



ETHICS: BEYOND CODES AND DISCLOSURE FORMS

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Prof. Kirk O. Hanson
Executive Director
Markkula Center for Applied Ethics
Santa Clara University
kohanson@scu.edu
www.scu.edu/ethics



TOPICS

1. Ethics Emasculated
2. What is Ethics? What is Government Ethics?
3. What is the Good? Five Ways to Think Ethically
4. Unavoidable Dilemmas: Preparing for Ethics Decisions
5. A Framework for Ethical Decision Making
6. How Organizations Manage Ethics
7. *Unavoidable Ethical Dilemmas of Elected Officials*

Ethics Emasculated

- Ethics reduced to mandatory filings
- Ethics reduced to finely shaded rules
- Ethics reduced to what can you get away with
- Ethics reduced to a partisan tool
- Ethics reduced to cynical exercise

What Ethics Should Be

- A system to insure faithfulness to constituents and citizenry
- A system to insure fair dealing among members
- A system to win and sustain "trust" in government



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WHAT IS ETHICS? WHAT IS GOVERNMENT ETHICS?

WHAT IS ETHICS?

- Ethics is the study of standards of behavior which promote human welfare and “the good.”
- Government Ethics is the study of standards of government behavior, at all levels, which promote human welfare and good

Ethics is not

- **Not just feelings or conscience**
- **Not the same as religion**
- **Not just following the law**
- **Not following “what everybody does”**
- **Not technology or science – what can be done**

Ethics is....

- How we act as individuals
- How we structure our organizations and their work
- How we structure our society, our laws, our systems, our chamber

Government Ethics is....

- How we act as individual officials in government
- How we structure our government organizations and the way they work
- How we structure our society, our laws, our regulations, our systems

**BUT WHAT IS
"THE GOOD"**



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FIVE WAYS TO THINK ETHICALLY

HOW TO THINK ETHICALLY

1. Analyze whether the proposed behavior or standard of behavior promotes the GREATEST GOOD or the greatest human welfare
2. Identify the legitimate RIGHTS or HUMAN RIGHTS of individuals or groups affected, and the DUTIES of the actors

HOW TO THINK ETHICALLY

3. Analyze whether all parties are treated FAIRLY -- that is equally or differently only if there is a legitimate reason to do so
4. Analyze whether the proposed behavior is consistent with recognized VIRTUES

HOW TO THINK ETHICALLY

5. Ask whether the COMMON GOOD is adequately served

Unavoidable Dilemmas

- Each role that we play – member, Speaker, etc. – has a set of relationships and obligations
- Each relationship gives rise to unavoidable ethical dilemmas
- We will handle those dilemmas better if:
 - We know they are coming
 - We develop principles how we will handle them

What are a Member's Unavoidable Ethical Dilemmas?

■ IN KEY RELATIONSHIPS

- Constituents
- People of the State
- Donors and Supporters
- Family and Friends
- Other Members
- Caucus Members
- Staff
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- Representative Franklin has been hiring student interns from the state university for the past five years to do research during summer break. He established the guideline, featured on his website, that the students must be political science students and have a 3.6 GPA. His god-daughter is finishing her freshman year at the local community college, and, although she has the necessary GPA, she is working toward an associate of arts degree in biology. He figures that health care is an important subject to his constituents, edits the guidelines on his website to eliminate the requirement for political science as a major, and hires his god-daughter for one of the research internships.

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- The state is remodeling all Department of Motor Vehicles offices in order to update the technology. State Senator Witkins has worked unsuccessfully for a year to identify state employees with the kind of expertise needed to create a user-friendly system that could be networked with other state departments. The budget for the project does not include funds for a consultant. Witkins solicits advice from his golf partner, Byron Little, a vice president of Kipper Industries, a well-known high technology company. After discussing his frustration about the lack of in-house expertise in designing a state-of-the-art system, Mr. Little offers to assist with the specifications. When the specs arrive, they call for a type of equipment currently manufactured only by Kipper Industries. Little's cover note indicates Kipper will provide the equipment "at cost" to take any conflict of interest out of the situation. Frankfort Technologies and several other companies complain about what they call a "no-bid, insider contract."

What are a Speaker's Unavoidable Ethical Dilemmas?

■ IN KEY RELATIONSHIPS

- All Members
- Caucus Members
- Constituents
- People of the State
- Donors and Supporters
-
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Framework for Ethical Decision-Making

A Framework for Ethical Decision Making

Recognizing an Ethical Issue

- 1. Is there something wrong here?
Could this be damaging to someone?**
- 2. Does the issue go beyond legal or
self-interested concerns?**

A Framework for Ethical Decision Making

Get the Facts

- 3. What are the facts of the case?
What is not known?**
- 4. Who has an important stake in the
outcome? Do we have a special
obligation or concern for any?**
- 5. What are the options and alternative
solutions? Have we sought input
from those who have a right to be
consulted?**

A Framework for Ethical Decision Making

6. Evaluate Alternative Actions

- Which option produces the most good and the least harm?**
- Which option best respects everyone's rights and dignity?**
- Which option is fairest?**
- Which option would help all in the community which is affected?**
- Which option leads me to act as the person I want to be?**

A Framework for Ethical Decision Making

Make a Decision, Test It, Reflect

- 7. Considering all evaluations, which option is best?**
- 8. If you told someone you respect what you are going to do, how would they react?**
- 9. Implement your decision with care and attention to concerns of all.**
- 10. Reflect on how it turned out; learn.**



HOW DO LEADERS MANAGE ETHICS?

Four Strategies

HOW DO LEADERS MANAGE ETHICS

THE FOUR STRATEGIES:

- **RELYING ON EMPLOYEE CHARACTER**
- **COMPLIANCE – CODES/RULES**
- **ETHICS EXHORTATION/EDUCATION**
- **MANAGING VALUES**

1. RELYING ON CHARACTER OF EMPLOYEES

- **Everyone here is ethical and honorable**
- **Expect ethical behavior and you will get it**

1. RELYING ON CHARACTER OF EMPLOYEES

- **Risks of relying on character of employees**
 - **Not everyone is ethical – some are crooks**
 - **Not everyone believes in the same ethical values**
 - **Not everyone is ethically strong enough to resist incentives to do wrong**
 - **Not everyone is sophisticated enough to see and resolve ethical issues**

2. COMPLIANCE

- **Establish standards of minimum behavior, usually based on the law**
- **Write detailed standards stating explicit rules; require disclosure and filings**
- **Establish severe penalties for violating these minimum standards**

2. COMPLIANCE

- **Risks to Compliance Approach**
 - **May give signal the organization wants only minimum behavior**
 - **Gives no guidance for most difficult value choices**
 - **May suggest a “gotcha” culture of selective enforcement**

3. ETHICS EXHORTATION

- **Exhort employees to act ethically**
- **Train employees to identify ethical dilemmas and ask good questions about ethical problems**

3. ETHICS EXHORTATION

- **Risks to Ethics Exhortation**
 - **No help in identifying desired ethical standards**
 - **No guidance on complex ethical choices**
 - **May imply employees are to pay short term cost of acting ethically**

4. MANAGING VALUES

- **Define organizational values (aspirations) and compliance standards (minimums)**
- **Require each level of the organization to identify how values apply**
- **Educate, Model, Reward to these Values and Standards**

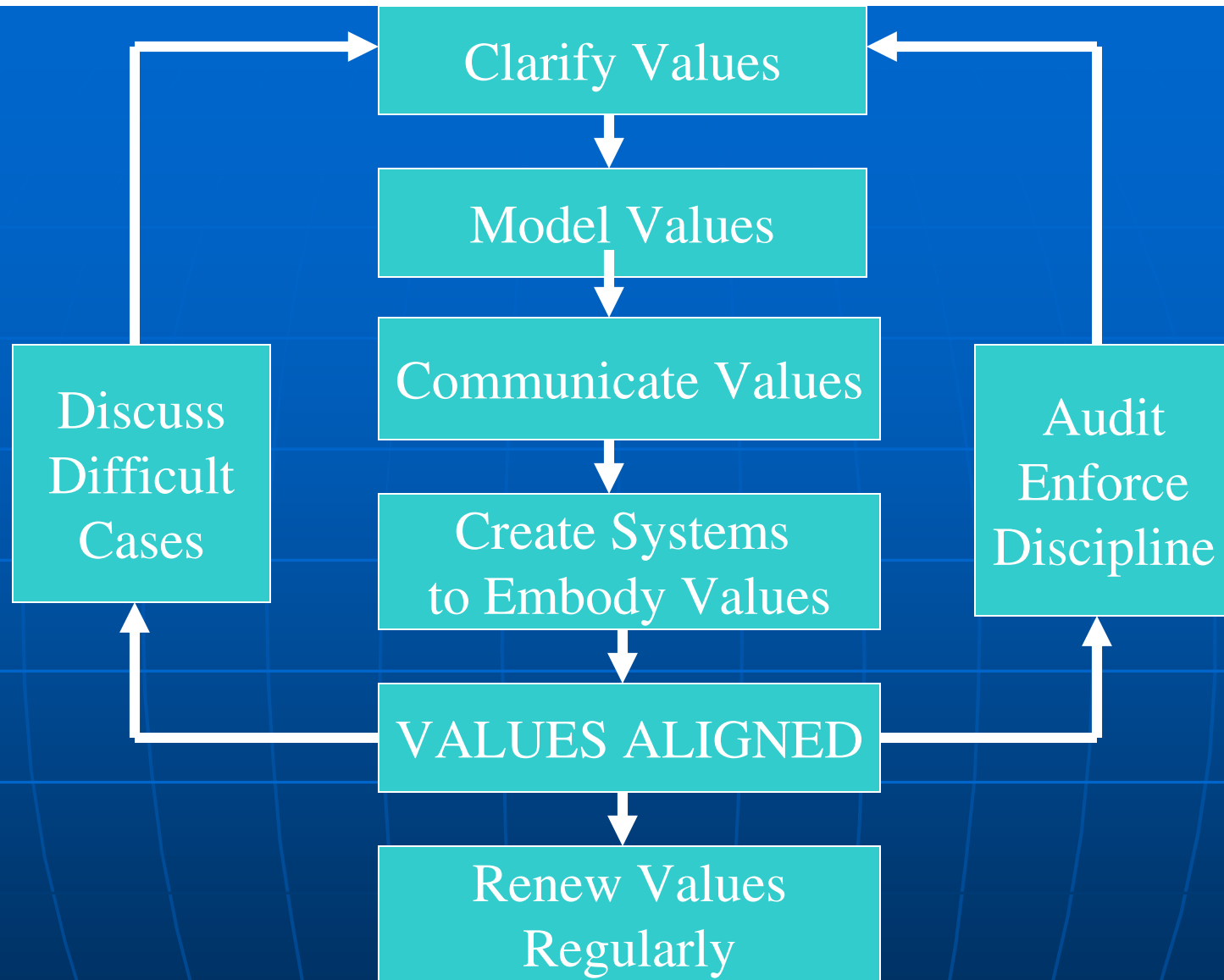
4. MANAGING VALUES

- **KEY MANAGEMENT TASKS TO MANAGING VALUES/INTEGRITY**
 - Define values and principles (for each level)
 - Communicate those values
 - Design systems to support values
 - Reward behavior consistent with values
 - Keep open door to resolve tough cases
 - Maintain audit/discipline system for minimum standards
 - Renew the values frequently

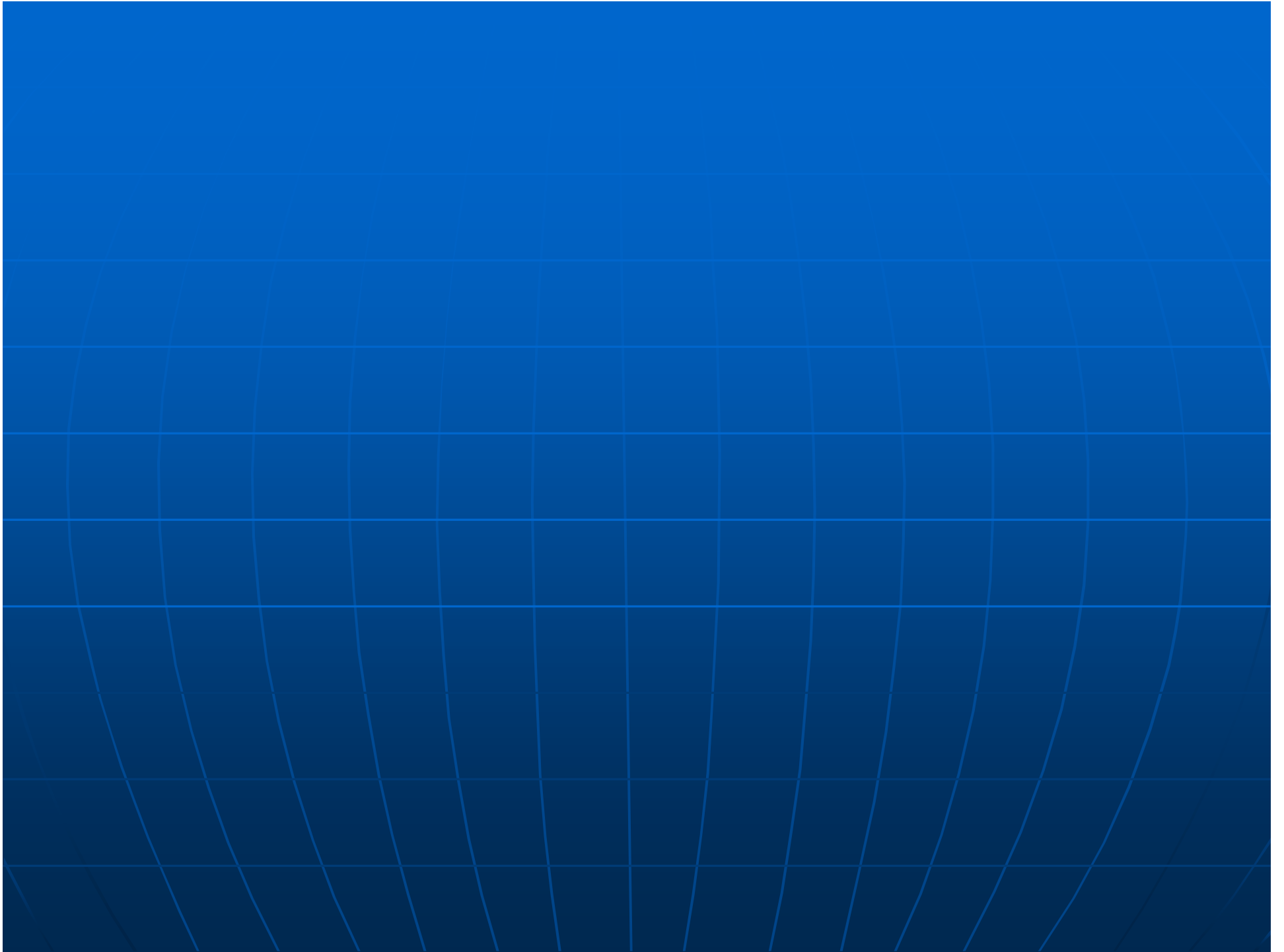
4. MANAGING VALUES

■ ADVANTAGES TO MANAGING VALUES/INTEGRITY

- Gives guidance for all types of choices/decisions
- Makes managing values an integral part of managing the organization
- Creates responsibility in each unit to apply the values to its work
- Designed to win trust in all who work with organization



LEADERSHIP TASKS TO MANAGE VALUES





AM I RESPONSIBLE?

Five Tests for Responsibility

Tests for Responsibility

- **Severity of the Harm**
- **Certainty of the Harm**
- **Degree of Involvement**
- **Cost of Acting**
- **Certainty of the Solution**

Questions to ask yourself

- **Severity of the Harm**

- How serious is the damage or danger
- Is the harm to persons or property
- Is human life threatened

- **Certainty of the Harm**

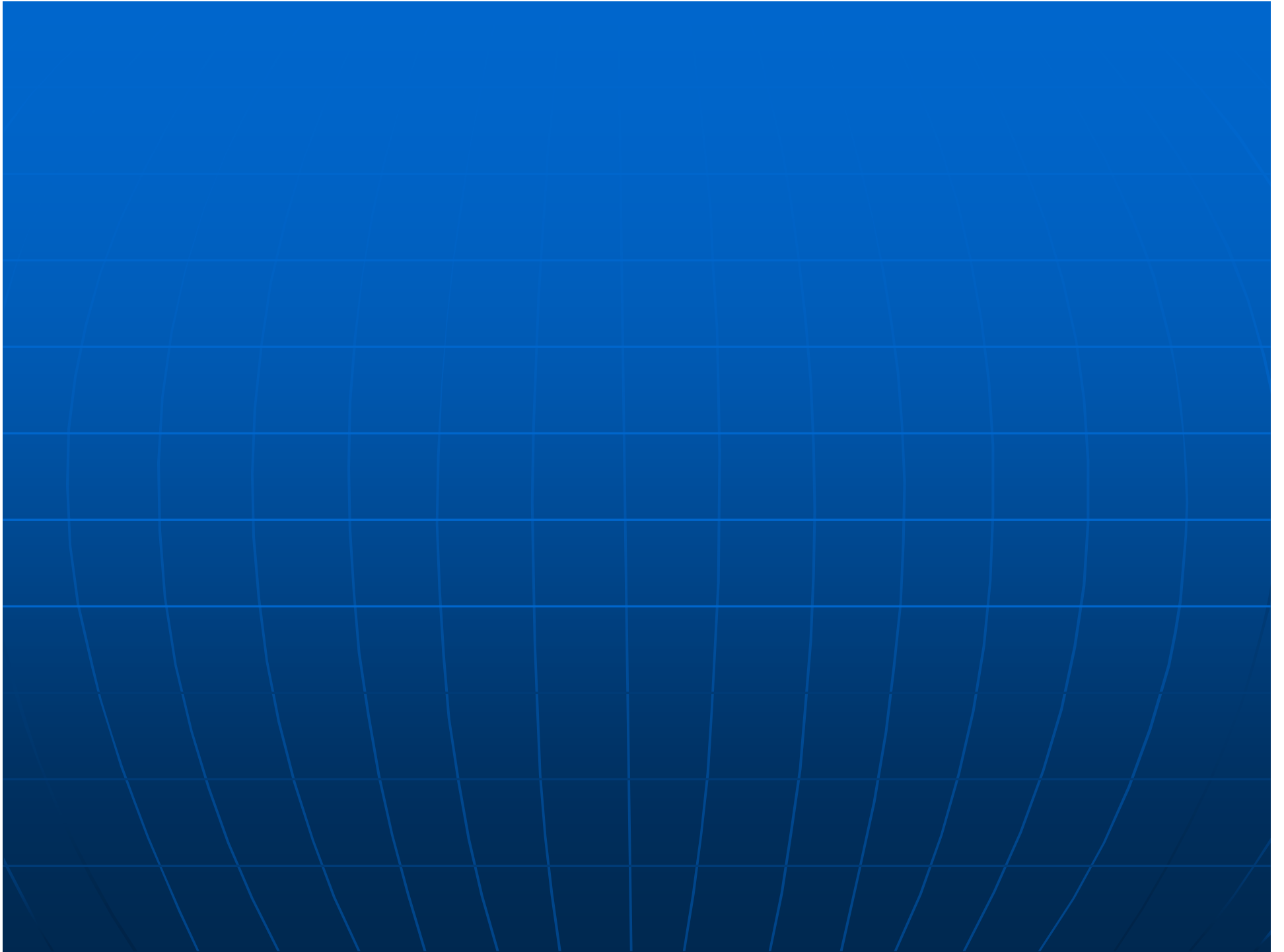
- Is the harm certain or just possible
- How large is the risk of harm

Questions to ask yourself

- **Degree of Involvement**
 - Have I caused the harm
 - Am I part of the immediate community
 - Am I the only one who can act

Questions to ask yourself

- **Cost of Acting to Address Problem**
 - What will it cost me to take responsibility
 - What risk will I run to address the problem
- **Certainty of the Solution**
 - How certain am I that my action will solve the problem





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Unavoidable Ethical Dilemmas of an Elected Official

Unavoidable Ethical Dilemmas of an Elected Official

1. Whom can you meet with and what can you talk about?
2. What do you owe to those who supported and elected you?
3. Whom do you really represent?
4. Are you a public servant or a public official dedicated to getting reelected?
5. What constitutes a personal conflict of interest?
6. How do you honestly present your positions on issues?
7. What ethical standards govern the process of contracting?

Unavoidable Ethical Dilemmas of an Elected Official

8. How can you use your power and position in other parts of life?
9. What gifts and freebies can you take?
10. How can you help those who seek your assistance?
11. What is a proper relationship with staff?
12. When do you have enough information to make a decision?
13. What is personal integrity in political life – voting your conscience or voting your constituency?
14. How do you balance multiple roles of a public official?
15. How do you deal with “friends of the legislature,” old hands around the capitol.

Unavoidable Ethical Dilemmas of an Elected Official

16. What is responsible action as a minority member?
17. What level of respect and civility should you show toward other legislators?
18. How do you protect the confidentiality of information you have as a legislator?
19. What is ethical dealing with the press?
20. What is ethical campaigning, particularly while holding office?