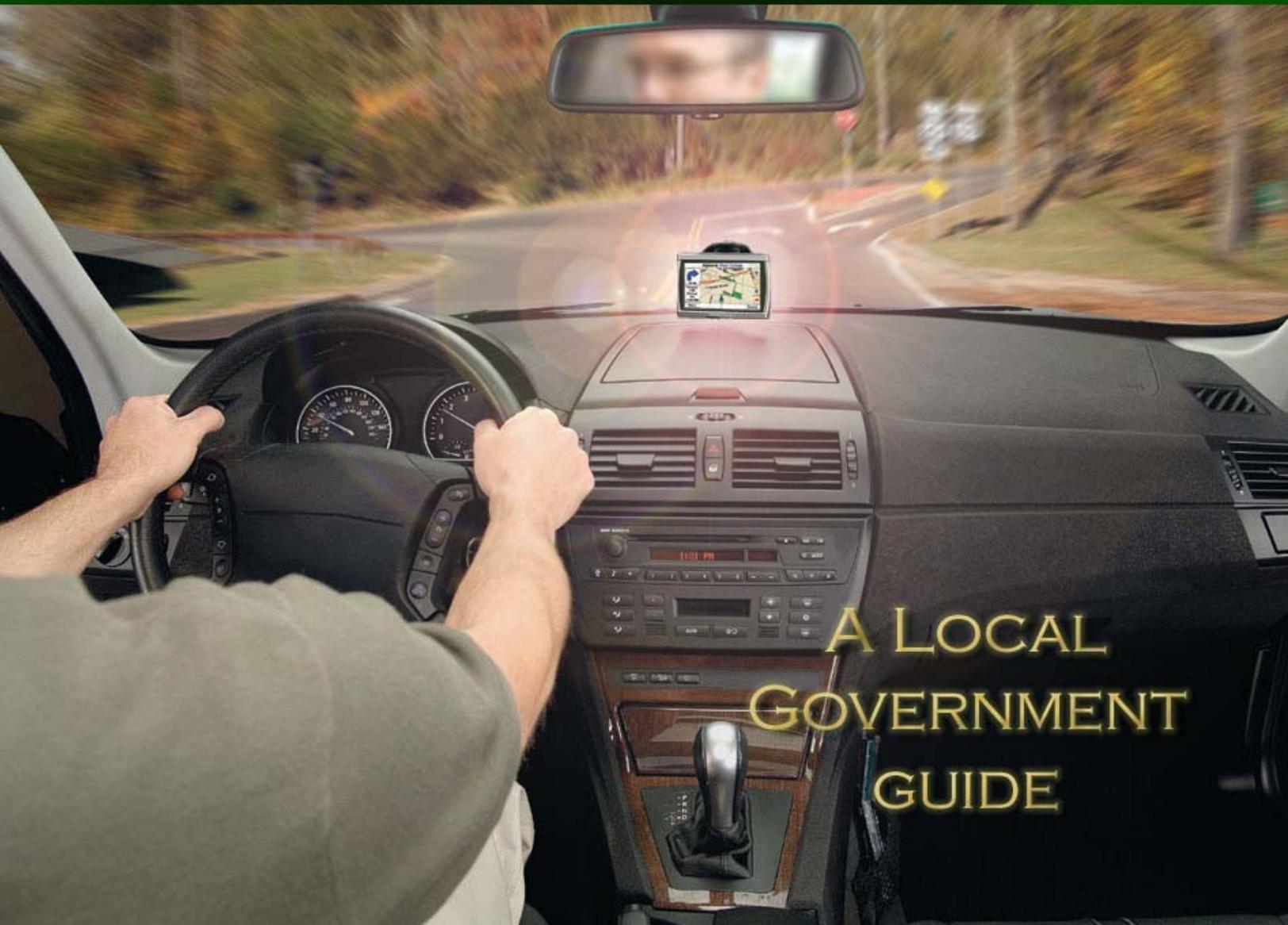


THE ETHICAL GPS

NAVIGATING EVERYDAY
DILEMMAS



A LOCAL
GOVERNMENT
GUIDE

Northern Virginia Public Service Fellows Fourth Cohort

George Mason University

In the Spring of 2007, the Virginia Municipal League and the Virginia Association of Counties provided encouragement and support for a graduate class in public administration at George Mason University, comprised of senior employees of Northern Virginia local governments, to create a guidebook, tool kit, and other support materials for Virginia local government officials on ethics. The students elected to accept this challenge and selected three outstanding editors to lead this effort: Megan Kelly, an Assistant County Attorney from Prince William County; Kara Van Graafeiland, of the Arlington County Fire Department; and Tracy Gordon, Senior Aide to Prince William County Supervisor Marty Nohe. This publication and related materials are an extraordinary testament to their work, their commitment, their creativity, and their dedication to local government. It was an exceptional honor to be able to learn so much from these public servants and students who gave so much more than was asked or even expected.

It is difficult to imagine any issue more essential to good government than trust and respect. To gain those requires elected and appointed servants of the people to embrace ethics in creative, responsive, and positive ways -- rather than to put together a list of "Thou shalt nots." Our democratic values are premised on honor and respect -- values to be earned. This publication seeks to help find ways to constantly help all local officials earn such trust.

We hope these pages, these tools, and these materials will help you to demonstrate how very, very good local governments can be.

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Always do right - this will gratify some and astonish the rest.
Mark Twain

Never create by law what can be accomplished by morality.
Charles-Louis de Secondat Baron de Montesquieu

Civilization can only revive when there shall come into being in a number of individuals a new tone of mind, independent of the prevalent one among the crowds, and in opposition to it -- a tone of mind which will gradually win influence over the collective one, and in the end determine its character. Only an ethical movement can rescue us from barbarism, and the ethical comes into existence only in individuals.
Albert Schweitzer

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The Ethical GPS Navigating Everyday Dilemmas

A Local Government Guide

Preface/Disclaimer

Before we start talking about ethics, there are a few things that we need to get out of the way. There are some wonderful things that reading this book can do for you, but there are also some things that this book cannot do for you. For this book to be truly helpful, we first need to disabuse you of a few ethical myths.

The First Myth of Ethics: The “right” thing to do is always clear and easy to recognize.

While there may be instances in which it is easy to know what to do - don't steal other people's lunch, no matter how hungry you are - there are other instances in which the “right thing” is not nearly as clear. If someone asks you if they are under investigation, and an honest answer would compromise the investigation, would it be okay to lie given the circumstances? If all of ethics was as simple as doing the thing that was most obviously right, there would be no need for this book and no need for a study of ethics as a whole. The reality, of course, is that the practice of ethics takes place in the real world - a world that includes an infinite number of shades of gray, as well as the more clearly perceived black and white.

The Second Myth of Ethics: Reading this book can prevent ethical dilemmas (or provide simple and ready solutions to them if and when they do arise).

Just as stated above, in the real world things can get messy. Despite one's best intentions, you may still find that your chosen path occasionally takes you between a rock and a hard place. There is no book in the world that can prevent you from having to make hard choices or that can magically turn hard choices into easy ones. However, a familiarity with ethics can provide one with the tools needed to help solve difficult problems, and to find the way that, even if it does not seem “right,” may in fact turn out to be the best of several bad choices.

*Ethics is like life, and life
is full of surprises.*

The Third Myth of Ethics: Since the right thing to do depends upon what situation you are in, there's really no reason to study ethics at all. Ethics is another word for whatever solution seems appropriate at the time.

Every ethical dilemma is unique, just like every person is unique. However, consider for a moment a problem that could be solved several different ways. Just because there may not be a consensus regarding the one “right” solution doesn't mean that the problem is not solvable. The study of ethics is like this type of problem. Don't become discouraged if the answer isn't always what you expect, or if the answers to two different problems seem to contradict each other. Ethics is like life, and life is full of surprises. The study of ethics is designed not to produce “one-size-fits-all” solutions, but to provide methods that allow different people to reach different outcomes, depending upon their singular skills and abilities, as well as the unique characteristics of each situation.

Having established that this book will neither provide you with a clear direction, save your bacon, nor provide predictable and ready answers, we are now ready to cast you off into the deep and uncharted waters in which the study of ethics can be found in all its terrible splendor and glory.

Bon voyage!

Introduction: Start Your Engines

Ethical values are widely considered the cornerstone of a civilized democratic society, guiding the conduct of government officials in a manner that facilitates public confidence. While this applies to all governments, the proximity of local governments to the people they serve magnifies the effect of this conduct on public's perception and trust of government. In order to maintain the public trust, members of the electorate must believe that the actions of governments and government officials are taken in the best interests of the public. Without public trust, governments that derive their power from the consent of the governed will cease to function efficiently and the essential mechanisms of a free society, including fair elections, will begin to break down.

*"A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, to have no sensibilities left but for sin and suffering."
– Thomas Jefferson*

The Commonwealth of Virginia boasts a history rich in statesmanship in practice and in theory. In 1816, Thomas Jefferson warned of the dangers of compromising ethical principles in a letter to Samuel Kercheval. In this letter, he said, "A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, to have no sensibilities left but for sin and suffering."¹ Public officials must remain aware that each and every decision that they make affects the public's trust in government, the cornerstone of "good government."

A glance at today's headlines or media reports quickly reveals that ethics, or a lack-there-of, is a persistent issue in America. While the high profile cases are obvious to any reader, a more in-depth review of the daily news will find abundant reports of unethical actions by students, teachers, business leaders, public officials and even elected officials at all levels of government and society.

Organizations do not act in an unethical manner by mistake. It takes individual participants making personal choices to participate in unethical acts for organizations to violate ethical practices. In fact, anyone working in the public or private sector is faced with ethical choices daily. These decisions are not always easy, and unfortunately, it is not uncommon for public officials to be pressured by others to take actions that they may themselves consider to be unethical. Just as ethical values are the cornerstone of civilized society, they also form the foundation upon which individuals make their individual decisions.

People derive their ethical values from many different sources. Some people credit ethical lessons taught to them as a child: respect for authority, loyalty to family, honesty, self-control, and



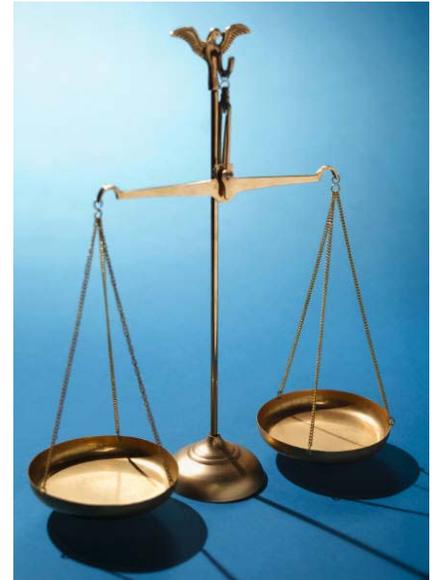
concern for others, among others. Others cite learning from historical examples, literature, religious principles, and personal observations and experiences.

While there are many differing sources and definitions of values, there are some basic ethical guidelines accepted by a vast majority of people. These include qualities such as trustworthiness, responsibility, respect, loyalty, compassion and fairness.

In the pages that follow, we hope to provide a resource that public officials can use to better approach and resolve their own ethical dilemmas. We offer the following sections, which seek first to describe an ethical culture, and second, to provide a "Toolbox" meant to spark continued ethical inquiry. It is clear that ethical decisions made by any public servant or elected official at any level of government affects the public's perception of that government. While it is never practical to completely remove personal values from discussions of ethical behaviors, we are neither assuming the role of moralists, distinguishing "right from wrong," nor relating a religious philosophy, which dictates to people how to act. We also do not presume to teach ethics with this publication or to guide people's specific ethical choices. Instead, we believe that ethics is as much about the journey, or the decision process, as it is about the destination or the eventual choice. Ethics is the process of decision-making that is used to eventually yield an ethical decision.

This ethics guide is an attempt to assist public servants, both staff and elected officials, in increasing the understandings of basic ethical issues and the common methods of dealing with the same. Our goal is to provide a guide to resources useful in resolving ethical dilemmas and to initiate a thoughtful discussion of ethical behaviors in the public sector workplace. While our focus is local in nature, the principles contained within can be applied at any level of government or in the private sector.

When reading or consulting these materials we hope that the reader will recognize that each person's actions do have an effect on public perception. These perceptions accumulate to form the public trust that is the foundation of our democratic form of government. When someone occupies a position of leadership, their actions are magnified, profoundly influencing others in the workplace. It takes individual leadership to establish an ethical organizational culture, which will then empower each public servant to make ethical decisions. Regardless of where you find yourself positioned in an organization, you are challenged to be an ethical leader and practice ethical deliberation in each and every decision you make as a servant of the public, working to maintain the public trust and "good government." Consider this document a challenge to carry on the legacy of good government envisioned in Thomas Jefferson's letter to Samuel Kercheval.



Ethics is as much about the journey, or the decision process, as it is about the destination or the eventual choice.

I. Establishing an Ethical Culture

Ethics is the foundation for instilling public trust in government. At a time when American citizens regard government with skepticism at best and palpable distrust at worst, it is increasingly important for governments to foster a trusting relationship with citizens and stakeholders. Local governments, as the level of government closest to the citizens, need public trust to effectively govern and provide services. Perception is a significant element in ethics, especially within the public arena. As such, it is not only important to act in an ethical way, but to ensure that the public is aware of the underlying ethical values of the government. Elected officials, appointed officials and staff play a part in the establishment of a trustworthy government. As an ethical culture across all strata of the government is demonstrated to citizens, citizen satisfaction and cooperative participation result, further fueling the synergy.

Ethics and Public Trust: The Journey is the Destination

Local governments have historically encouraged ethical behavior by means of proscriptive regulations, rules and laws designed to prohibit unacceptable behavior. The theory, of course, is that those who are not acting in an unacceptable manner must be acting ethically. Public servants receive training regarding what not to do. In many cases, these regulations, rules and laws are developed in response to an ethical crisis, rather than in a proactive effort to encourage an ethical culture. In the end, however, unethical behavior cannot be prevented with law any more than ethical behavior can be guaranteed by law. A proactive ethics program, on the other hand, focuses on encouraging decision-making that considers the effects on individuals, the organization and the community. Perception of those impacts is an important consideration in decision-making; perception is even more difficult to consider when creating regulation. Individuals within a culture of ethics realize that perception has a major impact on what is viewed as ethical.²

Ethics laws are the necessary first step to creating an ethical organization, but they are not the final solution.³ They are like a car's registration, first-aid kit and spare tire - all of them necessary but rarely used. An evolutionary, iterative approach to establishing the shared values of the community and involving all stakeholders in the local government is far more effective than ethics laws alone. It is what maintains the vehicle and guides its navigation, frequently preventing the need for the emergency items. If a consensus-building process is followed by sustained organization-wide ethics training, broad buy-in may occur and an ethical culture can be established. Although necessary, reactive ethics laws are not a final solution. Though it consumes time and energy, a proactive approach can create a climate that enables employees to face difficult ethical dilemmas confidently.

Though it consumes time and energy, a proactive approach can create a climate that enables employees to face difficult ethical dilemmas confidently.



Reactive Ethics: Proscriptive Laws

The Commonwealth of Virginia has laws in place that ensure transparency, guarantee the privacy of citizens, prevent conflicts of interest, and theoretically serve as ethics guideposts for government officials. The Freedom of Information Act, the Government Data Collection and Dissemination Practices Act, the Conflict of Interests Act and the Virginia Procurement Act promote transparency and ethical decisions and behavior in government. These laws foster ethics indirectly and to some extent directly, though none are overtly labeled ethics law. While the Commonwealth has elected not to adopt specific ethics legislation, these codes touch upon many important aspects of ethics. The Virginia State Code may be searched online at <http://leg1.state.va.us/000/src.htm>. The laws identified above are further highlighted below to elucidate their relevance to establishing and maintaining an ethical culture.

The Virginia Freedom of Information Act (FOIA)

§§2.2-3700 et seq., VA Code Ann.

The purpose of the Virginia Freedom of Information Act is to provide legal requirements for transparency and to ensure that the public has access to records and public meetings. The Act provides requirements for open meetings, exemptions for closed sessions, requests for public records and provides civil penalties for willfully violating the Act.

Government Data Collection and Dissemination Practices Act

§§2.2-3800 et seq., VA Code Ann.

While not preventing the disclosure of public information, this Act states that notice must be given to the person about whom information is requested. The Act also prevents public bodies from collecting personal information without legal basis, and provides guidance on accurate and lawful use of the information.

State and Local Government Conflict of Interests Act

§§2.2-3100 et seq., VA Code Ann.

This Act applies to state and local officials, as well as to boards, committees and commissions, requiring them to disclose financial interest or abstain from voting in circumstances when participating in a vote would be inappropriate. The code also contemplates that government officials will only receive formal compensation and nothing else.

The Virginia Public Procurement Act

§§2.2-4367 et seq., VA Code Ann.

The process of purchasing goods and services from the private sector for a competitive price is an area ripe for ethical failures. The Virginia Public Procurement Act dictates the rules for local government to purchase goods and services from the private sector. "It is important that persons conducting public procurement avoid, not only improprieties, but the appearance of impropriety. The integrity and credibility of the procurement program requires them to be impartial, fair and free of any relationships that may cause them to be partial to any vendor or product. Avoiding the "appearance of impropriety" often means going beyond what the law imposes. Getting the best deal for the public is the role of the public administrator. It must be done so in a fair and open process.

Successful Ethics Implementation: Navigating the Ethical Super-Highway



Successful implementation of ethics programs in local government must demonstrate commitment from the top levels of the organization. Without enthusiastic leadership from county/city managers and elected officials, there is little hope of the rest of the organization embracing the program implementation. Additionally, if the public faces of the organization do not clearly buy into the efforts, the public is not likely to believe efforts are earnest. Organizational leaders must also lead by example, acting in an ethical manner in the execution of their own responsibilities as a model for employees. It is also imperative that ethical standards are applied across all strata of the government. Leaders and line staff alike must be held accountable to the great equalizer of ethical conduct for ethics implementation to truly permeate the organization. To take the high road, ethical leaders must first find it.

A Word to Elected Officials: The Man in the White Labcoat

If you're an elected official, you should be particularly careful with regard to what you do or say, as you are in a position of unusual influence and power. Your position is similar to that of the "doctor" in a famous experiment from 1961. In that experiment Stanley Milgram wanted to see what would happen if ordinary people were forced to choose between following their conscience and following a figure with some authority. He decided to conduct an experiment in which a "doctor" wearing a white lab coat told people that he was researching memory and learning ability. The "subject" of the experiment - the person charged with responding to the "doctor" - was really an actor, and the roles that they would play out with the "doctor" were established in advance. The real subject of the experiment was an average person charged with reading a series of word pairs to the "subject" and pressing a button to send an electric shock to the "subject" if they gave a wrong answer. The true purpose of the study was not in the answers that the "subject" gave - that was worked out in advance - but to see how willing ordinary people would be to push the button - to shock and inflict pain - on the "subject" when prompted to by the "doctor" in his role as an authority figure.

The result of this test were (ahem) shocking, in the worst possible way. In the 18th iteration of this experiment, 37 normal, average people continued to "shock" the experiment's "subject," despite the "subject" repeatedly crying out in pain and begging for the experiment to be stopped.

As elected officials, you are like the man in the white lab coat. Keep in mind the following finding derived from the experiment above: *When confronted by someone in a position of authority, most people will do what they are told, even when it clashes with their own sense of right and wrong.*

As an elected official, even when you innocently say certain things like, "I wish this problem would just go away..." be aware that this may be heard or interpreted in ways that are not so innocent by your staff or employees. As directly elected representatives, you have a unique burden with regard to setting the ethical tone for your organization. In everything you do, you should keep in mind the ethical culture of your office and how your actions might be perceived by others, be they staff, citizens, or members of the press. Only by doing this can you safely steer the ship of state through the many shoals and dangers lying along your path.

Consensus Building: Asking for Directions

When trying to establish an ethical culture for an organization, the first task is to recognize the set of common values that the community would want to be applied to everyday business and ethical decisions.⁴ Once a set of common values is recognized, a program of ethics derived from those values is possible.

Participation of all stakeholders in the local government is vital to the compilation of community values and to the eventual success of implementation of the ethics program. Citizens can and should be engaged in this process. Though a scary prospect, actually asking the public its perceptions of ethics in the government can provide an enlightening baseline. Citizen surveys and town hall meetings geared towards collecting public input are an excellent resource for identifying strengths and weaknesses in the perception of the organization's ethics.

Employees are also a tremendous asset in evaluating the current status of ethics within a local government. Employee surveys and other opportunities for feedback, such as departmental meetings or an anonymous mechanism over the intranet, can facilitate this process. It is also important to engage members of the boards, committees and commissions charged with carrying out the public's business. Briefing staff and facilitating public comment regarding the organization's efforts allow some of the most experienced citizen and business leaders a venue for participation in the effort. Engaging elected officials is always advisable, but particularly so when a local government is looking to change the culture of the organization. A supportive elected body can provide additional opportunities for public relations and may yield another important perspective from the policy-making body. During this arduous process, a team or committee of stakeholders may become necessary for collecting pertinent data and facilitating the discussion. This body may also make recommendations for next steps in the process.



More often, ethical dilemmas involve weighing one “right” against another “right,” and in order for individuals to effectively navigate a dilemma in a high pressure situation, prior training in the process of making ethical decisions is necessary.

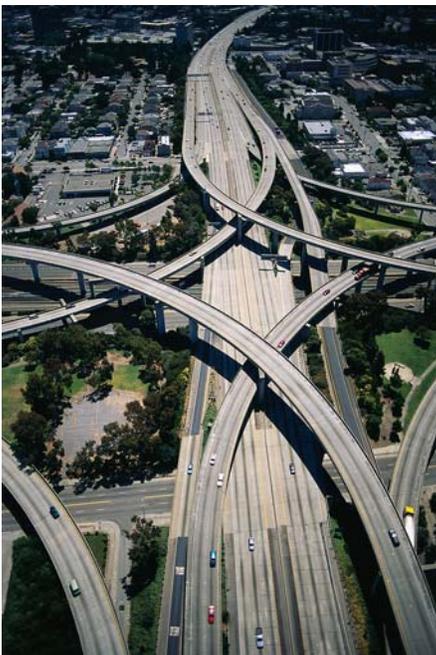
Ethics Training: Learning to Read the Map

Once common values and an ethics implementation process have been established, all members of the organization must be trained on what these processes and principles mean in practice. Ethical dilemmas are rarely a decision between a “right” and a “wrong.” More often, ethical dilemmas involve weighing one “right” against another “right,” and in order for individuals to effectively navigate a dilemma in a high pressure situation, prior training in the process of making ethical decisions is necessary. This training must reach all individuals at all levels of the organization.⁵ Current employees may attend workshops or participate in department level discussions. Elected and appointed officials may participate in similar briefings. New employees need exposure to the organizational ethics at the time of hiring, but will also need continued training as their employment endures. Similarly, newly elected and appointed officials should receive a briefing upon coming into office and should continue in receiving ethics training throughout their term in office.

Ethics Resources: Next Exit

Even intensive ethics training will not be sufficient alone to create a true ethical culture within an organization. Elected and appointed officials and staff will need resources to utilize when ethical dilemmas present themselves. While ethical solutions cannot be predetermined and published in an Encyclopedia of What Is Right, a certain degree of ethical guidance can be provided.

Organizations may choose to publish or adopt an already published decision-making tree to assist individuals in assessing their options. The organization may set up an ethics hotline that anonymous individuals can call for impartial advice. Local governments may find it necessary to establish a formal structure for the ethics functions of the organization, examples of which may include staff who can counsel others and/or an ethics commission responsible for releasing advisory reports. The organization must create an environment conducive to discussions on ethics. Informally, cultivating a discussion-friendly atmosphere can go a long way toward stimulating and encouraging conversation. The organization can also create more formal opportunities for these discussions. Most importantly, an organization must allow individuals to exercise the responsibility of making ethical decisions, be supportive of those ethical decisions and be willing to constructively correct and learn from mistakes. This willingness is perhaps the greatest resource available to individuals in an ethical dilemma, and is essential to creating an ethical and productive organizational culture.⁶



Sustaining an Ethical Culture: Refueling

In order to change organization-wide behavior and sustain the new culture of ethics, a local government must continue to fuel the focus on ethics. Training efforts cannot be abandoned, as individuals will need refresher courses, and may bring new experiences and thoughts to the discussion. Turnover in elected and appointed officials and employees will also necessitate continued training. Ethics must be woven into the everyday business of the organization, further ingraining ethics into the culture. Special recognition for ethical behavior may be incorporated into the organization through awards and rewards.⁷ While it may be difficult to identify ethical scandals averted, there may be opportunities to recognize individuals for handling difficult situations well, or for utilizing ethics resources at an opportune time. Finally, as communities grow and change, their values may also change. As such, it is important to allow the ethics of the organization to incrementally evolve through participative methods to match those values. This may, however, be a slow process. It will not only maintain the relevance of the organization's ethics, but it also will sharpen the tools of governmental ethics.



In a culture of ethics, members of an organization can consider the ethical implications of policy development. But what does an ethical development proposal look like? Or what does an ethical policy on service delivery to illegal immigrants look like? These are the kinds of issues that may arise once the foundation of an ethics program has been laid.

Public Outreach: Listening to the Backseat Driver

Continued involvement of the local government's citizenry is an important final step in implementing an effective culture of ethics within the organization. Citizens will see that their previous comments were indeed incorporated and appreciate the transparency shown by their government. Citizen surveys can help a government identify trends in public sentiment regarding the ethical credibility of the organization. This public outreach can play a strong part in assessing the need for iterative change in the organization's adopted values. Additionally, educating the public on the sincere efforts of their government to embrace ethics will build trust in the organization. Ethics and public trust are intrinsically related, allowing governments to build both in a genuine effort to improve their services to the public.

Evolving from Reactive to Proactive: A Summary of the Santa Clara, California Ethics Program

Creating a culture of ethics in government is difficult, and perfunctory programs can produce few tangible results. Many governments have ethics codes that define action to be taken in the case of a violation. These codes contain regulation but little guidance on how to navigate everyday situations. The challenge is to develop an ethics program that fully engages the public, elected and appointed officials, and staff, and is ingrained in government culture. Research on best practices in local government ethics programs reveals the City of Santa Clara, California, as a model for other communities.⁸ The City of Santa Clara was the winner of the 2002 League of California Cities Helen Putnam Award for Excellence.⁹ Santa Clara has focused its ethics program on a proactive approach, establishing an ethical culture throughout the governmental organization. This was not in response to an ethical scandal, but an initiative to prevent one. Simply writing a code of ethics that serves as policy may be less time consuming, but an evolutionary proactive process is more effective, as evidenced by the Santa Clara model. Their ethics program has been in place since 2000, garnering considerable recognition. In partnership with the Markkula Center for Applied Ethics at Santa Clara University, the City of Santa Clara systematically developed a program by creating and defining values, requiring input from all stakeholders, providing training, and integrating ethical behavior into the culture of government in the city.

The city recreated their Code of Ethics and Values, changing the orientation of the wording from the reactive “you shall not” language to defining and encouraging daily ethical behavior.¹⁰ This process involved input from a committee made up of stakeholder groups including citizens, elected officials and staff working with representatives from the Markkula Center. The committee commissioned a citizen survey to gauge the level of public trust in the ethics of city employees and officials.¹¹ This served as a baseline for the development of the Code of Ethics and Values. A “consensus about the values themselves and commitment to the program from employees throughout the organization” was recognized as essential for success.¹² The committee identified core values and described behaviors and attitudes that exemplified each value. A decision-making tool accompanied the code. The City Council adopted the Code of Ethics and Values in 2000.

Values are about behaviors that affect people and further the organizational objectives. Values help staff make the best decision in a dynamic environment without volumes of regulation. The concept of “Ethics” belongs in a values statement. A proactive ethics program considers people and relationships, whereas a reactive program considers only rules and regulations. In Santa Clara, first an ethics and values statement was created; then with the buy-in of a cross section of the organization and adoption by elected officials, it became “words on paper.”¹³

The city needed to “make it real” in the organization and move the values from words into actions.¹⁴ The city’s next phase was to train all elected and appointed officials, employees, and volunteers. The training started with the leadership so the top managers and elected officials in the organization could lead by example and model the behavior. “The single most important element in a successful ethics and values program” is leadership from the top.¹⁵ The goal of the training is to “incorporate values into everyday action.”¹⁶ This is an important phase of implementation to ensure the program is utilized effectively. The training familiarized all components of city government with the new Code of Ethics and Values. Santa Clara notes that future sessions will include members of the community.

Once consensus was reached on the Code of Ethics, including support from political leaders and trained employees, the next step was to reinforce behaviors and inculcate ethical behavior into the culture of the city. These steps to provide daily reinforcement included:

- Discussing the Code and its applicability to routine situations during departmental meetings
- Linking the Code to recognition programs
- Including a section on ethics and values in the orientation manual
- Highlighting the eight tenets on employment applications
- Adding language to job descriptions
- Reinforcing implementation of values through employee appraisals

The Markkula Center for Applied Ethics states, “it is good to have a code, better to have a useful code, even better to have a code that emerges from a consensus of core values, and best to have a consensus code that translates into behaviors and decisions each person in the organization practices in their day-to-day work.”¹⁷

Arriving at Your Destination

Ethics in government builds and maintains public trust. Instituting a set of regulations is marginally effective, because the world of public administration and politics is changeable and it is impossible to anticipate and regulate every variable. Striving to apply the “spirit of the law” is more effective in building public trust than enforcing the “letter of the law.” More than one right can exist in a transaction and the public servant needs to recognize that ethics is about understanding the gray areas. The public servant must proceed to make better decisions by understanding who is affected, what that means to the organization and how it benefits public trust. As the public is able to see through transparent processes and engage in open government, the ethical values of the organization are apparent and foster trust in the government, enhancing effectiveness.



II. Establishing a Foundation of Values: Choosing Your Path

The journey through life as a public servant brings with it issues and situations that may be difficult to navigate. This section will propose a framework to help public servants identify ethical dilemmas they may encounter on their journey through public service, and provide guidance to employees to help them successfully wade through ethical dilemmas.

In order to begin this process, one must seek commonly recognized values that serve to both define and provide tools to resolve ethical conflicts. These conflicts cannot be solved by legislation; they require people to make difficult decisions based on their perception of right and wrong. Society's definition of acceptable and unacceptable can vary, making it even more imperative that an organization define, embrace and instill the values and behaviors it expects. "As society has evolved, the questions and concerns that involve ethics and ethical behavior have grown more difficult to address. Ethical standards have become both more complex and scrutinized by the public than at any other time in history."¹⁸ Many times there is a gap between what people believe and the way they behave; there is a gap between their values and their ethics. An ethical dilemma usually results when an employee identifies or notices this gap. The dilemma challenges individuals to either uphold their values by raising their ethics to meet their values or ignoring the dilemma, which ultimately leads to a deterioration of values.¹⁹



Commonly Recognized Values: Green Means Go; Red Means Stop

American society is diverse. There are, however, several values that are commonly shared. Understanding these values will enable public officials to more effectively navigate through ethical dilemmas. These values are offered as examples of a set of building blocks upon which an ethical culture might be built. In embarking upon such a process, an organization must itself seek out its own values rather than merely adopting those set forth herein. It is only through the process that a true foundation for an ethical culture can be laid.



Public versus Private Organizations

When a person accepts a job in the government one becomes a keeper of public resources. One can no longer make personal calls on company time without worrying about the perception of impropriety. Working in the public sector and working in the private industry comes with two totally different set of standards. In the private industry abuse of an expense account is not only accepted, it's almost expected. The private sector employee doesn't have to worry as much about public perception. But, as a public official, the most damaging thing you can do is lose the trust of the public. Once the trust has been broken, it's almost impossible to repair the relationship with the public.

Many times what may seem ethical to a public servant may not be viewed as ethical by the public. The perception of what is ethical is based on values that often vary by culture, race and religion. To help the average public servant with ethical problem solving, the Institute for Global Ethics identified six ethical values viewed as universal ethical values that "transcend virtually all cultures and religions."²⁰ These values are: trustworthiness, responsibility, respect, loyalty, compassion and fairness.

In the performance of duties in the public sector, public servants may find it useful to understand how these particular values affect their role as well as the public's perception of their role.

The perception of what is ethical is based on values that often vary by culture, race and religion.

Trustworthiness

Trustworthiness may have different meanings to different people, but in the end it is measured by the person perceiving the action rather than the person hoping to demonstrate or encourage the trust. In this respect, trust in public servants is measured by the public, through its ability to see what is occurring daily, as well as to realize the fulfillment of its expectations. The public trusts and expects that its servants remember that their role is to serve the community and to always be truthful to elected officials, the public, and others. The public trusts and expects that its servants will try to avoid actions that would cause the public to question whether their decisions are based on personal interest rather than the public's interest. The public trusts that public servants will not use their positions for personal gain or use false information to support their cause or position.²¹ Any action that undermines public trust, whether perceived or actual, must be avoided. When the public trust is lost, the effectiveness of public employees will be challenged severely.

Responsibility

Public servants are expected to strive toward the goal of improving the quality of life in the community. They are expected to promote the best interests of the public, use resources responsibly, and safeguard confidential information. The public expects that public servants will not use information obtained by the privilege of their position for personal or political benefit. "The public expects that public service employees take responsibility for their actions, even when it is uncomfortable to do so."²²

Respect

Another important common value is respect. The public expects that it will be treated with respect and that decisions made by public servants remain professional and focus on the best interest of the community. Public servants are expected to be prepared, approachable and open-minded. Additionally, they must listen attentively, be inclusive of all appropriate stakeholders, and work toward the ultimate goal of improving the quality of life in the community.²³

Loyalty

Public servants are frequently entrusted with confidential information, which they are expected to safeguard. Public servants are expected to avoid situations that may conflict with their public duties. They are expected to be loyal to the public interest above their personal interests.

Compassion

Public servants are frequently in positions of power, which may be intimidating to the public. Individuals in public service should try to make the interaction with the public cordial and helpful. Public servants should be attuned to the needs and concerns of the public and should realize their responsibility to assist with the community's less fortunate citizens.

Fairness

Public servants are entrusted with a large amount of power. With that power comes the expectation that public employees will make decisions based on the merits of the issues, and will apply policies consistently. The public expects employees to remain impartial and treat all people equitably. Established processes and procedures should be followed, no matter who is seeking a service, decision or contract from the government. Decisions made in the open, without bias, will lead to a more trusting public.

Types of Ethical Dilemmas: Dodging Objects in the Roadway

In evaluating ethical dilemmas, the first step is determining what type of dilemma it is. The most common types of dilemmas are those that involve personal cost and those that involve competing or conflicting “right” values. These issues are usually in the gray area and the “right” answers are not found in legislation.

Defining gifts and bribes may appear to be a very simple process. Let’s discuss the difference between the two. A gift is an item of cost without the anticipation of receiving something in return; a bribe, however, is almost identical to a gift with the expectation of receiving some type of benefit or reward. It is almost unfeasible to determine the motives of the giver. All public servants are regulated by guidelines concerning gifts. In some situations, gifts over a certain amount are disallowed; in others, they must simply be reported. Gifts and bribes could actually include gifts to a basketball game, travel, or restaurant meals.

Personal Cost: A Liability of Driving

Dilemmas associated with personal costs include a variety of things such as: a personal financial impact, a financial impact to your agency, loss of political support, loss of employment or future opportunities, demotion, and/or loss of a personal friendship. “These are also known as ‘moral courage’ dilemmas.”²⁴ It is important for an employee trying to be ethical in these types of dilemmas to remember that “being ethical means doing the right thing regardless of the personal costs.”²⁵



Right-Versus-Right: There are two ways to get there, which road do you choose?

Right-versus-right ethical dilemmas are situations that involve weighing one “right” against another “right.” Some of the most difficult ethical issues are those that challenge or force one to choose between two or more intrinsic values. In these circumstances it is the process by which the solution is selected rather than the solution itself that must be evaluated. Selecting the “best” rather than the “right” solution requires constant and renewed attention, much like the process of continuously weaving values and ethics into an organization.

Some of the most difficult ethical issues are those that challenge or force one to choose between two or more intrinsic values.

An official who uses an agency credit card to pay for personal expenses is not ethically sound. The official may argue that they have reimbursed or intend to reimburse the agency, but this argument is without merit. The action with or without repayment is unethical. It is common use for an official to use an agency credit card to pay for business lunches, hotel stays or other business related expenses. But, what happens when the official’s spouse accompanies them to the lunch or on a business trip? How should the official handle the bill? If the spouse is the third party attending the business lunch and the receipt lists 3 people, it is unethical for the official to use an agency credit card to pay the bill. Most officials will argue that they will reimburse the agency for their spouses’ expense, but this does not eliminate the public perception that something unethical occurred.



“Public service ethics is not only about doing the right thing, but also about the public’s confidence that indeed the right thing has been done.”

Gaining the Public’s Confidence: Watch Your Speed

Public servants, by the very nature of their positions, possess various levels of power. The public expects officials to “exercise those powers in the public’s interest, as opposed to personal self interest or other narrow, private interests.”²⁶ That empowerment comes at the price of public scrutiny and it must be carefully managed to ensure the public’s trust is not violated.

When undertaking a career in public service, employees, managers, and political officials must be aware that they are and will be constantly under public scrutiny. Officials and employees may believe they are doing the right thing; the public may have a completely different opinion. Managing the public’s perception is an incredibly difficult task and is critical to maintaining an effective public agency. “Public service ethics is not only about doing the right thing, but also about the public’s confidence that indeed the right thing has been done.”²⁷

Making Ethical Decisions: Driving in Rush Hour Traffic

Making ethical decisions is a positive act. Rigorous thought and learning from mistakes forge ethical decisions, such as, deciding which route to take to your next meeting or when to go home. Too often, codes of ethical conduct proscribe certain decisions without prescribing ethical processes. Choices made by public servants cast light, not only on themselves, but also on their organization.

Effectiveness is an important prerequisite for earning public trust. In fact, effective behavior and ethical behavior are mutually reinforcing. Effective employees who are enabled by an ethical culture can consistently make ethical decisions, just like a collection of attentive, patient drivers negotiating difficult commutes on the same road will ensure the safety of both their passengers and their counterparts’ passengers.

The Seven Habits of Highly Effective People, by Stephen Covey, describes three personal habits that establish a potential for effective interaction with others: being proactive; begin with the end in mind; and to put “first things first.” He writes of “private victory” evolving into “public victory,” where individual strengths are the building blocks of collective accomplishment and encourage people to think “win/win;” seeking “first to understand, then to be understood;” and achieving synergy with others.



Politically Unpopular Decisions: Road Hazards

Public servants must continuously adjust to events beyond their control. Every jurisdiction experiences turnover of elected leaders, where the new elected leaders mandate change. Additionally, coalitions of leaders enact policies and ordinances. Responsive staff must interpret and implement them. Newly elected coalitions may oppose existing edicts, but procedural requirements for ordinance changes, like public comment periods, often delay their passage. Responsible staff must balance their duty to respond to elected leaders with their duty to abide by the rule of law. Effective public employees can apply ethical values to turn political heat into cathartic light.



For instance, a planning department may be implementing land use policies that differ from newly elected officials' desires for community development. The department's allegiance to existing laws could present a political target for elected officials' frustrations at delayed passage of their mandates. Effective departments behave proactively with assertive elected officials, by seeking to understand and then to be understood. A planning department can therefore respond to an electoral change by clarifying the relevant policies that run counter to elected officials' mandates. When elected officials and department directors seek to understand each other, the clearest path to changing targeted laws emerges, along perhaps with anticipating unintended consequences. Elected officials can then predictably follow the law change process, incorporating public comments and allowing departments to implement the reformed laws. Collaboration therefore replaces conflict, and the public input, which was not accounted for by the electoral result, is also acknowledged.

The rule of law is a concept that embraces different rules simultaneously, where multiple enactors of rules have different levels of authority. Public sector departments implement or enforce many laws, and local jurisdictions at the lower end of federalism must comply with state or federal edicts, which often provide funding for their implementation. Unfunded mandates are usually unpopular. Departments charged with honoring these mandates risk added scrutiny from budget conscious administrators and elected leaders. When agencies confront these mandates forthrightly, creatively and cooperatively, they enhance respect afforded to them in the face of politically unpopular decisions, further bolstering the public's trust. That is the ultimate "win/win."



Inconvenient Decisions: A Fork in the Road

Politically unpopular decisions are made by individuals on behalf of departments or agencies. The other two decisions described here are more individual, especially in the context of staff members. Public servants often face ethical dilemmas when their work affects friends or supporters. Sometimes decisions are inconvenient, perhaps a choice to admit something embarrassing.



How does a public servant arrive at the friendship dilemma? Effective, sustained collaboration increases its likelihood. Competent, professional public servants earn peers' trust and respect. They reach out to customers, cultivate friendships and inevitably maintain relationships that allow personal friendships to approach the threshold of official duties. So this conundrum is likely a sign of success. The book *Everyday Ethics of Local Government* poses an appropriate question: "What decision will benefit the community as a whole?"²⁸ For public servants, departmental mission statements and jurisdictional vision statements better tailor this question to their professional duties. If supporting a friend means moving an issue arbitrarily ahead of other customers' matters, then public trust, served by professional, competent conduct, is sacrificed for personal loyalty.

Hiring friends, relatives and political supporters is a practice as old as government itself. Nepotism is the practice of hiring employees based on personal connections, family relations or belonging to a certain group as opposed to hiring the best qualified candidate. Nepotism is a common and accepted practice in the private sector. Meritocracy is the system in which the talented are chosen and moved ahead on the basis of their achievement. What's wrong with nepotism? Hiring someone who is not the most qualified candidate for a position limits government's ability to best serve the public. Why have systems of meritocracy? A merit based system is meant to ensure that employees are chosen based on their ability, competence, education, experience and skills, not who they know. Diminished public confidence can arise even at the appearance of the practice of nepotism.

It can limit the diversity of your workforce. Hiring relatives, friends and members of special groups can lead to a homogenous workforce. Raises and promotions can present problems. If employees are passed over for promotions because someone is related to the boss, it will create morale issues, potentially causing good employees to leave the organization. The perception, even when nepotism isn't a factor for choosing, promoting or rewarding an employee, can undermine public trust and be a slap in the face of fairness.

A proactive approach to resolving conflict between public duties and friendship is not only appropriate, but relatively easy. Public officials' correspondence and documents are public, potentially subject to public scrutiny thanks to the Freedom of Information Act (FOIA). The fearful question, "Can I live with this decision if I read about it in the newspaper tomorrow?" is a reactive incentive to ethics. FOIA is like Windex; it wipes the film of corruption away from the window that separates the public and the government, therefore improving transparency. The proactive, ethical public servant can display fairness and compassion with friends and supporters through professionalism and competence. They do so equally with all other customers. This choice produces light on the other side of the window that shines out to the public.

Ethics-inspired laws like FOIA assume that transparent government is needed for assertive members of the public to peer into the public sector's endeavors to weed out corruption and deter its recurrence. The light-bearing public servant can also use transparency to restore public trust by shining it into the faces of all members of the public.

*FOIA is like Windex; it
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Mistakes: Making a Wrong Turn

Being human, all public servants make mistakes; most are embarrassing, but they should not be swept away. Professional, competent public servants may question whether obscuring a mistake is in the best interests of the organization. Covering up errors may make the organization look better, more like the organization envisioned in the vision statement. Does that choice begin with the end in mind? Perhaps there is an “emotional bank account” where trustworthy acts become credits and mistakes or oversights incur withdrawals.²⁹ This would not condemn anyone for a mistake or even a broken promise, because it is impossible to avoid them all the time. Deciding to disclose something embarrassing is inevitable, and doing so is professional and appropriate.

How should a public servant balance disclosure about the details of a mistake while maintaining the public’s trust? The public may not need to know every detail of a mistake. The public does, however, deserve to know that departments enforce clearly delineated policies and appropriately discipline violators. Professionally evaluating one’s motives can lead to answering the key ethical question of mistakes: How can public servants learn from the mistake and avoid it later?³⁰

Answering this question and then fully implementing the solution will depict a public organization’s collective competence. A culture of ethics evolves from mistakes that were experienced, studied and remembered, especially by those who did not commit the original mistake. While a mistake can cause a withdrawal from the emotional bank account, teaching others to avoid that mistake creates deposits that earn credit with a skeptical public.

The emotional bank account also gains meaning when dealing with members of the public. Many interactions with concerned residents who seek out a public servant are random, infrequent and by default, inconvenient. They often define a customer’s view of the entire government. A professional public servant remains aware of these opportunities disguised as inconveniences.



Dealing with Ethical Dilemmas: Defensive Driving

As discussed earlier, watching one's speed is important in maintaining public confidence. Public servants working in an ethical culture have learned how to measure that speed. Useful measuring tools at the individual level include the media test and understanding the impact of rationalization on ethical decision-making.

Media Test

When in doubt, public servants must ask themselves, "How would I feel if my act became public knowledge?" Or, "How would my supervisor or manager feel if my act became public knowledge?" Answers to either of these questions may hinge on one's perception of oneself or one's boss. The real question is: "How would I feel if my act made the front page of my local paper?" Moreover, as a public servant, one should take a moment and visualize how the media would depict the ethical decision one is struggling with, including the decision itself and the likely consequences of any action or inaction. How comfortable can the public servant be with a decision when seeing it through the eyes of the media and the viewing public? The effective public servant must be able to justify decisions to family, friends, co-workers, interested parties, strangers and the inquiring minds of the press.

Rationalization Trap

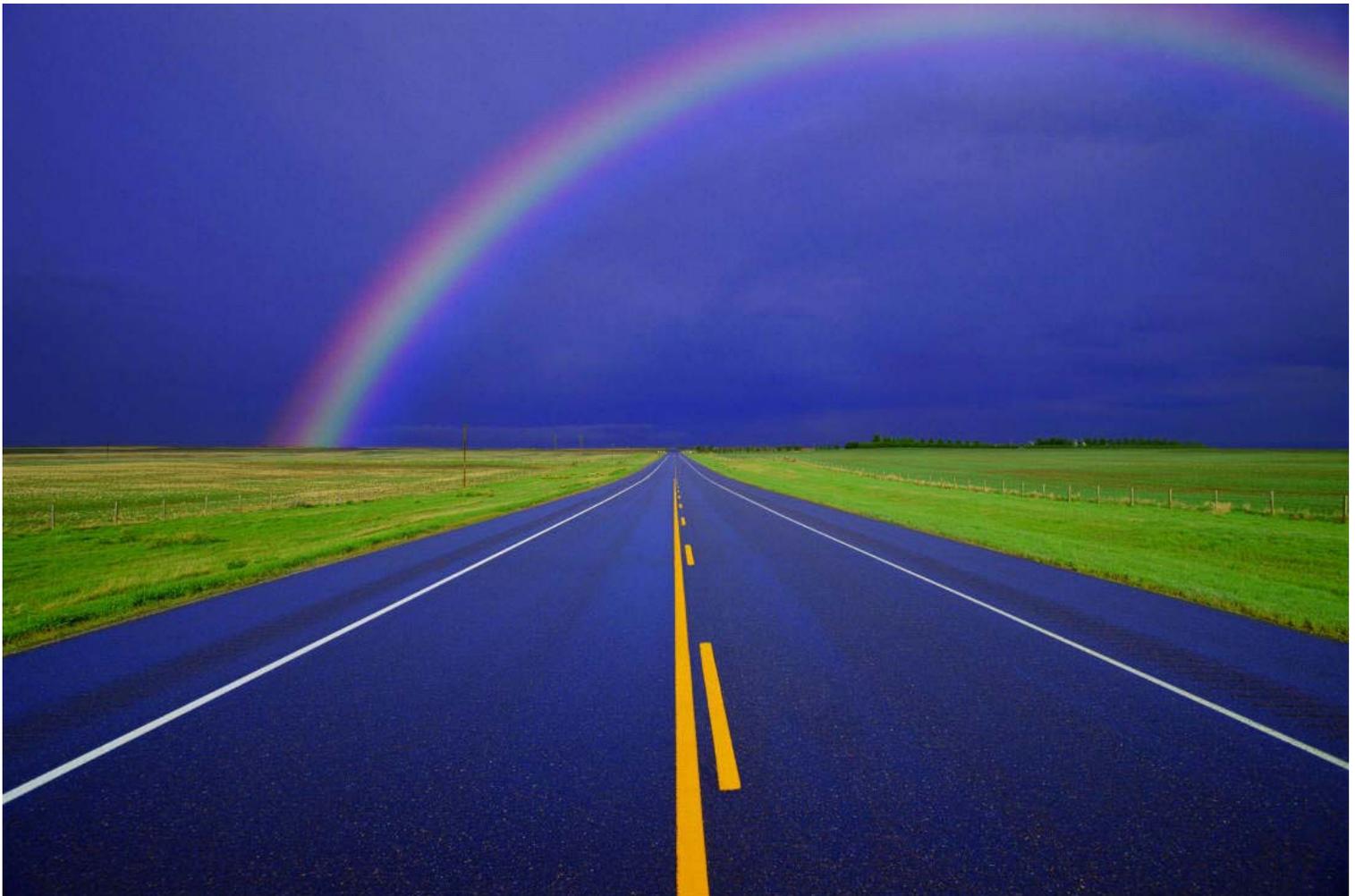
Often, when public servants are faced with difficult ethical dilemmas, they utilize rationalization as a means of more quickly reaching a solution without the full benefit of ethical consideration. Doing so can make unethical actions seem acceptable, but only to the person who is rationalizing the action. Such rationalization in no way sanitizes an otherwise unacceptable action or decision from the perspective of the public. Rationalization may insulate the decision maker from himself or herself, but it will not provide insulation from the already skeptical public.

Making ethical decisions is difficult, but rewarding. Though engaging in this process is uncomfortable at best and painful at worst, it is often a sign that public servants are doing good work. The catalysts of those good deeds, professionalism, competence, and collaboration can sustain public servants through the resolution of these dilemmas.



The Never Ending Journey

The impressions presented here of ethical public service spring from public servants' dedication to universal values that the affected public recognizes. In turn, these servants are emboldened by an ethical culture that permeates their agencies. Included is an example of one community that has begun this journey with purpose. Ethical public service must be continually tested and validated. The journey of a thousand miles consists of countless, single steps that traverse the high road. Following this section is a tool-kit that allows public servants to practice these steps together.



III. Toolbox: Maintenance for the Long Haul

The following section will be divided into two parts and will provide some navigational tools to assist agencies and individuals in achieving and maintaining their ethical goals. The first part provides a variety of hypothetical ethical dilemmas and will articulate several strategies for addressing these dilemmas. This part should be utilized to increase awareness and discussion and will include notes and information to help facilitate ethical decision making discussions. The second part consists of an ethical culture checklist, a sample ethics resolution, and a sample survey. These tools are provided to assist organizations in establishing an ethical culture.



Making Decisions: Scenarios

Up to this point, this publication has discussed some common values, providing a framework for evaluating ethical dilemmas. Those common values may include: trustworthiness, responsibility, respect, loyalty, compassion and fairness. The types of ethical dilemmas an employee may encounter include: personal cost dilemmas, right-versus-right dilemmas, and legal dilemmas. This document also discusses the issue of managing public perception and maintaining the public trust. These two elements were linked to the ethical decision-making process. Indeed, it has been argued that public participation and the resulting trust in government not only facilitate an ethical culture within an organization, but are the requisite first steps in fostering a truly ethical organization. This document also outlined several strategies for dealing with ethical dilemmas.

As outlined previously, it is important to create a discussion-friendly atmosphere that will stimulate and encourage conversations about ethical dilemmas. This section should be utilized for that purpose. It contains ethical dilemmas that are meant to be realistic and encourage discussion in the workplace, as well as thoughtful reflection on how these situations could be handled.

These scenarios are broken down into categories based on the types of ethical dilemmas previously discussed: personal cost dilemmas, right-versus-right dilemmas, legal dilemmas and rationalization situations. To help evaluate these dilemmas, individuals should consider the common values (trustworthiness, responsibility, respect, loyalty, compassion, and fairness). When evaluating ethical dilemmas, not taking a stand against inappropriate behavior has the same effect as condoning it.³¹ In the eyes of the public, tacit compliance implies participation in and facilitation of the unethical behavior.

Many of the following dilemmas may have easy answers when only contemplating them in theory. But faced with these decisions or situations in practice, contextual circumstances such as family, friends, personal finances, or the loss of employment can become complicating factors. In discussing these scenarios, it will be more meaningful if the discussion is based on realistic applications rather than simple thought exercises. There are no “real life” easy answers to many of these scenarios. Participants should try to place themselves in the situations while reflecting on organizational needs, their own personal needs, and the needs and perceptions of the public.

Questions to Consider

When reviewing and discussing ethical scenarios there are several questions that may be helpful in generating discussion about the appropriate course of action. These questions should be utilized, when appropriate, in addressing the scenarios below. These questions include, but are not limited to, the following:

- What effect would the decision have on the individuals involved?
- What effect or cost will it have for the decision maker?
- What effect might it have on the organization involved or the public’s perception?
- What values are conflicting?
- What are the possible legal considerations?
- Does the situation involve a combination of ethical dilemma types (both personal cost and values)?
- Will it cost the decision maker his or her job?
- Will it cost the decision maker a friendship?
- How would the decision maker feel if his or her actions and decisions were on the front page of the local newspaper or on the nightly news?
- What is the cost of inaction?
- What resources are available in the agency to help deal with ethical dilemmas? How does one access these resources?
- Does the agency or organization support ethical behavior? Would one be penalized for bringing unethical behavior to the organization’s attention?
- Does the agency have an ethics policy? How might it help in this situation?
- How might rationalization come into play in the scenario?
- How will the public perceive the actions and/or decisions?

Personal Cost Dilemmas

The following scenarios are dilemmas involving personal cost. Personal cost can mean the cost of a friendship, monetary loss, loss of employment, or loss of trust. These scenarios should be discussed and individuals should articulate how they would handle each situation, what the personal cost of their action or inaction might be and if there is a right-versus-right dilemma as well? Utilizing the questions outlined in the *Questions to Consider* section may enhance discussion.

Boss' Delivery Dilemma

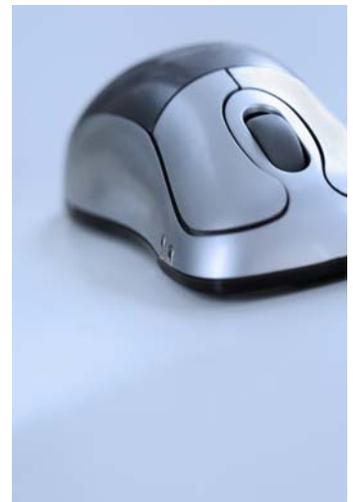
You work for a government agency and your boss continually asks you to deliver things to his daughter; he always gives you gas money and tells you to take an extra long lunch on the days you are running these errands. You do not take extra time for lunch; however, these errands still keep you out of the office for a couple hours every week. You are falling behind in some of your work. Your boss does your evaluations and has always been very generous in his rating of your performance. You feel awkward making these deliveries, but it really does not seem to be hurting anything. How would you handle this situation?

Internet Use ... For Work or For Sales? (Improper Use of Resources)

You and your sister work in the same office. You have noticed that she is constantly on the Internet buying personal items while at work. No one else seems to notice or care about this activity. You walked into her office today and realized that she is selling things on the Internet. You know that is strictly prohibited by your agency and that she would be fired if her supervisors discovered this. How would you handle this situation?

Bad Bookkeeping (Politically Unpopular Decision)

You work for a public sector organization that mistakenly over-claimed central government funding for several years running, by very significant amounts. You are asked to keep it confidential because repaying the funds would represent a financial loss that would destroy the organization. The organizational leadership does not plan to over-claim in the future. No one is directly harmed by the organization's over-claim. However, people might be adversely affected or lose their jobs if the company had to repay the money. How would you handle this situation?



To Tell or Not To Tell (Inconvenient Truth)

You recently realized you made a huge mistake at work. You have been working frantically for the last two days to correct the issue. The mistake will undoubtedly cost your agency several thousands of dollars and you may lose your job. You have not yet told your boss about it and are contemplating your options. Do you take a chance and try to resolve it on your own or do you tell your boss and work with her to resolve the issue, saving your agency thousands of dollars but possibly losing your job?

Confidential... or Criminal? (Confidential Information)

You are a police officer and have access to criminal history information. You believe your sister is dating someone with a criminal history. You run a criminal check on him. The check reveals that he is a convicted felon with numerous robbery and drug charges. What action, if any, do you take?

Promotion or Protected Class (Inconvenient Truth)

You and several of your co-workers participated in a promotional process. The agency listed participants in categories consisting of "highly qualified," "well qualified" and "qualified." You have scored in the lowest qualified group and do not believe that you will be considered for promotion. In fact, you are promoted before the other "well qualified" and "highly qualified" candidates. You believe this is because you are an Asian woman, a member of a protected class. Should you take the promotion?

Gift Buying Assistance (Use of Public Resources)

You are the manager of a small bureau in a public agency and had a crazy day comprised of emergency meetings. These meetings were unexpected and are going to keep you later than you anticipated. You were going to take a couple of hours of leave to shop for your wife's birthday present. You are taking her for her birthday dinner in three hours but have no time to shop for a gift. Your assistant sees that you are distracted by something and asks what's wrong. You tell her of your dilemma and she offers to run out and purchase a gift for your wife. She indicates that she is caught up on all of her work and has a couple of free hours so it would not be a problem. What do you do? Do you see any potential problems with taking her up on her offer?

***The Visiting Boyfriend (Improper Use of Agency Time)***

Your co-worker (and brother) is constantly leaving his workstation to visit with his girlfriend who works in an adjoining office. You have spoken to him about it several times but it does not seem to make much difference. You know if you bring the situation to the attention of his boss that it could jeopardize his upcoming promotion. What are the conflicting values? How do you handle this situation?

Right-Versus-Right Dilemmas

The following scenarios are dilemmas involving competing values. As previously stated, right-versus-right ethical dilemmas are typically situations that involve weighing one “right” against another “right.” In this section the scenarios should be discussed and individuals should articulate what they feel the competing values are how they would handle each situation, how they came to their decision and if there are any personal costs associated with their decision. Utilizing the questions outlined in the *Questions to Consider* section may enhance discussion.

Non-Profit Dollars Dilemma (Inconvenient Truth)

You work in an agency as the liaison for a politically popular non-profit community-based organization that receives more than \$1 million a year in donations from individuals and corporations, and is partially funded by your employer jurisdiction. About 35-40 percent of that money is earmarked for one particular program, which focuses on children. As the amount earmarked for children's programs continues to increase year after year, you are told to revamp the programming every year to cut expenses and eliminate or cut back the very same programs that are highlighted in fundraising materials. When you inquire about the reason for this, you are told that although the programs expenses are less than the amount of the donations earmarked for the program, much of the collected funds are applied towards the parent organization's overhead costs. You are disturbed by this information because if you were the one donating the money for children you probably would not keep donating if you knew most of your money was being used to pay the accountant or the receptionist. You are also concerned about the efficiency of the taxpayers' dollars that go into this administration of this program. You realize that if you make this information public it would cause a lot of embarrassment to your organization and you could probably lose your job. How would you deal with this dilemma and what are the conflicting values you are facing?



Family Versus Employer (Nepotism)

You, your spouse and your sister-in-law all work at the same government agency. You are happily married; however, you do not get along very well with your sister-in-law. At a recent family function, your sister-in-law began boasting about how she is cheating your employer. You feel compelled to bring this information to the attention of your employer; however, your wife adamantly disagrees with you and feels that you should remain silent.³² What are the conflicting values? What do you do?

Best Friend - Not So Qualified (Nepotism/Conflict of Interest)

Your best friend recently left another agency (in lieu of being terminated for performance issues). He is now applying for a job in your agency. You happen to be responsible for hiring decisions in your agency. You know your friend is a single dad with two small children. You also know that he will not be able to pay his mortgage and his home will go into foreclosure if he does not find a job soon. You know his resume shows that he is the best qualified for the job; however, you are the only one that knows about his prior performance issues. He has been your best friend for 20 years. What actions do you take?

***Conference ... For Work or Fun? (Use of Public Resources)***

You find yourself at a conference in Florida with two of your co-workers who also happen to be your best friends. The conference is from 8 a.m. to 5 p.m. all week long. Your agency has provided all participants with daily meal per diem money in addition to paying for all of the flights, the hotel, and the rental vehicle. After two days of listening to the all-day seminars, your co-workers advised they are going to the beach tomorrow instead of the seminar. They want you to go with them. How do you handle this situation?

Promotional Opportunity or Diversity Imbalance (Politically Unpopular Decision)

You are responsible for making promotions in the police department and have received the results of the most recent promotional exam. One of your recent initiatives has been to increase the ethnic and gender diversity of the supervisory level ranks. The results of the exam rank candidates as "highly qualified" or "qualified." After reviewing the list you realize that all of the highly qualified candidates are white males. There are several protected classes, however, represented in the qualified category. The individuals in the qualified category will never be promoted unless you pass over some of the highly qualified candidates. How do you handle this?

Day Labor Dilemma (Politically Unpopular Decision)

You are an elected official in the local government and your locality has been struggling with a problem in several communities. Unemployed day laborers are congregating in large numbers at unmanaged locations near businesses. Their presence has led to complaints from businesses who say that their presence intimidates customers. Local residents also complain that the area is typically left littered with trash and in an unsightly condition. A local church is willing to fund and staff an official site where the day laborers can look for work. This would resolve the current problem and eliminate the random, unstructured gatherings that occur in numerous locations. None of your constituents want this type of facility in their neighborhood. You feel it will be a tremendous asset and, in the long run, will help the entire community. How do you handle this situation?

Legal Dilemmas

The following scenarios are dilemmas involving conflicts between legal and personal costs. Personal cost can mean the cost of a friendship, monetary loss, loss of employment, or loss of trust. These scenarios should be discussed and individuals should articulate how they would handle each situation and what the cost of their action or inaction might be. Utilizing the questions outlined in the *Questions to Consider* section may enhance discussion.

To Arrest ... or Not To Arrest (Conflict of Interest)

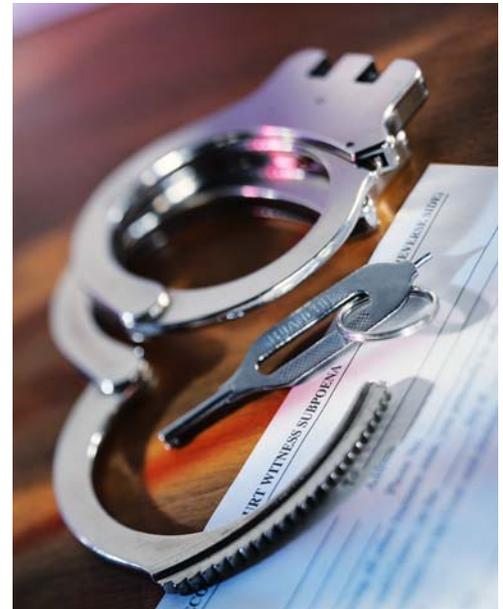
You are a police officer who has arrived on the scene to back up another officer who has pulled over a driver suspected of being intoxicated. To your horror you recognize the vehicle as yours and see your wife is the suspected intoxicated driver. You know that if she is arrested for driving while intoxicated, she will be arrested and transported to the jail where she will have to remain until she sobers up. You also realize that a conviction will cost a lot of money in attorney fees and insurance adjustments. What actions would you take? What is the cost of the action you take or the action you do not take?

To Drive ... or Not To Drive (Use of Public Resources)

You have observed one of your co-workers driving their agency issued vehicle to social events. While at the events the co-worker has several alcoholic beverages and then drives home in the agency vehicle. It does not appear that the individual is impaired; however, this has occurred on numerous occasions. This co-worker has been with the agency for 18 years, is well liked and is a very hard worker. What actions do you take?

Software Dilemma (Inconvenient Truth)

Your department manager has known for at least four or five years that the company does not have enough software licenses for a software program that nearly everyone in the company uses daily. Now you are hearing rumors that someone has turned up the heat about it, and his solution has been to start quietly having it removed and then telling people to find a freeware solution. You have good reason to believe that if you alert management or the software company, he will know it was you and you are likely to suffer the consequences.³³ How would you handle this situation and what do you think the personal costs could be if action is taken and if action is not taken?



Double Duties ... or Stealing Time (Use of Public Resources)

You are a supervisor in a public agency and are attending college classes for which the organization is paying. This week has been a rough week and you have not been able to finish typing up a class assignment. You have several work related meetings scheduled for this afternoon and the paper is due when you go to class tonight. You have already completed the paper; however, it is not typed as required. You ask your administrative assistant if he would type it up so it will be ready for class tonight. Is this a problem? Is this an abuse of your power?

Vehicle Misuse ... or Just Stealing Gas? (Use of Public Resources)

You and your neighbor are very good friends and both work for the same agency. You notice that she has been driving her county vehicle to the grocery store and to take her kids to various activities on the weekend. You know this is strictly prohibited by your agency and would most likely result in demotion or termination. How do you handle this situation?

The Rationalization Trap

The following scenarios are dilemmas involving conflicts in which one can rationalize why they are not in the wrong. By rationalizing, a "wrong" decision can easily become a "right" decision. These scenarios should be discussed and individuals should articulate how they would handle each situation and what the cost of their action or inaction might be. Utilizing the questions outlined in the *Questions to Consider* section may enhance discussion.

***Golf Game***

You and a co-worker are employed by a government agency. You are sent with your co-worker to a joint assignment in another part of the state a few hours away. Your employer authorizes a rental vehicle for your assignment. It is Tuesday and your boss expects the project to last through Friday afternoon. You and your co-worker drive down together on Tuesday and unexpectedly finished the assignment early Thursday morning. You both worked extra long hours to get the project completed ahead of schedule and decide to treat yourselves to a well-deserved game of golf. Do you believe this is ethical?

Long Lunch, I Deserve It

You are a new employee in a government agency and have started to notice that several employees always go to lunch with the boss and it seems like the lunches are getting longer and longer. It started out with 15 extra minutes here and there, but it has become 30 to 45 minutes every day. You start increasing your lunch hour as no one seems to care. Is this a problem?

Unscheduled Meeting ... Does it Equal Extra Time for Shopping?

Your employer advised you that you have been selected to participate in a workgroup that is meeting this afternoon. Unfortunately, the meeting is located at a satellite office that is located about 45 minutes away. This will cause you to be stuck in rush hour traffic and will delay your arrival home. It is your son's 7th birthday tonight and you were planning on picking up a gift and the cake on your way home. Now that you are going to be late getting home you are forced to make an alternate plan. You contemplate leaving the office early so you can shop for the gift and the cake prior to getting to the meeting at the satellite station. You figure that the boss is adding time to your commute so this little errand makes up for that. Are there any problems with this? Is this ethical?



Facilitating Discussion

A facilitator can guide discussion by encouraging individuals to explore all of the elements involved in each scenario. There are no absolute right answers to these scenarios, although in many of the scenarios there are answers that may be “more” right than others. One of the goals of these types of exercises is to develop an “ethically congruent organization that provides its employees with guidance. The consequence of ethical congruence is an employee body that understands what is expected and can consistently act in accordance with the organization’s guiding principles, even in the absence of a specific policy or direction.”³⁴



To assist you in this task, the following section will briefly summarize some of the issues and/or concerns in each scenario. Remember, you should try to utilize the appropriate “*Questions to Consider*” to help generate discussion. For easy reference these questions are reiterated below.

Questions to Consider

- What effect would the decision have on the individuals involved?
- What effect or cost will it have for the decision maker?
- What effect might it have on the organization involved or the public’s perception thereof?
- What values are conflicting?
- What are the possible legal considerations?
- Does the situation involve a combination of ethical dilemma types (both personal cost and values)?
- Will it cost the decision maker his or her job?
- Will it cost the decision maker a friendship?
- How would the decision maker feel if his or her actions and decisions were on the front page of the local newspaper or on the nightly news?
- What is the cost of inaction?
- What resources are available in the agency to help deal with ethical dilemmas? How does one access these resources?
- Does the agency or organization support ethical behavior? Would one be penalized for bringing unethical behavior to the organization’s attention?
- Does the agency have an ethics policy? How might it help in this situation?
- How might rationalization come into play in the scenario?
- How will the public perceive the actions and/or decisions?

There are several repeated themes in the following scenarios. To help sort through the scenarios they have been categorized into the following general categories: improper use of resources, conflict of interest, nepotism, confidential information, conference attendance, unpopular political decisions, and inconvenient truths. In order to properly and effectively facilitate discussion of the ethical dilemmas, the information provided about the general categories should be used in conjunction with the *Questions to Consider* section.

Improper Use of Resources/Personal Use

The situations involving the improper use of resources can be guided by the following principle: "The prohibition against personal use of public resources extends to human resources and/or public agency staff time. The theory is that staff time spent on personal errands for supervisors or governing body members could be used instead for public business."³⁵ "Public officials serve as the stewards of public agency resources; these resources may not be used for the personal or political benefit of public officials."³⁶

Personal use of public resources is for personal enjoyment, private gain or advantage. "Use" means the use of public resources that is substantial enough to result in a gain in advantage for the user and a loss to the local agency that can be estimated as a monetary value."³⁷

Conflict of Interest

Conflict of interest dilemmas are not necessarily criminal matters unless you are a public official and benefit from the situation. A conflict of interest can occur when a public employee's personal interest conflicts with their obligation to the public's interest. Employees should not consider their personal interests over the interests of the public. When the public feels that a government employee has a conflict of interest, whether real or perceived, it can undermine the public's trust in their government.

Nepotism

Nepotism is a form of conflict of interest and the scenarios involving nepotism should be guided by the following: Nepotism is the practice of hiring employees based on personal connections, family relations or belonging to a certain group as opposed to hiring the best qualified candidate. Nepotism can result in ineffective and inefficient agencies as the best candidates are not selected. Taxpayers' perception and trust of government officials will be in jeopardy if nepotism is discovered in an agency.

Confidential Information

Public officials are trusted with a vast amount of private and confidential information through their positions in government agencies. With this trust comes a very high expectation that public officials will safeguard this information. Unauthorized release of certain information can be subject to criminal prosecution and can jeopardize the confidence and trust of the public.

Conference Attendance

"The courts have concluded that conference expenses are reimbursable as a 'proper municipal purpose.'" Since the purpose for the expenditure is to assist the official in the performance of his or her official duties, public employees should bear in mind the purpose of the expenditure, and utilize the goods or services to the fullest, keeping responsible use of public funds at the forefront of any decisions.³⁹

Unpopular Political Decisions and Inconvenient Truths

It is not uncommon for these types of dilemmas to be intertwined with aspects of both "personal cost" and "right-versus-right" issues. As a decision maker or political official, one must balance the various needs of the community and the law. Many times these things may conflict, which results in a dilemma. You must weigh the "personal cost" of the dilemma (reduced community support and possible political fallout) with your responsibility to do what is right. "Many times, the role of a leader is to engage in a 'bridging-the-gap' process between where the community presently is and where the (elected) official thinks the community needs to go."

The following information may be utilized by a facilitator. This analysis is meant to enhance both discussion and the employees' understanding of agency expectations. Utilizing the organization's ethics policy would be helpful in reinforcing the "right" choices.

Personal Cost Dilemmas

Boss' Delivery Dilemma (Use of Public Resources)
Internet Use ... For Work Or For Sales? (Use of Public Resources)
Bad Bookkeeping (Politically Unpopular Decision)
To Tell ... or Not to Tell (Inconvenient Truth)
Confidential ... or Criminal? (Confidential Information)
Promotion or Preferred Class (Inconvenient Truth)
Gift Buying Assistance (Use of Public Resources)
The Visiting Boyfriend (Use of Public Resources)

Right Versus Right Dilemmas

Non-Profit Dollars Dilemma (Inconvenient Truth)
Family Versus Employer (Conflict of Interest)
Best Friend - Not So Qualified (Nepotism/Conflict of Interest)
Conferences ... for Work or Fun? (Use of Public Resources)
Promotional Opportunity or Diversity Imbalance (Unpopular Decision/Inconvenient Truth)
Day Labor Dilemma (Politically Unpopular Decision)

Legal Dilemmas

To Arrest ... or Not To Arrest (Conflict of Interest)
To Drive ... or Not To Drive (Use of Public Resources)
Software Dilemma (Inconvenient Truth)
Double Duties ... or Stealing Time (Use of Public Resources)
Vehicle Misuse ... or Just Stealing Gas? (Use of Public Resources)

Rationalization Trap

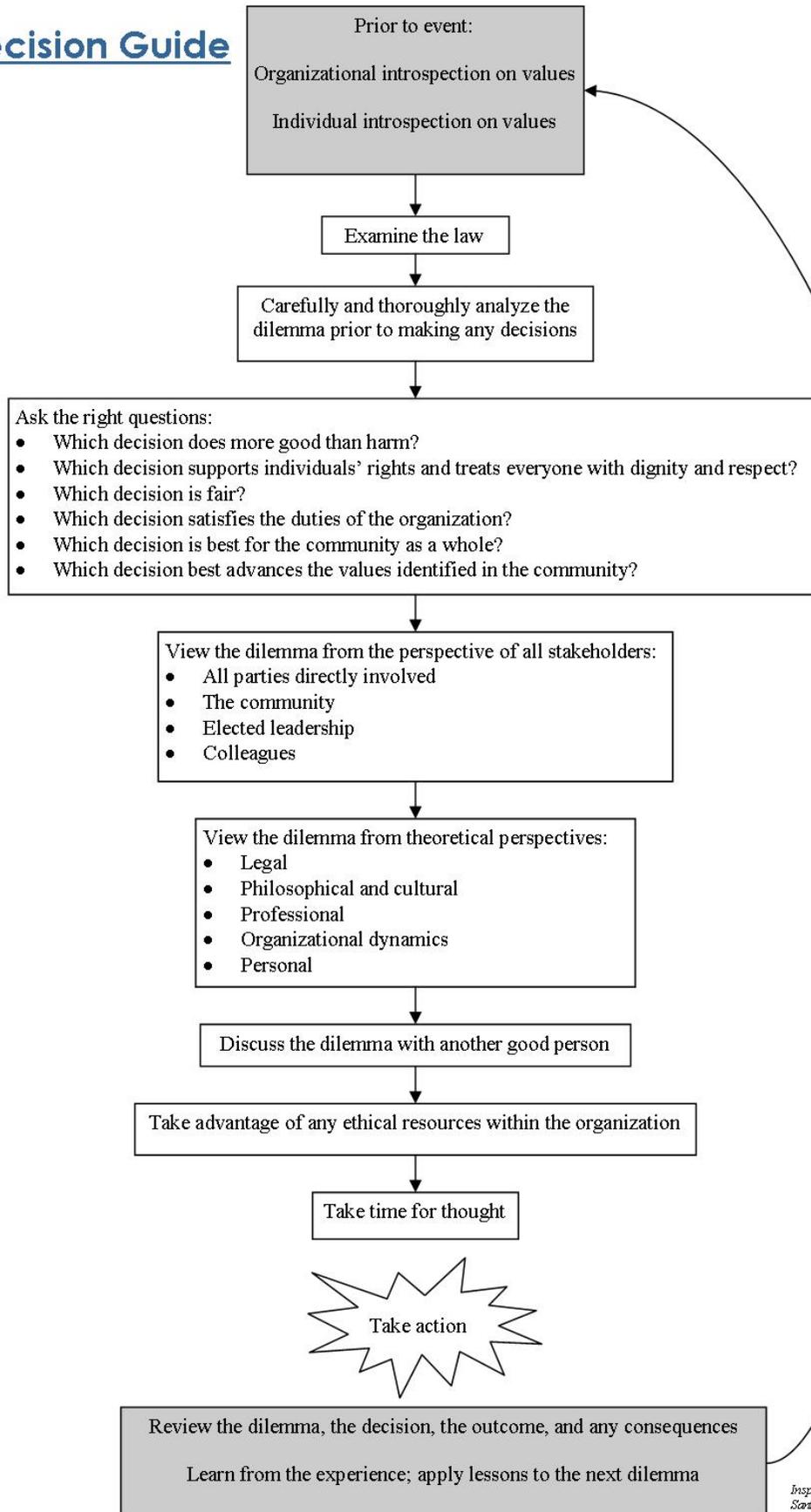
Golf Game (Use of Public Resources)
Long Lunch, I Deserve It (Use of Public Resources)
Unscheduled Meeting ... Does it Equal Extra Time for Shopping?

Endnotes:

1. The Writings of Thomas Jefferson, Memorial Edition (Lipscomb and Bergh, editors) 20 Vols., Washington, D.C., 1903-04.
2. Bonczek, Stephen and Donald Menzel, "Achieving the Ethical Workplace," Public Management, March 1994 (p. 18).
3. Bonczek, Stephen and Donald Menzel, "Achieving the Ethical Workplace," Public Management, March 1994 (p. 16).
4. Bonczek, Stephen and Donald Menzel, "Achieving the Ethical Workplace," Public Management, March 1994 (p. 14).
5. Bonczek, Stephen and Donald Menzel, "Achieving the Ethical Workplace," Public Management, March 1994 (p. 15).
6. Bonczek, Stephen and Donald Menzel, "Achieving the Ethical Workplace," Public Management, March 1994 (p. 14).
7. The City of Santa Clara, California, has incorporated their ethics program into their performance appraisals for employees.
8. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001.
9. <http://www.ci.santa-clara.ca.us/pdf/Ethics/HelenPutnamCodeofEthics.pdf>, accessed 10-3-2007.
10. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 10).
11. Shanks, Thomas E., "Report of Results: Resident Feedback Survey," Santa Clara University, July 31, 2006.
12. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 12).
13. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 13).
14. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 13).
15. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 12).
16. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p. 12).
17. ICMA Case Study, "Translating Ethics Into Everyday Actions: City of Santa Clara, California," April 2001 (p.14).
18. Grant. J.K. (2002). Ethics and Law Enforcement. *FBI Law Enforcement Bulletin*. Retrieved October 1, 2007, from http://findarticles.com/p/articles/mi_m2194/is_12_71/ai_96453523
19. New Ethical Paradigms: New Leadership Strategies. (2006) Los Angeles, p17
20. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 5, retrieved September 1, 2007, from www.ca-ilg.org
21. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 6, retrieved September 1, 2007, from www.ca-ilg.org
22. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 6, retrieved September 1, 2007, from www.ca-ilg.org
23. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 5, retrieved September 1, 2007, from www.ca-ilg.org

24. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 7, retrieved September 1, 2007, from www.ca-ilg.org
25. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 7, retrieved September 1, 2007, from www.ca-ilg.org
26. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 5, retrieved September 1, 2007, from www.ca-ilg.org
27. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 7, retrieved September 1, 2007, from www.ca-ilg.org
28. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 40, retrieved September 1, 2007, from www.ca-ilg.org
29. Covey (p.188-90)
30. "Doing the Right Thing", Everyday Ethics for Local Officials: Finding Your Way. pp. 186, retrieved September 1, 2007, from www.ca-ilg.org
31. Ezarik, M. (2003, October). Getting it right: How to deal with ethical dilemmas in the workplace isn't always easy or obvious. *Career World*. pp.1-8
32. If She Prattles Do You Tattle? (2007, July 11). The Globe and Mail (Canada), pp. C5
33. *Examples needed of Ethical Situations at work.* (2007, February) Retrieved September 21, 2007, from <http://ask.metafilter.com/57322/Examples-needed-of-ethical-situations-at-work>
34. Navran, F. (1994). *Ethical Dilemmas in the Everyday Workplace.* Ethics Resource Center. Retrieved on October 17, 2007 from <http://www.ethics.org/resources/articles-organizational-ethics.asp?aid=888>
35. *Of Cookie Jars and Fishbowls: A Public Official's Guide To Use of Public Resources.* (2004). Retrieved October, 1, 2007, from http://www.cacities.org/resources_files/20383.completeguide.pdf
36. *Ethics Law Reference For Local Officials.* (2007). Retrieved October 15, 2007, from <http://www.ca-ilg.org/elr9/21/07>
37. *Of Cookie Jars and Fishbowls: A Public Official's Guide To Use of Public Resources.* (2004). Retrieved October, 1, 2007, from http://www.cacities.org/resources_files/20383.completeguide.pdf
38. *Of Cookie Jars and Fishbowls: A Public Official's Guide To Use of Public Resources.* (2004). Retrieved October, 1, 2007, from http://www.cacities.org/resources_files/20383.completeguide.pdf
39. "Decision-making issues", Everyday Ethics for Local Officials: Finding Your Way. pp. 21, retrieved September 1, 2007, from www.ca-ilg.org

Decision Guide



Inspired by Harold Gorbier and the City of Santa Clara, California, decision matrix

Implementation: Ethical Culture Checklist

Just as a culture in the traditional sense is something that evolves over time through the ideas, beliefs and behaviors of many, a culture of ethics is not something that an organization can easily evolve by implementing the items on a checklist. Nonetheless, the elements presented below are those most typically seen in organizations that place a high emphasis on ethics and have staff and officials that are committed to ethical actions and decision-making. In other words, if you can check off most of these elements, you probably have a good start, if not a well-established culture of ethics.

People: *Ethical decision-making is a personal action. To encourage the adoption of ethical behavior, organizations need people to serve as role models, supporters, and resources.*

- Ethics Champion - Someone in leadership (county executive, board member, etc.) who constantly advocates for ethical practices
- Leadership - Government leaders who support ethics-related initiatives
 - Elected officials
 - Top administrators
 - Senior managers (agency directors)
- Enforcement - Staff who are responsible for investigating possible ethical breaches
- Employee participation - Staff who are involved in developing ethics codes and rules
- Public participation - Citizens who are involved in establishing policies (not necessarily ethics policies) and implementing programs and services

Policies: *Written policies, codes, and standards are necessary to provide members of the organization with a consistent set of expectations, both rule-based and more general.*

- Code of Ethics - A document explaining the values the organization recognizes as to be drawn upon for making ethical decisions
- Standards of Practice - A document providing guidance on implementing the code in common situations
- Rules and policies - Specific policies and procedures for how to deal with explicit situations that have ethical implications
- Rules interpretation - Ethics-related rules, policies, and laws are accessible to, explained to, and easily understood by staff

Resources: *Ethical dilemmas are tricky situations. Even well-written value statements and implementation guidelines may not provide enough guidance in many situations.*

- Ethics hotline -
 - An anonymous way for staff to get feedback on how to handle ethical dilemmas
 - An anonymous way to report possible ethical breaches
 - A web presence for communicating ethics measures, anonymous questions/comments
- Ethics advisors - Collaborative methods in place to discuss ethical dilemmas
- Decision-making tool - A decision tree or list of questions to help guide people through ethical dilemmas

Training: *Early and ongoing training is a necessary component of developing ethical people.*

- New employee orientation - Discussions on ethics presented to all new hires
- Ongoing training - Training on ethics provided to all employees, regardless of tenure
 - Frontline staff
 - Management
 - Elected officials and their staff
- Interactive training - Training components include exercises and discussions, not just lecture or presentation
- Ongoing discussions - Encouragement from leadership for ongoing discussions of ethical issues/dilemmas

Sample Local Government Ethics Resolution

RE: DEVELOPMENT AND IMPLEMENTATION OF AN ETHICAL CULTURE

WHEREAS, the governing body of this locality recognizes the declining levels of trust in all levels of government: federal, state and local; and

WHEREAS, the governing body of this locality recognizes the absolute necessity of the public's trust in all levels of government: federal, state and local; and

WHEREAS, the governing body of this locality is committed to instilling and upholding the public trust in this locality; and

WHEREAS, establishing a policy of ethics for a governmental entity improves public trust not only through its implementation but also through the public involvement in its development;

NOW, THEREFORE, BE IT RESOLVED that the governing body directs staff to begin a public participative process to identify the values held by the people of this community, with the goal of using those identified values as the basis for an ethics policy that will be adopted and implemented by this body; and

BE IT FURTHER RESOLVED that once the core values of the community are identified, the governing body directs staff to further engage all stakeholders in the organization - including but not limited to citizens, businesses, community organizations, and employees - to develop a draft recommendation for an ethics policy to be adopted by this body and will govern the actions of members of the organization; and

BE IT FURTHER RESOLVED that in carrying out this effort, staff is authorized to use whatever means available to effectively engage public participation; and

BE IT FURTHER RESOLVED that this ethics policy shall be a living document, incorporating strong values yet flexible to changes in community values; and

BE IT FURTHER RESOLVED that the governing body of this locality recognizes the importance of all members of the organization participating in and upholding an ethical culture, and therefore demonstrates through the passage of this resolution a commitment as individuals and as a body to embrace the forthcoming ethics policy; and

BE IT FURTHER RESOLVED that staff shall report back to the governing body at appropriate intervals on the progress of this initiative.

Sample Citizen Survey Questions

In general, how would you rate the ethical behavior of your local government?

- Excellent
- Very good
- Fair
- Poor
- Very poor

In general, how would you rate the ethical behavior of your state government?

- Excellent
- Very good
- Fair
- Poor
- Very poor

In general, how would you rate the ethical behavior of the federal government?

- Excellent
- Very good
- Fair
- Poor
- Very poor

Which five of these characteristics are the most important behaviors public servants ought to practice in order to deepen public trust in government?

- Honesty
- Financial Prudence
- Integrity
- Responsibility
- Impartiality
- Accountability
- Compassion
- Fairness
- Loyalty

These sample survey questions can be included in existing citizen surveys, or can be a part of a stand-alone ethics survey. Meant to spark discussion of questions that will better reflect individual communities, these survey questions are merely suggestions. It may take courage for a local government to ask its citizens for their opinions on the ethics of their government. But the results of such questions provide a baseline for tracking the improvement of public perception, and localities that have asked have noted increased public confidence as a result of simply asking the question.

IV. Resources: Roadside Assistance

Helpful websites:

American Society of Public Administration (ASPA): A national society that advocates for greater effectiveness in government. ASPA believes in embracing new ideas, addressing key public service issues and promoting change at both the local and international government levels.

<http://www.aspanet.org/scriptcontent/index.cfm>

PA Times: ASPA's monthly newspaper covers developments in the academic and professional field of public administration. Article topics include successful local state and federal government programs, PA trends and new PA methods.

http://www.aspanet.org/scriptcontent/index_patimes.cfm

Public Administration Review: A bi-monthly scholarly journal in the field of public administration research and theory produced by ASPA.

http://www.aspanet.org/scriptcontent/index_par.cfm

Center for Law Enforcement Ethics: The Institute for Law Enforcement Administration (ILEA) initiated the Center for Law Enforcement Ethics to focus attention on ethical issues in the police profession. The goals of the Ethics Center are to examine the ethics of professional obligations in law enforcement, explore strategies that enhance the ethical climate in policing, and establish programs that will provide ethical decision-making tools.

<http://www.cailaw.org/ilea/ethics.html>

Commonwealth of Virginia: Virginia.gov is the official website for the Commonwealth of Virginia. The site contains a directory of state agencies and links to those agencies as well as links to legislative, judicial, legal, and federal websites. <http://www.state.va.us/cmsportal2/>

Council on Governmental Ethics Laws (COGEL): The Council is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby laws and freedom of information.

<http://www.cogel.org/>

Ethics & Compliance Officer Association (ECO): This non-profit association is for individuals who are responsible for their organization's ethics, compliance, and business conduct programs.

http://www.theeco.org/AM/Template.cfm?Section=Home&Template=/Templates/TemplateHomepage/EthicsComplianceOfficerAssociation_1510_20070109T133141_LayoutHomePage.cfm

Ethics Resource Center (ERC): A non-profit organization devoted to the advancement of high ethical standards and practices in public and private institutions. ERC informs the public dialogue on ethics and ethical behavior. The organization analyzes current and emerging issues and produces new ideas and benchmarks. The website includes a "Toolkit," with tips and guidelines for writing codes of ethics, an ethics glossary, values definitions and other short articles on the practice of organizational ethics. <http://www.ethics.org/resources/ethics-toolkit.asp>

Government Accountability Project: A non-profit organization whose mission is to protect the public interest by promoting government and corporate accountability through advancing occupational free speech and ethical conduct, defending whistleblowers, and empowering citizen activists. <http://www.whistleblower.org/>

Institute for Local Government (California): The Institute is the non-profit research affiliate of the California State Association of Counties and the League of California Cities. The Institute has developed "The Local Official's Ethics Resource Center" to assist local officials with a broad range of ethical issues. <http://www.cacities.org/index.jsp?zone=ilsg>

International City/County Management Association (ICMA): ICMA fosters excellence in local governance by developing professional local government management worldwide. The organization provides technical and management assistance, training, and information resources in the areas of performance measurement, ethics education and training, community and economic development, environmental management, technology, and other topics to its members and the broader local government community. ICMA's mission is to promote an ethical culture in local government. The organization has a database of advice on ethics issues, case studies and model local government documents. This knowledge base has been translated into training courses, consulting services, ethics textbooks and other educational publications. <http://icma.org/main/bc.asp?bcid=649&hsid=1&ssid1=2530>

Public Management Magazine: Public Management (PM) is the official magazine of ICMA. PM is dedicated exclusively to the public sector practitioner. Articles deal with issues of common concern to local government managers. The print version of PM is published 11 times a year. <http://www1.icma.org/pm/8506/>

International Institute for Public Ethics (IIPE): The Institute is an international professional association for practitioners and scholars working in the field of public sector ethics. Its prime objective is to develop an international and professional community of public sector ethicists, and to offer support for scholars and practitioners in the field. <http://www.iipe.org/>

LegalEthics.com: LegalEthics.com is a web site focused on the ethical issues associated with the use of technology by legal professionals. http://www.legalethics.com/?page_id=2

Local Government Attorneys of Virginia (LGA): LGA is an association of local government attorneys dedicated to promoting continuing education of local government attorneys; providing information and support to assist local government attorneys in performing the duties of their positions; and providing a forum for communication and exchange of ideas among offices across the state. <http://www.coopercenter.org/lga/>

Markkula Center for Applied Ethics, Santa Clara University, CA: The Center provides a place for research and dialogue on ethical issues in critical areas of American life. The Center works with faculty, staff, students, community leaders, and the public to address ethical issues more effectively in teaching, research, and action. <http://www.scu.edu/ethics/>

National Association of Counties (NACo): A national organization that represents county governments in the United States. NACo advances issues before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. The County Resource Centers section provides links to numerous resources. <http://www.naco.org/>

National Conference of State Legislatures (NCSL), Center for Ethics in Government: NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. NCSL is an advocate for the interests of state governments before Congress and federal agencies. NCSL's Ethics Center has compiled state-by-state data on legislative ethics laws in seven major categories: gifts, honorariums, nepotism, revolving door, conflict of interest, financial disclosure and lobbyists. <http://www.ncsl.org/programs/ethics/index.htm>

National League of Cities (NLC): The League is a national organization representing municipal governments throughout the United States. Its mission is to strengthen and promote cities as centers of opportunity, leadership, and governance. <http://www.nlc.org/>

USAGov.gov: A website that provides official information and services from the U.S. government. <http://www.usa.gov/>

United States Office of Government Ethics (OGE): An agency within the executive branch, the OGE exercises leadership in the executive branch to prevent conflicts of interest on the part of government employees, and to resolve those conflicts of interest that do occur. The "Common Ethics Issues" section contains summaries of substantive ethics matters such as gifts, conflicting financial interests, impartiality, seeking employment and post-employment, misuse of position, outside activities, financial disclosure, and recusals, waivers and trusts. <http://www.usoge.gov/>

Virginia Association of Counties (VACo): A state association that exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of the Commonwealth of Virginia. VACo represents local governments at the state and national levels in legislative and regulatory processes. VACo publishes its newsletter, *County Connections*, twice a month. VACo's legislative bulletin, *Capitol Contact*, is published at least twice a week when the General Assembly is in session. <http://www.vaco.org>

Virginia Coalition for Open Government: A non-profit coalition alliance formed to promote expanded access to government records, meetings and other proceedings at the state and local level. This site includes substantial information regarding the Virginia Freedom of Information Act. <http://www.opengovva.org/>

Virginia Institute of Government, affiliated with the Weldon Cooper Center for Public Service, University of Virginia. The Institute was established to increase the training, technical services and information resources available to the Commonwealth's local governments. *THE COLUMN* is a quarterly newsletter published by the Institute. <http://www.coopercenter.org/institute/>

Virginia Local Government Management Association (VLGMA): An affiliate of the Virginia Municipal League, VLGMA is a non-profit organization comprised primarily of city, town and county managers, and key members of their management teams. The primary goal of the association is to strengthen the quality of local government through professional management, through training, networking, and resource sharing.

<http://vlgma.govoffice3.com/index.asp?Type=NONE&SEC={AF48CC97-B6E4-4C21-A8CE-49391C3A04CF}>

Virginia Municipal League (VML): The League is a statewide, nonprofit and nonpartisan association of city, town and county governments established to improve and assist local governments through legislative advocacy, research, education and other services. VML distributes information and news to its members through publication of the monthly *Virginia Town & City* magazine, the biweekly *Update* newsletter and the Legislative Bulletin while the General Assembly is in session. www.vml.org/

Virginia State Bar (VSB): The Virginia State Bar is responsible for the regulation of the legal profession, protection of the public from lawyer misconduct and support for the rule of law. The Professional Regulation Department of the VSB includes the Standing Committees on Lawyer Discipline, Legal Ethics, Lawyer Advertising and Solicitation, and Unauthorized Practice of Law. It also includes the clerk's office, the disciplinary board and the disciplinary committees. The *Virginia Lawyer* and the *Virginia Lawyer Register* magazines are the official publications of the Virginia State Bar and are distributed to lawyers, judges, general subscribers, law libraries, other state bar associations and the media. The Virginia State Bar publishes pamphlets and handbooks on law-related issues for Virginia's lawyers and Virginia's citizens.

<http://www.vsb.org/site/regulation/>

Virginia State Code Searchable Database: The Virginia General Assembly provides access to the Code of Virginia. The database is searchable by code section or keyword.

<http://leg1.state.va.us/000/src.htm>

Sample Codes of Ethics, Codes of Conduct and Value Statements:

American Society of Public Administration

http://www.aspanet.org/scriptcontent/index_codeofethics.cfm

Chesterfield County Sheriff's Office

<http://www.chesterfield.gov/constitutionalofficers/sheriff/mission.asp>

City of Chesapeake

<http://www.chesapeake.va.us/mission-corevalues-ethics.shtml>

City of Norfolk Police Department

<http://www.norfolk.gov/police/ethics.asp>

City of Virginia Beach

http://www.vbgov.com/file_source/dept/webteam/Document/code_of_ethics_2003.pdf

City of Winchester

<http://www.winchesterva.gov/administration/codeofethics.php>

Goochland County Board of Supervisors

http://www.co.goochland.va.us/upload/images/Board_of_Supervisors/Code%20of%20Ethics.pdf

Government Finance Officers Association

http://www.gfoa.org/index.php?option=com_content&task=view&id=98&Itemid=108

Henrico County

<http://www.co.henrico.va.us/hr/regs/append-f.pdf>

Index of Codes of Ethics by Profession from the Center for the Study of Ethics in the Professions at the Illinois Institute of Technology.

http://ethics.iit.edu/codes/codes_index.html

International City/County Management Association

<http://icma.org/content/bc.asp?bcid=72&ssid1=43&ssid2=75&ssid3=196>

International Institute for Public Ethics

<http://www.iipe.org/iipecode.pdf>

Loudoun County

http://inter4.loudoun.gov/Default.aspx?tabid=537&zoom_highlight=values

National Association of Counties

<http://www.naco.org/Template.cfm?Section=Publications&template=/ContentManagement/ContentDisplay.cfm&ContentID=5509>

Santa Clara, California

http://www.ci.santa-clara.ca.us/city_gov/city_gov_code_ethics.html

Spotsylvania County Board of Supervisors

<http://www.spotsylvania.va.us/departments/bos/index.cfm?id=662>

Virginia Department of Accounts

http://www.doa.virginia.gov/General_DOA/Mission.cfm

Virginia Department of Human Resource Management Statement and Code of Ethics

<http://www.dhrm.state.va.us/dhrmethicsstatement.pdf>

Virginia Department of Juvenile Justice

<http://www.djj.state.va.us/mounts/tools/Directives%20Manual/Procedures%20and%20Directives/05-009.1%20Code%20of%20Ethics%20for%20Employees%20of%20DJJ.doc>

Virginia Department of the Treasury

<http://www.trs.virginia.gov/Documents/Gm/Ethics.pdf>

Virginia State Bar

<http://www.vsb.org/site/regulation/guidelines/>

Links to Federal and Virginia Code Sections:

Americans with Disabilities Act (ADA), United State Department of Justice:
<http://www.usdoj.gov/crt/ada/adahom1.htm>

Government Data Collection and Dissemination Practices Act, located § 2.2-3800 et. seq. of the Code of Virginia: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+2.2-3800+401482>

Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et. seq. of the Code of Virginia
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3700>

State and Local Government Conflict of Interests Act, located § 2.2-3100 et. seq. of the Code of Virginia: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+2.2-3100+401471>

Guide to the Virginia Freedom of Information Act and the Virginia Conflict of Interests Act (20006-07 Revised Edition), published by the Virginia Municipal League:
<http://www.vml.org/CLAY/SeriesPDF/06-07FOIACOIARpt1.pdf>

Virginia Public Procurement Act, located § 2.2-4300 et. seq. of the Code of Virginia:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+2.2-4300+401478>

Guide to the Virginia Public Procurement Act, published by the Virginia Municipal League :
<http://www.vml.org/CLAY/SeriesPDF/05VaPubProcurement.pdf>

Virginia State Code Searchable Database: The Virginia General Assembly is offering access to the Code of Virginia on the Internet as a service to the public.
<http://leg1.state.va.us/000/src.htm>

Books and Pamphlets:

Creating a Workable Company Code of Ethics. Ethics Resource Center, 2003.

A publication designed to answer questions such as: What is a code of ethics? How are codes of ethics developed? What should be included in a code of ethics? This publication also provides helpful tools for developing a code of ethics such as sample surveys, interview and focus group questions, and a code development process checklist.

Ethics Law: Reference for Local Officials. Sacramento, CA: Institute for Local Government, 2007. www.cacities.org/resource_files/25287.ELR2007.pdf

This guide addresses financial interests, gifts and travel, use of public resources, governmental transparency and bias. The guide summarizes key ethics law provisions relevant to these areas.

Everyday Ethics for Local Officials: Finding Your Way. Sacramento, CA: Institute for Local Government, 2007.

A booklet that provides a framework for analyzing ethical dilemmas. The booklet offers insight on both the legal and ethical sides of frequently experienced dilemmas in local government.

Kidder, Rushworth M. How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living. New York: HarperCollins Publishers, 2003.

Right-versus-right decisions are ethical dilemmas and the toughest choices to make. Four right-versus-right dilemmas paradigms addressed in the book are: truth versus loyalty; individual versus community; short-term versus long-term; and justice versus mercy. To make decisions, the book refers to three decision-making principles: ends-based, rule-based, and care-based. This book is helpful for those wanting to resolve tough choices through self-reflection.

Kidder, Rushworth M. Moral Courage. New York: HarperCollins Publishers, 2006.

This book discusses the seven checkpoints in determining how to approach situations that test our moral courage. Each chapter in the book specifically addresses each checkpoint and provides a "moral courage checklist" to help the reader better identify what is being discussed. The final chapter reviews the way moral courage is applied in today's domestic and international affairs, suggesting that "moral courage is not only a personal but a collective attribute of successful cultures."

Speers, JoAnne. Of Cookie Jars and Fishbowls: A Public Official's Guide to Use of Public Resources. Sacramento, CA: Institute for Local Self Government, 2004.

This guide explores the legal and ethical considerations regarding travel reimbursements and the use of agency resources for personal gain. It also includes a sample expense policy.

White, Thomas. Business Ethics: A Philosophical Reader. New York: Macmillan Publishing, 1993.

"Ethics is the branch of philosophy that explores the nature of moral virtue and evaluates human actions." The author discusses two traditions of modern philosophical ethics regarding how to determine the ethical character of actions. These two traditions are the teleological (results oriented) approach and the deontological (act oriented) approach.

