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Introduction

Ethics is a branch of philosophy that addresses questions about morality—that is concepts of right versus wrong, good versus bad, and noble versus ignoble, etc. As managers and supervisors, you’ll be faced with situations where you’ll ask yourself, “What is the right thing to do?” While it is easiest if the situation has a clear solution, many ethical dilemmas live in "gray" with no definite answer.

As a state entity, OSU’s work lies in providing public service and upholding public trust. The question of how the public is best served will inevitably result. As a land grant institution, OSU is responsible for expanding knowledge (research focus), transferring knowledge (teaching emphasis) and sharing this knowledge with the public (Extension and outreach to its citizens). With this broad constituency, you may be faced with the need to resolve competing interests, and the manner in which you uphold the ethical values of OSU can impact areas beyond your work place.

As a state agency, there are numerous, written ground rules to be aware of depending on your specific responsibilities. As a manager or supervisor, it is your obligation to become familiar with the laws, policies, procedures, professional standards, and other guidelines and protocols to help you make consistent, effective and ethical decisions.

Though this series provides an overview of written ground rules, practical applications, and scenarios around the topic of ethics, ultimately that which is written is carried out through your behaviors and practices in the workplace. In the end, what you do and how you do it defines the ethical foundation and practices of an organization.
Overview

This module is Part 1 of a 3-Part online series. It provides an overview of the philosophical and broader principles of ethics for public servants to help guide you when faced with possible ethical issues. Much of the content is cited from different sources, therefore the principles and guidelines provided may overlap at times in terminology and concepts.

The module will include areas for you to think through the ethical principles outlined to help you transfer ideas into your place of work.

Learning Objectives

Participants will:

• Be encouraged to understand the laws, policies and procedures, guidelines and OSU practices to guide day-to-day work.
• Consider ways to affirmatively define and example the principles of public service at OSU. Position Description Importance at OSU

Guidance

Oregon Government Standards and Practices Commission

The Government Standards and Practices Commission was established in January 1975 and is composed of seven members. Its mission is to fairly and impartially administer the regulatory provisions of ORS Chapter 244, Oregon Government Standards and Practices law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation and Oregon Public Meetings law; ORS 192.660, efficiently, expediently and with the highest possible emphasis on customer service for complainants, respondents and the general public of Oregon. Records of the Commission are public record.

The Oregon Government Standards and Practices Laws guide is not designed to prevent conflicts of interest from arising, but to help you know the appropriate action to take when potential or actual conflicts occur.

Applicability

You are a public official if you serve the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent, or otherwise, and irrespective of whether the person is compensated for such services.
Prohibitions

The Code of Ethics prohibits certain conduct. For instance, you may not:

1. Use your public office either to obtain financial gain or avoid financial detriment for:
   • Yourself;
   • Your household; or
   • A business in which you or a member of your household is associated.

2. Use confidential information received because of your public office for private gain.

3. Solicit or receive a promise of future employment with the understanding that such employment will influence your official action. In addition, the following are prohibited from being employed (one year) or from lobbying (two years) after leaving office, with or on behalf of the entities they regulated:
   • Public Utility Commissioner
   • Director of the Department of Consumer and Business Services
   • Insurance Commissioner
   • Supervisor of the savings and loan, credit union and consumer finance sector
   • Supervisor of the banking sector

4. Solicit or receive, during a calendar year, gifts with an aggregate value of over $50 from a source that has a legislative or administrative interest in your office. (Gifts from relatives, campaign contributions, or your own travel reimbursement from the host or sponsor of an office-related event are not prohibited)

5. Solicit or receive campaign contributions during a regular session for legislative or statewide officials, political candidates and associated campaign committees.

Conflict of Interest

A potential conflict of interest exists when you:

• are acting as a public official; and

• take any action (i.e., vote, debate, recommend or discuss) where the effect of which would be to the financial gain or loss of yourself, a member of your household, or an associated business of either.

• A potential conflict of interest does not exist when your financial gain or loss arises because:

Conflict of Interest Example

A legislator owning a car need NOT declare a potential conflict of interest before voting on a bill raising registration fees for all car owners.
• you have an interest or membership required by law before you may hold your public office; or

• your action affects to the same degree all people in Oregon, or a large class of people, with which you are associated.

Who May Request An Advisory Opinion?

Any person with a question regarding the laws may request an advisory opinion, however, please consult with your supervisor; s/he may know the answer.

Contact the Government Standards & Practices Commission

For more information, contact:

Oregon Government Standards and Practices Commission
885 Summer St NE, 2nd Floor
Salem, OR 97302-2522
Phone: (503) 378-5105

Web site: http://www.oregon.gov/GSPC/index.shtml. Within this site, go to “Forms and Publications,” then download the “Guide for Public Officials.” As of August, 2010, this publication was being updated by the state. If it is not accessible, please come back to it.

Carrying Out Ethics

Making the Tough Ethical Decisions

If you talk to most public officials and employees, they want to do the right thing. They are hard working and have the best interest of the organization and public in mind in the decision making process. It is the exceptional incident that, unfortunately, makes the news and creates a negative image for the public.

As supervisors and public officials, you are required to make decisions. This can be especially challenging when competing interests make the decision difficult. A decision that requires you to layoff a good employee may be necessary and in the best interest of the organization and the public because of limited resources. How does one make the tough decision when faced with an ethical dilemma?

“People sometimes lie awake at night precisely because they have done the ‘right’ thing.”

-Wheatley & Kellner-Rogers
A Beginning Point in Decision Making: A Simple Ethical Behavior Test

When faced with ethical dilemmas, consider using the following questions as an initial guide in your decision making process:

1. Is it legal? Is it moral? Is it safe?
2. If somebody else did it to you, would you think it was fair?
3. How would it appear as a headline on the front page of the newspaper?
4. Would you like your mom or dad to see you do it?
5. How is it consistent with the organizational values?

If this doesn’t provide an answer, whom can you consult within your organization? Outside your organization?

Incorporate Ethical Conversation into the Culture

One of the most difficult times to address an ethical dilemma is when you’re in the middle of the issue. Whereas, if ethical decision making and dilemmas were incorporated into your manager’s meetings once a month or quarterly, you would have the collective background thinking of your colleagues. This collective thinking will provide you with a foundation for how and why decisions are made. This also establishes a ready network in which to consult.

Principles of Public Service

The following principles are condensed from Preserving the Public Trust: Principles of Public Service Ethics, issued in 1990 by the Josephson Institute for the Advancement of Ethics at the request of the Government Ethics Center. The Government Ethics Center was established to assist those who work in government to build and maintain public trust by enhancing their ethical consciousness, proficiency and practical judgment.

Principle #1: Public Office as a Public Trust

Public servants should treat their office as a public trust, using the power and resources of public office to advance public interest, and not to attain personal benefits or pursue any other private interest incompatible with the public good. Ethical ground rules to promote public trust include:

“The affirmative dimension of ethics focuses on producing good rather than on avoiding harm. Under this view, ethical principles are not merely burdens and limitations. They are beacons leading us to our highest selves. They provide opportunities to make a positive difference in the lives of others.”

-Michael Josephson
• Administrators defer to the policy-making prerogative of the legislature and implement laws in good faith.

• Demonstrates highest loyalty to the broadest public good.

• Maintains integrity of democratic process; honors the spirit and intent of rules and laws.

• Does not use government resources for personal gain, campaigning or party work.

• Does not use title, prestige or the implicit power of public office for personal benefit.

Thinking it Through...What Would YOU Do?

• A small, political constituency that financially contributes to your research efforts is pressuring you to support their efforts over another larger entity. How do you handle this to meet the broader public trust?

• In non-work time, you have been politically active. Your party is encouraging you to lobby those you know to support particular candidates in a tight race. How can you meet both your work obligations and your activism interests while adhering to the issues of public trust?

• You must implement a revised law that was passed by Oregonians in a recent election that you are strongly opposed to. To fulfill your obligations to the public, what do you do?

• An organization you work closely with has invited you and your family to their box office seating and accommodations for a professional sports game. What do you do?
Principle #2: Independent Judgment

Public servants employ independent, objective judgment in performing their duties, deciding all matters based on merit, free from avoidable conflicts of interest, and both real and apparent improper influences. Ethical ground rules that demonstrate independent, objective judgment include:

- Make independent, fair and impartial judgments; avoid conflicting financial, social and political interests.
- Exercise the power of office fairly and without prejudice or favoritism.
- Make employment decisions based on merit; not patronage.

Thinking it Through...What Would YOU Do?

- A person who is in a significant position of influence has shown favoritism towards several people at the expense of the greater good. How would you handle this?

- A manager in a high-profile role appears to be hiring his colleagues and friends. You’re questioning whether or not these hires were the most qualified candidates. What do you do?

- A supervisor for whom you work has made subtle comments about a class of people that may be perceived as prejudicial. You’re concerned about how this might affect this class of people, who make up a large proportion of seasonal hires. What do you do?
Principle #3: Accountability

Public servants should assure that government is conducted openly, efficiently and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable. Ethical ground rules that promote accountability include:

- **Openness**: exercise public power so as to allow public scrutiny.
- **Improve System**: take affirmative steps to avoid waste, inefficiency, illegality or unintended consequences.
- **Self-Policing**: take whatever steps are necessary, including reporting, to prevent unlawful or unethical use of public position, authority or resources.

Thinking it Through...What Would YOU Do?

- Your relative has asked you to assist him in obtaining contractual work with OSU. How can you help him in a way that doesn’t violate legal or ethical principles?
- You see numerous ways to gain efficiencies and improve systems in your work unit. Your Director has not been open to your ideas. You continue to be bothered by what you’re observing. What might you do?
- Your office engages in a fund-raising activity that will mostly occur over the lunch period, but overlaps into regular working hours. The fund-raising activity is for a worthy, non-profit group that will benefit families in need during the holiday season. Is the work time spent in this endeavor justifiable?
- Your unit head decides to close the office the afternoon before a major holiday telling everyone to just go home. Is this okay? What might be the implications?
**Principle #4: Democratic Leadership**

Public servants honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter, and spirit of laws and rules. Ethical ground rules that establish democratic leadership include:

- Obey all laws and rules.
- Avoid artifices and schemes that undermine the spirit of the law.
- Use leadership power only in a manner consistent with representative democracy.
- Civil Disobedience: may exercise prerogative of conscientious objection, but must do so openly and be accountable for the consequences.

**Thinking it Through...What Would YOU Do?**

- Several employees, on their lunch hour are active in a political cause and are doing so in an approved area. You’re strongly opposed to their position and the fact that they are routinely engaged in this cause. These employees are following the appropriate guidelines. You feel that this may be perceived negatively on your office. As a manager, what are the implications and your responsibility as their supervisor?

- A person in a leadership role is strongly advocating a highly questionable political position without consulting a representative group. This will have a significant impact on policy, budget and the organization. What do you do?

- A manager decides to ignore addressing blatant performance issues of a union-represented employee. In fact, this manager has given a positive performance appraisal, ignoring all performance issues. The manager then eliminates the position, in effect laying the employee off. What are the implications?
**Principle #5: Respectability**

Public servants should safeguard public confidence in the integrity of the government of being honest, fair, caring and respectful, and by avoiding conduct that creates the appearance of impropriety, or which is otherwise unbefitting a public official. Ethical ground rules that enhance the principle of respectability include:

- **Honor and Respect**: conduct professional and personal life so as to be worthy of trust.
- **Honesty**: avoid lying, deception, deviousness and cheating.
- **Integrity**: principle over expediency; courage of convictions.
- **Appearance of Impropriety**: avoid otherwise proper conduct that creates in the minds of significant number of reasonable impartial observers the perception that the public trust has or will be violated.
- **Private Conduct**: improper if it demonstrates character traits, attitudes or judgments unbefitting public office.

**Thinking it Through...What Would YOU Do?**

- An employee you supervise who coordinates travel informs you that a group of researchers insist on using a particular airline because of the personal mileage credits they receive. On several occasions the employee has informed them of significantly lower airfares on other airlines, but they insist on booking a specific airline carrier. What do you do?

- As a manager, you are aware of a group of employees whom your colleague supervises and who consistently come in late, take extended breaks, and leave early. What do you do?

- As a manager, it’s brought to your attention that several people in your office abuse the internet routinely doing non-work business, however, you have not personally observed this. What do you do?
Two Elements of Reasonable Reasoning for Difficult Circumstances

As a manager, you'll likely run into situations that are particularly challenging and that will test your ability to stay level-headed, maintain a degree of neutrality, and engage in fact finding as you investigate the circumstances. Your ability to apply these behaviors will effect how you are perceived as a supervisor. Being able to remain respectful and thoughtful without reacting, as well as a willingness to ask for help or call on resources to assist, will positively direct the circumstances.

*Rationality* and *respect* are two important behavioral skills to employ while working through ethical dilemmas.

**Element #1-- Rationality**

- Thoughtful, orderly information processing
- Conscientious design of alternatives
- Mindful consideration or consequences
- Identification of practical constraints
- Goal and purpose clarity
- Regard for implementation details
- Accountable feedback mechanisms

**Element #2-- Respect**

- Identification of stakeholders
- Awareness of divergent points of view
- Empower others with knowledge and information
- Welcome inquiry and informed criticism
- Search for shared values
- Collaborate on solutions
- Confront others assertively
Thinking it Through...What Would YOU Do?

A unit head has ignored the calls of help from various employees. Two of the supervisors involved are abrasive and react strongly and are known to raise their voice when confronted with the circumstances. The third supervisor has simply said, “I’m done dealing with this issue – grow up!” Employees describe the environment as toxic and unhealthy. Everyone is on edge. People are leaving.

Would you want to accept a position as a new employee under these conditions?

How do the skills of rationality and respect come into play for the unit head?
Exercise: Ethical Values and Principles for Public Sector Professionals

Select the three values from this list that are most important to you. If there’s a value missing that is important, just add it. Additional instructions are on the next page.

☐ Caring. Concern for the well-being of others manifests itself in compassion, giving, kindness and serving; it requires one to attempt to help those in need and to avoid harming others.

☐ Honesty. Honest persons are truthful, sincere, forthright, straightforward, frank, candid; they do not cheat, steal, lie, deceive or act deviously.

☐ Integrity. Persons with integrity are principled, honorable and upright; they are courageous and act on convictions; they are not self-serving; they will fight for their beliefs and will not be expedient at the expense of principle, nor be two-faced or unscrupulous.

☐ Respect. Ethical persons demonstrate respect for human dignity, privacy, and the right to make self-determination of all competent adults; they are courteous and decent; they help others to make informed decisions about their own lives.

☐ Fairness. Fair persons manifest a commitment to justice, the equal treatment of individuals, acceptance of diversity, and they are open-minded; they are willing to admit they are wrong and, where appropriate, change their positions and beliefs; they do not overreach or take undue advantage of another’s mistakes or difficulties.

☐ Promise-Keeping. Persons worthy of trust keep promises, fulfill commitments, abide by the spirit as well as the letter of an agreement; they do not try to find technicalities or loopholes in order to rationalize noncompliance or create justifications for escaping their commitments.

☐ Accountability. Ethical persons accept responsibility for decisions, for the foreseeable consequences of their actions and inactions, and for setting an example for others. An accountable person does not shift blame or accept credit for another’s work.

☐ Fidelity/Loyalty. Persons worthy of trust demonstrate fidelity and loyalty to persons and institutions by friendship in adversity, support and devotion to duty. However, the principal of loyalty would not justify subordination of other ethical principles such as honesty, integrity or fairness.
**Excellence.** Public sector professionals are concerned with the quality of their work; they pursue excellence, are well informed, diligent, committed to improvements. Results are stressed as well as method of achievement.

**Civic Duty.** In a democracy, civic duty is an ethical obligation; it involves abiding by the laws and rules of society, voting and expressing informed views, social consciousness and public service. Public sector professionals have the additional responsibility of encouraging participation of others, a special obligation to respect and honor democratic processes of decision making.

**Public Trust.** Because of the unique importance of credibility and public trust, public sector professionals do not use or disclose information learned in confidence for personal or political advantage; they safeguard the ability to make independent professional judgments by scrupulously avoiding undue influences and conflicts of interest. They must be beyond reproach, avoiding even the appearance of impropriety.

Please explain how does each of these values influence your professionalism and the quality of work you produce?