

Ethics 101 for Public Officials



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What is “Ethics?”

- ❖ Ethics is what one ought to do---the kind of behaviors that would make the world a better place especially if everyone engaged in them.
- ❖ Ethics is particularly important in public service. The public’s trust and confidence in its leaders and institutions is vital to success in public service. It’s definitely not an “extra” for those in leadership positions.

Why are “Ethics Important?”

Public Officials are Stewards of Public Trust

- ❖ Public trust and confidence is vital to governments’ ability to address the pressing issues and needs of the day.
- ❖ Elected officials and staff are stewards of that trust and confidence. This means that perceptions as well as reality matter. Part of protecting that public trust and confidence is avoiding not only actual improprieties, but also perceptions of improprieties.

*“It takes 20 years to build a reputation
and five minutes to ruin it.”*

— Warren Buffett



What are Some of the Universally Accepted Ethical Values?

- ❖ Trustworthiness
- ❖ Fairness
- ❖ Responsibility
- ❖ Respect
- ❖ Compassion

ETHICS
core
values
principles

Trustworthiness

- ❖ I remember that my role is first and foremost to serve the community.
- ❖ I am truthful with my colleagues, the public and others.
- ❖ I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.

Trustworthiness (Continued)

- ❖ I do not accept gifts or other special considerations because of my public position.
- ❖ I do not knowingly use false, inaccurate or biased information to support my position.
- ❖ I do not use my public position for personal gain.
- ❖ I carefully consider any promise I make and then keep it.

Fairness

- ❖ I make decisions based on the merits of the issues.
- ❖ I honor the law's and the public's expectation that agency policies will be applied consistently.
- ❖ I support the public's right to know and promote meaningful public involvement.

Fairness (Continued)

- ❖ I am impartial and do not favor those who either have helped me or are in a position to do so.
- ❖ I promote equality and treat all people equitably.
- ❖ I excuse myself from participating in matters when my or my family's financial interests may be affected by my agency's actions.

Fairness (Continued)

- ❖ I credit others' contributions in moving our community's interests forward.
- ❖ I maintain consistent standards, but am sensitive to the need for compromise, creativity and improving existing paradigms.

Responsibility

- ❖ I work to improve the quality of life in the community and promote the best interests of the public.
- ❖ I promote the efficient use of agency resources.
- ❖ I do not use agency resources for personal or political benefit.
- ❖ I represent the official positions of the agency to the best of my ability when authorized to do so.

Responsibility (Continued)

- ❖ I explicitly state that my personal opinions do not represent the agency's position (when they are conflicting) and do not allow the inference that they do.
- ❖ 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 do not promise that which I have reason to believe is unrealistic.

Responsibility (Continued)

- ❖ I give my best analyses, recommendations and effort in my work.
- ❖ I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political or professional advantage.
- ❖ I do not disclose confidential information without proper legal authorization.

Responsibility (Continued)

- ❖ I am proactive and innovative when setting goals and considering policies.
- ❖ I consider the broader regional and statewide implications of the agency's decisions and issues.
- ❖ I promote intelligent innovation to move forward the agency's policies and services.

Respect

- ❖ I treat everyone with courtesy and respect, even when we disagree.
- ❖ I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.
- ❖ I gain value from diverse opinions and build consensus.

Respect (Continued)

- ❖ I follow through on commitments, keep others informed, and provide timely responses.
- ❖ I am approachable and open-minded, and I convey this to others.
- ❖ I listen carefully and ask questions that add value to discussions.

Respect (Continued)

- ❖ I involve all appropriate stakeholders in meetings affecting agency decisions.
- ❖ I come to meetings and I come to them prepared.
- ❖ I work to improve the quality of life in my community.

Compassion

- ❖ I realize that some people are sometimes intimidated by the public process and try to make their interactions as stress-free as possible.
- ❖ I convey the agency's care for and commitment to its community members.

Compassion (Continued)

- ❖ I am attuned to, and care about, the needs and concerns of the public, officials, and staff.
- ❖ I recognize a responsibility to society's less fortunate.
- ❖ I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

- ❖ I safeguard confidential information.
- ❖ I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.
- ❖ I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.

Loyalty (Continued)

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

What is the Purpose of Having an Ethics Policy for Public Officials

The Basics

- ❖ Limit self-dealing
- ❖ Limit undue influence & bias
- ❖ Help preserve the integrity of the government decision-making process
- ❖ Strengthen citizens' confidence in the integrity of public officials



Additional Considerations

- ❖ Displaying Effective Leadership.
- ❖ Law is the “minimum standard” of ethical conduct.
- ❖ Government Ethics:
 - ❖ **“That force which binds power to responsibility.”**
 - * The Dartmouth Ethics Institute



The Ethical Public Official Should:

- ❖ Properly administer the affairs of the governmental unit.
- ❖ Promote decisions which only benefit the public interest.
- ❖ Actively promote public confidence in government.
- ❖ Keep safe all funds, records and other properties of the governmental unit.

The Ethical Public Official Should: (Continued)

- ❖ Conduct and perform the duties of the office diligently and promptly dispose of the business of the governmental unit.
- ❖ Maintain a positive image to pass constant public scrutiny.
- ❖ Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- ❖ Inject the prestige of the office into everyday dealings with the public employees and associates.

The Ethical Public Official Should: (Continued)

- ❖ Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- ❖ Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of those served by the government.
- ❖ Faithfully comply with all laws and regulations applicable, and impartially apply them to everyone.

The Ethical Public Official Should NOT:

- ❖ Engage in outside interests that are incompatible with the impartial and objective performance of his or her official duties.
- ❖ Improperly influence or attempt to influence other officials to act in his or her own benefit.
- ❖ Intentionally mislead or withhold public information from those we serve.
- ❖ Accept anything of value from any source which is offered to influence his or her action as a public official.
- ❖ Accept any monetary gift, loan or anything of value from the public for services provided by the government.

The Ethical Public Official Should NOT: (Continued)

- ❖ Engage in the unauthorized use of public owned resources such as funds, public time, personnel, vehicles, facilities or credit cards.
- ❖ Improperly dispose of government owned resources or take discarded/surplus property for personal use.
- ❖ Access and/or disclose individual or confidential information without permission when such information is unnecessary to perform your duties as a public official.

The ethical public official accepts the responsibility that his or her mission is that of servant and steward to the public.

The Ethics of Speaking One's Mind

Question: *I am an elected official. My colleagues on the governing board of my agency voted to oppose legislation that I personally support (it was a split vote and I voted no). I have communicated my views to our local Congressman. Now I am being accused of violating my ethical duty to support the agency's position. My view is that I have an ethical duty and a First Amendment right to share my views with anyone who wants to hear them, including our Congressman. Who is right on this issue?*

The Ethics of Speaking One's Mind

Answer: This question poses an interesting conflict between multiple ethical values. One is the **responsibility** to advocate one's sense of what best serves the public's interests in a situation --- whether or not others share that viewpoint. The other values are **respect** for a decision-making process and **loyalty** to the organization as a whole. These values might suggest that an official accept the will of the majority and the result of the collective decision-making process.

A good question to ask when faced with conflicting or "right versus right" ethical dilemmas is, "What course of action best promotes the public's interests and its confidence in the decision-making process?"

The Importance of Starting With the Public's Interests

- ❖ To start on solid ethical ground, your reason for disagreeing with the majority needs to be firmly rooted in your sense of what best serves the public's interests in your community.
- ❖ As a public agency decision-maker, you have a duty and responsibility to put the public's interests ahead of all others --- including your own --- in your decision-making.
- ❖ It would be inappropriate to vote your views based on your business's interests. Furthermore, if you have a personal financial interest in the decision, you may be disqualified from participating in the decision.

The Importance of Starting With the Public's Interests (Continued)

- ❖ When one works in the public sector, and particularly as one moves up the levels of the organizational hierarchy in the public sector, one becomes less and less a 'public citizen' and more and more a 'public servant.' This is part of the responsibilities and burdens one accepts as a public official.
- ❖ Being a public servant may constrain your activities in many ways, including the open expression of your personal views. Having the right to engage in an activity doesn't mean exercising that right is necessarily the best course of action.

The Importance of Starting With the Public's Interests (Continued)

- ❖ It is good practice for members, to the greatest degree possible, to support the position of their legislative body after the vote is taken. This demonstrates respect for the deliberations and decision-making of the body and communicates a clear message of the position of the body.
- ❖ However, continuing to espouse another opinion is not in and of itself unethical. You could even make the point that advocating a contrary position on a matter that the body has voted on (especially a matter of consequence that a member has a fundamental objection to) could in fact be the ethical thing to do.

Communicating Clearly When Speaking on Behalf of Others

- ❖ An elected official has a responsibility first to share the body's officially adopted position, even when his/her views are out of step with his/her colleagues' views.
- ❖ A personal perspective that differs from the agency's adopted position should be shared without using your official title. This makes a clear distinction between the body's position and your differing position.
- ❖ The public official must make it absolutely clear in any written or oral communication that his/her her position on the issue is contrary to the majority position of the agency he/she represents. This gets to the ethical value of trustworthiness --- being very forthright about the full set of facts related to an issue and leaving nothing to inference.

Keep the Tone of the Debate Respectful, Civil and Honest

- ❖ It is one thing to respectfully differ with a majority opinion, expressing an opposing viewpoint objectively stating why --- but quite another to continue making a public issue of it by badmouthing one's colleagues.
- ❖ Creating a climate of distrust and contention is not consistent with your ethical obligations as a public official, especially if you undermine the public's trust and confidence in the decision-making process simply because your perspective did not prevail.
- ❖ It is never ethical to misrepresent, distort or "spin" the position or the motivations of the majority for taking the position in question --- such an approach is inconsistent with the ethical value of trustworthiness

The Relationship Issue

- ❖ There are accounts of decision-makers, who started on the short end of a vote, winning over members of the majority because of the integrity and civility with which they conducted themselves.
- ❖ Thinking in terms of finding common ground is a solid and ethical leadership strategy for both those in the majority and the minority, because it gives voice to more segments of the community.

Exercise



- * You are a County Board Supervisor. A contract is before the Board to build a new storage shed at the highway/public works department garage and the lowest responsible bidder is *your* daughter.
- * May you participate in discussions or vote on the proposal?

- A. Yes, I can vote because a parent must help their children.
- B. No, I don't think it looks right to vote for your own daughter.
- C. Yes, now my daughter has a business, I no longer support my daughter.
- D. No, because I can't legally vote to benefit my daughter.
- E. Pass; I don't know if I support my daughter; I need more information.

Exercise

Gouda Springs Sewer Project

- ❖ Village of Gouda Springs is expanding its sanitary sewers to add 150 new residences to the 100 already served and special assess the owners.
- ❖ You are an elected member of the Village Board.
- ❖ Your home will be one of the new residences served.

Do you participate in determining how cost for the project will be met?

- A. Yes, because it is my duty to participate.
- B. No, because I will get a private benefit from sewer service.
- C. Yes, because it is not a private benefit; I am 1 of 150 benefited.
- D. Yes, but only if I am against it.
- E. Yes, because sewer is about health, not money.

Exercise

- ❖ Bob, a local builder, takes you to lunch to “get acquainted with the new “Supervisor”. He tries to pay for your lunch.
- ❖ Should you accept?



Exercise – Lunch with Bob

- A. Yes, if it is McDonalds, but no if anything better.
- B. Yes, because Bob's invitation says nothing about influencing me.
- C. A & B.
- D. No, because it is something of value and he asked because of my position.
- E. Yes, but get a Happy Meal to give the toy to a needy child.

Exercise

- * Can you accept a free “Bob the Builder” Pen?



Free Pen?

- A. Yes, because he gives those to everyone.
- B. No, because Bob is attempting to influence me.
- C. Yes, because it has nominal or no value.
- D. A & C.
- E. Are they as good as the ones he gave out last year?

Free Hat?



- A. Yes, that thing is so ugly, it is worthless.
- B. Yes, it has little or no value.
- C. No, because this is a bit more than a pen.
- D. Yes, if he gives them out as freely as the pens.
- E. Yes, as long as you don't wear it voting on his building permits.

Questions to Ask Yourself (Smell Test)

1. Am I, my immediate family or an organization with whom I am associated, receiving anything of value for private benefit because of the position I hold?
2. Am I using the influence of my position to solicit something for the private benefit of myself, my family or an organization with which I am associated?
3. Am I, my immediate family or an organization with which I am associated with, receiving, from a non-relative, anything of value for which we have not paid?

Smell Test (Continued)

4. Will an official action on my part possibly result in private benefit to me, my immediate family or an organization with which I am associated?
5. Will the use of my staff or the public facilities benefit me in my private capacity?
6. Am I using public time, resources or facilities for my personal gain?

What to do When You Suspect an Ethics Problem: Dealing with Ethics Missteps

Suggested Steps When a Scandal May be Brewing

- ❖ Figure out what the “wrong” might be.
- ❖ Determine what the consequences might be of letting the situation go unaddressed.
- ❖ Speak with others to see if they share your concerns.

What to do When You Suspect an Ethics Problem: Dealing with Ethics Missteps (Continued)

- ❖ Discuss the issue with the individual (or have a trusted confidante do so).
- ❖ Determine whether an internal investigation is appropriate.
- ❖ Determine whether external enforcement authorities should be contacted.
- ❖ Consider steps to prevent the situation from recurring.

Seeking Ethics Advice



Ask Legal Counsel or Local Ethics Board for Advice

- ❖ Confidential
 - ❖ Advice and identity of requester.
- ❖ *Prima Facie* evidence of intent to comply with the law or ethics code.
- ❖ Good faith reliance on attorney advice grounds to dismiss potential legal violations if advice is requested prior to any other action by the official.

Resources

- ❖ Institute For Local Government (ILG)
- ❖ The University of Wisconsin Extension Local Government Center
- ❖ National Association of Counties (NACo)
- ❖ Wisconsin Counties Association (WCA)

Questions? Comments?

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