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.
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 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.**
  - Situations in which there are two competing sets of “right values.”

- **Right-versus-Right 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.”

- **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.
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 motive 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 California Institute for Local Government
Questions?