

Ethics and Public Service

Arkansas City Attorney Association
Winter Meeting
Little Rock, Arkansas

Session Objectives

- ❑ To encourage you to *think beyond legal restrictions* and provide tools for doing so.
- ❑ To maximize the public's trust and confidence in you and your organization.

Public Service Ethics is Different

- Laws play a bigger role in the public sector.
- Perception is as important as reality.
- Key concept: decision-making in the public's interest.



The Importance of Public Perception

- Your actions may be absolutely right, but the public may still question your motives.
- Ethical public service service is about:
 - Doing the right thing; AND
 - The public's confidence that indeed the right thing has been done.

The Importance of Public Perception

- But, not doing the right thing because the public's perception may be negative has its own pitfalls.

Ethics versus Ethics Laws

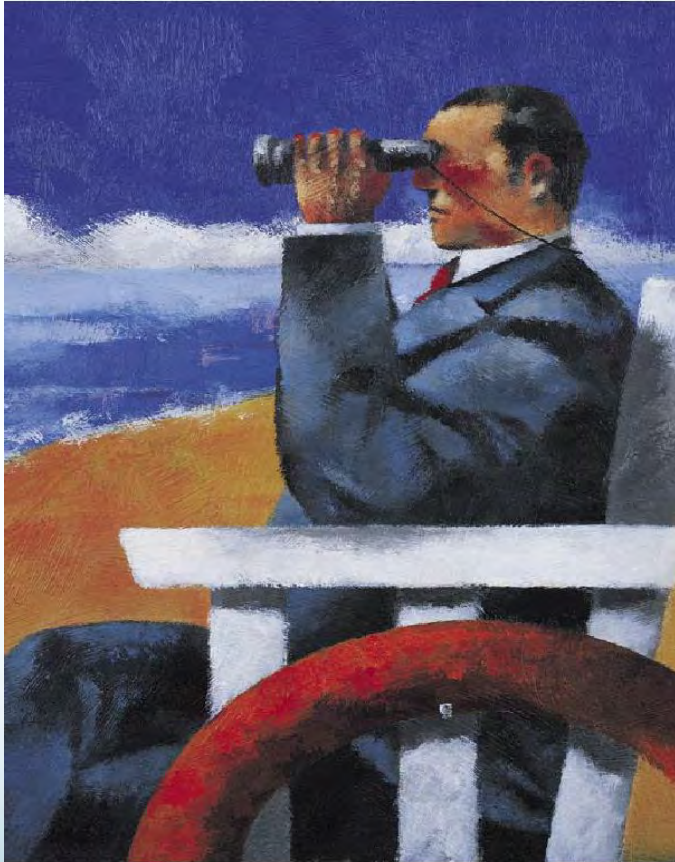
Ethics Laws

- Law = Minimum standards; a starting point for the analysis.
- What we “*gotta*” do.
- Under penalty of law or professional licensure.
- The “low road”

Ethics

- Ethics is what we *ought* to do, in light of universally accepted values.
- But:
 - Just because the conduct is legal doesn't make it ethical.
 - OR that the conduct reflects your or the public's values.

Thinking Beyond Ethics Laws



- Where do you want to set your sights as a public servant or as a business person in this community?

Beyond the Law:

**Workplace Ethics
Principles**

Ethics = Values

- Six universal ethical values:
 - Trustworthiness
 - Respect
 - Responsibility
 - Fairness
 - Compassion
 - Loyalty

Source: Institute for Global Ethics

Trustworthiness

- I remember that my role is first and foremost to serve the community.
- I am truthful with the public and others.
- I do not use my position for personal gain.
- I avoid actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.
- I do not knowingly use false or inaccurate information to support my position.

Respect

- I treat elected officials, other staff and the public with courtesy, even when we disagree.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed and make timely responses.
- I come to meetings and I come to them prepared.

Responsibility

- I promote the efficient use of municipal resources.
- I do not use municipal resources for personal benefit.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges.

Fairness

- I honor the laws and the public's expectation that municipal policies will be applied consistently.
- I promote equality and treat all people equitably.
- I support the public's right to know and promote meaningful public involvement.
- I credit others' contributions in moving our community's interests forward.

Compassion

- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I recognize my responsibility to society's less fortunate.
- I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.
- I am attuned to, and care about, the needs and concerns of the public, officials and other staff members.

Loyalty

- I safeguard confidential information.
- I put loyalty to the public's interests above personal loyalties.
- I don't oppose final decisions once they have been made by the decision makers except through internal lines of communication.

Sound Familiar?

- Universal Values
 - Trustworthiness
 - Respect
 - Responsibility
 - Fairness
 - Compassion
 - Loyalty

- **Character Counts**
 - Trustworthiness
 - Respect
 - Responsibility
 - Fairness
 - Caring
 - Citizenship

Analyzing Ethical Dilemmas



Types of Ethical Dilemmas

- **Right –versus- Wrong Ethical Dilemmas.**
- **Right-versus-Right Ethical Dilemmas.**
 - Situations in which there are two competing sets of “right values.”
- **Personal Cost Ethical Dilemmas.**
 - Situations in which doing the right thing may or will come at a significant personal cost to you or the municipality.
 - Also known as “Moral Courage Dilemmas.”

The Process

- Step One: Figure out what “the right thing to do” is.
- Step Two: Figure out what the public’s perception of the “right thing to do” would be.
- Step Three: When needed, balance the first two steps and follow the path that best supports public service values.

Right vs. Right Dilemmas

- What are the Facts?
- Identify the conflicting ethical values
 - Honesty
 - Compassion
 - Loyalty
 - Responsibility
 - Fairness
 - Respect
 - Some other important value

Right vs. Right Dilemmas

- Which ethical values are in conflict with “doing the right thing?”
- What is the personal cost of “doing the right thing?”

Right vs. Right Dilemmas

- Balance the benefits to be achieved against the harm to be avoided.
- Identify your options.
 - Is one course of action more consistent with both sets of competing values?
 - Is one course of action more consistent with a value that is particularly important to you?

Right vs. Right Dilemmas

- Does one decision involve keeping a promise or your word?
- Which decision best reflects your responsibility as a business leader?
- Is there a decision that does more harm than good?

What to do When You Suspect an Ethics Problem

- Step One: Stop. Analyze your motives first.
 - Organizational Loyalty?
 - True loyalty to the organization or to doing the right thing.
 - Disillusionment?
 - Do your expectations exceed organizational realities?
 - Is this an issue of competing legitimate ethical values?
 - Honesty (trustworthiness) vs. hurting someone's feelings (compassion)

What to do When You Suspect an Ethics Problem

- Step One: Stop. Analyze your motives first.
 - Defensiveness?
 - The best defense is a good offense mentality
 - Are you laying a foundation to claim whistleblower status?
 - Desire to Harm?
 - Is your aim to hurt or embarrass another?

What to do When You Suspect an Ethics Problem

- The last two motives illustrate the “unethical use of ethics”
- Co-opting ethics for personal, political or professional gain.
 - Also known as “vigilante ethics”

What to do When You Suspect an Ethics Problem

- Step Two: Figure Out What the “Wrong” Might Be.
 - Law vs. Ethics
 - Nature of the ethical dilemma
 - Some actions are clearly unethical, while others require a balancing of legitimate values.
 - Code of Ethics?
 - These are the values that are important to the organization.
 - Is Ethics a part of the Organizational Structure?

What to do When You Suspect an Ethics Problem

- Step Three: What are the Consequences of Letting the Situation go Unaddressed?
 - Legal Consequences
 - Personal Consequences
 - Simply being accused of ethical transgressions can be devastating.
 - Loss of respect, having to defend oneself in the legal arena, loss of a job or elected office.

What to do When You Suspect an Ethics Problem

- Step Four: Speak with Others and See if They Share Your Concerns.
 - Talk with your supervisor
 - H.R. Department
 - Attorney
 - Trusted friend or co-worker

What to do When You Suspect an Ethics Problem

- Step Five:
 - Discuss the Issue with the Individual (or have a trusted confidant do so.)
 - Try to figure out the motivation.
 - Identify gaps in analysis.
 - Appeal to Enlightened Self Interest
 - Demonstrate the flawed nature of the person's reasoning.
 - Assess the results of the Conversation

What to do When You Suspect an Ethics Problem

- Step Six: Determine whether an Internal Investigation is Appropriate.
 - Allows the company to proactively respond to allegations of misconduct.
 - Will look at whether the alleged conduct violates internal policies/procedures or the law.

What to do When You Suspect an Ethics Problem

- Step Seven: Determine Whether External Enforcement Authorities Should be Contacted.
 - How serious is the potential ethical violation?
 - Is the ethical violation criminal in nature?
- The Media
 - Not the best choice
 - Casts doubts upon your motives
 - Not an effective investigative agency
 - May hinder internal investigation

What to do When You Suspect an Ethics Problem

- Step Eight: Consider Steps to Prevent the Situation From Recurring.
 - Education is often the best preventive measure.

Communication Tips

- Be prepared.
 - Have all the facts and be certain you are talking to the right person.
 - Be respectful. Be earnest but not self righteous. Do not raise your voice or make threats.
 - Be fair. Do not assume bad motives, be open to additional facts and explanations.
 - Be honest. Do not exaggerate or omit important facts.
 - Stick to the point; stay focused.

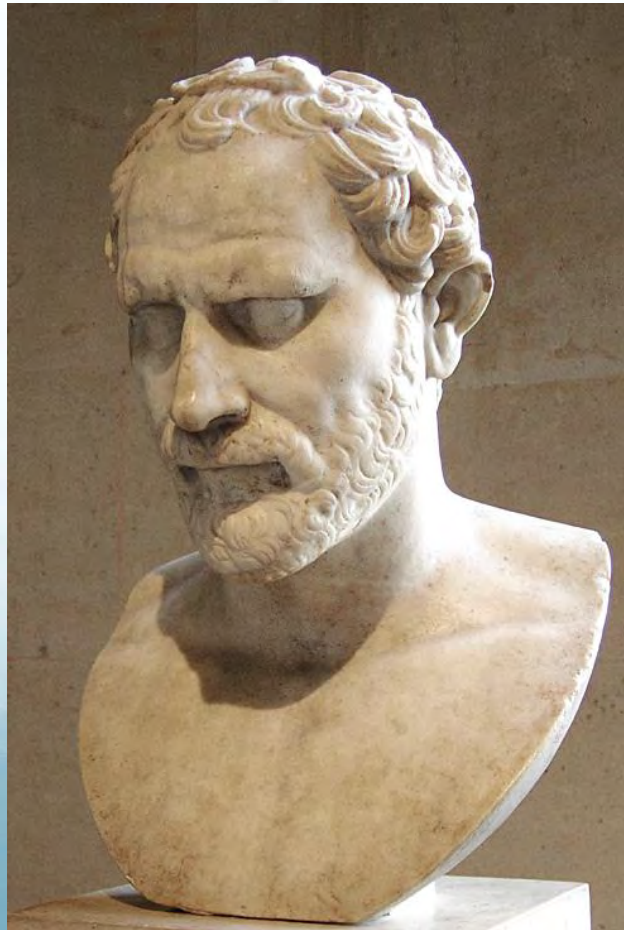
Some Traps to Avoid

- Thinking the ends justify the means.
 - There are limits as to how goals are achieved.
- Rationalizing.
 - Public service is a commitment, but it does not entitle you to any special treatment or special benefit.
 - Everyone is doing or has done the same thing.
- Assuming no one will know.

Key Lessons

- It's your choice how high you want to set your sights above the minimum requirements of the law.
- Think about your standards and principles and what they mean in public service context.
- Think about how you would respond if someone wants you to compromise those principles.

Nothing is so easy as to deceive oneself; for what we wish, we readily believe.



Demosthenes
384-322 B.C.

A prominent Greek statesman and orator of ancient Athens

Thanks to the
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Questions?