples). The handout is designed to underscore that the goal of the training session is to help local agency officials know under what circumstances they may have an issue under the ethics laws that requires consultation with agency counsel.

Step 2: Understand How Adults Learn

Busy people—which local officials are—understandably resent when their time is wasted. The fact that the law *requires* them to spend two hours to learn about public service ethics laws and principles doesn't necessarily increase their appetite for learning the material you will present. The task therefore falls to you as a trainer to design and deliver a training session that ultimately will make participants glad they attended.

Understanding andragogy—or adult learning—can help. Malcolm Knowles performed pioneering work in this area.¹ A key theme of his work is that teaching methods need to take account of the previous knowledge and experiences of adult students.² Effective adult learning experiences therefore emphasize a “learner-centered” framework.

A “learner-centered” experience takes into account that your audience will draw on their reservoir of experience for learning. They also are likely to bring to the course an established mindset on the topic of ethics. This includes a likelihood that your participants feel that they do not need to be “taught ethics” (or even that it is impossible to actually “teach ethics”).

What are some other frustrations that your audience may be experiencing that could affect their learning experience? They may:

- Feel frustrated at having to invest their limited spare time in attending the course
- Resent the financial cost of attending to the agency
- May not care about or even be hostile to the subject area
- May feel anxious about their knowledge base versus others'
- Be missing something else important in their lives to attend
- Have childcare or transportation challenges to overcome in attending

Your participants may also resent that this requirement was imposed by state officials whom they may perceive as themselves being inattentive to public service ethics.

Adult learning principles suggest that, to make your training sessions as personally accessible and engaging as possible, you need to:

1) Motivate your audience by:

- Setting a comfortable, nonjudgmental tone for your presentation
- Projecting an appropriate level of concern and empathy for the challenges they face as public officials
- Keying the level of difficulty to the learning objectives

- Avoid overloading the participants with unnecessary information and paper
- Describing the benefits, politically, legally, personally and financially, of deepening their understanding of ethics laws and principles

2) Help them retain the information you provide by:

- Providing a fairly simple framework for them to organize the information (for example, by emphasizing the four main categories of ethics laws)
- Making information relevant to their needs and experiences (for example by using examples and through storytelling)
- Help them connect emotionally with the information by making them feel something about the topic

The key thing to remember is *learning is about the learner*.

Other Learner-Centered Considerations

- If your training will be at a time when people will be hungry, consider providing refreshments.
- Two hours is a long time for people to sit. Consider providing a short break about halfway through your presentation.
- If time permits, work in an opportunity for audience participation by giving learners an opportunity to discuss what they are learning. One technique is called the “superlatives” exercise, in which audience members discuss in small groups such things as “the most obvious point” and “the most surprising point.”

A Broad Concept of Consequences

One way to motivate officials to conform their conduct to the law is to explain the consequences of not doing so. Using stories (see next section) that demonstrate that these laws are enforced and violations are punished is an important aspect of this process.

So is explaining some of the more subtle costs of having to defend oneself against charges of missteps. *Taking Chances with Ethics: A High Stake Gamble* article is available at www.ca-ilg.org/consequences along with other resources on this topic.

Step 3: Use Stories to Illustrate Key Points

Why Should I Use Stories?

People are used to learning through stories. Stories that are relevant to local officials are more learner-centered because they help you relate legal and ethical principles to situations in which your learners can envision themselves. Because of that, stories will help make your presentation more interesting and more effective.

A good story is meant to reinforce a point, not carry it. Stories are a great way to teach, but you always want your audience to remember what was taught through the story rather than the story itself.

A story should also help guide the audience towards a central theme (for example: “walking too close to the line between lawful and unlawful behavior is hazardous”), but the telling of the story should also allow your participants draw their own messages from the story.

Where Does One Find Stories?

Stories can come from one’s own experience, Fair Political Practices Commission enforcement actions, court cases and from the news.

Storytelling Tips

You do not have to be a great “storyteller” to use stories in your training session, but there is an art to incorporating effective storytelling. Some suggestions:

- Make sure your story has a clear and unmistakable point
- Share personal experiences, but don’t make yourself the focus of the story. Remember, the learning is about the learners
- Make your story memorable by keeping it short and simple. You should be able to complete it at a comfortable pace in a few minutes
- Choose words that convey vivid images
- Think about timing in terms of when you tell stories: will one at the beginning of your presentation grab people’s attention? When following an important point, will it reinforce the point? Would it make for a memorable and inspiring ending?

A Good Story

- Is general enough that listeners can recognize themselves
- Includes photography, illustrations or video clips
- Provokes a reaction, ideally an emotional reaction
- Matches the theme and tone of your presentation
- Is balanced with content
- Is short

Step 4: Incorporate Discussions of Ethical Principles

To meet AB 1234's requirements, your ethics training must include discussion of *both* ethics laws *and* principles.³ As explained by the Attorney General's guidelines, "general ethics principles" include a discussion of the manner in which values such as trustworthiness, respect, fairness and responsibility relate to promoting the public trust, as well as the importance of avoiding even the appearance of impropriety. It also means noting that ethics laws create only minimum standards for ethical conduct and that the public's expectations and ethics principles are likely to create a higher standard for behavior.

Some public agency attorneys have expressed discomfort with this requirement out of a concern that this may take the attorney out of the role of being solely a legal advisor. One way to understand and explain ethical principles is to tie the kinds of values articulated by the Attorney General into the underlying purposes of the four groups of ethics laws you will be covering as part of your training:

About ILG

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities.

ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties.

For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust. To find this resource go to www.ca-ilg.org/ab1234trainermaterials.

The Institute welcomes feedback on this resource:

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Linking Laws to Values		
No.	Group of Laws	Ethical Value
1	No Personal Financial Gain Laws	<ul style="list-style-type: none"> • <i>Responsibility</i>—Decision-making criteria should focus only on what’s in the public’s best interests • <i>Trustworthiness</i>—The public needs to trust that its interest are indeed being placed foremost in governmental decision-making
2	No Perks Laws	<ul style="list-style-type: none"> • <i>Responsibility</i>—Public officials are expected to be careful stewards of taxpayer resources • <i>Fairness</i>—A fundamental democratic principle is a level playing field and not taking political or personal advantage of access to public resources
3	Governmental Transparency Laws	<ul style="list-style-type: none"> • <i>Trustworthiness</i>—The public trusts a process it can observe • <i>Respect</i>—All perspectives have a right to be heard and considered in the public decision-making process
4	Fair Process Laws	<ul style="list-style-type: none"> • <i>Fairness</i>—Governmental decisions should be made based on the merits, not on personal biases or loyalties • <i>Responsibility</i>—Decision-makers are stewards of the public’s perception of the fairness of the process

The Institute’s website offers a number of free, downloadable resources that discuss ethics principles. One to consider on this issue is “The ‘Front Page’ Test: An Easy Ethics Standard” available at www.ca-ilg.org/FrontPageTest. Another is *Promoting Personal and Organizational Ethics* available at www.ca-ilg.org/ppoe

Finally, focusing on the spirit of the law and the law as a minimum standard discourages questions from participants that are designed to figure out just how close they can get to the ethical line. These questions can really bog down a presentation; in addition, walking close to the line is a risky practice.

Step 5: Provide Resources for Further Reference

Reinforcing the information and messages of the training session is also critical to achieving the learning objective. Providing tools and resources to promote deeper understanding of legal and ethical obligations is another key strategy. And in fact, the Attorney General’s AB 1234 guidelines require trainers to provide references to further information.

Top 10 Ethics Education Tips

1. **Affirm Your Audience's Sense of Personal Ethics.** Acknowledge that public service ethics is different—and sometimes counterintuitive—because of its emphases on laws, public perceptions and avoiding even the appearance of impropriety.
2. **First Principles.** Take a step back and contemplate what a given law or set of laws is trying to accomplish (for example, keeping considerations relating to personal financial gain out of public agency decisions). Use such first principles as starting points for your explanations. Avoid explaining the law in terms of how you understand it as an attorney (how it's written in the statutes or codes or the kind of legal analysis that has to be undertaken to give good advice in a given situation).
3. **Be Clear on Your Role.** Explain that your goal is to prevent missteps and to protect the agency from the consequences (legal, financial and public trust) of missteps.
4. **Make it Real.** Include stories to illustrate the concepts you are presenting and to underscore that people do get in trouble for overstepping the bounds of the law.
5. **Consequences.** Explain the legal, financial and personal consequences of ethics law missteps.
6. **Provide Tools and References.** Checklists, analytic frameworks, resources for further reading and other informational materials can reinforce your messages and reduce the likelihood of information overload.
7. **The Relationship between Law and Ethics.** Note that the law creates only minimum standards for behavior. Just because a course of action is legal doesn't mean that it is ethical or the public will perceive it to be such.
8. **Focus on the Learning Objective.** Your ultimate goal is to encourage local officials to consult with counsel when issues arise. The intermediate goal is to help them identify when a given situation may present issues under the applicable ethics laws. The goal is *not* to teach them the law or encourage them to self-advise.
9. **Acknowledge the Laws Aren't Perfect or Even Intuitive.** Spare those in your audience (and yourself) the frustration associated with trying to rationalize those inevitable situations in which the application of the law does not achieve just or even rational results.
10. **Ethics Isn't Easy.** The hard truth is that doing the right thing often comes at a personal cost.

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ Adragogy (M. Knowles), <http://tip.psychology.org/knowles.html>

² Dr. Malcolm S. Knowles-Biography, <http://adulthood.about.com/cs/adultlearningthe/a/knowles.htm>

³ Cal. Gov't Code § 53235(b).

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