MISSON STATEMENT

The mission of UN-HABITAT is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all.

History and Background

Originally established in 1978 as an outcome of the United Nations Conference on Human Settlements held in Vancouver, Canada, in 1976, UN-HABITAT is charged with coordinating and harmonizing human settlement activities within the UN system. It facilitates the global exchange ofinformation on shelter and sustainable human settlements development, and gives countries policy and technical advice. At the second UN conference on Human Settlements, in Istanbul, Turkey in June 1996, governments agreed on the Habitat Agenda and Istanbul Declaration, committing themselves to the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world. Five years later, in June 2001, the Declaration on Cities and other Human Settlements in the New Millennium, endorsed by the General Assembly, entrusted the organisation, then called the United Nations Centre for Human Settlements (Habitat), with continued responsibility for supporting implementation of the Habitat Agenda. In 2002, the General Assembly transformed the organization into a fully-fledged programme of the United Nations and renamed it UN-HABITAT: United Nations Human Settlements Programme.

Strategy

UN-HABITAT bases its activities on four main strategic objectives:

● **Advocacy** – Drawing the world's attention to crucial human settlements problems and spurring governments and other organisations into action. UN-HABITAT conducts its advocacy through the Global Campaign on Secure Tenure, the Global Campaign on Urban Governance and World Habitat Day

● **Research and Monitoring** – Coordinates global efforts that monitor human settlements conditions and progress in the implementation of the Habitat Agenda by identifying innovative solutions and practices. The results are disseminated through two flagship publications, the Global Report on Human Settlements, and the State of the World's Cities Report, as well as other specialised technical publications

● **Training and Capacity-Building** – UN-HABITAT strengthens the capacity to plan, develop and manage human settlements, particularly at local government level. Important tools include training for local leaders as well as development, testing and dissemination of training materials

● **Technical Cooperation** – UN-HABITAT provides national and local governments advisory services and technical support, including assistance with mobilising financial and human resources to implement sustainable projects. UN-HABITAT is involved in hundreds of such projects in over 54 countries world-wide.

DEVELOPING AND MANAGING PROFESSIONAL CODES OF ETHICS

LET THE DIALOGUE BEGIN...

Resource Guide for

Professional Associations

Contributing to Good Local Governance

"The views expressed are those of the author(s) and do not necessarily reflect those of the UN-HABITAT or any other affiliated organisations."

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

In an era when so much attention is being paid to the alleged misdeeds of major corporations and national governments, and the public is growing more and more cynical about the ulterior motives of those in positions of leadership, it may seem naïve to suggest that another publication of ethics will make any difference. But a careful look at current international developments suggest that there has rarely been a more important time to focus on the role of ethical standards and behavior among those who hold the reins of power, influence and resources. In recent years we are witnessing a rekindled interest in governance, both local and national. There is a surge of academic research and public and policy debate on the theme of governance. International consensus on the crucial role of governance in combating poverty and achieving sustainable development is gaining momentum.

The normative principles and ethical values characterizing good governance are featuring prominently as key conditions for success in global initiatives and commitments such as the Millennium Development Declaration and the Declaration on Cities in the New Millennium. UN-HABITAT, which is the lead United Nations agency in the field of human settlements, is championing these same principles as a key strategy in achieving the goals of sustainable human settlements and cities without slums.

This Resource Guide for Professional Associations Contributing to Better Local Governance on "Developing and Managing Professional Codes of Ethics" is targeted to a small but potentially influential target group: professional associations and their members who serve local government institutions. It is our belief that these institutions and individuals can serve as a fulcrum to leverage the quality of local public service to a higher ethical standard of performance. With many public institutions hard pressed to serve even the most basic needs of their citizens, there has never been a better time to curb, and hopefully stop, the seepage of valuable public resources into the hands of a corrupt few. This small workbook is analogous to the parable of the little Dutch boy who thrust his thumb in the hole of the dike that ultimately threatened his village. Individual professionals who take ethical oaths and subsequent stands to uphold the principles of good governance, and fight the good fight against corruption and greed within their midst, are the moral equivalent to the mythical Dutch boy.

This publication was borne out of necessity and convenience, and nurtured through shared collaboration by a number of individuals and organizations that hold common values about the constituencies they serve. Its genesis was in efforts by Dr. Fred Fisher to help the Association of City Managers in the Slovak Republic (ACM SR) to adopt a code of ethics responding to the needs of their members and of the communities they serve. Based on the success of this venture, Dr. Fisher convened the leadership of ICMA and Partners Romania Foundation for Local Development (FPDL) to undertake production of these materials to serve broader audience in the region. Two long time ICMA professionals contributed invaluable experience and insights to the final draft of the manual through their frequent counsel with the author. Without the valuable assistance of Elizabeth Kellar, Deputy Executive Director, and Martha Perego, Ethics Advisor, it would have been impossible to document the rich history of ICMA in its major contribution to making professional ethics the cornerstone of local self-governance worldwide.

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance
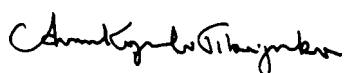
Once FPDL and ICMA made the commitment to work together on these resource materials, they were soon joined by the UN-HABITAT's Training and Capacity Building Branch, headed by Tomasz Sudra. The UN-HABITAT saw the potential to help to extend the influence and assistance of such resource materials to more places around the world. In this connection, the on-going Global Campaign on Urban Governance of UN-HABITAT and its partners, which among others include Transparency International, was perceived as an important vehicle and stimulus in realizing this potential. Further more, the resource material was considered to be a useful complement to the toolkit on fighting corruption at local level through promoting transparency - one of the flagship products of the campaign involving the joint effort of UN-HABITAT and Transparency International.

When a draft of the initial materials was completed, FPDL, with assistance from Local Government Initiative of the Open Society Institute, the main financial supporter of the Regional Program "Working Together", convened a group of experts, including those from our three institutions, to provide feedback and further guidance to the effort as it took its final form. Thus, we are pleased to share the spotlight in providing the assistance necessary to create these resource materials. They are now being published by the UN-HABITAT within its Training Series as a part of the project funded by the Government of the Netherlands "Strengthening National Capabilities for Better Local Governance and Urban Development". Finally, we want to thank Dr. Fred Fisher, the author of these materials, for bringing together so many partners to make it happen.

Anna Kajumulo Tibaijuka	Robert J. O'Neill	Ana Vasilache,
Executive Director,	Executive Director	Director Partners
UN-HABITAT	International City/County	Romania Foundation for
	Management Association	Local Development

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

Resource Guide for Professional Associations Contributing to Good Local Governance

Related TCBB Publications

A Guide to National Training Needs Assessment for Human Settlements: A Competency-Based Approach
UN-HABITAT 1991
HS/267/91E

Hai el Salam Project: an Upgrading and Sites-and-Services Project, Ismailia, Egypt
UN-HABITAT 1994
HS/317/94E

Building Bridges between citizens and local governments: through managing conflict and differences, Parts 1 & 2, and through participatory planning, Parts 1 & 2
UN-HABITAT 2001
HS/632/01E, HS/633/01E HS/634/01E, HS/635/01E

Housing-Finance Manual for Developing Countries: a Methodology for Designing Housing-Finance Institutions
UN-HABITAT 1991
HS/258/91E

Councillor as Guardian of the Environment
UN-HABITAT 1991
HS/444/97E

Incremental-Development Scheme: A Case Study of Khuda-Ki-Basti in Hyderabad, Pakistan
UN-HABITAT 1991
HS/232/91E

Councillor's Guide to Learning Application
UN-HABITAT 1999
HS/564/99E

Manual for Collaborative Organisational Assessment in Human Settlements Organisations: a Manual for Assessing the Effectiveness of Human Settlements Institutions
UN-HABITAT 1992
HS/248/92E

Designing Human Settlements Training in African Countries Vol. 1 & 2
UN-HABITAT 1994
HS/315/94E, HS/316/94E

Manual for Evaluating Training's Impact on Human Settlements
UN-HABITAT 1991
HS/457/97E

Designing Human Settlements Training in Asian Countries. Vol. 1 & 2
UN-HABITAT 1995
HS/344/95E, HS/345/95E

Manual for Training Needs Assessment in Human Settlements Organisations A Systematic Approach to Assessing Training Needs
UN-HABITAT 1991
HS/114/87E

Designing Human Settlements Training in European Countries. Vol. 1 & 2
UN-HABITAT 1995
HS/346/95E, HS/347/95E

Management of Revolving Funds for House Improvement Loans
UN-HABITAT 1991
HS/221/91E

Directory of Human Settlements Management and Development Training Institutions in Developing Countries
UN-HABITAT 1991
HS/219/91E

Manual on Urban Local Government Finance for English-speaking East and Southern African countries
UN-HABITAT 1991
HS/234/91E

Elected Leadership Series - set of 13 volumes
UN-HABITAT 1994
HS/324/94E to HS/336/94E

Manual on Urban Local Government Finance for South Asian Countries
UN-HABITAT 1991
HS/233/91E

Guide for Designing Effective Human Settlements Training Programmes
UN-HABITAT 1991
HS/256/91E

Non-Governmental and Community-Based Organisations: User's Guide, Financial Resources, Human Resources and Organisational Outreach
UN-HABITAT 2002
HS/653/02E, HS/654/02E, HS/655/02E, HS/656/02E, HS/657/02E, HS/658/02E, HS/659/02E

Guide to Managing Change for Urban Managers and Trainers
UN-HABITAT 1989
HS/151/89E

Total Quality Maintenance in Local Government Operations and Maintenance - Set of five
UN-HABITAT 1996
HS/392/96E to HS/396/96E

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

Table of Contents

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

"*A candle loses nothing by lighting another candle.*"

CODE OF ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

PART ONE: CONCEPTS AND STRATEGIES

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

OVERVIEW

The goal of this document is to help professional associations plan, develop, and manage codes of ethics by, with, and through the active engagement of their members.

The primary audience is, of course, professional associations - in all stages of their development and management. Yes, professional associations need to be managed! So do codes of ethics. Otherwise, the core values and principles of your profession may get trampled in the daily course of events.

These resource materials are also directed to trainers and facilitators who might find themselves in the position of helping to enlighten members of professional associations about the importance of codes of ethics. Perhaps, enlightenment will be followed by action, and your skills as a facilitator will be called upon to help the members craft a code of ethics for their association.

We also encourage individual members of whatever local government profession you might represent to spend a few moments reviewing the concepts and strategies in Part One. It's a time to reflect on where you are personally in terms of your personal values and principles and the state of your profession.

This document has three distinct and interrelated parts.

Part One: Concepts and Strategies is essentially a conceptual journey. It includes a wide range of concepts, strategies, standards, principles, historical events, and other miscellaneous notions that might be helpful in triggering ideas and insights among those who are contemplating the development and implementation of a code of ethics within their profession.

Part Two: Planning an Ethics Course of Action is a series of pointed queries designed to help professional associations make decisions. These decisions will include most of the actions needed to turn that first glimmer of hope about establishing a professional code of ethics into a successful implementation reality.

Part Three: Managing a Profession's Shared Commitment to Ethics is both an annotated tour of a professional code of ethics that has stood the test of time for nearly a century and concrete tactics and strategies for managing your profession's code of ethics. At the very heart of managing your code are two challenges: one proactive, the other reactive. Managing a code of ethics proactively is all about constant learning and yearning - helping your members live their values and principles more effectively through constant dialogue and learning opportunities and helping them yearn to set the standard for exemplary performance within their respective work places. At times, the profession will need to react to member indiscretions to assure that the code is complied with in a fair and judicious manner. We will provide clues about how to become more effective proactive and, when necessary, reactive managers of your profession's code of ethics.

USER'S GUIDE FOR PART ONE

Here is what you can expect to encounter as you read Part One of this resource guide.

- Before you even get to Chapter One, you will be confronted with something called **Seven Points to Ponder….**These pithy statements are designed partly as a confession about how difficult the task of writing a Resource Guide about codes of ethics really is, and how we manage to say so much about a topic that has been covered so thoroughly by others. These points are also designed to bring a certain perspective to the dialogue as we wind our way through an exploration of ethics, codes, etc. Finally, the **Points to Ponder** include a personal encounter with unethical behavior to demonstrate the reality of living within a professional code of ethics.

  We suggest you read this opening discussion to get a feel for the complexity of the subject.

- **Chapter One** deals with the e*thics* part of the Code of Ethics. Admittedly, it wanders around a bit as we delve into other people's ideas and statements to describe this thing called *ethics.* We did refrain from going back and digging up Plato to give this discussion a historical perspective even though it seems to be expected in documents like this. Instead, we've called on present-day sages and bureaucrats to weave a pattern of ethical enlightenment.

  If this kind of theoretical word-splitting bores you, we suggest you do a quick scan of this chapter to get the big picture. Then go back and dip into the intellectual stew that looks interesting. For example, the sub-section called *21st Century Standard Bearers* should catch the attention of most of you. It highlights some of the more important principles and values that are expected of contemporary public service institutions around the world, i.e., transparency, openness, and accountability.

- **Chapter Two** looks at codes. Are we talking about codes of ethics or conduct? You will find the answer in this chapter, but read on…it offers much more. For example, we position the professional code of ethics into a larger framework by defining what the Organization for Economic Cooperation and Development (OECD) calls an *ethics infrastructure* and Transparency International (TI) defines as an *Integrity System.*

  Chapter Two cuts to the heart of what you and your colleagues will be grappling with in developing a code of ethics for your professional association. It's worth lingering over. Besides, you will find out what OECD and TI means in case you don't know.

- **Chapter Three** involves an in-depth look at the history of the International City/ County Management Association's experience in adopting, adapting, and managing a professional code of ethics over nearly three quarters of a century. This case study is instructive and worth reading. It documents a historical path that may be similar to one your association might travel in efforts to live by a

CODE OF ETHICS

Code of Ethics. It also demonstrates the challenge and importance of two inter-related tasks: 1) revising the code on occasion to reflect changes in the profession and the external working environment of members and 2) managing the compliance process.

- **Chapter Four** explores many of the things you and your colleagues will need to do to get ready to develop a code of ethics**.** It doesn't actually take you by the hand and lead you down the code-writing path. That happens in Part Two. Rather, it talks about things you should consider doing to set the stage for drafting a code that reflects your profession's needs.

SEVEN POINTS TO PONDER ON YOUR WAY TO READING AND USING THIS RESOURCE GUIDE

POINT # 1: *Ethics is not a new topic for discussion.*

Ethics has been pondered, discussed, and debated for thousands of years in all cultures, religions, countries, governments, communities, and regions of the world. It doesn't matter whether the context is public or private, international or local, organizational or personal, or a combination of any or all of these rich, intriguing possibilities. The issue of ethics is always there. The application of ethical principles and values has been and will continue to be a challenge for those who want to improve the human condition.

POINT # 2: *Ethics has caught the attention of great thinkers and common folk like us ever since mankind has been able to figure out right from wrong.*

Ethics, both as a theoretical construct and operational strategy, has permeated the thoughts of ancient sages like Plato, Confucius, Buddha, Mohammed, Jesus, and countless others. The principles and values associated with applied ethics are at the heart of most religious mandates, commandments, or codes by which believers are chastened to follow. Ethics and unethical acts have been the stuff of great works of art and literature for centuries. This means, among other things, that we will be dealing with important, time-tested, and honored ideas.

POINT # 3: *Ethics, or the lack thereof, is defined by conduct and behavior or what many are now calling* applied ethics.

Ethics as a concept quickly begs for concrete examples. Be more specific. What do you mean by *ethics* or *the lack of ethics*? Depending on what source or reference you use, *applied ethics* involves the application of various values, principles, and standards. For example, standards of conduct in the United Kingdom Civil Service are based on seven principles or core values. There are many other examples of efforts to define acceptable behavior in concrete terms.

But *applied ethics*, or should we say *the absence of applied ethics*, is often best understood by looking at the seamier side of the human condition. Unethical behavior covers a myriad of ways to take unfair and often malicious advantage of others, whether they are individuals, groups, organizations, or whole societies. Such behavior, what we often call conduct, includes: stealing, cheating, lying, violating confidentiality, abuse of public funds and facilities, nepotism, terrorism, and other creative and power-wielding means. More often than not, these acts result in illicit enrichment of a few at the expense of many. And guess what? Nobody has ever figured out a way to stop these undesirable behaviors or examples of unethical conduct completely.

> **POINT # 4:** *Endless discussions of what's right or wrong, acceptable or unacceptable behavior in organizations, communities, and societies haven't stopped the need or commitment to translate certain agreed upon norms of behavior into codes of ethics or conduct.*

Of course, *right* and *wrong* are value-laden terms open to much interpretation and, at times, confusion. Nevertheless, these are the basic ingredients, the verbal and behavioral fabric, from which we construct our notions about what ethics and acceptable conduct are all about. Often they are translated into formal documents that form the basis of relationships between individuals and collective entities like organizations, associations, and societies. Codes become the roadmaps and guidelines for defining acceptable behavior for those who come under their influence. Sometimes these ethical roadmaps need to be revised based on changing norms within a society.

> **POINT #5:** *Ethics and the absence of ethical behavior within organizations, institutions and professions is currently a hot topic. For example, Transparency International which is a coalition against corruption went from a concept to an operational worldwide reality in less than ten years. Ethics has been transformed into a growth industry.*

In spite of the amount of ink that has been spilled over centuries to describe this amorphous notion called ethics, and countless efforts to assure that ethics is applied with rigor in all sorts of settings, the attention being given to conceptual and applied ethics has probably never been greater.

New institutions have sprung up around the world to claim the ethics territory as their domain. Sages, public leaders, management practitioners, and citizens congregate routinely at various global venues to consider how to make institutions - public, private and all those in between - more honest, open, and accountable. Volumes of academic documents and practical ruminations about how to improve the ethics of individuals, organizations, associations and societies are produced daily. To use the current vernacular, ethics is hot! Well, that's a pretty heated remark. Do you agree, or disagree? Why? And, what do you plan to do about it?

> **POINT # 6:** *There may be nothing new to write about ethics, or the lack there of, in organizations, institutions, professions, and other collective harbors of human endeavors.*

One only has to do a cursory search on the internet to dredge up enough information, contacts, and ideas to satisfy just about any appetite for this thing called ethics. One personal e-mail received in the midst of writing this opening perspective contained three attachments with more than 500 pages of very useful information, data, and ideas about ethics in the public service. They came from a friend who had received them from another friend from another country in southeastern Europe who heard that this project was being undertaken.

While there may be nothing new to write about ethics, or the lack thereof, we are reminded of Ludwig Wittgenstein's comment that *problems are solved, not by giving new information, but by arranging what we have known since long*.

> Point # 7: *Taking our cue from Wittgenstein, there may still be helpful ways to package the conventional wisdom that already exists about ethics to serve the needs of specific individuals and groups.*

That's precisely what this resource guide is all about. It's designed to be a "how to" guide for professional associations of public officials who want to consider and eventually adopt, implement, and manage the enforcement of a code of ethics within their membership.

It does not cover the breadth of issues associated with theoretical or applied ethics. Nor is it a document designed to provide guidance and direction to operating organizations, i.e., local governments wanting to adopt and implement a code of ethics or conduct for internal use. It simply rearranges what is already known about developing, applying, and enforcing *professional codes of ethics* in such a way that the experience can be replicated with confidence and results.

At the heart of these "rearrangements" will be an in-depth discussion of the long-standing and mostly successful experience of the International City/County Management Association (ICMA) and its members in managing its code of ethics for more than seven decades.

A candle loses nothing by lighting another candle.

FROM THE ABSTRACT TO THE SPECIFIC:

It occurred to us that it might be interesting to start this discussion off with an experience I encountered many years ago when I was a city manager. Since I was a member of ICMA at that time and we will be talking about ICMA's Code of Ethics in some depth later on in the resource guide, this critical incident brings a touch of reality, albeit a bit historic, to the discussion. As I learned early in my city management career, a code of ethics is not just a document to hang on the wall to impress visitors and remind them of your virtues. A Code of Ethics, when taken seriously, is at the heart of everyday decision making and problem solving.

*It's a funny thing about life; if you refuse
to accept anything but the best, you very
often get it.*
Somerset Maugham

The Case of a New City Manager and a Corrupt City's Chief Inspector

I had just been appointed as the city manager of a municipality with a large state university in its midst. It was my first week on the job, and I returned from lunch on Thursday to find my office occupied by a group of students. One had a video camera and proceeded to document what was about to happen.

The spokesperson for the group was president of an organization representing nearly 10,000 students who lived off-campus in privately-owned rental housing. He immediately launched into a tirade about the condition of many of the housing units in the city. He said they were substandard and didn't meet the standards set forth in the City's Housing Code nor the State's regulations covering rental housing. Furthermore, he accused the City's Chief Inspector of being corrupt. That last statement certainly got my attention.

"That's a very serious allegation. Can you prove it?" I asked.

"Yes. We can show you properties he owns that have all kinds of violations. Worse yet, he has signed occupancy permits for these properties which state they comply with all the housing code requirements and standards."

I wasn't sure who I could trust on the municipal staff and who I couldn't. Nor did I know any of the history surrounding this potential problem. What stand has the elected council taken on student housing problems? Did this problem involve more than just the person being accused of being unethical in carrying out his duties and responsibilities? My subconscious was dumping a lot of questions into my brain that I had no time to process. I was beginning to feel the heat.

"Give me a few minutes. I need to get a copy of the Housing Code before we do anything."
I thought to myself, "This will give me a few minutes to get my managerial act together."

Armed with the Code and an inspection checklist, we went to an old house not far from city hall that they claimed was owned by the City's Chief Inspector. It was a multi-unit structure housing about fifteen students. I conducted an inspection using the checklist. There were thirty-six code violations.

When I returned to the municipal building, I went back to the Engineering Department and checked the records to be sure the Chief Inspector owned the property we had just visited. He did.

As I returned to my office to decide what to do, I recalled a remark by one of the students, "This is just the tip of the iceberg. At least two of the city's eight elected council members own a lot of student rental properties. **And, they don't meet the Code requirements either**!"

I had no way of knowing what kind of support the Inspector had from Council or the rest of the municipal staff or what support he had from taxpayers who owned student housing and didn't expect the housing code to be enforced. The city council that had just hired me could also dismiss me without justifiable cause. Not a pleasant thought for someone who had just moved his family to town at considerable expense.

If you found yourself in a similar situation, what would you do?

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

Putting Ethics and Codes of Ethics into Perspective

> **The process of producing a code of ethics must itself be an exercise in ethics ….it must intentionally involve all members of the social group that it will include and represent. This necessitates a system or process of setting out 'from top to bottom' from the sundry to the specific, and constitutes progressive agreements in such a way that the final result is recognized as representative of all the moral and ethical character of the group.**
> Professor Alipio Casall, University of Sao Paulo, Brazil

Take a moment and reflect on Professor Casall's statement about the process of developing a code of ethics. In his efforts to help develop a code of ethics for public, social, and community leaders in Brazil, Casall has put *ethics* and *codes* into perspective for all of us. The team of experts who reviewed the first draft of these materials was so impressed by his comments that they asked me to unearth them from Part Two of the manual and give them headline status. I couldn't agree more with their judgment.

If you are cavalier enough to ignore Casall's profound judgment about "the process of producing a code of ethics", the task becomes rather simple. For example, your members could say, "Since the authors of the Resource Guide think ICMA's Code of Ethics is a good model to study, let's just make a few adaptations and adopt at our next meeting." While we believe the ICMA code is a good document, we also believe this would be a bad and unfortunate decision. Such a casual approach to adopting a code of ethics will make it an inconsequential act for your members and difficult if not impossible to administer and enforce.

Professor Casall has set a standard of dialogue and action that takes both courage and leadership. He's talking about an exercise that intentionally involves all the members of your professional association in a process that helps them plow their collective experiences, as professionals, both wide and deep. *From top to bottom…from the sundry to the specific...a progressive series of agreements resulting in a code that represents the moral and ethical character of your members.*

> **The adoption of a code of ethics is a major event in the life of a professional association.**

Certainly it was for the ICMA members back in 1924 when they decided their new profession needed a code of ethics. Those pioneer city managers were not only trying to define an emerging role within local self-governance at the time but they were also operating in the midst of widespread local government corruption. The formulation and adoption of the ICMA code was a path-finding event in forging the character of the new profession of city management. It also helped to redefine the quality and significance of local self-governments in the United States, a trend that continues today. Those who grabbed the reins of responsibility in those early days of defining the role of professionals within local governments also declared their willingness and ability to lead.

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

17

While there are many other worthy role models we could have considered in developing this resource guide, ICMA's experience in grappling with the challenges of managing a code of ethics for many decades is difficult to ignore. Their code of ethics is a living document challenging to its members who agree to abide by its principles and, at times, challenged by its members who either believe the code needs to be enforced more rigorously or altered to reflect a new reality. ICMA's experience is loaded with *lessons learned.* We want to explore these lessons to help you and your colleagues achieve early success in your initiatives to establish a code of ethics that will work effectively in serving your profession and its constituents.

> *None of us are as smart*
> *as all of us.*
> Japanese proverb

One Final Note Before We Move On

Our choice of words for the sub-title of this guide, *Let the Dialogue Begin*, has been deliberate. In many ways it reflects the process that ICMA members have used over the years to refine, and at times redefine, the ethical boundaries of their professional conduct within the process of local self-governance. We believe the need for dialogue by those thinking about adopting a code of ethics or revising a code that is currently in effect is crucial to the process. William Isaacs refers to the dialogue process as the *fire of conversation*. His metaphor, we believe, captures in a few words the potential intensity and energy associated with this tempering approach to thinking and reflecting together.

So *Let the Dialogue Begin*!

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

18

CHAPTER ONE

WHAT DO WE MEAN BY *ETHICS*?

No great deed is done by falterers who ask for certainty.
George Eliot

We discovered two self-evident truths as we began delving into this ethics quest.

- First, it's a very complicated topic, infused with ambiguity, inhabited by nooks and crannies of brilliant insights into human nature, and rich in historic and cultural complexity. Ethics also gets confused with *principles* and *values*, just to name a couple of the hairsplitting terms that are thrown about in discussions of this kind. While we may not settle arguments about these differences in the discussion that is about to begin, we promise to either enlighten you or confuse you. Who else would offer such a tempting set of alternatives?

- Second, there is a wealth of information, ideas, and data readily available for those who want to pursue a better understanding of this thing called ethics. While we rummaged around in various bookshops and libraries to find out what has been and is being written about ethics, we discovered the best source of enlightenment to be right under our fingertips. The internet and its interconnected webs of websites is invaluable when it comes to unearthing what is happening around the world on this important but complex topic.

We will discuss later what we think are some of the best web-based resources on ethics, but first we will focus our attention on a couple of the more interesting ones to get the dialogue underway. We start our survey with a look at one of the more dominant websites and a discussion of what ethics isn't.

Markkula Center for Applied Ethics

The following discussion can be found in more detail at:
http//www.scu.edu/SCU/Centers/Ethics/practicing/decision/whatisethics.html

The staff at the Markkula Center for Applied Ethics at Santa Clara University in California readily admits that the meaning of "ethics" is hard to pin down. This admission from a team that spends full time on this topic is comforting.

They start their discussion about what ethics is by saying what it isn't.

- **Ethics isn't about following our feelings** although one could argue that our feelings are a source of insight and data that shouldn't be ignored in making ethical decisions.
- **Ethics is not about religion** although most religions advocate high ethical standards. While religion can help to motivate and strengthen one's convictions about right and wrong, confining ethics to religion leaves out a whole lot of people who may have a different, or no religious affiliation.

- **Ethics is not about following the law** although being unlawful is often associated with what is thought to be unethical. But, as the Center's discussion on *What is Ethics* rightly points out, some laws are downright unethical, i.e., those that permit apartheid, turn a blind eye to child slavery, or denigrate the role of women in society.
- **Ethics is not the same as doing whatever is acceptable in your society.** Some societies are morally bankrupt making them atrocious role models for defining ethics. The scourge of institutional corruption, the kind that seeps into nearly every transaction within a society, may be the most difficult to cope with and eventually turn around.

The Markkula Center also tells us what ethics is, at least from their perspective. They suggest that ethics includes:

1. Generally accepted standards of right and wrong that impose reasonable obligations on everyone to refrain from such acts as rape, murder, stealing, fraud, and slander while protecting the rights of the individual, i.e., rights to life, freedom from injury, and privacy, to name a few.

2. The study and development of one's own ethical standards to assure that they are reasonable and well-founded.

Their second defining point fits right into any dialogue about developing a professional code of ethics. But we find the first more problematic. By taking the high ground on some pretty scary behaviors like rape and murder, which are hard for anyone to refute, we believe it ignores the kinds of judgmental situations that challenge local officials on a daily basis. For example, what should the local government official do when confronted with employees and colleagues who abuse the use of public facilities, accept unreasonable gifts during holidays, get involved in political activities, or step over the ethical boundaries and norms established by their organization's code of conduct? Or, what about those who engage in countless other mini-episodes that invade the ethical space of the public trust?

It looks like we need to pursue the definition of ethics and related terms a bit further to really understand what it's all about before providing suggestions on how you might undertake drafting a code of ethics for your professional organization.

To OECD for a Defining Moment

One of the more useful sources of definitions we found is in a recent survey conducted by the Public Management Committee of the Organisation of Economic Co-operation and Development (OECD). Their survey, **Managing Ethics in the Public Service**, was conducted in 1999 and included 28 member countries worldwide. It used the following *working definitions* to: 1) create a common frame of reference and understanding among those responding to the survey; and 2) assure more uniform responses on specific inquiries, such as what mechanisms are used for *promoting integrity* and *countering wrongdoing* in the delivery of public services.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

20

- **Ethics:** norms that translate characteristic ideals and values into everyday practice.
- **Values:** collectively shared principles that guide judgment about what is good and proper.
- **Standards of behaviour:** required criteria for actual actions of public servants/ public officials.

The OECD report goes on to discuss what is called **wrongdoing.** It emphasizes that wrongdoing in the public service is not just the results of individual actions. Wrongdoing can also be attributed to management policies, systems failures, and environmental factors within the organization and community that dampen personal integrity and do little to discourage unethical behavior.

The report's further breakdown of various forms of wrongdoing is helpful in understanding the broader context of ethics within the public service. It defined wrongdoing as:

- Inappropriate behaviour that is against acceptable conventions and preferable practices.
- Unethical acts that infringe ethical principles and values.
- Illegal offences when public servants breach the law.

The most serious illegal offence from their perspective is corruption, the misuse of power in public office for private gain.[1]

As helpful as the OECD definitions are, with terms like ethics, norms, ideals, principles, values, and standards often used interchangeably, even we get confused. We also realize it's not very comforting to think your mapmakers might be lost! And we worry about what happens to these English terms when they get translated into other languages. Nevertheless, let's see if we can work our way out of this language stew.

OECD says ethics are *norms*, albeit ones that "translate" ideals and values into practice. Webster's Dictionary, defines norms as *authoritative standards* and *principles of right action.* And many, including OECD, define what they mean by ethics through something called principles or characteristics of behaviour. We will come back to OECD's list of principles later, but first a look at two conceptual frameworks that define ethics from a behavioural perspective or what has become known as *applied ethics.*

> *Poise in the face of paradox is a key not only to effectiveness, but to sanity in a rapidly changing world.*
> Michael J. Gelb

CODE OF ETHICS

[1] Public Management Committee, Organisation for Economic Co-operation and Development, **Ethics Report**, (Paris: OECD, 2000), p. 17.

Six Pillars of Character

Michael Josephson, who provides leadership to an institute of ethics that bears his name, has identified six characteristics (principles) of ethical persons. In some cases, he incorporates a number of sub-characteristics in his six pillars that others might believe are important enough to stand alone.

Josephson's *Six Pillars of Character* are:

- *Trustworthiness*: under which he clusters honesty, integrity, reliability (keeping promises), and loyalty.
- *Respect*: reflecting such qualities as courtesy, dignity, tolerance, and acceptance.
- *Responsibility*: including accountability and the pursuit of excellence (the latter phrase was a favorite among management gurus a few years ago).
- *Fairness*: ensuring equality of opportunity, which is different than treating everyone the same.
- *Caring*: which he claims is "the very heart of ethics."
- *Civic virtue and citizenship*: prescriptions about how we should behave as part of a community including such practical activities as obeying laws, voting, volunteering, conserving resources, and, of course, paying taxes.[2]

His pillars, or principles, quickly translate into more specific behaviour as he begins to describe what each of them means.

One of the qualities Josephson hangs on his trustworthiness pillar is *integrity*. It also plays a prominent role in the OECD report on public ethics. For example, the opening statement of the summary of their Ethics Report states:

> "Integrity has become the fundamental condition for governments to provide a trustworthy and effective framework for the economic and social life of their citizens."[3]

We will also return to "integrity" later for an in-depth discussion, but first let's look at another set of principles. This one got our attention because the authors claim it to be universal in its application.

CODE OF
ETHICS

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[2] Michael Josephson, *Making Ethical Decisions: What Are You Going to Do? 3rd edition (Marina Del Rey, CA: Josephson Institute of Ethics, 1995), pp.8-17.*
[3] OECD, Ethics Report, p. 6.

In other learning materials we have been involved in producing, we have used a technique called Reflection. It's just a break in the discussion that is intended to give you an opportunity to reflect on what is being said. Some of the reflections will include a task or two to help you deepen your understanding of the concept or strategy being considered, based on your experience.

For example, **take a short *Reflection* break and ponder this proposition.**

If you repeat a principle or value frequently and consistently within an organization, does it become an accepted norm?

Before moving on, can you identify a principle or value that has become an operating norm within your organization in recent years? If so, jot down some of the particulars about the experience. What or who initiated it? What have been the results of this change? What have you learned from it that might be helpful in better understanding the challenge of crafting a code of ethics for your professional association?

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A Framework for Universal Principles of Ethics

Larry Colero, director of a small firm called Crossroads, has developed a set of **universal** ethical principles that he and the staff of the Centre for Applied Ethics at the University of British Columbia (CAE/UBC) have been using in applied research and training programs. These "universal principles" are organized into three categories: personal ethics, which they further define as *morality*; professional ethics; and global ethics. We will detail the first two categories in a moment, but first a bit more about the story behind these universal principles.

Crossroads and CAE/UBC have incorporated these principles into many of the learning events they have facilitated over the past several years in various parts of the world, including Africa, China, Central and Eastern Europe, and the North American continent. They claim that in none of these learning events were the participants able to suggest substantive changes or additions to these three lists. Quite a claim! Their website discussion goes on to say:

> These principles are landmarks-generic indicators and guides for an active conscience. They are not VALUES, which vary widely between individuals and cultures. Nor are they absolute rules. They are simply a set of constant, essential principles that serve to trigger our conscience and *guide* our actions no matter where we are in the world.

Colero is quick to point out that he personally has no qualification as an ethicist and created these frameworks of principles "primarily for my own use in business, where I found it difficult to get a clear idea of how ethics related to my everyday work." Such an

CODE OF ETHICS

admission is possibly the first important step toward becoming an ethicist-whatever this means. Let's look at two of his lists of principles.

Colero's *Principles of Personal Ethics* include:

- Concern for the well-being of others
- Respect for the autonomy of others
- Trustworthiness and honesty
- Willing compliance with the law, although he puts the following qualifier on this one, i.e., *with the exception of civil disobedience*
- Basic justice; being fair
- Refusing to take unfair advantage
- Benevolence; doing good
- Preventing harm.

Now, Colero's *Principles of Professional Ethics*:

- Impartiality; objectivity
- Openness; full disclosure
- Confidentiality
- Due diligence/duty of care
- Fidelity to professional responsibilities
- Avoiding potential or apparent conflict of interest.

You can find a more in-depth discussion of Colero's Universal Principles on the following University of British Columbia website: http://www. ethics.ubc.ca/papers/ invited/colero.html

The Nolan Principles

We can't leave this part of the discussion without tossing you another list of principles to ponder. This one comes from the Nolan Committee on Standards in Public Life for the United Kingdom: 1995. They suggest seven relevant principles that should be applied to all aspects of public life:

1. **Selflessness**: making decisions solely in terms of the public interest.
2. **Integrity**: refraining from becoming obligated to others in such a way that it influences decisions and performance of public duty.
3. **Objectivity**: making public business decisions and choices based on merit.
4. **Accountability**: being held accountable for public decisions and actions.
5. **Openness**: providing information about decisions and actions taken unless the wider public interest clearly demands a restriction of information at the time.
6. **Honesty**: declaring conflicts of differences and resolving them in ways that protect the public interest.
7. **Leadership**: promoting and supporting these principles through leadership and example.[4]

CODE OF
ETHICS

The OECD Perspective and Contribution

From these more global views of ethical principles, we want to return to OECD's contributions in helping us better understand the challenges of managing ethics within public institutions. Unfortunately, OECD uses the term "principle" in two different ways in their Ethics Report. First, they say *values* are "collectively shared <u>principles</u> that guide judgment about what is good and proper."[5]   Does this mean that principles become values when they are collectively shared?

Later in the report, OECD uses the term *principles* to also describe guidelines for member countries and others to use in reviewing and assessing the institutions, systems, and mechanisms they have in place for promoting and managing public service ethics. For example, the first principle in this category is: *Ethical standards for public service should be clear.*[6] The use of the term *principle* in this context makes it more of an operational mechanism than a collectively held belief worthy of *value* status.

But, this is hairsplitting pettiness on our part and takes away from the contribution that OECD makes to our quest for understanding principles and how they relate to the task of developing a professional code of ethics.

The OECD survey of its members, who represent a wide spectrum of regions and cultures, produced an interesting list of collectively shared principles or values. They include:

- impartiality (no discrimination);
- legality (respect for the rule of law);
- integrity and honesty;
- transparency and openness;
- efficiency;
- equality;
- justice; and
- responsibility, i.e. maintaining one's reputation and responsibility for faults.

The survey also makes a distinction between more "traditional" societal and democratic values associated with such qualities or principles as impartiality and rule of law and what OECD labels as "new" professional values, those more commonly associated with an emerging public service ethos. These include such values as: efficiency, respect for state resources, and the need for confidentiality, professional competence, and merit-based employment.

This distinction is important to our discussion and the dialogues you will have later as you begin to craft your own set of principles to define your profession's ethical boundaries.

The OECD distinction signifies an evolving conceptual map for defining ethics and an emerging reality of what public service is currently all about. These are based in large part on changing expectations within the public service and by the citizens it serves. This means, among other things, that professional codes of ethics need to reflect changing

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[4] *Standards in Public Life: First Report, Volume 1,* London: HMSO (Chairman: Lord Nolan) 1995.
[5] *Ethics Report,* OECD, p.30.
[6] *Ethics Report,* p. 97.

norms when they become dominant enough to indicate permanency. ICMA's experience in managing and enforcing its Code of Ethics over three-quarters of a century bears witness of the continuing need to upgrade the ethical software of their profession from time to time. Effective codes of ethics are those that accurately reflect the social, economic, and political currents that swirl around the profession they serve.

The gem cannot be
polished without friction.
Chinese proverb

Reflection Time! OECD has raised an interesting point about *traditional* and *newer professional values as part of the public service ethos.* In the space below, make a quick list of the most important traditional and "new" values you believe should be central to the public service.

The more traditional values are:
_____
_____
_____

The new and emerging values are:
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That Principle Called *Integrity*

We mentioned earlier the importance that OECD puts on *Integrity*. It is also one of the principles listed in the more generic definition of ethics by Michael Samuelson. Because *integrity* looms large in some of the more significant discussions about ethics, we can hardly ignore it as a principle or value to consider in forging a professional code of ethics.

Integrity from Samuelson's perspective represents a "seamless" approach to the application of ethical values and principles from one situation to another. It is the glue that holds this thing called ethics together.

Transparency International (TI), defines *integrity* as the antithesis of corruption. Their 2000 Source Book *Confronting Corruption: The Elements of a National Integrity System* takes a holistic strategy or systems approach to corruption based on the horizontal integration of national and community resources to fight corruption. In their words,

An integrity system embodies a comprehensive view of reform, addressing corruption in the public sector through governmental processes (leadership codes, organizational change, legal reforms, procedural reforms in bureaucracies etc.) and through civic reforms. Even if corruption is endemic, it tends to be the result of systemic failures. The primary emphasis is on reforming and changing systems, rather than on blaming individuals.[7]

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[7] Pope, Jeremy, *TI Source Book2000: Confronting Corruption: The Elements of a National Integrity System.* (London, Transparency International, 2000.) p. 34.

[8] From an Earth Times News Service article by Frank Vogl, based on a lecture he gave at Pennsylvania State University, Smeal College of Business Administration in March, 2001.

Integrity is also a term used by private corporations to describe business ethics.

Enron, when it was still giant energy conglomerate, proclaimed integrity as its core corporate value using the slogan, "We work with customers and prospects openly, honestly, and sincerely." Unfortunately, Enron declared bankruptcy as we were about to call your attention to their commitment to "integrity". As it turned out, the corporate leaders were long on lofty rhetoric and short on openness and honesty. They were, at the time this was being written, confronted with law suits and government investigations covering a long list of dubious practices.

General Motors uses the slogan, *Winning with Integrity*.

General Electric, in a recent annual report, said: "Integrity – it's the first and most important of our values. Integrity means always abiding by the law, both the letter and the spirit. But it's not just about laws; it is at the core of every relationship we have."[8]

While the anti-globalization protesters may find these ethical utterances mere slogans to sell goods, there is a corporate social responsibility trend worldwide that uses terms like values, principles, and, yes, integrity, to define decision making processes within their board rooms and workplaces. But talk is cheap as demonstrated by Enron and its corporate officers.

From the OECD perspective, "Integrity is about forging strong links between expected ideals and formal behavior."[9] It is the fundamental condition for governments to provide a trustworthy and effective framework for the economic and social life of their citizens.

Integrity, as OECD's major foundation stone for defining ethics in the public service, is reflected in the following operational norms:

- Public servants' behaviour is in line with the public purposes of the organisation in which they work.
- Daily public service operations for businesses are reliable.
- Citizens receive impartial treatment on the basis of legality and justice.
- Public resources are effectively, efficiently, and properly used.
- Decision-making procedures are transparent to the public, and measures are in place to permit public scrutiny and redress.[10]

Integrity, as a term and strategy, seems to be a core component in addressing the issue of ethics, whether in the public service or other domains. It is a key value, principle, and operational strategy to think about in crafting a professional code of ethics.

Time for a *reflection* break. Take a moment or two and jot in the space below your own thoughts on *integrity*.

_____
_____
_____

How might you see this principle, or value, being incorporated into a code of ethics by your professional association or an association of professionals?

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_____
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_____
_____

*Life is not a problem to be solved but a
reality to be experienced.*
Soren Kierkegaard

CODE OF
ETHICS

[9] *Ethics Report*, p. 6.
[10] *Ethics Report*, p. 6.

21st Century Standard Bearers

In Alan Bennett's play, *Forty Years On,* the following discussion takes place:

> Franklin: *Have you ever thought, Headmaster, that your standards might perhaps be a little out of date?*
> Headmaster*: Of course they're out of date. Standards always are out of date. That is what makes them standards.*

Ponder the significance of this verbal exchange as we look briefly at some current *standards* that have become global property in recent years.

Thanks to international aid agencies, non-governmental organisations (NGOs), community-based organisations (CBOs), and other institutions and individuals who are concerned about the integrity and performance of governing systems and processes, certain value-driven terms have become standard rhetoric. Hopefully, they are more than just mere words that have become obligatory rhetoric in many official documents and public discussions.

Since we believe many of these current standard bearers are important principles to base your professional codes of ethics on, let's take a brief look at the meaning behind the rhetoric. We, no doubt, have missed a few and others may quibble about our definitions, so feel free to fill in the blanks and change the meanings to suit your needs.[11]

- **Diversity:** This is the flip-side of discrimination. When thinking about diversity in public service, as it relates to the delivery of public goods or services to be delivered, diversity goes beyond the usual legal definition of gender, race, ethnicity, and age. Within the framework of applying a professional code of ethics, diversity as a value and norm of operation should also encompass the following differences: social status within the community, geographic location, levels of economic well-being, life and work experience, political affiliations, and those known to think differently from the mainstream of conventional wisdom.

- **Equity:** Ethics is always about decision-making, not just decisions about what is right or wrong, but what is equitable? Equity prompts the sticky questions of *how much?* And *how many?* Equity of representation, greater access to the tools of power and influence by those who have been left outside the gates of power and influence for whatever reason, and other measures of fairness and representation cannot be ignored in the application of professional ethics in public settings.

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[11] Based on major international legal instruments, on commitments made by Governments at major United Nations conferences, and on UN-HABITAT's and its partners' experience in urban development work, a set of seven principles of good urban governance has been proposed by the Global Campaign on Urban Governance. These include the following: **Sustainability** in all dimensions of urban development; **Subsidiarity** of authority and re- sources at the lowest appropriate level; **Equity** of access to decision-making processes and the basic necessities of urban life; **Efficiency** in the delivery of public services and in promoting local economic development; **Transparency and Accountability** of decision-makers and all stakeholders**; Civic Engagement and Citizenship** to promote active contribution of urban citizens to the common good; and **Security** of individuals and their living environment. For further information, please see the Concept Paper of the Global Campaign on Urban Governance, 2nd Edition, March 2002, which is available at http://www.unhabitat.org/governance.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

29

- **Openness and Transparency:** These two operating principles are generally linked together in conversations about qualities of a well-functioning public organization. For the purposes of this discussion, we want to view them as different qualities within the ethics domain. *Transparency* involves the degree to which government transactions are communicated openly to the public and subject to external scrutiny. This means no secrets, no cover-ups, no backroom deal-making that reward a privileged few to the detriment of the uninformed many. In some places, transparency is mandated through something called *sunshine laws.*

  Openness, at least as we define it, means the ability to infuse public organizations with new ideas and critical information and to penetrate the walls of bureaucracy with sunlight. For those in government, it also means openness when working with all sectors of the community.

  Like transparency, openness is a two-way obligation, not just a quality that citizens can require of their governments without reciprocity. Paulo Freire, the late Brazilian social activist and learning pioneer, in his last book *Pedagogy of Freedom* says,

  > The correct posture of one who does not consider him- or herself to be the sole possessor of the truth or the passive object of ideology is the attitude of permanent openness. Openness to approaching, and being approached… To questioning, and being questioned…To agreeing, and disagreeing.[12]

  This is the kind of openness we have in mind.

- **Accountability:** This principle is associated with public responsibility which in turn is tied to having formal authority to act. With public institutions like local governments, the connections between these two principles need to be clearly understood. Being held accountable without the authority to act is a trap. Given authority without corresponding accountability is irresponsible. Within the domain of applied ethics, citizens can and should demand accountability from their governments but must also provide governments with commensurate authority. For professionals the same holds true in their relationships with subordinates.

  In a discussion paper prepared by OECD on accountability, they bring a slightly different perspective to this principle. While they state that *accountability* has different meanings in different countries, based on such factors as administrative tradition, there are also some common themes to consider. The first is to move from traditional compliance-based accountability to performance-based accountability. This means, among other things, to move from the negative control and punish approach to accountability to a more positive one based on such operating principles as informing the public and providing information openly to citizens.[13]

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[12] Paulo Freire, *Pedagogy of Freedom: Ethics, Democracy, and Civic Courage*, (Lanham MA, Rowman and Littlesfield Publishers, 1998), p. 119.

- **Inclusiveness:** This is the principle of embracing diversity in public decision making by recognizing the importance of including everyone, regardless of wealth, gender, age, race, or religion.

- **Trust:** This is a lesser expressed principle, both within what is being demanded of governments these days and what should be considered as a quality to highlight in a professional code of ethics. Trust is admittedly more difficult to define and probably impossible to quantify. In an academic treatise on *trust and mistrust* in the Academy of Management Review, Ray Lewicki defines "trust in terms of confident positive expectations regarding another's conduct, and distrust in terms of confident negative expectations regarding another's conduct."[14]

Trust involves honorable intentions, motives, and predictability in our actions and relationships with others. Integrity is what we gain from being consistently trust-worthy and trusting.

He who wants to keep his garden tidy
doesn't reserve a plot for weeds.
Dag Hammarskjold

A Look at the Dark Side

The discussion thus far has taken the high ground. We have been talking about the qualities, principles, and norms of behavior associated with "ethical" individuals and institutions. The low ground in this metaphor is, of course, occupied by corruption in the public service that includes everything from petty stuff to grand larceny, the *raison d'etre* that drives the need for codes of ethics and social responsibility mechanisms.

Corruption seems to have no bounds when unfettered by public concern and action. It includes a host of devious and demented activities to undermine organizations, communities, and nations. For example, it includes:

- **Abuse of power**
- **Larceny** (stealing "big time")
- **Stealing**
- **Misappropriation of funds**
- **Padding of accounts**
- **Bribery**
- **Graft**
- **Extortion**
- **Influence peddling**
- **Manipulation of regulations**
- **Payoffs**

- **Misuse of public property**
- **Conflicts of interest**
- **Misuse of inside information**
- **Acceptance of improper gifts**
- **Falsification of public records**
- **Vote rigging**
- **Discrimination based on a variety of prejudices**
- **Nonperformance of duties**
- **Cronyism**
- **Cover-ups**
- **The list goes on, and on, and on.[15]**

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[13] Sigurdur Helgason, *Towards Performance-Based Accountability: Issues for Discussion,* (Paris: OECD Public Management Service, 1997), pp.1-2

[14] Roy J. Lewicki, *Trust and Distrust: new relationships and realities.* Academy of Management Review: July 1998.

Faced with this litany of corrupting opportunities in the public service, the cynic would say, "What difference will a professional code of ethics make?" Perhaps none, if it is seen as an obligation to satisfy some public relations need or if adopted in good faith and never enforced.

Fortunately, there is a bright side to this list of dubious opportunities

From Transparency International we hear that:

> *World-wide concern for improved levels of governance and accountability has never been higher – be it in the public or private sector, or within international or non-governmental organizations. The belief that increased transparency can achieve not only more meaningful levels of accountability, but can do so in a highly cost-effective fashion, is now expressed universally. There is also a widespread recognition that fundamental and enduring changes in attitudes and practices can only be brought about by harnessing the energies of all of the points of a society's triangle of forces – the state, the private sector, and civil society.[16]*

A cynic might say that such an optimistic statement would be expected from Peter Eigen, one of the co-founders of Transparency International. Nevertheless, the rapid spread of TI's network of country affiliates, influence, and impact in such a short period of time should be adequate proof to convince the most harden cynic.

The work of TI, ICMA, OECD, and many other institutions just mentioned are visible evidence of the importance and acceptance of ethics as a mainstream concern in all sectors of societies around the world. And they just represent the highly visible tip of the iceberg. If you keep your eyes open and your ears tuned to the street level, clues about corruption and ethics, you get the sense that these topics are, as we said in Point # 5 in the beginning, **HOT!**

For example, we picked up a local newspaper during a trip to Nairobi, Kenya. In just one edition of the *Nation* (16 June 2001), there were the following headline stories:

> **Nigerian Graft War Hots Up**: Under fire, Obasanjo inches forward against government corruption.

> **Schools Helped Students Cheat**: KCSE probe shows even the heads are guilty.

> **Kenyans Back Amnesty Call** for economic crimes-but only as long as the criminals pay for their plunder

> **Majority of Kenyans Say Number One Issue in Next General Election will be Corruption**

[15] This list was adapted from a list that was adapted. It was initially adapted by Transparency International for inclusion in their Source Book 2000 (page xviii) from Gerald E. Caiden, "*Toward a General Theory of Official Corruption*", Asian Journal of Public Administration, Vol. 10, No.1, 1988.

Other news articles collected about the same time proclaimed:

Project Fights Graft and Corruption in the Philippines (from DAI Developments: Winter 2000-2001).

Latvia's Experience in Combating Corruption: (from NISPAcee News 2001: Volume Vii: no.3 Summer).

While many of these articles focus on unethical acts, there is a "good news" aspect to these stories. Issues of corruption are being openly acknowledged and publicly reported, and there is evidence that actions are being taken in some of these cases to address the corrupting acts.

Finally, we suggest you link into the growing number of academic and professional institutes that have **ethics** as their focus. Most of them have internet websites and can be contacted directly. Moreover, they often list other like-minded institutions.

For example, if you connect with the Institute for the Study of Applied and Professional Ethics at Dartmouth College at: www.dartmouth.edu/artsci/ethics-inst/Othersites.html you will find a list of over thirty other institutes. One of these, the European Business Ethics Network, has over 700 members from 33 countries in their network. Linking with one ethics-oriented network will lead you to many more networks.

Summary

The intent of this Introduction has been to clarify the focus of this resource guide and provide a perspective for those who are considering the development, adoption, and implementation of a professional code of ethics. Our dabbling around in this somewhat esoteric subject called ethics has been deliberate. While ethics is a topic that philosophers, theologians, and many others have debated for centuries, it is also an issue that has taken on a sense of urgency in today's complex and somewhat chaotic world.

The endemic corruption that has found haven in many public, private, and civic institutions around the world is driving the need for reform. The response to this need has been impressive as witnessed by the hundreds of organizations and initiatives, large and small, throughout the world with mandates and programs designed to assist operating institutions fight corruption through the use of applied ethics knowledge and skills.

One of the key components in all of these integrated and systemic approaches to confronting and combating corruption is the need for **codes of ethics**. However these codes are constructed, they ultimately form the essential foundation for designing and implementing applied ethics initiatives within organizations.

CODE OF ETHICS

[16] Peter Eigen, *Preface*, p.xv, from Jeremy Pope's *Confronting Corruption: The Elements of a National Integrity System.* London, Transparency International, 2000.

*Watch your thoughts; they become words.
Watch your words; they become actions.
Watch your actions; they become habits.
Watch your habits; they become character.
Watch your character; it becomes your destiny.*

Frank Outlaw

Author's note: Yes, it's a bit strange to end this lofty discussion with a quote from someone with the family name of *Outlaw*. However, he has effectively described the pattern of personal actions that take us from what might seem like isolated thoughts and traces them through a complex process that ultimately defines who we are in our interactions with others.

But, that's not really why I decided to insert this *author's note*. Laura Young a local school teacher and former reporter who edited this document for grammar, spelling, and more serious lapses in language etiquette (*fisherisms)* said, "Fred, this chapter bothered me as I read it. I wanted you to get to the point! Just tell me what you mean by ethics, morals, principles, tenets, values and all the other terms that are important to those who will be using the resource guide."

Laura's comments are right on in one respect. This discussion wanders all over the rhetorical landscape. It dabbles in a wide range of ideas and thoughts about this thing we call *ethics*. While I was tempted to fix this flaw that leaves Laura and perhaps you a bit frustrated, I decided not to. After all, it is a complex and often controversial subject. There are, for example, a lot of terms that should provide a common frame or reference from which to proceed in putting together a professional code of ethics. But then I reminded myself that even the self-proclaimed experts can't seem to agree among themselves about such matters. What will be important to you and others who take on the challenge of drafting and ultimately adopting and implementing a professional code of ethics is to reach a consensus about what <u>you</u> mean by *ethics* within the context of your own experiences and working environment.

Key Points

- Ethics and codes of ethics are not new ideas or discoveries; they have been around for thousands of years.
- Still they occupy the minds and hearts of those who want to build better communities and societies, and the intensity of interest and activities in ethics may never have been more intense nor the intensity more global.
- Within this milieu of applied ethics is the need to help professionals in local governments and associations that represent them to undertake efforts to develop codes of ethics or review and update those that may already be in existence.
- Ethics, as it relates to the public service, is described in various ways by different individuals and organizations.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

34

- The complexity of ethics and how to effectively make it an integral part of your personal and professional lifestyles through the declaration and commitment to a code of ethics requires considerable contemplation and dialogue by those involved.

- Professional codes of ethics and the individual's commitment to uphold the code are reinforced by organizational commitments and systems to implement ethical standards. These are called by such terms as ethics infrastructure and integrity systems.

- Diversity, equity, openness, transparency, accountability, inclusiveness, and trust: these are essential qualities that define good governance.[17] They should also be considered as principles that guide the work of those who take on the task of developing a professional code of ethics.

- Those who plan to undertake the challenge of considering, adopting, and implementing a professional code of ethics will find a wealth of information and ideas on the internet to assist them.

- Ethics isn't simply about stopping corruption; it's about good governance.

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[17] See footnote number 11.

CHAPTER TWO:

CODES: ARE THEY WARRIORS OR DOG CHASERS IN THE BATTLE ON CORRUPTION?

> *On the field where Ormuzd has challenged*
> *Ahriman to battle, he who chases away the*
> *dogs is wasting his time.*
> Dag Hammarskjold

If corruption is endemic and everywhere, as Jeremy Pope states in the Executive Summary of TI's Source Book 2000, will professional codes of ethics make any difference in fighting corruption? Or, will they simply reflect Dag Hammarskjold's metaphor of chasing dogs on the fields of battle? These are legitimate questions particularly for those individuals who will take the lead role within their professions to craft and adopt a core of ethics.

In an effort to provide some answers, we will:

1) Explore in more detail the concepts and realities of codes as mechanisms for managing ethics within professions and organizations; and

2) Consider the role of codes of ethics within the larger context of establishing a comprehensive *ethics infrastructure* within public service organizations, as advocated by OECD and TI's proposed *National Integrity System*.

> *One of the greatest delusions in the world*
> *is the hope that the evils of this world can*
> *be cured by legislation*
> Thomas Reed

Before reading any further, go back to the quote by Thomas Reed and change the last word (legislation) to *codes of ethics and conduct*.

Codes: As Common as Dog Fleas

It seems to be the fashion these days to adopt a code of ethics or conduct within organisations regardless of their type, size, purpose in life, or ways of doing business. The various mafias around the world have their own codes of conduct, although we doubt that they are written down and displayed on their office walls. Multi-national corporations and small businesses have them. Governments of all sizes and rationale adopt codes of conduct. Non-governmental and community-based organizations operate under the mantle of formally adopted codes. You can find a code of ethics or conduct just about anywhere you might look these days.

Did you notice that we just threw into the discussion another word regarding codes? *Conduct*. Yes, codes of conduct. Are they different from codes of ethics? It depends on

CODE OF ETHICS

to whom you talk. The terms are often used interchangeably which suggests there is little or no difference between a code of ethics and a code of conduct. We believe there is a difference, so let's delve into this verbal stewpot and do a bit of stirring, but not before we ask you to sit back and record some of your own thoughts.

Reflection: What are the differences, if any, between a *Code of Ethics* and a *Code of Conduct?*

_____
_____
_____

Similarities?

_____
_____
_____

What difference does it make as you think about a code for your professional association?

_____
_____
_____

A Code of Ethics - or a Code of Conduct?

Before we try to answer this question, let's call in some expert witnesses. We will start "down-under" in Australia and look to the corporate world's perspective on these terms. Our first expert witness is Professor William Birkett, University of New South Wales in Sydney. Professor Birkett is a financial advisor to the International Federation of Accountants (IFAC). In 1995, IFAC initiated an empirical study of ethical codes being applied in corporations at that time. While the study unearthed a lot of information about how corporations develop and use codes, our interest right now is in their definitions.

In Birkett's article *Ethical Codes in Action*, which can be found in IFAC's Articles and Speeches Library, he summarizes the types of corporate codes identified by their study. They are:

- *Codes of Ethics* - statements of values and principles that define the purpose of the organization.
- *Codes of Practice* – which guide and direct decision making, and
- *Codes of Conduct or Behavior* – which prescribe or proscribe certain behavior.

After being precise in his definitional differences, Birkett muddies the conceptual waters by saying, "In practice, corporations tend to use varying mixes of each type of code, under various labels."[18]   What is important, from our perspective, are the distinctions IFAC makes between codes of ethics, and codes of practice and conduct. Ethics are "statements of values and principles" whereas practice and conduct codes define decision-making processes and "prescribed behavior".

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[18] Birkett, William P. *Ethical Codes in Action,* New York: International Federation of Accountants, 2001, p.1. For more information about the study and the Federation, log on to: http:// www. ifac.org/ Library.

Craig Nordlund, senior official with computer giant Hewlett Packard, agrees. *"Codes of conduct specify actions in the workplace and codes of ethics are general guides to decisions about these actions."[19]*

Birkett is very positive about the role and importance of applied codes of ethics within corporations. They are:

> *…not incidental to a corporation's functioning: they are neither ornamental, nor simply expressions of good intent. Instead, they are practical instruments of management, designed to capture the power of social or community morality and to put it to "good" corporate use. [20]*

Our next expert witness on the question of differences between codes of ethics and conduct is a spokesperson for the legal firm of Walker Tate and Associates, also located somewhere in Australia. Here are some passages we pulled from their essay entitled *Codes of Ethics.*

> *A Code of Ethics is of course fundamentally about acting ethically. Codes attempt to articulate core values and remind individuals or organizations of some of their more obvious responsibilities…Yet, the very existence of a Code presents hidden dangers and traps. They are not meant to be the definitive collection or codification of behavioral standards… nor to be studied with any forensic skill or strict principles of legal interpretation…Inevitably, the best usage of codes is to make them redundant, For however eloquent, Codes remain so much dead words on paper. Only human conduct can give them life. And when the values are realized, or pursued, the paper can at best serve as a prompt.[21]*

Now, for his or her interpretation of the difference between codes of ethics and conduct.

> *The distinction between the two lies principally in the issue of enforcement. A Code of Ethics is a positive statement, a reflection or embodiment of core values providing direction on how one SHOULD behave. In contrast, a Code of Conduct is a list of prescriptions, to each of which is normally attached a penalty if violated. Conduct says this is how you MUST behave. It is a form of law. Ethics is about choice. Without the freedom to choose, it is not ethics but law. It is also true that the prescription within a Code of Conduct needs the foundation supplied by a code of ethics.[22]*

While we believe we are closer to understanding the differences between these two types of codes, there is certainly a lot of ambiguity surrounding the documents themselves.

This uneasy feeling is not quieted by the remarks of Andrew Olsen, an active team member of the Center for the Study of Ethics in the Professions, Illinois Institute of Technology. After reviewing over 500 different codes of ethics from a wide range of organizations, professions, institutes, etc., he says it is not easy to say exactly what a code of ethics is and offers the following observation as to why.

[19] McNamara, Carter, *Complete Guide to Ethics Management,* St. Paul, Minnesota: Management Assistance program for Nonprofits, 1999. p. 12.
[20] Birkett. p.4.
[21] Walter Tate and Associates. *Code of Ethics,* October 1999, p. 1. The full text of this essay can be found at: http://members.ozemail.com,au/~wta/ethics/code.htm.

It is not surprising that one observes so much variety in codes of ethics. Codes are written by specific groups of people for specific groups of people, each group having its own purpose for existence and its own means of accomplishing its purpose. Consequently, each group encounters a unique set of ethical challenges.[23]

Olsen's point is an important one for each professional association to consider as it undertakes the formulation of a code of ethics or efforts to revise one currently in place. As you begin either one of these tasks within your professional association, consider the "unique set of ethical challenges" that defines the working environment of your members.

When considering whether codes of ethics are really of any value, Olsen had a much easier time answering this self-imposed query. His response was a resounding, "Yes!"

A code of ethics fulfills many purposes within an organization. It increases ethical sensitivity and judgement, strengthens support for individual's moral courage, and helps sharpen an organization's sense of identity.[24]

While there will always be room for ambiguity about the differences between codes of ethics and codes of conduct, we think we can say with confidence that <u>ethics</u> is about principles and values while <u>conduct</u> is about behavior and the realization or not of these principles and values in work settings and communities. We also want to echo Olsen's assessment of the importance of codes of conduct. Yes, they are important.
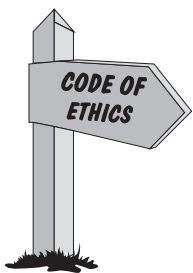
*Do more than you are required
to do, and less than you're
allowed to.*
Michael Josephson

Professional Codes of Ethics: Integral Pieces of the Bigger Picture

There can be a tendency for professionals to say, "Well, we've done our job when it comes to fighting corruption in the public service. After all, we've got our code of ethics, and we live and work by its principles." In this inter-connected world of possibilities and constraints, it's not enough for professionals to just "live by their code."

Their responsibility goes far beyond a personal commitment to conduct their role and responsibilities in accordance with the principles and ethics of their profession. It also requires them to take a proactive leadership role in assuring that their work organizations adopt and rigorously maintain a code of ethics and conduct. These operational codes need to permeate the organization's mission, operating systems, program and service activities, and day-to-day performance. This is where principle-based codes of ethics meet the worldly application of conduct codes.

CODE OF
ETHICS

[22] Ibid. p.2.

[23] Olsen, Andrew, *Authoring a Code: Observations on Process and Organization,* (Chicago: Center for the Study of Ethics in the Professions. 1999) p. 1.

[24] Olsen, p.1.

For a look at what these larger applied systems might look like, we turn to two prime sources mentioned earlier: 1) OECD's description of the *ethics infrastructure* needed to assure a value-based public service at the local level of governance, and 2) Transparency International's elements of a *National Integrity System.*

Defining an Ethics Infrastructure

OECD offers the following caveat in their efforts to define an ethics infrastructure (EI): *There is no single method for constructing an ethics infrastructure in the public service. Rather, a combination of incentives and sanctions is needed to encourage professional standards of conduct[25]* . It seems to us that this is also prudent counsel to those who are taking on the responsibility of drafting, adopting, and implementing codes of ethics.

Like most complex social systems, OECD's EI contains a number of complementary, mutually reinforcing, independent but inter-connected components. These components are categorized into three functions: guidance, management, and control. The first of these three broad categories is most relevant to this discussion. Given this relevance, we will provide a few editorial comments on how these guidance functions might apply to managing professional codes.

Under *Guidance:*

1. **Political Commitment:** Without sustained commitment and support from the political leadership of the organization or institution to ethical standards of conduct, most efforts will be in vain.

   Putting this into the perspective of managing a professional code of ethics, the leadership of the association needs to demonstrate by its actions a sustained commitment to enforcing the code. In the politics of association management, it's a *political commitment*.

2. **Workable Codes of Conduct:** These codes define in varying degrees of detail the expected standards of behavior in the workplace.

   From our previous discussion, these will be recognized as formally adopted statements of applied ethics or what is expected in practice from those individuals who operate within an organization that has formally declared its operating values and principles. Many codes of ethics, while primarily espousing principles and values, also feature the prohibition of specific behaviors or actions on the part of those covered by the code. The ICMA Code of Ethics which we will be looking at in some depth later fits this hybrid model. Likewise, codes of conduct will often describe, in preamble-like statements, the principles and values their organization aspires to.

3. **Professional Socialization Mechanisms:** These are the ways organization members learn about and take on the norms and standards of conduct that are expected of them. Training, role models, and recognition of exemplary service that highlights accepted behavior are some of the socializing tools available to the organization.

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[25] *Ethics Report.* OECD, p.19.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

This is where "*professional codes of ethics*" fit into the ethics infrastructure system of the professional member's employing organization. Professional city managers and finance officers, for example, are valuable assets in providing guidance within their own organizations, and their leadership roles are enhanced when backed by their profession's stand on ethics as defined in a formal code.

Under *Management*:

1. **Creation of an ethics coordinating body:** In the case of a local government, this might be a specially created working group representing elected leadership, organization employees, and the public with oversight responsibilities on issues of ethics within the organization and its working environment.

2. **Supportive public service conditions:** This refers to the provision of acceptable working conditions within public service employment that, when absent, can often tempt employees to undertake unethical actions. For example, low pay, discrimination in the workplace, promotions based on personal connections rather than merit - these practices and many others can foster unethical behavior on the part of employees.

Under *Control:*

1. **An effective legal framework** that defines the outside boundaries of acceptable conduct and penalties for stepping over them.

2. **Efficient accountability mechanisms** for tracking and reporting ethics-related activities.

3. **An active civil society** with rigorous expectations about the norms and standards of public service.[26]

Principles for Managing Infrastructure Components

OECD challenges our ability to think outside the box in terms of managing ethics by listing "principles" to manage them by. *Principles*, in relation to discussions about ethics, are most often associated with the term *values* and not operating procedures. Nevertheless, we will set aside this ambiguity of terminology and blame it on the English language.

In spite of what we consider linguistic confusion, OECD's "operating principles" for managing the eight functions just discussed are very well defined. They could also be useful in managing a code of conduct within an organization. In addition, many can be applied to the management of a professional code of ethics in the formulation stage as well as during implementation and enforcement.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

41

OECD's Twelve Principles for managing ethics in the public service are:

1. Ethical standards for public service should be clear.
2. Ethics standards should be reflected in the legal framework.
3. Ethical guidance should be available to public servants.
4. Public servants should know their rights and obligations when exposing wrongdoing.
5. Political commitment to ethics should reinforce the ethical conduct of public servants.
6. The decision-making process should be transparent and open to scrutiny.
7. There should be clear guidelines for interaction between the public and private sectors.
8. Managers should demonstrate and promote ethical conduct.
9. Managerial policies, procedures, and practices should promote ethical conduct.
10. Public service conditions and management of human resources should promote ethical conduct.
11. Adequate accountability mechanisms should be in place within the public service.
12. Appropriate procedures and sanctions should exist to deal with misconduct. [27]

Reflection: Review OECD's operating principles listed above and determine which of these are also appropriate to the management of a code of ethics adopted by a professional association for its membership.

List in the space below those principles you don't think apply and your reasons why.
_____
_____
_____
_____
_____
_____
_____
_____

Elements of the TI Integrity System

TI's Integrity System is based on a national model and therefore has less relevance to those who are developing professional codes than OECD's ethics infrastructure model. We found ourselves thinking it probably doesn't make sense to spend time discussing it, given our focus. And then, we stepped outside the box of conventional thinking.

What if you think about TI's Integrity System from a local government perspective? With the exception with references made to the "international community" TI's *institutional pillars* are relevant to local self-governance.

CODE OF ETHICS

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[26] *Ethics Report*, pp.20-22
[27] *Ethics Report,* pp.97-9

In the following description of the pillars and corresponding rules and practices, we have taken the liberty, when appropriate, to provide local examples in parentheses.

TI's Institutional Pillars	Corresponding core rules and practices
Executive (mayor/chief executive officer)	Conflict of interest rules
Legislative (council or governing board)	Fair elections
Public Accounts Committee of the legislature (probably not relevant)	Power to question senior officials (While such a committee may not be relevant, the practice is. It is known as openness and accountability)
Auditor General (local equivalents have different ames)	Public reporting (involves scrutiny, openness and accountability of public systems and practices.)
Public service	Public service ethics (organization codes of conduct)
Judiciary	Independence
Media	Access to information
Civil society	Freedom of speech (and much more at the local level, including activities to build social capital.)
Ombudsman	Records management (A management responsibility to maintain records and access to them.)
Anti-corruption/watchdog agencies	Enforceable and enforced laws
Private sector	Competition including public procurement rules[28]
International Community	Effective mutual legal / judicial assistance

Again, it's important to remind ourselves that professional codes of ethics are useless if they operate in a vacuum. They must be grounded in reality and the day-to-day battles that are fought in organizations and communities to overcome corruption and corrupting influences. As Thomas Carlyle, the noted Scot-English historian would remind us, *Conviction is worthless unless it is converted into conduct.*

Professional Codes of Ethics

Professional codes of ethics need to be put into perspective. They are only as effective as the actions that result from those who live by them. The results can be measured in two ways.

First, have they had a positive effect on the overall credibility and performance of the profession and its membership association? This will depend in large measure on the association's ability and commitment to manage the implementation and enforcement of the code. The ICMA experience is instructive in this respect although its success is all too often measured by the small number of code violations by its members and not by membership aspirations to contribute to good governance.

The second measure of effectiveness is more difficult to either qualify or quantify. It's not just the unblemished track record of the professionals who comply with the code, although this is important. It is also the leadership they bring to their organizations and communities to establish the ethics infrastructure and integrity systems we've just described.

CODE OF ETHICS

Codes of ethics *must not be used as wall decorations when they represent one of the professional's most effective tools for bringing about positive changes within their organization and community.* [29]

*Be the change you want to see
in the world.*
Mohandas K. Gandhi

[28] Jeremy Pope, *TI Source Book 2000: Confronting Corruption: The Elements of a National Integrity System* (London, Transparency International, 2000) p 37.
[29] Pope, p. 296

Key Points

- Adopting and implementing a code of ethics is an important milestone for a profession and an awesome responsibility worth assuming.
- Nevertheless, codes of ethics are, for some professionals, meaningless pieces of paper to be flaunted.
- There are fundamental differences between codes of ethics and conduct, and yet their intentions are often intertwined in the same document.
- Codes of ethics are primarily statements of principles and values, and codes of conduct are guides for making decisions within ethical principles and values.
- Codes of ethics are integral components of the bigger picture of ethical infrastructure and integrity systems.
- Applied ethics involves guidance, management and control as major operational functions.
- OECD's principles for managing ethics in the public service can also apply to professional organizations in their efforts to manage a code of ethics.
- On the surface, TI's integrity system seems far removed from the processes of local self-governance. Dig deeper and the elements have concrete and operational relevance. To get there, one just needs to think outside the box.

CODE OF ETHICS

CHAPTER THREE

CASE STUDY:
ICMA'S PERFORMANCE-BASED CODE OF ETHICS

*There are two ways of spreading light:
to be the candle or the mirror that
reflects it.*
Edith Wharton

We have mentioned on several occasions that we plan to use ICMA as a template for examining the structure, content and management of a professional code of ethics over many decades. Since ICMA was a pioneer in bringing professionalism to local government in the United States, Canada and other Anglophone countries in the early part of the twentieth century and continues to perform an important role in promoting good governance world-wide, it's a story worth hearing. More importantly, from the perspective of this resource guide, ICMA's story can be told through its code of ethics and the many changes made and challenges faced along the way.

Changes in the code reflected changes in the professional's role as well as changes in the external environment in which ICMA was operating at the time. The challenges in part were brought about by internal struggles to be true to the code's mandates. As Carl Jung reminds us, "Who looks outside, dreams; who looks inside, awakes."

Before we take this historic journey, we want to call your attention to three characteristics of ICMA's management of the code that has made it such a powerful force in defining the principles and character of the association and its members. They are also lessons to be learned and noted in the development, management, and enforcement of a code of ethics by others. We call these management tasks *Charting the Course; Getting Back on Course;* and *Staying the Course.*

Charting the Course

The ICMA Code of Ethics has been revised from time to time to reflect changes in the role of the city manager, as well as social and other significant changes in the larger environment. Working through each of these revisions has always been a milestone and often agonizing event for the members. Many of the changes have been preceded by a series of lengthy and vigorous dialogues within each state-based membership association and with other key stakeholders before final adoption by the full membership.

Getting Back on Course

For many years after the ICMA Code of Ethics was adopted, enforcement of the code was somewhat informal. Managers were denied membership, suspended, or pressured to resign if their actions raised ethical concerns. As the organization grew in membership and sophistication, the Board adopted formal rules of procedure. The organization began to take more public actions during this time to deal with some blatantly inappropriate activities.

As someone once said, "There is a cost and a promise to every choice we make." The cost to ICMA, when they quietly enforced the code that defined them as a profession for nearly four decades, was a loss of innocence. The promise was the commitment ICMA and its members made - to enforce the code more publicly.

It's the promise that also makes ICMA and its code such a useful template to study while drafting, adopting, and implementing a code of ethics within your own association.

Give me a fruitful error any time, full of seeds,
bursting with its own connections. You can
keep your sterile truths for yourself.
Vilfredo Pareto

Staying the Course

ICMA has taken a proactive role in managing and enforcing their code of ethics. Individual members who violate the principles and standards outlined in the code are dealt with in a judicious and timely fashion. Equally important are the many efforts undertaken by the association and its members to continually keep members and others enlightened about the importance of ethics in the public workplace and how to manage situations that fall outside the boundaries of acceptable behavior in the public work setting. Managing the code of ethics has been given high priority within the association and its membership. This means, among other things, keeping ethics on the radar screen, communicating progress and deviations with openness and candor, and weathering compliance storms along the way.

ICMA's Historical Roots

ICMA was borne out of the convergence of several trends at the turn of the 20th century. The United States was experiencing increased urbanization and industrialization. These changes in the social and economic landscape spawned new thinking about how work and work organizations could be better managed. Something called scientific management took hold in private companies - remember Frederick Taylor - and the seeds of public administration, as we know the discipline today, were sown.

There was also a concerted effort to reform local governments. Corruption was rampant in many American cities at the beginning of the 20th century. Citizens were looking for new public sector strategies to make their local governments more open and accountable. They were assisted by a vigorous press, and a number of outstanding journalists and writers who became known as the *Muckrakers.* These trends and events, although they happened a century ago, have a contemporary ring to them.

In the midst of these trends, several things happened to take back local governments from unscrupulous politicians and their supporters. We mention them briefly because they are strategies that other countries are currently considering in their own efforts to bring about positive changes in the governance of their communities. The National Municipal League (NML) was created to address local government reform. The League, one of the early citizen-initiated, non-governmental organizations, brought concerned individuals together to form a united front against corruption. More importantly, they

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

were proactive in their reform efforts. For example, they developed a model city charter. This legislative tool was first adopted in 1899 and quickly spread to other local governments across the country.

A few years later Chicago's City Council appointed a chief executive to manage the city's operations. Smaller municipalities began to hire non-elected "professionals" to manage their public services and facilities. By 1914 there were 31 individuals working as non-political municipal managers. They decided to band together and establish the City Managers' Association (CMA). A new profession was borne. In 1924, CMA became ICMA, the International City Managers' Association, and the members adopted their first code of ethics. These keystone events in the life of ICMA happened in Montreal, Canada, and marked the beginning of the association's efforts to be "international" in more than name only. By the turn of the 21st century, ICMA was 8,000 members strong and involved in strengthening local self-governance in many countries around the world. But, that's another story.

> *There is nothing permanent
> except change.*
> Heracleitus, (5th Century B.C.)

How ICMA's Code of Ethics Has Adapted and Changed Over Time

ICMA's code of ethics, as adopted in 1924, has undergone a number of changes in wording and intent over the past eight decades, many of which sparked intense dialogue among association members at the time. Professional codes of ethics tend to become a bit sacred with age, causing some of those who live by these codes to believe they shouldn't be tinkered with. In reality, codes are designed to be living, managing documents, tools that reflect the various cultural, social, and political changes that are taking place in the members' working environment, whatever the profession might be. So, it has been with ICMA's Code of Ethics. Here is a brief look at the code's evolution over time.[30]

Stanislaw J. Lec, the Polish author of many wonderful and insightful aphorisms, says, *when smashing monuments, save the pedestals-they always come in handy[31]*. Fortunately, ICMA's Code was built on more than just a sturdy pedestal although it did undergo substantial facelifts from time to time.

1924

An enduring principle appears in the initial code adopted in 1924: *The City Manager is the administrator for all the people, and in performing his duty, he should serve without discrimination.*

This principle reflected the roots of a profession that grew out of the reform movement, a reaction to the patronage that had dominated municipal services for many years.

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[30] Richard J. Stillman II, *The Rise of the City Manager,* (Albuquerque: University of New Mexico Press, 1974). We extend a special thanks to Professor Stillman for his efforts to document the many twists and turns in the city management profession over the decades and particularly his attention to the evolving nature of the Code of Ethics.

[31] Stanislaw J. Lec, *Unkempt Thoughts,* (New York: Minerva Press, 1962), p. 50.

Other statements in the first version, which served the association and its members for fourteen years (1924-38), dealt with specific behaviors:

…obey the law…personal aggrandizement and profit through confidential information or misuse of public time is dishonest… is the administrator for all the people…should serve without discrimination… keep the community informed…decline to submit to dictation in matters for which the responsibility is solely his…take no active part in politics.[32]

1938

Fourteen years later, the members of ICMA authorized a number of important changes in the code. These included:

- A "preamble" statement about the role of the city manager in the democratic process at the local level of governance. As we stated earlier, these opening statements have become an accepted fixture in most codes of ethics and conduct, irrespective of their context.
- An emphasis on "administration" and the role of the "administrator" and the policy-administrative dichotomy that had come to dominate political and management theory. For example, it stated *the city manager is in no sense a political leader.*
- And an enlightened stand on non-discrimination: *The city manager handles all matters of personnel on the basis of merit. Political, religious, and racial considerations carry no weight in appointments, salary increases, promotions and discipline in the municipal service.*

1952

While a number of the principles articulated in the earlier two versions of the code were retained, although in more eloquent language, the major change in this version had to do with the role of the manager in policy formulation. *The city manager as a community leader submits policy proposals to the council and provides the council with facts and advice on matters of policy to give the council a basis for making decisions on community goals.* This statement and others were a reflection of current reality as much as a mandate for members to engage more directly in policy concerns.

1962

Perhaps sensing that the professional association's director and staff were not managing the code of ethics as vigorously as need be, the executive board, consisting of members elected by the membership, revised the organization's constitution (not the code of ethics) to establish a standing Committee on Professional Conduct. In addition, rules of procedure were adopted that gave the Board power to censure, suspend, or expel a member based on the seriousness of code's violation by that member.

This formal action by the ICMA Executive Board was fortuitous. The board had been

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[32] Stillman, all citations in reference to the ICMA Code of Ethics and changes made through 1969 have been taken from Appendix C: pp. 123-7.

dealing with a growing number of ethics complaints. One member created a real stir. First, he was suspended pending the outcome of a bribery trial. Then he was publicly censured for engaging in blatant political activity. Finally, he was expelled from membership. Members were eager for more visible ethics enforcement and education activities.

The nineteen sixties were a time of great social ferment in the world, and ICMA was not immune from its influence. The association changed its leadership and geographic location, embarked on an expanded research agenda, and, before the decade had run its course, made major changes in its code of ethics.

1969

For nearly fifty years, the ICMA Code had been tied to the council-manager plan although many other approaches to local government were in place at the time. In 1969, this allegiance to one form of local self-governance was dropped opening ICMA membership to any professional practitioner in local government. This also meant a change in the name of the organization with the **M** standing for *Management* rather than *Manager.*

1972 and Beyond

In 1972, ICMA added *Guidelines* to the code of ethics. These are explanatory notes designed to clarify specific principles, or "tenets" as they are now referred to, that are outlined in each article of the code. The rules of enforcement were first incorporated as an addendum to the code in 1962 and have been amended several times since then. The frequency of amendments to the rules suggests that the business of enforcement is never easy.

In 1976, the wording in the code, implying urban management was strictly a male bastion, was changed to reflect gender neutrality. Three additional amendments to the code were made in the 1990s. The most recent change in 1998 reinforced the principle that managers should avoid political activities.

So What?

You may be saying, "This historical discussion has been interesting but so what?" As you might expect, we have an answer to this rhetorical question.

1. The events that precipitated the initiation and development of ICMA nearly a century ago are similar to those found today in many countries around the world: corruption, the need for reform, new approaches to local self-governance, the emergence of NGOs and other civic institutions interested in bringing about good governance, and attention to issues like transparency and accountability.

2. The ICMA experience in maintaining the code's relevance, when confronted with changes in the external environment, embodies many lessons that are currently germane regardless of the setting. For example, the gender bias that was reflected in the language of the code until 1976 was not meant to be

disrespectful of the association's female members at the time, nor was it a matter of malice and forethought. Unfortunately, that's just the way it was with most documents of those unenlightened times.

3. The problems the association faces when members perceive the code is not being enforced properly are also instructive. From member complaints often come improvements in ethics awareness and procedures. Call them *lessons learned*.

4. Fortunately, the national publicity about a member's unprofessional indiscretions was a wakeup call. ICMA became pro-active in managing the code and their members' compliance with it. The board of directors and staff initiated a number of changes to make the code more user-friendly, i.e. the insertion of descriptive guidelines to clarify certain tenets, and more easily enforceable. When the Association adopted rules of enforcement about forty years ago, it was saying rather forcefully that members would be held accountable.

5. It's relatively easy to adopt a code of ethics but not so easy to manage either its currency or compliance. The many changes in ICMA's Rules of Enforcement over the past thirty years bear witness to this truism.

6. Codes of ethics are statements of principle interspersed with guidelines that provide advice in interpreting the various tenets. The rules of enforcement are management tools. ICMA's efforts to revise these two documents from time to time reflect these fundamental differences. The Code of Ethics has been amended only seven times in seventy years, and some changes were really just procedural, i.e., matching changes in the ICMA Constitution regarding expanded membership eligibility. By contrast, the guidelines and rules of enforcement were revised more frequently.

7. Perhaps the most important lesson to be learned from the ICMA experience is the need to craft any code of ethics with deep commitment to the future of those who will live by it and insight and wisdom about the values and principles that need to be sustained over time. Much of what ICMA's early members believed was important in defining their commitment to local self-governance, and the principles that would hold them accountable as professionals are still relevant after nearly eighty years of tumultuous social, economic, and political changes. More importantly, they are the foundation of the current code.

Men can know more than their ancestors did if they start with knowledge of what their ancestors had already learned.
Walter Lippman

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

51

Go to Part Three for a more detailed look at ICMA's Code, the Rules of Procedure for Enforcement and insights about how to manage your own code of ethics based on the long experience of ICMA.

Key Points

- ICMA's Code of Ethics can be a valuable model to study when crafting a professional code of ethics.
- Their experience in managing the code over eighty years is also instructive.
- Nevertheless, someone else's code, even if it serves like-minded professionals, should not be adopted as just another boilerplate to add to your intellectual furnace.
- The process of reaching consensus on what is important to your profession and how you plan to hold your members accountable to a set of declared principles is as important as what eventually goes on paper.
- ICMA's Code of Ethics was borne out of life and work experiences that will be familiar to many local government professionals today.
- Rules of enforcement, or compliance, are essential. Their application in an even-handed, consistent, and rigorous manner is imperative.
- Codes of ethics are statements of principle and what is important to your profession. Guidelines and rules of enforcement, as addenda to the ICMA code, for example, are management tools. The difference is significant.

*Live in such a way that you
would not be ashamed to sell
your parrot to the town gossip.*
Will Rogers

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

52

CHAPTER FOUR

GETTING READY TO WRITE A CODE OF ETHICS

*Have a clear idea of all the phrases and
expressions you need, and you will find them.*
Ximenes Doudan, *Pensee et fragments*

The process of developing your code of ethics is as important as the product.

There are many options available to help you develop your own professional code of ethics.

- The most obvious is to photocopy someone else's code and call it your own. DON'T!
- Option Two might be to do some major borrowing from a code that has stood the test of time, for example, the ICMA Code. While we think the ICMA code has much to offer those who are crafting such a document, we advise you to avoid this approach as well. Regarding Option Two, same advice: DON'T

Your professional association's code needs to be borne out of your members' experience, environment, and conviction. Struggle with it. Hold *conversations of fire* about it within your membership initially and then beyond with those you believe to be important stakeholders in the development and implementation of your code. Mold it to meet your needs and expectations. After it is drafted and in use, revel in the code's ability to serve your members on the frontline where they must make difficult ethical decisions every day.

While Part Two of this manual provides a step-by-step process you can take to develop your profession's code of ethics, there are a number of things you will need to do to get to the point where you can begin writing the code. The analogy of a pilot filing a flight plan and then carrying out the pre-flight inspection of the aircraft before she even starts the engines is probably appropriate. As we have done in previous chapters, we will include ideas gleaned from several outside sources that we think will be helpful in getting prepared for this momentous flight. We will follow these up with a look at some practical things you can do that will be helpful as you and your colleagues take on the code writing and management tasks. Think of them as part of your pre-flight inspection checklist.

As we mentioned earlier, there is a wealth of information out there, particularly on the internet, and we encourage you to reach out to other sources in your quest to write an inspiring and workable code. You will find many codes of ethics and conduct on the internet, some of which appear to be nearly impossible to administer.

For example, the State of Georgia, U.S.A., has two documents that cover their code of ethics. The first is the Canons of Ethics, a hefty forty-eight pages long, and the second a thirty-nine page tome referred to as the "Ethics in Government Act." If you are interested

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

in reassuring yourself why it is important to be clear and concise in drafting your code, you might want to go to the website of the Center for the Study of Ethics in the Professions (CSEP) at the Illinois Institute of Technology where you can find Georgia's code and many others. http://csep.itt.edu/codes/coe/State_of_Georgia_ethics.html

Flight Planning Maps, Weather Forecasts, and a Pre-flight Inspection Checklist

To help you better understand some of the specifics of writing a code of ethics, we start with a brief look at *lessons learned* by CSEP in their comparative study of more than 500 codes from a wide range of professions, institutes, associations, societies, and like-minded organizations. From there we move on to The Toronto Resolution (TTR), a frequently cited piece of paper that spells out a methodology for assessing codes of ethics. TTR also includes twelve elements they believe need to be considered in drafting ethical codes. In reviewing these elements, you need to keep in mind that they were written for scientific and scholarly communities.

We had considered including something from a paper on *Progress towards a World-Wide Code of Conduct* by the International Federation for Information Processing (IFIP) Task Force on Ethics. But, frankly it is too depressing. After more than six years of discussion and meetings worldwide, two of the stalwart members of the task force authored a paper admitting that in spite of all their efforts, the task force was not able to reach agreement on a code for their profession. However, they did produce a set of guidelines for how to do it.[33]

We present this little scenario not to belittle those who engaged in this long-running dialogue, but to point out the potential futility of trying to assemble too many divergent parties under the same tent. In their defense, they were working in a rapidly changing technical environment, i.e., information processing, with a worldwide federation of stakeholders. (If you want to learn more about this fascinating and frustrating episode, tune into the website listed in the footnote.)

For our purposes, there are a couple of lessons to be learned:

1. Don't cast your ethics net too wide.
2. While we say *Let the Dialogue Begin*, we believe it should also be successfully concluded within a reasonable time frame. The six years of talking and globetrotting the IFIP Task Force took to develop a set of guidelines for writing their code of ethics seems a bit much.

The CSEP Contribution

CSEP has a more useful tale to tell. After studying over 500 codes of ethics, they offer these practical ideas to those who want to author such a document.

- *Codes of ethics need to reflect the standards of conduct that bind their particular audience, i.e., profession, organization, together.* For example, engineers see public safety as an essential principle to be reflected in their professional codes.

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[33] John A. N. Lee and Jacque Berleur, *Progress towards a World-Wide Code of Conduct,* (Presented at the SIGCAS Conference on Ethics, Gatlinburg, TN 11-13 November 1994 and available on the following website: http://courses.cs.vt.edu)

- *Codes that have a clearly defined purpose are more clearly stated and organized.* Achieving this clarity is aided by asking the simple question, "Why do we want to develop and adopt a code of ethics?"

- *Purpose statements are often used to craft either a preamble or a statement of intent that initiates the document.* The *preamble* is more often used to set the tone of the document and outline the profession or organization's purpose and the purpose of the code. A *statement of intent* fulfills a similar purpose but puts more emphasis on the purpose of the code and less on the institutional body it serves.

- The *Preamble/Statement of Intent* is generally followed by: *Fundamental Principles, Fundamental Canons (Standards)* and *Guidelines for Implementing the Principles and Canons.* Another common formatting approach highlights *relationships and responsibilities* between the code bearer and key stakeholders.

- *Writing a code that will get applied with commitment needs to be a collective task.* Involve those who are expected to abide by the code in its formulation. Developing a code of ethics and reaching consensus on its content is an excellent group-defining task.

- *Effective codes are written with the awareness that the code will be used in a variety of situations and those in these situations are looking for guidance on what to do.* This can be a dilemma for the authors since they need to balance the general with the specific. This is where the use of interspersed *Guideline* commentaries can be helpful. And these might be the most difficult passages on which to reach consensus.

- *Effective and enduring codes change over time, reflecting changes in society, changes in the organization or association it serves, and desires to improve the code's effectiveness.*

- *Codes of ethics should be regarded as living documents.*[34]

> *Discovery consists of seeing what everyone else has seen and thinking what nobody has thought.*
> Albert Szent-Gyorgi

The Toronto Resolution (TTR*)*

This interesting document keeps appearing on many of the websites that claim a piece of the global dialogue on ethics. Because it is referenced so often, we decided we could hardly ignore it.

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[34] Andrew Olsen, *Authoring a Code: Observations on Process and Organization,* (Center for the Study of Ethics in the Professions, Illinois Institute of Technology, 1999), pp. 1-6

The Resolution had its genesis at a 1991 Toronto-based symposium on science and scholarship involving scientists from Africa, Asia, Europe, and the Americas. What makes the Toronto Resolution germane to our discussion is its intent to create a template for evaluating codes of ethics in science and scholarship. The short document includes a suggested preamble and twelve criteria for assessing existing codes and creating new ones. While the resolution has a definite bias toward using science for peaceful pursuits, it reflects the work of a multinational and multicultural initiative and includes some useful insights for those writing professional codes. These include:

- A clearly stated basis for the code including underlying assumptions and guiding principles;
- A clear definition of the audience to be included in the code's mandate;
- Measures to assure compliance on the part of those individuals covered under the code;
- Assurances of nondiscrimination with respect to sex, religion, national or ethnic origin, and other criteria germane to the specific audience covered by the code;
- Violation reporting procedures with corresponding protection against un-substantiated retribution; and
- Dissemination of the code for educational purposes.[35]

Reflection: Stop for a moment and summarize in the space below the five most important ideas you have gained from these sources about the art of developing a code of ethics for your professional association.

1. _____
_____
_____

2. _____
_____
_____

3. _____
_____
_____

4. _____
_____
_____

5. _____
_____
_____

If writing a code of ethics is so difficult and time consuming, why do it? Beyond the notion that everyone's writing codes of ethics these days or that others think your profession should "declare itself ethically sound," there are more legitimate and useful reasons for engaging in this difficult task. For a partial answer to this self-proclaimed query, we turn to Fleming Bell. In his book *Ethics in Public Life*, he outlines three reasons why codes are useful beyond defining a profession's commitment to certain principles and values.

**CODE OF
ETHICS**

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[35] From the website: www.math.yorku.ca/sfp.html that includes The Toronto Resolution. The Resolution was formulated at a Workshop on "Ethical Considerations in Scholarship and Science", held in Toronto 8-9 November 1991 and co-sponsored by York University and other like minded institutions.

1. **Certainty:** Codes of ethics help define the required and accepted boundaries of conduct in our interactions with others while conducting public business. Codes are also a good platform on which to anchor our personal compass of *rights, wrongs, and maybes.* They give us that sense of finality and certainty that we often desire.

2. **Accountability:** A professional code of ethics is a statement about the accountability of its members to the profession, to each other, and to their employing institutions. It declares, openly and forthrightly, that the members will be held accountable by each other for their actions. This goes far beyond any code of conduct adopted by the local government for which individual members might work. In the case of ICMA's Code of Ethics, it also spells out guidelines on specific behaviors for which members are held accountable. Accountability is often the fuel that feeds certainty.

3. **Identity:** Codes of ethics increases a profession's identity and legitimacy. It says to its members and the outside world that we have staked our claim to be a responsible player in assuring that the governance process is just and accountable.[36]

There are many more reasons for professional associations or an association of professionals to develop a code of ethics, but we will leave you in charge of this treasure hunt.

Code Categories to be Considered

Based on the general approach codes of ethics take in dealing with ethical issues in organizations, they are either *aspirational or prohibitional, behavioristic or legalistic.* Aspiring is obviously a behavioral trait, and prohibition is definitely legal. These two sets of characters can usually be combined as you think about what approach you might want to take in drafting your professional code.

Aspirational codes are infused with uplifting rhetoric - trust, integrity, fairness, equity, caring - all those qualities to which we want our professions, public institutions, and members to aspire. These clearly represent the high ground of human endeavor. They describe, in most situations, behavior we want others to exhibit in our interactions with them and what they hope to experience in return.

Prohibitional codes are loaded with "thou shall not" language usually wrapped in legalese terms and backed by the threat of sanctions. These kinds of codes are adopted on the rare possibility that some minor official might act in some self-serving way, exhibiting traits that may be incompatible with the public trust. Of course, this is a slightly cynical interpretation of what these codes represent.

More precisely, the legal, prohibitive-based codes confirm in descriptive language and vivid sanctions the conventional wisdom that the scourge of corruption will always be with us. They converge on such unseemly traits as conflicts of interest, payoffs, discrimination, bribery, and vote rigging and prescribe ways to formally deal with those who violate the public trust.

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[36] A. Fleming Bell, II, *Ethics in Public Life* (Chapel Hill, NC, Institute of Government, 1998), pp. 33-6.

For those who find the *either/or* aspect of these codes somewhat constraining, we offer the hybrid variety. For lack of a better term, let's call these **"Asp-proh" codes.** They take the high road by being aspirational in tone and prepare for the worst from their members by outlining procedures for imposing a range of sanctions.

ICMA's Code of Ethics, which we have mentioned previously, is an example of the hybrid stock. It establishes high standards of conduct for its members and imposes various sanctions, including expulsion from the membership association. The code is interspersed with practical guidelines on how to aspire and sets forth rules of procedure for enforcement just in case a member's aspirations expire.

In our judgment, a code that combines aspiration with prohibition, what some refer to as internal and external controls, is preferable. Internal controls are those that come from within the individual, *self-control*, and are enhanced through enlightenment, organized learning events, and professional socialization. External controls are those that are imposed from the outside on individuals who go astray. They include rules, procedures, possible sanctions, and organizational changes that take away or mitigate potential temptations.[37]

Organizing for Action

What triggered your decision as a professional association or an association of professionals to develop and adopt a code of ethics? This is, obviously, an important decision, and the rationale driving this decision is an important one to capture in writing.

Many would say this rationale, when stated succinctly, can become the *Preamble* or opening statement of your code. In Part Two: Planning Tool Kit, we will suggest you start with defining why you and your colleagues decided to undertake this task.

The next important decision is how you plan to develop the text of the code for consideration by the full membership of your association. We have some clear biases regarding this decision as you will discover in a moment.

Many organizations would probably make one of four decisions about who will be given the task of drafting the initial version of the code.

1. You could hire a consultant to undertake the task.
2. If your organization has staff members, ask them to prepare the draft.
3. Select a small team of members to take on the task of preparing the first draft of the proposed code of ethics.
4. Involve all association members in writing the code.

Can you guess what our bias is? Not difficult, is it? We rank these drafting options in terms of their potential for success from least effective to most. The task of drafting a code of ethics is too important to be delegated either to staff members, a consultant, or a team of trusted members. On the other hand, have you ever tried writing something this important through a *committee of the whole*?

That would not be easy, nor very efficient. Nevertheless, you need to involve all the members in the dialogue about what is important to include in the code, why you are

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[37] Bell, pp.37-8.

undertaking the task, as well as other key decision points.

Given these caveats, we suggest the organizing responsibilities and final writing task be undertaken by a team of individuals who are representative of the members who are expected to abide by the code. They should also be members who are respected and trusted by all the members. While inclusiveness is critical to the process, so is accountability.

What about a "facilitator"?

One option we didn't mention is to hire an experienced facilitator to help guide the process. It's not a bad idea if that person is committed to facilitating the process and not hired to take on the content responsibilities of drafting the code. If your association has been working with a trainer or process consultant who is trusted and respected by all your members, then it might make sense to have that person join the team to handle the group process-type events and activities the team will be organizing to get information and ideas from the members and other potential stakeholders.

Let's return to the team for a moment. We assume you will pick a small team that is not only trusted but represents sound judgment, is committed to the task, and is known for its ability to get things done. You will also want to think about the kind of person who would be an effective team leader.

Never send a dog
to deliver a steak.
Texas proverb

Reflection: Take a few moments and jot down what you believe to be the most important qualities and criteria for selecting the leader of your code drafting team, and the other members.

The most important criteria for selecting the team leader are:
_____
_____
_____

For other members of the team, the most important criteria for their selection are:
_____
_____
_____

Pre-flight Checklist

Once your team is in place, ask them to carry out the following checklist. These are some of the more important system checks to consider before plunging into the code writing task.

1. **Know your working environment:** In talking about the role of codes as an element of TI's National Integrity System, Jeremy Pope says, "It is important

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

59

that the ethical code is tailored to the conditions of the society it is designed to serve."[38] There may be traditions in your society that are unique and widely accepted that may seem to outsiders as open invitations to engage in petty corruption. They may, more from innocence than venal intention, cause your member to step over a line that has been drawn in the sand by one or more articles you include in your code of ethics.

Your challenge is two-fold in these situations. 1.) How to increase your collective understanding of the tradition or condition, and how it might affect your members' ability to take an ethical stand; and 2) how to create a helping environment that will help prevent the situation from happening in the first place.

2. **Appreciate the importance of ownership:** Seek early and widespread involvement of those who will be asked to abide by the code once it is adopted. Early involvement of this central stakeholder group can result in several key benefits: better understanding of roles, responsibilities and challenges that will be thrust upon them as a result of the code's adoption; good insights and ideas for improving the document and the management of its implementation by association members; and ownership of the results which should increase the membership's willingness to live by the code and to enforce it as the profession's standard.

3. **Seek the involvement of significant others:** Determine who the other major stakeholders are in this developmental task. These are individuals and institutions that can either support your efforts to draft, adopt, and implement this professional code or destroy your chances of success. These stakeholders might include: educators involved in the preparation of members of your profession, municipal associations and associations of elected officials, key members of other professions who work with your members in carrying out their overlapping professional responsibilities, and representatives of the media.

4. **Know how to conduct effective dialogues:** In difficult arenas like ethics where there are so many nuances of meaning to certain principles and values that your members will be asked to uphold, achieving shared understanding is never easy. William Isaacs refers to dialogues as *the fire of conversation- a shared inquiry, a way of thinking and reflecting together*[39] Dialogue is a conversation in which people think together in relationship. This implies that you no longer take your position as final. You relax your grip on certainty and listen to the possibilities that result from being in a relationship with others, possibilities that might not otherwise have occurred.

Professor Alipio Casall, University of Sao Paulo, Brazil, was looking for these possibilities when he conducted a widespread dialogue on ethics with Brazilian local-elected and appointed officials, community leaders, teachers, and other key stakeholders. His approach included a provocative booklet *Ethics: Are You Willing to Do Something to Change Things?* It was used for individual reflection and group dialogues. Those participating were asked to contribute their own ideas on the principles that should be included in a new proposed code of ethics for local self-governance.

[38] Pope, p.177.

5. **Develop a communications strategy for involving your members and other key stakeholders.** As we have said earlier and repeatedly, the process of developing the code is as important as the code the process produces. Given this, you will need to think about how you will build expectations about the development of the code, communicate milestones in the development of the code with members and others, and involve them in the dialogue. Are there other key organizations, individuals, media representatives, and significant others that are important to involve in the process in one way or another? These are some of the many questions to ask when putting together your communication strategy, pre-flight checklist kind of questions.

6. **Think ahead. How will you celebrate success?** As your organization and members undertake the writing of a code of ethics or perhaps revising a code that may exist but not reflect the reality of today's world and challenges, recognize the importance of the event and plan to celebrate its accomplishment. Perhaps this includes a signed declaration by those who participated in its creation, such as was done in formalizing The Toronto Declaration. Or you might want to invite significant others from outside the profession who can share in the celebration and give witness to the importance of the event.

Case in Point

When the Association of Slovakia City Managers formally adopted a code of ethics at their 2001 annual meeting, they did several things to highlight the significance of the event. These included formal statements of support from elected mayors of key Slovak municipalities, members of professional associations from neighboring countries, a key news organization that reports on local government affairs within Slovakia, and a representative of ICMA. In addition, members of their association were given an opportunity to present their views, concerns, and support regarding the code before it was finally adopted by the membership.

One of the members who spoke at this meeting was a young woman manager from a small city in the south of Slovakia. After commenting on the importance of the code in anchoring the association as a key player in strengthening the local self-governance process in their country, she said, "Even if we do not adopt this code of ethics today as a professional association, I plan to live by its principles and canons in my work as a local government manager." This powerful and personal statement of commitment to the responsibilities inherent in the proposed code triggered a motion from another member that the code be adopted.

Decisions, Decisions, Decisions

> *One day Alice came to a fork in the road and saw a Cheshire cat in a tree. "Which road do I take?" she asked. His response was a question: "Where do you want to go?" "I don't know," Alice answered. "Then," said the cat, "it doesn't matter."*
>
> Lewis Carroll (1832-98)
> English novelist

[39] William Isaacs, *Dialogue and the Art of Thinking Together* (New York: Currency Books, 1999),

CODE OF
ETHICS

While there are many more ideas we could put in this resource guide, we have a feeling we may have overwhelmed already. The final map we want to hand you before you take off on this fascinating and perhaps stormy journey has to do with the art of making decisions, particularly decisions about matters that have an ethical dimension. Creating, managing, and living out a code of ethics is largely a matter of making decisions - collective and individual decisions. Here are just a few of the key decisions your professional association will need to make on the journey to creating and living your code of ethics. Some of these will sound familiar since we touched on them earlier, but a little repetition is good for the memory.

- Decide whether or not your professional organization should adopt a code of ethics. At the bottom of this decision is the all important question: Why should we have a code of ethics?
- Decide who will take the leadership role in this important decision-making process and how to engage the members in an in-depth discussion about the process and the content of such a code. We prefer to think of these "discussions" as *dialogues.* You will find more about managing a dialogue in Part II.
- Decide to reach out to involve significant other stakeholders for their insights and contributions to these dialogues. Decide *who* should be involved in these initial dialogues about adopting a code of ethics for your association and decide *how* these dialogues might take place. As mentioned earlier, the Slovakia City Managers Association invited elected officials, members of the press, and others to participate in the final discussions before the formal adoption of their code.
- Through dialogues, decide the *values* your association wants to make explicit through the adoption of a formal code of ethics, the *principles* you want to uphold, and *guidelines* that will help your individual members better understand the significance of the principles you ultimately build into the code.
- And decide how your professional association will manage and enforce the code in an open, consistent, impartial, and fair manner.

While this may sound a bit overwhelming, these questions are designed to help you appreciate the inclusive and systematic nature of the challenge. Drafting the code is only half the challenge. Without a well-constructed management strategy and full commitment by your members to uphold the tenets of the code, the fruits of your efforts will die on the vine.

> *The weakest link in the chain is also the strongest.*
> *It can break the chain.*
> Stanislaw Lec

The Need for Top-Down and Bottom-Up Decision Makers

At the top of this decision tree is your professional association and its management team, whether full-time, part-time, or volunteer. They have the responsibility to keep the code current, managed, and enforced with equity, fairness, determination, and resolve. ICMA has been, in recent years, as rigorous in this respect as any membership association we know about. In this respect, ICMA is a good role model. Look in Resource Guide Three for some of the techniques they use and actions they take to make ethics a continuing part of their membership interactions.

At the bottom of this imaginary decision tree are the individual members of the profession, those individuals who are faced with *ethical* decisions everyday. Most of these decisions are minor and fairly inconsequential, not really taking any time to decide upon. Others are more difficult, requiring a bit of reflection and judgment before making a decision.

Then there are those rare occasions when your members are confronted with the difficult, mind-bending decisions that boggle the imagination and conscience. They represent dramatic breaches of the code of ethics your members have agreed to live by, **but** are either too enticing to pass up or too frightening to ignore.

The enticing ones include such things as a big financial payoff on a contract that is about to be let by the municipality that will make your member instantly rich. These fall into the "take-the-money-and-run" category. The frightening kind might include threats from the local gangs if your member doesn't abide by *their* rules of engagement, i.e., "Turn a blind eye to our shakedown of street kiosk owners, or we will fire bomb your house."

Codes and the Challenge of Right versus Wrong – or was it Right versus Right?

The really difficult ethical dilemmas, according to Rushworth Kidder author of *How Good People Make Tough Decisions*, don't center on **right versus wrong** situations like the two just stated, although the decision your member is confronted with might be extremely difficult to make based on the personal consequences.

The difficult decisions involve **right versus right**. The dilemma comes when what <u>we</u> think is "right" runs headlong into what <u>someone else</u> thinks is "right." These dilemmas, Kidders says, are most often associated with:

- Truth versus loyalty
- Individual versus community
- Short-term versus long-term
- Justice versus mercy[40]

The challenge for the professional association is to help its members draw the line on those situations where the code's core principles are clearly at risk, the *right versus wrong* decisions, and to nurture their understanding and character to deal more effectively with the *right versus right* dilemmas that cross their desk every day, the kinds that fall within Kidder's four categories.

Truth versus loyalty: For example, it's right to tell the police chief that one of his best officers is having an affair with the mayor's wife even though you know the chief will punish him in a way that you believe would be unfair, - and it is right to go to the officer and counsel him about the consequences of his behavior and ask him to break off the affair before it becomes public.

Individual versus community: It's right to cut the water supply of a business that hasn't paid its utility bill for months, – and it's right to extend the grace period for a few months more since you know it might force the owner to close down thus throwing many citizens out of work.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

63

Short term versus long term: It's right to develop areas of the city for commercial use as a means of promoting economic growth in the short run, - just as it's right to conserve green spaces to ensure the environmental sustainability of the city for future generations.

Justice versus mercy: It's right to fire an employee for stealing funds from petty cash, – and its right to ask the employee to pay the money back over time knowing she needed the money to buy medicine for her critically ill child.

We suspect you all have been caught in these kinds of ethical dilemmas over time. Unfortunately, a code of ethics isn't going to be very helpful in many of your struggles to get out from under the *right versus right* kinds of decisions. Nevertheless, the code will set some boundaries and provide a frame of reference for addressing the more nettlesome right versus right situations. More importantly, having a code of ethics in place is a perfect excuse to provide training and other services to help build your membership's competency in ethical decision making.

Life is the sum of our choices.
Albert Camus

Getting Your Decisions in Order

It should be obvious that there is a lot of distance between the kinds of decisions a professional association needs to make to develop a code of ethics and manage its compliance and the decisions that members will be making to live by the code. Decisions you make at the top of this decision tree must support and nurture those who work at the very bottom of this metaphorical decision tree.

The genesis of that support and nurturing begins with the earliest decision the association makes to adopt a code of ethics for the profession. In the follow up planning guide, we have provided a structured process for putting your decisions about the tasks of developing and managing a code of ethics in order. We hope it will be useful.

We have come to the close of this somewhat rambling, hopefully provocative, reflective journey into the rich morass of ethics, specifically codes of ethics, as it relates to professionals who labor in the public vineyards around the world. Since this part of the intellectual journey was mostly about concepts, strategies, principles, values, and other somewhat abstract notions, we invite you to get practical. Part Two of this resource series is about planning your overall strategy and implementation tactics for putting a code of ethics in place within your professional association. And, we remind you that planning is all about making decisions.

Resource Guide Three explores a long-running experience in managing a code of ethics that is full of ideas and lessons learned. Consider it your mental mentor as you wend your way through the planning process.

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[40] Rushworth M. Kidder, *How Good People Make Tough Choices*, (New York, William Morrow and Company, 1995). These thoughts from Kidder are taken from the web-site: www.globalethics.org/pub/toughchoices.html pp. 1-15.

Forging a code of ethics for your professional association or your association of professionals, can be an amazing journey of discovery about who you are as professionals, both individually and collectively. If you treat it as a burden to be borne out of an obligation to appear more professional, it will be just that, a burden. If, on the other hand, you and your colleagues see it as an opportunity to learn more about the values and principles that define who you are, and how you can contribute more effectively to the quality of life in your respective communities, it will become an experience to be long savored.

We wish you well in this unique endeavor.

Key Points

- The task of developing codes of ethics will get stuck if you cast your net too wide or engage in endless discussions that take you nowhere.
- Three reasons for adopting professional codes of ethics: certainty, accountability, and identity.
- Codes of ethics are aspirational, prohibitional, and of the *asp-proh* variety, blending the best of the other two.
- Before writing the code, sharpen your tools of context, ownership, support, and dialoguing skills.
- Codes generally follow a certain structure that includes preambles or statements of intent, principles and standards, and guidelines for implementation and compliance.
- Effective codes evolve ever so slowly reflecting important changes in the roles and responsibilities of those who are covered by them and the environment in which they serve.
- It is important to celebrate success in both the adoption of your code of ethics and its successful implementation.

What we have done for ourselves alone
dies with us; what we have done for others
and the world remains and is immortal.
Albert Pike

"*Make no small plans!
They have no magic*"
*Daniel Burnham,
19th century architect*

PART TWO: PLANNING AN ETHICS COURSE OF ACTION

CODE OF ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

Ethics is to democracy as water is to life.
Gunga Din

INTRODUCTION

This part of the resource guides will provide a structured approach to developing a professional code of ethics. And yet, even as we speak, we are bothered by the logic of such an approach. As Rabindranath Tagore, the late Bengali poet, novelist, and composer, would remind us, *"A mind all logic is like a knife all blade. It makes the hand bleed that uses it."*

Arthur Ashe, the tennis champion, provided a less violent but equally forceful metaphor to describe possible consequences of using a structured and logical process to produce such a humanistic document. He cautioned against a syndrome he experienced in the sports world called "paralysis by analysis".

Efforts to forge an important and difficult document such as a code of ethics can quickly become bogged down in analysis, particularly by those who are less than fully supportive of its need. Prolonged analysis can result in worthy efforts being relegated to the dusty archives of good intentions. In Resource Guide One, we related the experience of the Task Force on Ethics that was working on behalf of information processing professionals worldwide to develop a code of ethics. They spent more than six years working on the task and only produced a set of guidelines to be used for writing it. Now, that's analysis paralysis!

Having shared these somewhat contradictory comments we, nevertheless, have no plans to back off from offering a step-by-step process for producing a code of ethics. In our defense, we offer this homily: *Even dialogues have structure and boundaries.* And, we hope the *fire of conversation*, as William Isaacs describes the dialogue process, will play an important role in helping you achieve success.

Before diving into this "process," we want to reinforce what we see as the concept of a code of ethics as well as the context within which it should evolve. Professor Alipio Casall of the University of Sao Paulo, Brazil, in helping to develop a code of ethics for public, social, and community leaders in Brazil, had this to say about the challenge:

> *The process of producing a code of ethics must itself be an exercise in ethics....it must intentionally involve all members of the social group that it will include and represent. This necessitates a system or process of setting out 'from top to bottom' from the sundry to the specific, and constitutes progressive agreements in such a way that the final result is recognized as representative of all the moral and ethical character of the group.*

> *A code of ethics is an explicit agreement between members of a social group. Its objective is to clarify how that social group thinks and defines its own identity, and how that social group commits itself to achieve its particular objectives in a way that is compatible with the universal principles of ethics.*

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

A code of ethics begins with the definition of the principles on which it is based and is set down on two axes of standards: rights and duties. In defining rights, the code of ethics fulfils the role of outlining the profile of its group. In defining duties, it opens the group to universality. This is the main function of a code of ethics.

The code is a fragile instrument of regulation of the behavior of its members. This regulation will only be effective when the code of ethics is a conviction, which comes for people's hearts. This increases the responsibility of the preparation process of the code in order that it has the force of legitimacy. The more this process is democratic and inclined to participation, the greater the chance of identifying the members of the group with their code of ethics and, as a result, the greater the chance of its effectiveness.[41]

About codes of ethics, Casall provides this double-edged assessment.

The fact that human beings are capable of minimal agreement amongst themselves concerning principles such as justice, equality of rights, personal dignity, complete citizenship, solidarity, etc. creates the chance that these principles may be put into practice but it does not guarantee their fulfillment.[42]

The Workbook and Other Tools

Part Two consists of two components:

1. **Resource One: Workbook** outlines a series of tasks we believe are important to undertake in developing a code of ethics and management strategy/plan for implementation and compliance.
2. **Resource Two: Tools** includes analytical and group process exercises to help in accomplishing the tasks described in the workbook.

When we think it might be helpful, we will tie specific tasks in the workbook to concepts and strategies presented in Resource Guide One.

While the workbook is designed to help the drafting team produce the code and management strategy/plan, it can also become a valuable historical and reference document. Future generations of association officers and members will appreciate having a detailed account of the code's birth as they consider revising parts of the code, based on changing professional needs and external circumstances.

Did we say "team?" Yes! The workbook is based on an assumption that the tasks described within will be the responsibility of a small team of carefully selected members of the profession. This team, as we envision it, will be charged with developing a code of ethics and accompanying management strategy that reflect a consensus of approval and commitment on the part of all members of the association.

CODE OF ETHICS

[41] Casall, Alipio, *Ethics: Are you willing to do something to change things?* Taken from the website: www.Codigodeetica.com.br
[42] From the same source.

This means, among other things, a lot of interaction within the team as well as between the team and members of their profession and significant others who can bring ideas, legitimacy, and support to this important venture.

In the meantime, the officers of the association will probably need to assume several of the initial tasks outlined in the Planning Workbook, i.e., documenting the rationale behind the decision to draft a code of ethics, determining criteria for selecting a worthy team of drafters, and deciding who will be chosen to serve on the team. They may also want to select the team leader although there is always the option that this person is selected by the team.

The workbook is a set of sequential tasks to be undertaken and queries to be answered initially by those who lead the charge to develop and adopt a code of ethics and eventually by the drafting team. Don't hesitate to add to the queries if needed or to alter them to be more congruent with your needs. Like all processes, this one will incorporate its share of gaffes and glitches. In these cases, we suggest you simply smile, giggle at the gaffes, un-glitch the glitches, and move on.

As Publilius Syrus, the Latin writer of mimes in the first century B.C., reminds us: *A bad plan permits no modification.*

RESOURCE ONE: WORKBOOK FOR PLANNING AN ETHICS COURSE OF ACTION

Author's note: The eventual layout of these task statements will require more open space for responses than shown in the following pages. It is suggested that each set of guides also include a computer diskette that can be used by the drafting team, thus overcoming the problem of using this hard copy or a facsimile for recording decisions and progress.

As stated in the introduction, it will be necessary for several of the initial tasks to be carried out by the leadership of the association prior to the formation of a drafting team. These suggested tasks are designed to 1) help you select the best team possible for taking the lead in your efforts to develop the code and management strategy, and 2) set the stage for their success.

ASSOCIATION LEADERSHIP TASKS

> *Make no small plans! They have
> no magic to stir men's blood.*
> Daniel Burnham,
> 19th century architect

1. List the name of your organization, date it was founded, number of members, current officers, office location if relevant, and any other information that will be helpful in creating a permanent record of these actions for future reference and your association's historical archives. Reminder: This is an important milestone in the life of your professional association, and future generations will appreciate your thoroughness in recording how it came about.
    _____
    _____

2. Describe in some detail the reasons why your association decided to adopt a code of ethics. What are the circumstances and events that precipitated this decision?
    _____
    _____

3. List the individuals who were most influential in challenging the association and its members to make this decision. Who were the *shakers and movers* behind this important decision?
    _____
    _____

**CODE OF
ETHICS**

4. Describe the results and benefits your association expects to achieve by adopting and enforcing a code of ethics as part of its ongoing activities. In other words, what is in it for the association and its members in the immediate future? In the long term? 4a. What is in it for the association and its members in the immediate future? In the long term?

_____
_____

The information resulting from tasks two and four should help in drafting early sections of the proposed code, i.e., the preamble. The response to task three might provide clues for individuals to be considered as members of your drafting team.

5. List the criteria such as qualifications, knowledge, skills, experience, working habits, reputations, etc., that are essential to be represented on the drafting team. Of these criteria, what are the five most important? In what order of priority? Why are they important?

_____
_____

6. Based on these criteria, list those individuals you believe could and would serve with distinction as a member of the drafting team. Recognize there is a difference between *could* and *would*. Some individuals could but won't; others would but probably can't.

_____
_____

7. Determine who from among this list of team candidates would be best suited to be team leader. What are this person's qualities that have led you to this decision?

_____
_____

8. Decide on the next best candidate in case the first is not available. What are this person's qualities?

_____
_____

9. Now that you have identified possible team members, write a scope of work based on what you expect them to achieve and the time in which you expect them to achieve it. List in that scope any details that will help you hold the team accountable and increase their potential for success.

_____
_____

10. Your final responsibility is to develop a short action plan for the transfer of responsibility to the team. For example how will you notify the team members and other association members? Do you want to make a public announcement of your decision, or do you want to be more selective in notifying key stakeholders? This is the *who will do what with whom, when and where for what reasons* part of your responsibilities as the initiators of this important event.

_____
_____

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

72

SUGGESTED TASKS FOR THE TEAM CHARGED WITH DRAFTING THE CODE AND MANAGEMENT STRATEGY / PLAN

Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it is the only thing that ever has.
Margaret Mead

Several assumptions are being made in laying out a suggested course of action for the drafting team. First, we assume you have access to the results of the association leaders' efforts in setting the stage for your responsibilities (Tasks 1-10). It is also assumed you have access to the other resource guides in this set of materials. Finally, we assume you have a clear understanding about your roles and responsibilities, the timetable you are expected to meet, and the resources and assistance you can expect from those who charged your team with these responsibilities.

These are the elements of what is often referred to as the "contracting" phase of a working relationship. In fact, this is a good place to begin your work as a task-oriented team. We suggest that you, as a team, complete two tasks before even thinking about how you will begin drafting the code of ethics and management strategy.

First, confirm the details of your contract with those who gave you this responsibility.

Second, contract with each other on how you plan to work together to accomplish your tasks.

CODE OF ETHICS

PHASE I: GETTING ORGANIZED: THE CONTRACTING PHASE

It is good to be reminded that each of us has a different dream.
Crow (Native American tribe)

In Consultation with the Association Leadership: The following are most of the key points your team and the association leadership should reach agreement on before proceeding to draft the code and management plan.

1. The key reasons why our professional association needs a code of ethics and plan for managing the code and its compliance are:
   _____
   _____

2. The final outputs or products expected from the drafting team are:
   _____
   _____

3. The association is prepared to provide the following support to the drafting team during our efforts to develop the code and management plan:
   _____
   _____

4. The overall time frame and interim milestones for completion and adoption of the two documents are:
   _____
   _____

5. The following ground rules will be honored and upheld by both parties during the drafting and adoption process, e.g., confidentiality, openness, flexibility, and contact with the press and other external stakeholders:
   _____
   _____

6. In addition to these aspects of our task relationship, we also agree on the following as part of our efforts to work together:
   _____
   _____

CODE OF ETHICS

Within the Task Team: Discuss the following ground rules for working together and record your team's consensus on each.

7. What is the role of the team leader? Of other members of the team?
   _____
   _____

8. What are the most important values and principles to honor in working with each other?

    _____
    _____

9. How will the team go about scheduling meetings?

    _____
    _____

10. How will you communicate between members of the team? With others not on the team?

    _____
    _____

11. How will you settle disagreements?

    _____
    _____

12. How will you make decisions?

    _____
    _____

13. Are there other rules important to include in our social contract to work together on the tasks agreed upon?

    _____
    _____

There is a Spanish proverb that says, *"Three helping one another will do as much as six persons singly."* To this sage advice, we add, "But not unless they have agreed on some basic ground rules for working together as a team."

CHECK RESOURCE TWO:THE TOOL KIT: From time to time you will see this verbal reminder. When you do, it's time to check the **Tool Kit** for possible assistance. In Resource Two, there are tools that may be helpful in carrying out various stages of the planning process. For example, Tool # 1 is designed to help you assess the relative health of your team's efforts in working together. It's called a Team Effectiveness Survey.

If you get to the point where any team member thinks your efforts in working together as a team need to be looked at, take a break from your task efforts and assess your team's effectiveness in working together. The survey questionnaire is one of those just-in-time tools to be used at just the time it will be most helpful.

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

75

PHASE II: REACHING OUT

Now that you have successfully contracted with those who asked you to take on these tasks and with each other as a task-oriented team, it's time to think about reaching out to others who might help your team carry out its assigned tasks. Think of these individuals and organizations as *stakeholders.* Stakeholders, in this situation, are those who can: 1) help your team in crafting and getting the code adopted by your members, and 2) support the code's implementation and compliance after adoption.

While it probably won't happen, it's also important to think about those individuals or organizations who just might be opposed to your association adopting the proposed code of ethics. If they exist, they can also be key stakeholders. The strategy is to understand what's behind their opposing viewpoints and to "win them over" by getting them involved.

*Join with good people,
and you will be one of
them.*
Venezuelan proverb

14. List in the circles below the stakeholders, individuals and organizations, your team believes would be helpful to include in a dialogue about developing your professional code of ethics. Add circles if there aren't enough to complete your list.

**CODE OF
ETHICS**

Your Team

15. Transfer the potential stakeholders to the following worksheet, dividing them into those you think will be most helpful in the initial drafting of the code and those who will be most helpful in managing the code's compliance over time. State why each of these stakeholders is important and how they might contribute to these two important tasks.

Drafting Stakeholders   **Why?**   **How?**

Compliance Stakeholders   **Why?**   **How?**

16. In each of these categories of stakeholders, rank order your choices by priority: 1 = most important stakeholder, 2 = second most important, etc. You now have a list of potential resources to help you craft the code of ethics and to help in assuring its successful implementation once adopted by you professional association's members.

17. At this point in the process, it will be helpful to generate a list of possible questions you would like to ask your key stakeholders. Don't worry about putting them into categories at this point in the process. We suggest you use any type of spontaneous, creative way you can think of to create this list. Once it is created, you might want to leave a copy of the questions on the wall of your meeting room for future reference.

CODE OF ETHICS

PHASE III: REACHING OUT/FOCUSING IN

*Discovery consists of seeing what
everybody has seen and thinking
what nobody has thought.*
Albert Szent-Gyorgi

Between *reaching out* and *focusing in* is a bridging phase in the development of a conceptually-based strategy like a code of ethics. We see several things happening at this point in the process of crafting a proposed code of ethics.

First, it will be important for your team members to get fully engaged in understanding the challenge you have agreed to undertake. We will suggest some tasks that should help in this regard.

Second, we suggest you enhance your team resources by involving some of the significant stakeholders as early as possible in this initial phase of the dialogue. **By the way, we are assuming that you put your association members at the top of both stakeholder lists in completing Tasks # 15 and 16.** If not, go back and revise your rankings!

There are two essential reasons why your professional colleagues need to be seen as your most important stakeholders for code drafting and compliance. They are spelled:

U-N-D-E-R-S-T-A-N-D-I-N-G and C-O-M-M-I-T-M-E-N-T!

This does not deny the importance or involvement of other stakeholders, but clearly, the non-member stakeholders are secondary to this dialogue process. It is important to engage your professional colleagues and others early in your *reaching out/focusing in* process to stoke the fires of conversation that William Isaacs refers to when describing the art of dialogue.

At this point in your planning you have: 1) established a social contract with those who created your team, 2) reached some decisions on how you will work as a team, 3) developed a list of potential stakeholders and how you might involve them in the drafting and management of a code of ethics for your professional association, and 4) generated a list of questions you might want to ask key stakeholders and others as you work through future tasks.

What we are calling the *Reaching Out/Focusing In* stage of your efforts has to do with knowledge, information and data collection, and analysis. We sometimes refer to this as *getting to know the territory* or, in a conceptual challenge like this, *stewing time*, the opportunity to sit back and reflect on what you want to do before doing it.

CODE OF
ETHICS

Professor Casall at the University of Sao Paulo, Brazil, in the early stages of developing a code of ethics for public leaders, asked individuals nationwide to participate in his "reaching out/focusing in" process. His approach was simple and direct. *If you want to participate, list below five principles that must be contained in a Code of Ethics for public officials and political, social, and community leaders* (and send them to my office).

Going back to the beginning of this box of ideas about where to go from here, we suggested two key tasks: 1) your team needs to increase its knowledge and understanding of codes of ethics and how they are designed, adopted, and managed before starting the drafting process; and 2) you need to reach out and involve your members and significant others in the dialogue about what you are doing.

It helps to have a plan for this part of the process and that's what the next few tasks are about. In the meantime, **CHECK THE TOOL BOX** for ideas, specifically Tool # 2 which outlines an action-planning process, and Tools 3 and 4 which include a number of options for the *reaching out/focusing in* phase of your efforts.

17. Our plan for increasing the drafting team's knowledge and understanding about codes and their management includes the following activities, task assignments, and timetables:

_____
_____

18. Our plan for involving professional colleagues and significant others in this "reaching out/focusing in" stage includes the following activities, task assignments, and timetables of engagement, i.e., *a) helping others learn about codes and how to manage their compliance; gaining their input about values, principles, and other features to highlight in the proposed code; listening to concerns about implementation, etc:*

_____
_____

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

PHASE IV: FOCUSING IN

What is not sharpened does not cut.
Swahili proverb

This phase of your work involves assembling, analyzing, and organizing what you have learned for your own exploration as well as what others have been telling you in your meetings, dialogues, and conversations with professional colleagues and other significant stakeholders. If your *reaching out/focusing in* initiatives have been successful, the information and insights you have gathered will probably astound you.

These may include:

Enthusiasm about new direction for the profession and association, cynicism about whether it will really make any difference, reluctance to get involved countered by those who flood you with new and not-so-new ideas, verbal signs of both commitment and resistance to the idea and consequences, what to include in the code of ethics and what not to, and more advice than you ever wanted to hear on how to carry out your responsibilities for writing the code and getting it adopted by the members.

The challenge in this not-so-interesting stage of your work is to resist being overwhelmed by all the information you have collected and the interesting ideas you have heard from various sources. Your best defense is to organize what you have learned into manageable, logical, and usable clumps. Before doing this, you need to put some labels on these clumps of data, information, ideas, and insights.

The following are some suggestions on how to undertake the organizing task. As stated in previous tasks, you should not feel constrained by these ideas. Build on them to meet your specific needs.

19. Information and ideas about the **content and focus of the proposed code of ethics** include:

    _____

    _____

20. Information and ideas about **how to organize the content** include:

    _____

    _____

21. Information and ideas about the **process of writing the code** include:

    _____

    _____

22. Information and ideas about **garnering support for the adoption of the code** include:

    _____

    _____

CODE OF
ETHICS

23. Information and ideas about **how to manage the code** once adopted include:
_____
_____

24. Individuals and organizations who are willing to help get the code adopted and implemented are:
_____
_____

25. Information and ideas about **emphasizing the importance of this professional milestone and how to celebrate the occasion** include:
_____
_____

26. Further categories of information and ideas that will be helpful to the team are:
_____
_____

At this point, think about making further breakdowns in the information and ideas you have collected under each of these suggested categories. For example, you might divide the "content" ideas into: principles, standards, preamble/statement of intent insights, implementing guidelines, and other categories that will become more obvious as you study the mountain of resources you have collected from the *reaching out/focusing in* process. **Also Check the Tool Box** for additional ideas.

27. Based on a review of each of these categories of information and ideas, we will make these additional categories:
_____
_____

CODE OF
ETHICS

PHASE V: HUNKERING DOWN TO WRITE

*You can't chop a thing as
round as you can pare it.*
Chinese proverb

Now comes the hard part - sitting down to write the code of ethics and management strategy. As the proverb suggests, it's time to stop chopping what you have learned from your own quests for understanding and your dialogues with others and to start paring.

Several tasks remain before sitting down to write. Your team will need to:

1) Develop a detailed outline for both the code and the management strategy/plan.

2) Determine the division of labor. In other words, decide who will write what.

3) Identify additional resources you might need or desire to help undertake the writing tasks. This might include more examples of existing codes or enforcement procedures, consultation with specific individuals or groups, and other creative acts.

4) Agree on a realistic timetable for first drafts, reviews, rewrites, and editing.

5) Develop a process for review, editing, and final rewrite. The review might include subcommittees of members if you believe it is important to get additional feedback from your members before presenting the code and management strategy to the entire assembly of your colleagues for discussion and formal adoption.

6) Add any steps we have missed that you want to add: _____.

28. Our detailed outline for writing the code of ethics is:
_____
_____

29. Our detailed outline for writing the management strategy/plan is:
_____
_____

30. The additional resources we will need to accomplish tasks 28 and 29 are:
_____
_____

31. The timetable for completing each stage of the writing process is:
_____
_____

CODE OF
ETHICS

32. The process of initial review, editing, and preparing final copy for membership consideration is:

_____

_____

33. The following tasks the writers of this resource guide forgot will be implemented in the following manner:

_____

_____

CODE OF
ETHICS

PHASE VI: PRESENTATION, ADOPTION, AND CELEBRATION

Be like the tree that covers with flowers the hand that shakes it.
Japanese proverb

This is the moment you have been working toward. We are assuming you will present your recommendations at a meeting of the full membership. You might also invite significant others to participate in this special event, e.g., elected officials, municipal association executives, representatives of the press, key NGO leaders, etc. Consider sending copies of the draft to all those who will be expected to adhere to the code and perhaps other key stakeholders at least two weeks prior to the meeting. This will give them an opportunity to review it thoroughly before what you expect at this time will be the final pre-adoption dialogue.

While your organization may have certain protocols they like to follow when considering such documents for formal approval, you may want to discuss this with those who will be presiding over the discussions to assure that your interests and concerns are addressed. In Chapter Four of the *Guide for Reflection: Part One*, we discussed how the Slovak City Managers Association managed the discussion and formal adoption of their code of ethics. It might be useful to review that discussion for additional ideas.

If you have involved the membership in every stage of development, there should not be any surprises at the final presentation. Nevertheless, you want a full and vigorous discussion with verbal assurances from your colleagues that they are committed to adhere to the code and to support the compliance standards and procedures.

The one possibility you don't want to experience is the membership voting down your recommendations. It would be a blow to your hard work and initiative. More importantly it would send a message to the outside world that your profession and its members aren't interested in adopting a code of ethics. This remote possibility can be marginalized by full involvement of your members and others from the very beginning of this important venture.

Working with the leaders of our professional association, the following decisions and plans have been made regarding the meeting in which the proposed code of ethics and management strategy/plan will be presented for formal adoption.

34. To assure that the formal adoption meeting will involve all members of our profession who want to participate in this important event, we plan to do the following:

_____

_____

35. The significant others who will be invited to attend and participate include:

_____

_____

CODE OF ETHICS

36. To assure full understanding of what is being proposed and full participation in a dialogue by those who will implement the code and management plan, the event will be conducted in the following manner:

_____
_____

37. To recognize the importance of this important event in the life of our profession, we plan the following activities to celebrate the occasion:

_____
_____

CONGRATULATIONS! You have just completed a difficult and important challenge on behalf of your professional colleagues and those they serve through their professional commitments and initiatives. If you, and we, can excuse the male chauvinism expressed in the following quotation, it seems to fit the occasion.

> *What a man accomplishes in a day depends upon the way in which he approaches his tasks. When we accept tough jobs as a challenge…and wade into them with joy and enthusiasm, miracles can happen. When we do our work with a dynamic conquering spirit, we get things done.*
> Arland Gilbert

CODE OF
ETHICS

RESOURCE TWO: TOOLS

The following tools are designed to help implement the Ethics Planning Process. They are referenced in **Resource One: Workbook** at those points in the planning process when it seems most useful to reach for the tool kit. Review the tools before jumping into the planning tasks as outlined in the workbook. It will help you understand some of the resources that are available to complete various tasks. By the way, there are no tools to be found under Phase V.

Phase I: Getting Organized

> Tool # 1: Assessing Your Team's Effectiveness

Phase II: Reaching Out

> Tool # 2: Let the Dialogue Begin

Phase III: Reaching Out/Focusing In

> *Team Knowledge Building Options*

> Tool # 3: Thinking Outside the Box

> Tool # 4: Sharing Ethical Dilemmas

> Tool # 5: Mining Resource Guide One for Reflective Gems

> *Knowledge Building Options to Use With Significant Others*

> Tool # 6: Define the Working Terrain

> Tool # 7: Seeking Out Your Principals' Principles

> Tool # 8: Moderating Deliberations for a More Structured Dialogue

> Tool # 9: Assessing the Quality of the Dialogue

Phase IV: Focusing In

> Tool # 10: Subdividing Your Intellectual Property

> Tool # 11 Force Field Analysis

Phase VI: Presentation, Adoption and Celebration

> Tool # 12: Planning a Course of Action

CODE OF
ETHICS

PHASE I: GETTING ORGANIZED

TOOL # 1: Assessing Your Team's Effectiveness

The following questionnaire is to help you evaluate the effectiveness of your team in working together. It can be used at any time any member of the team believes it's time to assess how you are working together as a team. Read each question and check the block to the right that most nearly corresponds to the way your team is functioning.

Effectiveness Criteria	Scale			
	Strongly Disagree	**Disagree**	**Agree**	**Strongly Agree**
1. Team members continue to be committed to achieving the agreed-upon outcomes.	1	2	3	4
2. Team members are quick to identify and resolve conflicts.	1	2	3	4
3. Team members continue to be responsible for carrying out tasks.	1	2	3	4
4. Team members openly share with one another what they know and believe.	1	2	3	4
5. Team members are good listeners.	1	2	3	4
6. Team members share responsibility for keeping the team focused on its tasks.	1	2	3	4
7. Team members discuss and agree on methods for reaching decisions.	1	2	3	4
8. There is balanced and active participation by all team members when working on team tasks.	1	2	3	4
9. The team is effective in making decisions and solving problems.	1	2	3	4

Review your responses and share the results with other members of the team. Discuss what you can do as a team to improve your efforts to work more effectively together and to improve the quality of your outputs. Look at major strengths, areas for improvement, and things you might do differently to be more effective.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

87

PHASE II: REACHING OUT

We are suggesting two tools in the Reaching Out phase. The first is included in Part One of this Resource Guide. It's the Stakeholder Analysis process. The second is Dialogue, a process that can be used in many ways with many stakeholders to light conversational fires about what to include in a code of ethics that will make it a living, vibrant part of your professional life and about how best to manage its implementation and compliance. It is the source of energy that can turn many of the tools in this kit into *power tools*.

Tool # 2: Let the Dialogue Begin

Dialogues are important conversations about important matters, such as what to include in a code of ethics for a professional association. As we said earlier, dialogues not only inform and educate, i.e., increase understanding and knowledge, but they can also build commitment for easier implementation and compliance.

There is no magical formula for organizing and lighting these conversational fires, but a few guidelines are appropriate. The following discussion includes a number of ideas to help you organize productive dialogues with members and other significant people. By the way, dialogues can be used to help develop the code or to increase understanding once they are adopted. Think of the dialogue as an all-purpose tool.

Some Thoughts to Help You Pursue the Art of Dialogue

Dialogue is an old idea, in fact, centuries old, and yet it has great relevance in today's chaotic world where communication merely skims the surface of meaning. William Isaacs in his important book *Dialogue and the Art of Thinking Together* talks about the fire of conversation, thus capturing the intensity and potential energy of dialogue.[43] Dialogue, as Isaacs defines it, is a shared inquiry, a way of thinking and reflecting together.[44] He goes on to describe what he means by dialogue.

> Dialogue is the way of taking the energy of our differences and channeling it toward something that has never been created before. It lifts us out of our polarization and into a greater common sense, and is therefore a means of accessing the intelligence and coordinated power of groups of people.

> Dialogue is a conversation in which people think together in relationship. Thinking together implies that you no longer take your position as final. You relax your grip on certainty and listen to the possibilities that result from being in a relationship with others—possibilities that might not otherwise have occurred.[45]

Dialogue, as defined by Isaacs, does not lend itself to prescriptive behavior. In other words, he doesn't provide us with an easy step-by-step process to accomplish effective dialogue. Nor should dialogues about ethics be prescriptive if they are to be productive. There will be time later to prescribe what principles, for example, should be included in the profession's code of ethics. But first, light a few lights through shared inquiries into the ethics that should ultimately define the profession.

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[43] William Isaacs. *Dialogue and the Art of Thinking Together*(New York: Currency Books, 1999), p.1.
[44] Ibid, p.9

For a slightly different point of view about the dialogue process, let's turn to another keen observer. Daniel Yankelovich, like Isaacs, makes clear distinctions between dialogue, decision-making discussions, and negotiation sessions that seek agreements leading to action. Yankelovich says dialogue has three distinct features that define it:[46]

1. **Equality and the absence of coercive influences**: All parties to the dialogue are treated as equals and there is no coercion of any kind—no arm twisting, pulling rank, using sanctions, or other "forceful" influences. In other words, don't use the dialogue process to sell your ideas on what should be included in the code of ethics.

2. **Listening with empathy:** Empathy is the ability to think someone else's thoughts and feel someone else's feelings. Isaacs agrees. He says a simple but profound capacity to listen is at the heart of dialogue.

3. **Bringing assumptions out in the open:** This is something that doesn't normally happen in decision-making discussions but is critical to healthy dialogue. It also requires those in dialogue to suspend judgment.

Over the years Yankelovich has witnessed and recorded a number of strategies he believes can aid the process of dialogue.

- Error on the side of including those who disagree.
- Initiate dialogue through a gesture of empathy.
- Assure that the three criteria listed above are in place and working.
- Minimize mistrust before getting into the heart of the dialogue.
- Separate the acts of dialogue and decision making.
- Use specific experience to discuss general issues.
- Get assumptions on the table and clarify them.
- Expose old habits and story lines to a reality check. Assess, against current day realities, the assumptions, values, and norms that guide us.[47]

An old Japanese proverb says, *Where there is a channel, ships can navigate*. Your role as the initiator of dialogues is to provide the channel, not steer the ship.

[45] Op. cit. p.19.
[46] Daniel Yankelovich, *The Magic of Dialogue(New York: Simon and Schuster), 1999, pp.41-44*
[47] Ibid, pp. 127-8.

PHASE III: REACHING OUT / FOCUSING IN

The tools in this phase of the planning process are divided into two categories: those designed to help your team become more knowledgeable about codes and management strategies, and those designed to help you involve significant others in sharing their insights and knowledge about what to include in the code and management strategy. On second thought, the team options will also work when meeting with members and other significant stakeholders.

Team Knowledge-Building Options

Thought without study is vain speculation; study without thought is mere words without knowledge.
Chinese proverb

Tool # 3: Thinking Outside the Box

A man at the dinner table dipped his hands in the mayonnaise and then ran it through his hair. When his neighbor looked astonished, he said, "I'm sorry, I thought it was the spinach."
Sigmund Freud

Ask each member of your drafting team to spend a few moments reflecting on this seemingly absurd quote and jot down responses to these two questions:

1. What do you think Freud was trying to convey in this strange dinnertime event? In other words, what do you think was behind Freud's vignette?

2. What lessons are there to be learned in this dinnertime interchange that might be helpful in drafting a code of ethics?

Taking one question at a time, ask each team member to discuss their responses. End the session by discussing the importance of thinking "outside the box" as you undertake the code drafting task.

Tool # 4: Sharing Ethical Dilemmas

In the beginning of Part One of the Resource Guides there is a short *Case of the New City Manager and a Corrupt Municipal Building Official.* Ask each member of the team to read the case and decide what they would do in this situation. Have them write their decision down so you avoid the "me too" syndrome.

Follow this up by asking each person to describe an ethical situation they have been confronted with recently. Like the case of the city manager and the building official, ask them not to reveal initially what they did so other team members can indicate what they would have done in this situation.

CODE OF
ETHICS

Tool # 5: Mining Resource Guide One for Reflective Gems

The drafting team should increase its understanding of what others are saying about ethics before getting into the drafting mode. Chapter One of *Resource Guide One* provides many potential opportunities for discussion. For example, there are a number of reflective exercises in the text that can be used to generate dialogue. Or, each team member could be asked to read Chapter One and list five of the most important things they have learned from that part of the guide that will help in the code-drafting process.

Options to Consider for Involving Significant Others

Tool # 6: Define the Working Terrain

This is a tough assignment but very important in the process of drafting a code that can be implemented with confidence by your association and complied with by members. As mentioned earlier in this guide, there may be traditions in your society that are unique and widely accepted that may look to outsiders as open invitations for public officials to engage in petty corruption with impunity.

Accepted operating norms and how they might affect the compliance of the code you are drafting are excellent candidates for an open dialogue involving your members as well as others who represent different roles in your members' working environment. One concern to look for in these dialogues is the tendency to condone practices that need to be confronted. It's one thing to be sensitive to society norms when adopting a code of ethics and another to encourage the continuance of practices that are destructive and need to be purged from the public domain.

Some thoughts on how to manage such a session:

1. Convene a group of your professional colleagues and other concerned and interested citizens. For example, you might use this exercise when meeting with a local service club or at a conference of NGO leaders.

2. Divide them into small discussion groups of about 6-8 persons. Round tables are perfect for this kind of dialogue.

3. Give them no more than five minutes to list all the conditions that exist in your society that might be considered okay to include in a code of ethics in another country or culture but would be inappropriate here because *"we are different."*

   The task sounds a bit convoluted but you get the picture. There are conditions that make each of our cultures different and these differences should be reflected in any code designed to define ethical behavior. On the other hand, some of our unwritten codes of conduct are destructive and need to be confronted. This exercise will hopefully smoke out some of these practices for discussion.

4. Ask each group to report out and record their key points on newsprint. Only allow questions for clarification at this time

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

91

5. Ask participants to form new small groups with different members and ask them to hold a dialogue to discuss these conditions as they might relate to the drafting of a code of ethics for your profession. These dialogues should take no less than an hour and each group would be asked to report on their discussions. What you are looking for in these dialogues is direction and insight, not mandates or directives.

Tool # 7: Seeking Out Your Principals' Principles

Taking a lesson from the Brazilian experience, ask each member of your professional association to list what they believe are the five most important principles to be included in the proposed code of ethics.

These contributions can be solicited by mail or e-mail on an individual basis, or you can turn this into a lively event at a routine or special meeting of members. If you decide to use this tool as a group exercise, have each individual record each of the five principles on separate index cards. You will need to provide them with these cards and be explicit about the instructions. As seasoned trainers, we can tell you that some will write all five on the same card and take the rest home for the children to play with. Or, decide to fill each card with a zillion principles, none of which can be read without having an eyebrow encounter as you try to read them.

Once all the cards are up, arrange them into various categories. For example, categories might include principles that are inspirational or prohibitional, personal or institutional, etc. Discuss them, and if you think it will help in your code drafting tasks, try to reach consensus on those that are most important.

Tool # 8: Moderating Deliberations: For a more structured dialogue

For this tool, we borrow liberally from an organization called the National Issues Forums Research (NIFR) and a booklet they produced for those who convene and moderate forums/study circles. They focus their public discussions on specific issues that are contentious within the community, issues that are often crying out for new insights. We have taken some editorial license to wrap their process around the issues involved in developing a professional code of ethics. By the way, NIFR can be reached via their website if you want to know more about their work. Try www.nifr.org for more information.

Their process involves a moderator who in a sense guides the group though a somewhat structured dialogue that focuses on four questions. We have changed the wording of these questions to meet the need for developing a greater understanding of some critical issues involving professional ethics. The participants in these moderated dialogues should be members of the profession. The intent is to develop a better understanding of what might be included in the code and the potential consequences of their inclusion.

1. What is valuable for the profession to include in the code of ethics?
2. What are the potential costs or consequences associated with the inclusion of each?
3. What are the kinds of conflicts and differences that we will need to work through in each of these cases?

4. Is there a shared sense of direction about each of these issues or a common understanding that would give confidence to the drafting team to include them in the proposed code?

Tool # 9: Assessing the Quality of the Dialogue

We have been talking a lot about the dialogue process to help your team get through the *Reaching Out/Focusing In* phase of your responsibilities for drafting the Code and management plan. The following questionnaire is designed for use by those who are a part of the dialogue. It provides them with an opportunity to assess the quality of their discussion based on a few accepted criteria. The intent of the assessment is to help them reflect on their ability to engage in these kinds of discussions and to help them understand how to be more effective in using this process.

Ask the participants in the dialogue to take a few moments at the completion of their discussions to rate using the following questionnaire their ability to engage in an effective dialogue. This is their information, and they are expected to discuss the results rather than have them collected for scoring by the drafting team. The questionnaire is presented on the following page to make it easier to make copies if you are working from a hard copy.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

93

How Well Did We Dialogue?

The following tasks are designed to help you process how well you have performed in the art of the dialogue. Be as specific as possible about the behaviors you observed and the things you heard during the dialogue.

Rate the following statements on a scale of 1 to 5 regarding the overall effectiveness of your group in fulfilling the following criteria in relation to the dialogue conversation. One (1) = *not at all effective*; three (3) = *somewhat effective*; and five (5) = *very effective*.

- Our ability to suspend making judgments about what was being discussed.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to stay with the process of problem *finding* rather than to pursue problem *solutions.*

Not at all effective   1   2   3   4   5   Very effective

- Our ability to explore underlying assumptions as a part of the dialogue process.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to be authentic, stating what we believe and how we feel, in our conversations with others.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to slow the pace of our conversations, thus allowing time for reflection.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to speak one person at a time.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to listen deeply to what others are saying.

Not at all effective   1   2   3   4   5   Very effective

- Our ability to learn through inquiry and disclosure.

Not at all effective   1   2   3   4   5   Very effective

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

If you assessed any of these qualities at three (3) or less, jot down in the space below the number of the question, and why you rated it this way. Be specific about incidents that led you to make such an assessment.

_____
_____
_____
_____
_____
_____

Determine who in your group was most effective in using one or more of these personal attributes to assure that the dialogue was successful. Feel free to recognize more than one person for their positive contributions to the dialogue. Record the names of your award- winning dialoguers in the space below and include a few comments to describe what they did or didn't do to win your respect.

_____
_____
_____
_____
_____
_____

> *Those who speak sow and
> those who listen harvest.*
> Argentina proverb

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

PHASE IV: FOCUSING IN

Focusing In is largely an assembling, analyzing, and organizing set of tasks. In the Planning Workbook, we suggested a number of categories into which you might sort all of the ideas, information, or insights that you gathered about a specific aspect of your responsibility to craft a code and management strategy/plan.

Tool # 10: Sub-Dividing Your Intellectual Property

Here's another way to sort all the good ideas, information, and insights you have gathered into various piles.

Step 1: Make sure you have lots of index cards and a large wall where you can attach these cards with used chewing gum or some other more acceptable material.

Step 2: Write individual ideas on these cards, one idea per card, and then sort them into batches that convey the same general idea or insight. As you begin to see a pattern emerge, write on a blank card, using a different color of magic marker, the pattern or category. Post these "category" cards high on the wall and begin to cluster the cards with like-minded notions on them underneath.

Step 3. Continue to post the cards where you think they belong under the category cards until they are all posted. At this point, it is useful to talk about the various categories, switch cards to where they make more sense, and even create more categories if necessary.

What this wallpapering exercise provides is a "visualization" of the richness and potential organization of the information you have gathered from various sources. You will be amazed at how a visual map of this kind will help you understand more clearly the pieces of the ethics challenge.

Tool # 11: Force Field Analysis

This is one of those old analytical tools that often comes in handy when deciding how to bring about change, and adopting a professional code of ethics is certainly a change producing event or should be. Consider this as one of those tools that could come in handy in making difficult decisions related to your tasks or the challenge of managing the implementation and compliance of the code you will be proposing.

CODE OF
ETHICS

**Guidelines for Doing and Using
Force Field Analysis**

Objective

Restraining Forces

Driving Forces

Issue (Status Quo)
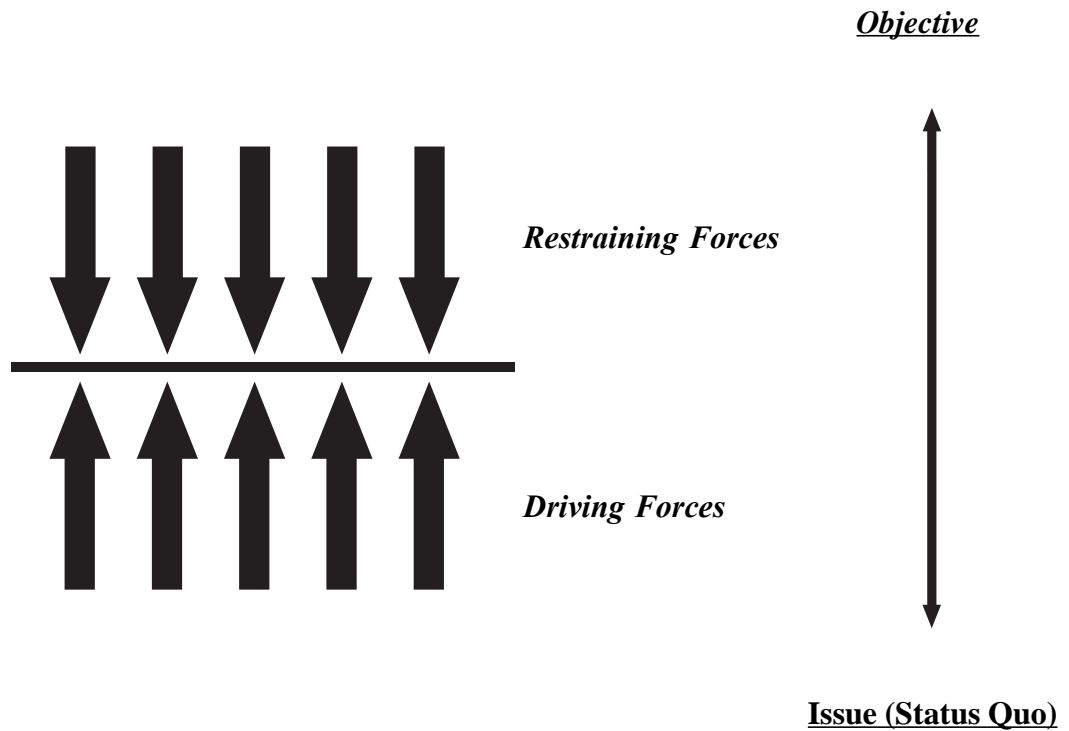
Step 1. Working individually, identify the forces (strengths and opportunities) that favor the resolution of the issue identified by your team and that support movement toward the objective. *Enter them in the box below*.

1.

2.

3.

4.

5.

CODE OF
ETHICS

Step 2. Identify the forces (weaknesses and threats) that resist resolution of the issue identified by your team and that oppose movement toward the objective. *Enter them in the box below*.

```
1.


2.


3.


4.


5.
```

Step 3. Ask the following questions about each of the forces in the two boxes above:

- Which should be dismissed as impossible to make stronger (1st box) or make less of an obstacle (2nd box)?   _____, _____, _____
- Which are the most vulnerable to change?_____, _____, _____
- Which are the most important?   _____, _____, _____

Step 4. Share your results with team members and make a consolidated list on a flip chart of important forces that are vulnerable to change. After the list has been compiled, choose the forces you wish to make an effort to change. To help you choose, ask the following question about each force:

- Who has access to or influence over the force?
- If you should be successful in changing the force, how might its change have a positive influence on change in the others as well?
- What are the resources you have access to or can mobilize to encourage change?
- If you should be successful in changing the force, how might its change strengthen opposition elsewhere? What can be done to prevent or lessen the impact of that happening?
- From what other sources could help be found to lessen resistance or provide support for change?

CODE OF
ETHICS

PHASE V: HUNKERING DOWN TO WRITE

*Wisdom is merely
knowing what to do next.*
South African proverb

Some of the best tools you have available for writing the code and management strategy/ plan can be found in Part One and Part Three of these resource guides. For example, in Part One check out Chapter Four where there are excellent ideas for code crafters to consider. Consider the list of hints that CSEP put together after reviewing over 500 codes, or The Toronto Resolution with its pithy five-points-to-include list. We're ignoring TTR's sixth bulleted item since it is about dissemination and not about what to include in the text of a code.

The Fleming Bell triad of reasons why codes are useful could also be helpful as a checkup on your own efforts. Will it, for example, provide elements of *certainty, accountability,* and *identity* to your profession? Will your code lean toward aspiration, prohibition, or split the goal posts in an effort to define its overall character?

Part Three, the annotated walk through the ICMA code and procedural guidelines will be helpful, but don't make it too helpful. There is always the temptation to do a bit of creative plagiarism when confronted with difficult writing tasks and too many other commitments.

But, plagiarism isn't the issue. This code needs to be yours. Will it reflect your profession's needs? Will it say what is important to you and your colleagues about what you should be doing when confronted with difficult ethical decisions in the workplace and community? Will it help you protect the values and principles you believe to be at the core of your professional ethos? Will it define more clearly who you are as a professional and as a profession to others in your society? Will it pave the way for others to consider putting their principles and values on the line…the printed line? Will it convey a vision of your profession that will attract young people of principle, those who yearn for an opportunity to serve their communities and societies?

*Individuals should be judged by their
questions rather than their answers.*
Voltaire

Write On.

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

99

PHASE VI: PRESENTATION, ADOPTION AND CELEBRATION

*Life is not a problem to be solved
but reality to be experienced.*
Kierkegaard

We leave you with the final Tool, something to help you plan your presentation and other things. It's a template for action planning.

Tool # 12: Planning a Course of Action

_____

> ***Step 1***. Define your overall aim or goal and the actions you plan to take, and integrate them into one overall strategic statement. Enter the statement below.
> _____
> _____
> _____
> _____
> _____
>
> ***Step 2***. Develop a detailed plan of action. Begin by making a list of strategic actions to be taken to achieve your goal and continue by filling in the other details about each of these actions in the table below.

Strategic Actions	Person(s) Responsible	Target Dates	Sequence of Actions
1.			
2.			
3.			
4.			
5.			

Step 3. Determine the most appropriate sequence and flow of actions to achieve the objective. Place a number in the sequence column above to indicate the order in which this event should be initiated in relation to the other actions.

Step 4: How will you measure the success of these actions immediately and in the long run?

_____
_____
_____

> *Never try to teach a pig to sing;*
> *it wastes your time and annoys*
> *the pig.*
> Paul Dixon

**CODE OF
ETHICS**
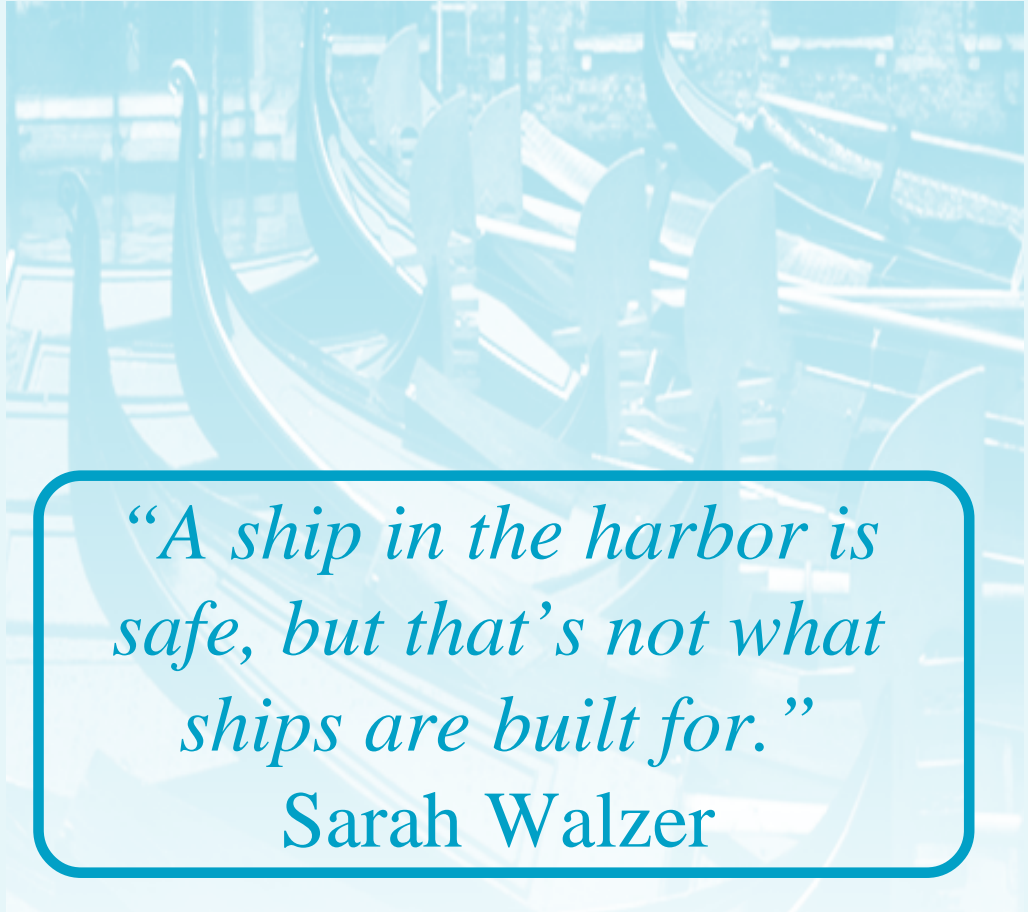
"A ship in the harbor is safe, but that's not what ships are built for."
Sarah Walzer

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

PART THREE: MANAGING THE PROFESSION'S SHARED COMMITMENT TO ETHICS

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

USER'S GUIDE FOR PART THREE

You and your colleagues have just completed the challenging task of writing the code of ethics for your professional association. All that's left to do is manage its implementation. On the surface this sounds like a relatively easy responsibility. Just wait until one of your members strays off the defined ethical path, and take action. But, what action will your association take? Are there some things you might have done, as an association, to help your members better understand their responsibilities under the code so they can keep from violating its principles?

In this part of the Guide we will cover these two aspects of code management:

1) How to establish and implement an enforcement procedure, what we are calling a reactive approach to code management, and

2) Ideas about some proactive programs and activities your association can undertake to underscore the importance of the code and how to honor its principles.

At this point, we suggest you go back to the plan that was put together by the team responsible for writing the code of ethics. Did they outline a management strategy and plan for your association on how to enforce the code? Did their plan also look at some of the proactive approaches that can be taken to keep the members and others informed about the importance of the code and what it means to maintaining the credibility and confidence of your profession? If not, then some serious attention needs to be given this task.

Managing the Code is a Two-Headed Process

As we just mentioned, the responsibilities and tasks involved in managing a professional association's code of ethics can be divided into two categories: those that are proactive, and reactive. The reactive responsibilities are associated with enforcing the code. These are the steps to be taken when your association is confronted with a member's behavior that violates one or more of the code's tenets or principles. You will want to establish these procedures before the first act of transgression by a member happens. You may never need them, but if and when you need them, you need them. So, be prepared.

The ICMA Rules of Procedure for Enforcement mentioned earlier have been included at the end of this part of the resource guide as an illustration of how ICMA handles those members who stray from the ethical path set forth in their code of ethics. ICMA, since 1972, has also includes guidelines for interpreting the code. These are interspersed in their code of ethics to help their members better understand the meaning of each tenet, based on their experiences in managing the code. We are not recommending that you adopt the ICMA materials, rather, we suggest you use them as reference materials.

Just a word about the way the materials are organized in this part of the Resource Guide. We have located the discussion of the "reactive" tactics and strategies, those concerned with code compliance or enforcement, at the end of this part of the resource materials. The full text of the ICMA Code with Guidelines and the Rules of Procedure are a bit

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

long, and we didn't want them to overshadow our discussion of the proactive strategies. While enforcement is absolutely essential if the code is to have any meaning and clout in maintaining your profession's integrity, the educational and support strategies are just as important. They will help you build and sustain the character of your association and membership.

CODE OF
ETHICS

CHAPTER ONE: GETTING A PERSPECTIVE ON CODE MANAGEMENT

Why are we surprised when fig trees bear fruit?
Margaret Titzel

Or, to state Ms. Titzel's homily a bit differently, *Why be surprised when those who live by a code of ethics are ethical?* If you took a poll of the eight thousand plus members of the International City/County Management Association (ICMA), they would probably say something like, "Surprised? No, we're not surprised." In fact, in an ICMA survey of its members in 1995, those responding said the most important role of their professional association is to deal with issues of ethics and integrity. Ninety percent of those polled said belonging to an association that promotes and enforces high ethical standards is a valuable membership benefit. [48]

These expressions about the importance of the code to ICMA members are backed up by an amazing track record of ethical performance. For example, in the year 2000, ICMA's Committee on Professional Conduct (CPC) had fourteen cases of unethical behavior referred to them for investigation and possible action. After thorough review of each allegation, the committee recommended to the ICMA Executive Board that they take action to publicly censure (condemn) four members. Of these, three were expelled from membership. Under the code guidelines, decisions regarding public censures can only be taken by the executive board.

In addition, the committee issued four private censures and closed six cases as not warranting official action. Not a bad track record considering a membership of more than 8,000 professionals.[49]

But, the replication of this amazing dedication to a code of ethics by other professional associations is not guaranteed. ICMA has a long track record of promoting and managing their code of ethics, nearly eight decades of attention to the center piece of their commitment to good governance. The poet Ralph Waldo Emerson said, "The force of character is cumulative". One can surmise that the cumulative weight of eighty years of consistently ethical public management performance by ICMA members is a major factor in its continuance. Associations that have just adopted a code of ethics do not have this advantage. For these associations, Thomas Paine, one of Emerson's contemporaries, has some sage counsel. "Character is much easier kept than recovered."

Professor Alipio Casall, in his efforts to promote a code of ethics for Brazilian public leaders, reminds us that:

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[48] Elizabeth Kellar. "*Ethics on Center Stage*", The Public Manager (Washington: International City/County Management Association, Fall 1995) p36.

[49] These statistics were taken from a report prepared by ICMA staff entitled *ICMA's Ethics Program Highlights 1990-2000.* When you see similar discussions later on in this part of the Resource Guide, assume they are taken from similar documents. Typing citations is boring stuff. Besides, this is not an academic dissertation. However, we apologize to the literary purists for these editorial indiscretions.

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

> A code of ethics has no judicial force of universal law…it is a fragile instrument of regulation of the behaviors of its members. This regulation will only be ethical if and when the code of ethics is a conviction, which comes from people's heart.[50]

As we have stressed in Parts One and Two, the responsibility for preparing and writing the code of ethics is crucial to assuring this conviction. "The more this process is democratic and inclined to participation", Casall says, "the greater chance of identifying the members of the group with their code of ethics and, as a result, the greater chance of its effectiveness."[51]

Needed: Tough Love!

Managing membership compliance with your new code of ethics will require a lot of what one management writer many years ago termed *tough love*. Unless you are possessed with a demonic tendency to punish others, assuring compliance to the code of ethics will not be easy tasks to fulfill. Here are some of the more interesting challenges you will undoubtedly face in your efforts to mete out tough love.

Politics! Not political politics but association politics. Imagine that one of the founding fathers of your association, whom everybody loves, just violated Tenet # 489 and the case comes before your ethics committee for action. We can imagine the "good old boy" sentiments kicking in.

The *Fudge* Factor: This is where the member has exceeded the proper limits or boundaries of one of the principles in your code but not by much. As he or she will remind your committee, "It wasn't quite the way you describe it." Or, it's an ethical issue that is new and looks like it could grow as a problem in the future so your committee wants to establish the boundary.

Minding the *Furphies:* "Furphy" is Australian talk for false rumors or outlandish stories. The ICMA staff receives many complaints that never reach the Committee on Professional Conduct because they are furphies. Nevertheless, they need to be investigated before they are dismissed as not warranting further formal action.

Riding the Technology Edge: As new technology evolves, ethical questions invariably arise. Ask any manager who has had problems with employees misusing the internet or office telephones.

CODE OF
ETHICS

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[50] Casall, Alipio, *Ethics: Are you willing to do something to change things?* Taken from the website: www.Codigodeetica.com.br
[51] From the same source.

Take a moment and add two or three of your own:

_____
_____
_____
_____
_____
_____

Perhaps the most difficult challenge in this management responsibility is the lack of any direct supervisory relationship between the errant member and the association's officers and staff. Ethics can't be delegated and yet the member is responsible for carrying it out on his or her own. It's one of those contradictions that defy accepted management theory and practice.

With a code of ethics, adherence is the responsibility of each individual member of the association. Codes of ethics are a testimony to our belief that individuals are responsible and accountable for their own behavior. Since their behavior as individuals may also reflect on others, i.e., those who have come together to affirm their commitment to a code of ethics, relying solely on individual adherence is not sufficient. The code must be enforced to assure that those individuals who have committed themselves to uphold the code's behavioral mandates are doing so.

Key Points

- The force of character is cumulative
- Character is much easier kept than recovered.
- A code of ethics has no judicial force, only the conviction of those who uphold it.
- Managing a code of ethics effectively requires a lot of tough love.
- Challenges in managing the code are many: internal politics, the fudge factor, furphies, and many more.
- Ethics can't be delegated.
- Adherence to the code is in the will and commitment of each member.

_The first step in the evolution of
ethics is a sense of solidarity
with other human beings._
Albert Schweitzer

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

CHAPTER TWO: PROACTIVE MANAGEMENT STRATEGIES

A beard well lathered is half shaved.
Puerto Rican proverb

Enforcement of a profession's code of ethics, resulting from an individual member's violation of some principle embodied within the code, is like a train that is nearly always late. Unfortunately, the judgment comes too late to assure the credibility of the schedule. Keeping your ethical trains running on time can be accomplished by a number of proactive strategies and actions. Enforcement is, of course, one mechanism, but it is reactive, taking action after the individual member's transgression. Nevertheless, assuring member compliance through fair and equitable enforcement of the code's principles is a strong signal to those who are thinking about straying beyond its boundaries to respect the "no trespassing" signs.

There are many proactive measures, preventative maintenance-type actions, your association can take to minimize the need for formal actions against wayward members. They are intended to help individual members understand the significance of the professional code of ethics and to fend off the many temptations that accumulate at the doorstep of public officials. ICMA has been very successful in the past four decades or so in keeping the spotlight on the ethical train schedule and accumulating their collective force of character.

We will look at some of their strategies and offer others we think can be useful. Most have to do with training, education, exposure, communication, building coalitions, and keeping your members fully aware and committed to the principles that define their professionalism.

- **Provide members with an official-looking copy of the code they can display in their office.** It's rare to go into the office of an ICMA member and not see the Code of Ethics displayed. When I was a city manager, many years ago, I hung the Code right behind my desk chair so others could see it. While I have no proof that it helped fend off unethical propositions, I think it sent an important, silent and loud message about my professional commitments.

- **Find a mentor; be a mentor.** Being a mentor, having a mentor, encouraging mentoring within your association are three good ideas you can implement without additional resources. As Kouzes and Posner point out in their book *The Leadership Challenge,* mentors "Help us learn how to navigate the system, point us in the right direction."[52] Mentors are those individuals who reach out, are there when needed, are good listeners, and ask the right questions such as the probing kind. They are also individuals who can hear one another out without judging the situation and the other person's role in it, and in this way, help that

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[52] Kouzes, James and Barry Pozner. *The Leadership Challenge:* San Francisco, Jossey-Bass Publishers, 1987, p.286.

person come to his or her own decision about what to do. It is particularly helpful to have such a relationship when faced with a ethical dilemma. There's an old Arab saying, "The tongue of experience has the most truth." Now, you can interpret that two ways, meaning the mentor or the one being mentored who is currently having the experience. Either way, the mentoring experience can be a powerful one to explore when putting a new professional code of ethics in place.

- **Use every opportunity to highlight the code and its value.** ICMA has done a particularly good job at keeping its code of ethics before its members.

  - Each issue of their monthly publication, Public Management, carries a column called "Ethics Inquiries". It consists of short scenarios of ethical dilemmas brought to the attention of the Committee on Professional Conduct that are followed by responses on what actions should be taken based on specific principles, or tenets, outlined in the code. These scenarios cover a wide range of situations. For example, the city engineer decides to hire a consultant who is highly qualified, but living with the city manager. Counsel: At the very least: full disclosure about the relationship and potential conflict of interest. Or, the school superintendent asks the city manager to support the passage of a bond referendum on a local radio show. One of the city councilors is an ardent opponent of the bond issue and has spoken out against it on the same radio show. ICMA counseled the member to leave the speaking opportunity to the politicians since it was a much-contested political debate.

  - ICMA provides staff facilitators or materials for ethics presentations at state meetings. It is recognized that most professional associations won't have various affiliates around their country, nor will they have staff who can provide these kinds of services. Nevertheless, there may be smaller regional meetings and annual country-wide meetings and conferences where your association can either provide materials for ethics discussions or plan for personal presentations by association leaders and/or other resource individuals.

  - ICMA encourages members to seek out ethical advice from the staff and committee members. In 2000, ICMA responded to 132 requests slightly down from the previous year when they received 136 inquiries from their members. Here is an example of one such request for ethical advice.

    > *Soon after my recent appointment as the city manager, I learned that the mayor owns the company with which the city contracts for refuse collection service. Already I've received complaints about the poor quality of garbage service and high prices. I want to recommend a change in contractors but don't think the city council will support me because of the mayor's personal popularity. Given the potential conflict of interest on the mayor's part and the council's indifference to this situation, what should I do?[53]*

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

How would you respond to this request for advice?

- **Build strategic alliances to promote your code and its enforcement.** Your professional association can reach out and involve many key individuals and organizations within your association's sphere of influence. Here are just a few ideas to build on: municipal associations, other professional associations, training organizations, civic organizations, individual civic leaders, the news media, associations in neighboring counties that may either need help in developing a code, or have more experience than your association has that you can draw upon.

- **Conduct a series of learning sessions.** These can take many formats: small study groups to explore experiences members are having in fighting corruption; training sessions at the association's annual meetings for new members on their responsibilities to live by the code; presentations at national meetings of municipal associations or elected officials; and programs for local civic clubs that are always looking for speakers. Rather than giving a dull lecture on the merits of your professional association's new code, prepare a few short critical incidents (mini-case studies) about typical corrupting practices your members are confronted with on a daily basis. Break them into small work groups with the task of deciding what they would do if faced with a similar situation. It's guaranteed to be a lively, maybe even a controversial evening and build support for your association in its efforts to highlight ethics as part of its mandate.

- **Add your own pro-active, preventative maintenance ideas to this mix:**
  _____
  _____
  _____
  _____
  _____
  _____
  _____
  _____

Depending on the resources of your association, there are many activities you can undertake to help reinforce your members understanding of the code and its importance to their professional career and the overall character of the profession and the association of professionals. We encourage you to work with your members to develop a wide range of proactive approaches to keep your code of ethics visible and valued.

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[53] Taken from the Ethics Commentary section of ICMA's Public Management publication, August 2000.

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

Case Study from Part One, continued:

Now, about that corrupt municipal housing inspector you met earlier! Remember the little case study about the new city manager and the housing inspector that was presented at the beginning of Part One of these resource guides? When I met with colleagues who were brought together in Bucharest to provide feedback and advice on this document before it was published, they all said, "What did you do about that housing inspector?"

Marcin, a young man from Poland with whom I've have worked over the past six or seven years, said, "Fred, it's driving me a bit crazy not to know what you did." So, here's the rest of the story.

I called the housing inspector into my office, presented him with the facts, and fired him. As it turned out, it was a controversial but important decision. Yes, I took some heat from his friends on city council, but I held the high ground, backed by solid evidence of wrongdoing. That firing also fired an far-reaching dialogue about a number of critical issues that were bubbling beneath the surface in that community: town-student relationships; the quality of life for off-campus students; redefinition of the city-university relationship; the role of the state (provincial) government in code enforcement (incidentally, the state inspector was eventually fired as well for not performing his duties); and the relationship between professional staff and the elected council.

Don't expect issues like this one, which initially involved only a case of individual corruption since there was no evidence to suggest that others were involved, to be necessarily simple. It took over two years of hard work, negotiations and planning to devise a comprehensive strategy to resolve the off-campus student housing problem in that small city. Ultimately, twenty-seven sub-standard buildings were condemned and destroyed in the center of the town, owners of 550 more rental buildings were denied housing permits until they met both city and state codes, and over 2,000 students were unable to find permanent housing when the school year commenced at the end of the summer when these actions were taken.

I never realized at the time how far-reaching that one decision, taken the first week on the job, would be, not just in terms of that specific ethical dilemma I faced the first week on the job, but in terms of confronting other ethical challenges that followed. Overall, that city government operated within a high standard of ethical conduct. Nevertheless, there were some practices that had become accepted over time that could have resulted in significant corruption on the part of certain city officials. For example, recommendations from official boards and commissions for council approval that could result in windfall profits to certain individuals sitting on those boards and commissions. Or, the former county judge not paying special public improvement assessments on his personal properties. These kinds of situations in communities need to be exposed, examined openly and addressed in ways that raise the bar on public accountability. Taking an ethical stand early in my service to that community made it easier to blow the whistle later on. As poet Ralph Waldo Emerson said, "the force of character is cumulative".

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

Key Points

- Code enforcement is like the train that nearly always runs late. The judgment comes too late to assure the credibility of the schedule.
- Proactive, preventative maintenance-type strategies and actions can help keep your ethical trains running on time.
- They include education, training, exposure, communication, strategic alliances, coalition building and constant awareness-raising involving members and significant other leaders and institutions.
- Taking ethical stands and surviving is how the force of character is accumulated.

If a man does only what is required of him, he is a slave. If a man does more than isrequired of him, he is a free man.
Chinese proverb

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

CHAPTER THREE: MANAGING CODE COMPLIANCE

When the snake is in the house,
there is no need to discuss its length.
Evve proverb from Ghana

As we have stated earlier, enforcing the code's compliance is reactive. A member indiscretion occurs, and the association reacts. And, the association's best defense in these cases is to be prepared with a well thought-out procedure for review and decision making, and the service of a small team of members who are prepared to make judgment calls about the reported code violations by their colleagues.

Since the procedures ICMA has evolved over the years are proving to be effective and are spelled out in some detail, we will spend most of our discussion looking at the code and those tenets that are the most problematic to enforce. They are, as you might suspect, also the ones that members question most frequently. Another reason why we don't plan to spend much time on the enforcement procedures is the concern we have that these procedures need to be country and association specific. While the ICMA procedures should provide insights into the process, you will want to forge it from your own experiences, cultural orientation to such activities, and the level of resources that your association brings to the task.

ICMA staff has produced a short question-and-answer-type article that is made available to members based on the most frequent questions members ask about the rules governing the enforcement process. This is something your association might want to do to assure better understanding about how the code enforcement works. Since many of the queries in their handout may not be relevant across the board, we have focused on those that seem the most relevant. For example, ICMA doesn't investigate every complaint. Some are groundless and can be dismissed immediately. Nevertheless, justification for the dismissal needs to be recorded and shared with the person or organization making the complaint.

The process can be rather long. Fact-finding committees, appointed by state associations, have 60 days to complete their work, but it usually takes six months or longer before the Committee on Professional Conduct, appointed by ICMA' Executive Board, makes its final decision. This should not be seen as a norm for your association but recognize that the process, when taken seriously, can be time consuming.

Beth Kellar, deputy executive director of ICMA and probably the most knowledgeable person on their code and its enforcement, has this to say about the enforcement process. "While the inspirational value of the code of ethics cannot be minimized, a code is meaningless without a consistent and vigorous enforcement process." Pointing out the importance that ICMA members give to the enforcement of the code of ethics, she says that "most complaints about possible violations of the code come from ICMA members. Occasionally, an elected official, employee, or citizen will alert the association to a potential problem."[54]

CODE OF
ETHICS

Resource Guide for
Professional Associations
Contributing to Good
Local Governance

As Kellar points out, "There are two ways to approach ethics. One way is to draw a line in the sand and advise people just how close they can get to that line without crossing it. ICMA's philosophy is to tell its membership about that line and then to advise them to stay as far away from it as possible."[55]

Some ICMA Tenets Make Wider Lines in the Sand

When Martha Perego, Kellar's colleague, was asked which of the tenets (principles) in the ICMA Code is most problematic in terms of member compliance, she never hesitated, "Number Seven." Tenet 7 says: *Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.*

Let's spend a moment and explore some of the issues that make this tenet tenuous in the eyes of some members. While ICMA members are uniform in their agreement that they shouldn't get involved in political activity in the jurisdictions where they serve, a number of emerging trends within the profession are beginning to test the underlying assumptions of this tenet. For example, the unwritten but ironclad rule that the chief administrator should live in the political jurisdiction where he or she serves is breaking down. If they live outside their employing jurisdiction, for example, can they run for elected positions in their jurisdiction of residence, i.e., the education board?

Another problematic scenario: The state is holding a referendum that will affect the ability of local governments to manage their affairs more effectively. Can association members speak out and not get in trouble with ICMA's code enforcers? Once the council takes a political stand on such an issue, the member can be an advocate, but only a professional advocate for the councils' position. You can begin to see why Tenet 7 is a bit problematic.

Interesting side note: When the Association of City Managers in the Slovak Republic adopted their code of ethics in 2001, which includes many adapted versions of the ICMA principles, they kept the first sentence of Tenet 7 verbatim but dropped the second sentence altogether. Hmmmm.

And, the next most problematic tenet, Martha? Why, Number 12, of course. This takes the code from the *political* to the *personal. Seek no favors; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.*

Here is just a hint of some of the issues that get debated and confronted within the membership regarding Tenet 12.

- It's complicated by more than one breadwinner in the household. What if your spouse has a firm that wants to bid on city contracts?

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[54] Elizabeth Kellar. *Ethics on Center Stage,* The Public Manager: The New Bureaucrat, Fall 1995, Washington DC, p.37.
[55] Ibid, p.38.

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

- When is a gift just an innocent gift and when does it become a bribe? Free lunches, tickets to a ball game… these issues get even stickier if the city has public-private ventures
- Investments: should the member refrain from investing in companies located in their employing jurisdiction?

Politics, money and we would guess sex may be the biggest temptations that lure members away from their professional moorings and get them in trouble where codes of ethics are concerned. We certainly encourage you to follow their lead in building character and commitment to the principles they share as a profession.

Key Points

- ICMA's procedures for enforcement are effective in their context but you need to develop your own based on your needs and circumstances.
- ICMA's members are effective in policing their own ranks for ethical indiscretions which contradicts the old Arabian proverb, *the camel never sees its own hump, but its neighbor's hump is ever before its eyes.*
- Some principles of professionalism are more problematic than others.
- Politics, money and sex are the most problematic. So what else is new?

*Give me a laundry list
and I will set it to music.*
Gioacchino Rossini

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

116

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

Annex I: The ICMA Code of Ethics

*It is a bad plan that
admits to no modification.*
Publilius Syrus

Before you dive into ICMA's Code of Ethics for some light bedtime reading, here are some random, hopefully interesting, and at times chaotic thoughts about the process their members engaged in over most of the last century in efforts to sharpen their ideas, rhetoric, and principles of engagement.

Codes of ethics are usually "bare bone" documents, spelling out the purpose in preamble-type language, followed by principles, tenets or doctrines to be upheld by the members. These statements of principles, etc. are usually numbered so they can be referred to easily by those responsible for managing compliance. They also contain clear, unambiguous statements of what is expected of members in terms of ethical behavior.

That's why the words *should* and *shall* are used, rather than something like, *it would be nice if you could refrain from stealing public funds and running off with the mayor's spouse in the middle of a tight election for a long holiday financed by the money you stole.* Having said all this about clear, unambiguous statements, we also recognize that many codes of ethics are totally unintelligible. One state in the United States adopted a code that was forty-nine pages long. The addendum intended to explain the code was even longer. No doubt it was written by a large team of legal experts!

Fortunately, we are using the ICMA Code as an example of how codes can be written and how they should be managed. Before we get into a discussion of code management strategies, it might be fun to dip into ICMA's historical ink well for a moment to see what changes they have made over the years in this document that, in many ways, defines the profession. In 1924, the initial code had no preamble and thirteen principles although they weren't specifically called principles.

When they revised the original code in 1938, they added a preamble, purpose-type statement of about ten lines long. They also referred to the ten elements of the code, down from thirteen, as *ethical principles*. The subsequent revisions in 1952 and 1959 were similar in format with some changes in the principles and preamble language.

In 1972 they added guidelines to the code. These are short interpretive statements that describe in more graphic terms what behavior is expected from a specific principle.

Looking at the latest version of the ICMA Code of Ethics, circa 2000, we notice some subtle changes, mostly in the language. In the latest preamble, ICMA's purposes are to *enhance the quality of local government and to support and assist professional local administrators* while in 1969 the preamble stated these purposes in reverse order. The wording was also a bit different. For example, in 1969 they didn't use the term *enhance*. Instead, it was *strengthen* local government and *increase the proficiency* of members. *Enhance* sounds more like late 20th century rhetoric, doesn't it?

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

In 1969, the ICMA Code preamble used the phrase *ethical principles* to refer to the numbered elements of the code. In 2000, they dropped *ethical* and simply refer to them as *principles.* From bare numbers, i.e., 1, 2, 3, they now list the principles as Tenet 1, Tenet 2, etc. We haven't been able to track down the origin of the term *tenet*, but it must have caused a lot of discussion among those responsible for drafting the latest version of the ICMA Code. Inconsequential things like that always do.

For many of you these historical flashbacks were probably a useless diversion. On the other hand, I thought they were kind of interesting. But, let's go on to more important things.

The most useful parts of the newer version of the ICMA code and supplementary materials from a management-of-the-code-perspective are: 1.) the ***Guidelines*** interspersed with the text of the principles or tenets of the Code, and 2.) the ***Rules of Procedure for Enforcement*** which define the roles and responsibilities of those who are charged with enforcing the code, and the process to be followed in taking disciplinary actions. The ICMA Code of Ethics, with its interspersed Guidelines, and the Rules for Enforcement of the code follow. Enjoy.

> *Even the voice of
> conscience undergoes
> mutation.*
> Stanislaw Lec

**CODE OF
ETHICS**

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

ICMA CODE OF ETHICS WITH GUIDELINES

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2000.

The purposes of ICMA are to enhance the quality of local government and to support and assist professional local administrators in the United States and other countries. To further these objectives, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline
Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines
Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

CODE OF ETHICS

Resource Guide for Professional Associations Contributing to Good Local Governance

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline
Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline
Conflicting Roles. Members who serve multiple roles—working as both city attorney and city manager for the same community, for example—should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections in the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

CODE OF
ETHICS

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. Members should develop a positive program that will ensure meaningful employment opportunities for all segments of the community. All programs, practices, and operations should: (1) provide equality of opportunity in employment for all persons; (2) prohibit discrimination because of race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status; and (3) promote continuing programs of affirmative action at every level within the organization.

It should be the members' personal and professional responsibility to actively recruit and hire minorities and women to serve on professional staffs throughout their organizations.

Tenet 12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

CODE OF
ETHICS

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

122

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

ANNEX II: ICMA Code of Ethics - Rules of Procedure for Enforcement

Adopted by the ICMA Executive Board and revised in July 1992.

I. General

A. These rules govern the procedures for enforcing the ICMA Code of Ethics as adopted by the ICMA membership.

B. All members of ICMA agree to abide by the Code of Ethics.

C. The purpose of these rules is to provide a reasonable process for investigating and determining whether a member has violated the code, and to afford each individual member who is the subject of an investigation (the "respondent") a full and fair opportunity to be heard throughout the process.

D. It is the intention of the ICMA membership that these rules be carried out carefully but expeditiously in order to minimize the time during which a member may be subject to possible disciplinary action. Accordingly, time limits stated in these rules are binding, subject to extensions which may be granted by the Committee on Professional Conduct (CPC), or the ICMA executive director, for reasonable cause, upon request.

E. No person may participate in any proceedings on a complaint brought under these rules if that person is or may be a witness or complainant in that case, or if his or her participation would otherwise create, or appear to create, a conflict of interest. The executive director may select a replacement for any person (other than a member of the Executive Board) who is unable to participate in the case for this reason.

II. Jurisdiction

A. All members of ICMA in active service to a local government are subject to the Code of Ethics and are subject to sanctions for any violations thereof which occur during their membership. However, elected officials are not subject to Tenet 7, and members not in service are subject only to Tenets 1 and 3. A member may be subject to sanctions for a violation which continues while he or she is a member even though the conduct in question originated prior to admission to membership.

B. If a complaint is made against a person who was a member at the time the alleged violation occurred, but who is not a member at the time the complaint is made, the complaint will be processed under these procedures only if the former member agrees in writing. In no event shall a person be readmitted to membership if there is an outstanding and unresolved complaint against him or her for conduct while formerly a member.

C. The committee shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from ICMA or otherwise allows his or her membership in ICMA to lapse.

III. Responsibilities

A. The ICMA Executive Board is responsible for making the final decision on matters

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

124

pertaining to the enforcement of the code, including, but not limited to, sanctions for the violation thereof. No current or former member may be publicly censured, expelled, or barred from membership without the approval of the Executive Board.

B. The Committee on Professional Conduct (CPC) in the committee of ICMA responsible for assisting the Executive Board in implementing these rules and has the specific duties set forth hereinafter.

   1. The CPC shall consist of three or more members of the ICMA Executive Board who shall be selected by the president of ICMA.
   2. CPC members shall serve for terms of one (1) year or until their successors are chosen by the president.

C. A state association consists of members of ICMA within the particular state or province. It is responsible for appointing fact-finding committees.

D. A fact-finding committee is a committee of ICMA, appointed by a state association, and is responsible for conducting the investigation of a complaint of a violation of the code in accordance with these rules. Members of a fact-finding committee shall serve until the conclusion of the investigation they were appointed to conduct, or until such later date as the state association of ICMA members may request.

E. The executive director shall assist the Executive Board and the CPC in enforcing the code and implementing these rules. It is the responsibility of the executive director to publicize the existence and importance of the code with elected officials and the general public.

   1. The executive director may privately advise members on the ethical implications of their conduct under the code. However, the opinion or advice of the executive director shall not be binding on the Executive Board, the CPC, or any fact-finding committee.
   2. The executive director may designate a member of the ICMA staff to carry out any of the responsibilities assigned to the executive director under these rules.

IV. Sanctions

A. Sanctions may be imposed in accordance with these rules upon members who are found to have violated the code. In determining the kind of sanction to be imposed, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violation, the level of professional or public responsibility of the individual, and any other factors which bear upon the seriousness of the violation.

B. The following sanctions may be imposed singly or in combination at the conclusion of an investigation and/or hearing under these rules:

   1. Private Censure. A letter to the respondent, the state association, and the complainant, indicating that the respondent has been found to have violated the Code of Ethics, that ICMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions. If the complainant is a nonmember, he or she shall be notified that the case was considered and resolved, and that no public action was taken.

2. Public Censure. Notification to the respondent, complainant, state association, appropriate local governing bodies, and news media, indicating that a violation of the code took place and that ICMA strongly disapproves of such conduct and the nature of the sanction(s) imposed.

3. Expulsion. A revocation of the respondent's membership privileges.

4. Membership Bar. A prohibition against reinstatement of the respondent's membership in ICMA.

C. Upon receiving documented evidence that a member has been found guilty after trial by a judge or a jury of criminal conduct, which constitutes a violation of the ICMA Code of Ethics and which occurred while the person was a member of ICMA, the executive director shall immediately issue a notice of suspension of membership to that person by registered mail and that person's membership shall be suspended as of the date of that notice. The executive director shall advise the CPC of any such action and shall refer the case to the CPC. The CPC may commence an investigation in accordance with Part VI hereof, or it may defer proceedings until the person has exhausted all appeals or the time for appeal has expired. The suspension shall continue in effect until such time as sanctions provided under Part IV.B. are imposed, or the case is dismissed, in accordance with these Rules.

V. Initiation of Procedures

A. Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the executive director upon receiving a written complaint or other written information from any source indicating that a violation may have occurred.

B. Upon receiving such a written complaint or information, the executive director must ascertain whether it is sufficiently clear and complete to initiate proceedings, and, if so, whether it alleges conduct that may be a violation of the Code of Ethics. If the executive director concludes that the complaint is not sufficiently clear or complete to initiate proceedings, he or she shall seek further clarification from the complainant or other source before taking any further action.

1. If the executive director cannot determine whether the conduct alleged, if proven, might violate the Code of Ethics, he or she shall refer the question to the CPC for a ruling. No further action shall be taken with respect to the complaint or information unless the CPC rules that the conduct alleged, if true, may constitute a violation of the code.

2. If the executive director concludes that the complaint is sufficiently clear and complete to initiate proceedings, and may, if proven, indicate a violation of the code, a copy of the complaint or information shall be forwarded by registered mail to the respondent named in the complaint or information. The respondent shall be informed at the time of the provisions of the code which he or she is alleged to have violated. The executive director may also request that the respondent answer specific questions pertaining to the alleged violation.

3. The respondent shall be given thirty (30) days within which to respond in writing to the complaint or information, to provide any further information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the executive director.

MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS

4. As soon as the respondent's response is received, but in no event more than thirty (30) days after written notice of the alleged violation has been given to the respondent, the executive director shall refer the case to the CPC for proceedings in accordance with these rules.

VI. Investigations

A. Upon receiving a case of an alleged violation of the Code of Ethics from the executive director, the CPC shall commence an investigation into the allegations. However, no investigation shall be required if (1) the respondent admits to the violation in his or her initial response, or (2) the respondent has already entered a guilty plea, or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct.

B. In all cases other than those in which an investigation is not required, the executive director, at the request of the CPC, shall request the state association for the state in which the violation is alleged to have occurred to appoint an ICMA fact-finding committee to conduct the investigation. If the violation is alleged to have occurred in more than one state, at least one member of the committee shall be from the state involved. In the event that there is no active association in a state, the CPC shall appoint an ICMA fact-finding committee from one or more state(s) for this purpose.

1. The fact-finding committee shall consist of not less than three (3) ICMA members. No one other than an ICMA member may serve on the ICMA fact-finding committee.
2. A fact-finding committee must be appointed within fifteen (15) days of the request made by the executive director.
3. The fact-finding committee shall afford the respondent an opportunity to meet with the committee in person and may, at its discretion, afford such an opportunity to the complainant as well. The respondent may appear at such a meeting personally and be accompanied by a representative. Alternatively, the respondent may appear through a representative.
4. The fact-finding committee shall prepare and maintain notes of all meetings and interviews with the respondent, the complainant, and any witnesses, and may request any such person to sign a statement prepared on the basis of those notes. The respondent shall be entitled to review these notes and statements, and any other documentary evidence gathered in the course of the investigation, and shall be afforded the opportunity to respond in writing thereto.
5. The fact-finding committee shall take all reasonable steps to ascertain the facts relevant to the case, including, but not limited to, interviews with witnesses, review of the respondent's submission(s), and examination of all published material judged to be relevant and reliable.
6. Within sixty (60) days of the appointment of the fact-finding committee, the investigation shall be concluded, and a written report of the committee's proposed findings of fact shall be sent to the executive director and the respondent. Each finding must be supported by reliable and relevant evidence which has been made available to the respondent for review.

**MANAGING
THE
PROFESSION'S
SHARED
COMMITMENT
TO ETHICS**

VII. Decisions

A. The CPC shall promptly review the fact-finding committee's proposed findings of fact and shall ascertain whether they are supported by sufficient reliable and relevant evidence.

1. If the evidence is not sufficient, the CPC may either (a) dismiss the case; (b) return it to the fact-finding committee for further investigation in accordance with these rules; or (c) refer the case to the Executive Board for a hearing in accordance with part VIII of these rules.

2. If the CPC determines that the proposed findings are supported by the evidence, it shall determine whether they demonstrate that a violation of the Code of Ethics has occurred. If not, it shall dismiss the case and so advise the respondent, the fact-finding committee, the state association, and the executive director.

3. If the CPC concludes on the basis of the fact-finding committee's report that a violation has occurred, it shall determine the appropriate sanction(s). The CPC shall then notify the respondent of its intent to adopt the fact-finding committee's report as final, and to impose the specified sanction(s) for the reasons stated, unless the respondent can show that the findings of facts are erroneous, or that the proposed sanctions(s) should not be imposed in light of certain mitigating factors which the CPC did not previously consider. The respondent shall have fifteen (15) days in which to submit a written response to the CPC and/or to request a hearing.

4. In event that the respondent makes no submission, and does not request a hearing, the CPC shall promptly adopt the proposed findings and sanction(s) as final and so inform the Executive Director.

5. In the event that the respondent makes a written submission, but does not request a hearing, the CPC shall review the submission and may either adopt, or revise and adopt as revised, the proposed findings and/or sanction(s), as it deems appropriate. The CPC shall promptly notify the Executive Director of its decision.

6. In the event that the respondent requests a hearing, the CPC shall refer the case, including its recommended sanction(s), for a hearing before the Executive Board. Hearings shall be conducted in accordance with part VIII of these rules. No sanction(s) shall be imposed before the hearing is concluded.

B. Upon receiving notice from the CPC of its determination that a private censure is the appropriate sanction, and that the respondent has not requested a hearing, the executive director shall send a letter of private censure to the respondent, with copies to the complainant and the state association. The case shall then be closed.

1. No other notification of a private censure shall be made. However, ICMA may publish the fact that certain kinds of conduct have resulted in the issuance of private censures, provided that no names or identifying details are disclosed.

C. Upon receiving notice from the CPC of its determination that a public censure, expulsion, or membership bar is the appropriate sanction, and that the respondent has not requested a hearing, the Executive Board may vote to adopt the recommended decision of the CPC, to modify said decision, or to dismiss the case without imposing sanctions. The respondent shall be immediately notified of the decision of the Executive Board and the sanction, if any, shall be implemented.

**CODE OF
ETHICS**

**Resource Guide for
Professional Associations
Contributing to Good
Local Governance**

128

VIII. Hearings

A. These procedures shall govern all hearings conducted pursuant to these rules.

B. No board member may hear any case if his or her participation in that case would create an actual or apparent conflict of interest.

C. Within ten (10) days of receiving a request for a hearing, the executive director shall notify the respondent by registered or certified mail that a hearing has been scheduled before the Executive Board. The hearing date shall be at least fifteen (15) days after the date the notice is postmarked. The notice shall also state that the respondent has the following rights:

1. To appear personally at the hearing;
2. To be accompanied and represented at the hearing by an attorney or other representative;
3. To review all documentary evidence, if any, against him or her in advance of the hearing;
4. To cross-examine any witness who testifies against him or her at the hearing; and
5. To submit documentary evidence, and to present testimony, including the respondent's, in his or her defense at the hearing.

D. The Executive Board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.

1. The fact-finding committee's report shall be admissible evidence at the hearing.
2. The Executive Board may not hear evidence of any alleged ethics violation by the respondent that was not the subject of the initial investigation.

E. At any hearing conducted under these rules, the CPC shall first present evidence in support of its recommended decision. Upon conclusion of its presentation, the respondent shall have the opportunity to present evidence in his or her defense.

F. Within five (5) working days of the conclusion of the hearing, the Executive Board shall render a decision in the case.

1. The decision shall be in writing and shall include a statement of the reasons therefore. Only evidence which was put before the Executive Board may be considered as a basis for the decision.
2. The Executive Board's decision may be to:
a. Dismiss the case;
b. Adopt the findings and sanction(s) recommended by the CPC; or
c. Revise, and adopt as revised, the findings and/or sanction(s) recommended by the CPC. However, the Executive Board may not increase the sanction(s) recommended by the CPC unless new evidence, not previously available to the CPC, is disclosed at the hearing, which indicates that the respondent's violation was more serious. No sanction may be imposed for any violation of which the respondent had no prior notice.
3. A copy of the written decision of the Executive Board shall be sent immediately by registered mail to the respondent, the Executive Board, the CPC, the state association, and the executive director.

4. Promptly after receiving a copy of the written decision, the executive director shall implement the sanction(s), if any, imposed by the Executive Board in accordance with the rules.

The fox condemns the trap, not himself.
William Blake

[1] Public Management Committee, Organisation for Economic Co-operation and Development**, Ethics Report**, (Paris: OECD, 2000), p. 17.

[2] Michael Josephson, *Making Ethical Decisions: What Are You Going to Do? 3rd edition (Marina Del Rey, CA: Josephson Institute of Ethics, 1995), pp.8-17.*

[3] OECD, Ethics Report, p. 6.

[4] *Standards in Public Life: First Report, Volume 1,* London: HMSO (Chairman: Lord Nolan) 1995.

[5] *Ethics Report,* OECD, p.30.

[6] *Ethics Report,* p. 97.

[7] Pope, Jeremy, *TI Source Book2000: Confronting Corruption: The Elements of a National Integrity System.* (London, Transparency International, 2000.) p. 34.

[8] From an Earth Times News Service article by Frank Vogl, based on a lecture he gave at Pennsylvania State University, Smeal College of Business Administration in March, 2001.

[9] *Ethics Report*, p. 6.

[10] *Ethics Report*, p. 6.

[11] Based on major international legal instruments, on commitments made by Governments at major United Nations conferences, and on UN-HABITAT's and its partners' experience in urban development work, a set of seven principles of good urban governance has been proposed by the Global Campaign on Urban Governance. These include the following: **Sustainability** in all dimensions of urban development; **Subsidiarity** of authority and resources at the lowest appropriate level; **Equity** of access to decision-making processes and the basic necessities of urban life; **Efficiency** in the delivery of public services and in promoting local economic development; **Transparency and Accountability** of decision-makers and all stakeholders**; Civic Engagement and Citizenship** to promote active contribution of urban citizens to the common good; and **Security** of individuals and their living environment. In a UN inter-agency meeting on the occasion of the Istanbul+5 Conference, the following "Five Core Principles of Good Urban Governance" were agreed as a set that could be put forward by each agency present to support their urban governance agendas: **Equity, Effectiveness, Accountability, Participation and Security**. The above UN-HABITAT's list of seven principles and lists of other agencies can be subsumed under these 5 principles. For further information, please see the Concept Paper of the Global Campaign on Urban Governance, 2nd Edition, March 2002, or visit www.unhabitat.org/governance.

[12] Paulo Freire, *Pedagogy of Freedom: Ethics, Democracy, and Civic Courage*, (Lanham MA, Rowman and Littlesfield Publishers, 1998), p. 119.

[13] Sigurdur Helgason, *Towards Performance-Based Accountability: Issues for Discussion,* (Paris: OECD Public Management Service, 1997), pp.1-2

[14] Roy J. Lewicki, *Trust and Distrust: new relationships and realities.* Academy of Management Review: July 1998.

[15] This list was adapted from a list that was adapted. It was initially adapted by Transparency International for inclusion in their Source Book 2000 (page xviii) from Gerald E. Caiden, "*Toward a General Theory of Official Corruption*", Asian Journal of Public Administration, Vol. 10, No.1, 1988.

[16] Peter Eigen, *Preface,* p.xv, from Jeremy Pope's *Confronting Corruption: The Elements of a National Integrity System.* London, Transparency International, 2000.

[17] See footnote number 11.

[18] Birkett, William P. *Ethical Codes in Action,* New York: International Federation of Accountants, 2001, p.1. For more information about the study and the Federation, log on to: http:// www. ifac.org/ Library.

[19] McNamara, Carter, *Complete Guide to Ethics Management,* St. Paul, Minnesota: Management Assistance program for Nonprofits, 1999. p. 12.

[20] Birkett. p.4.

[21] Walter Tate and Associates. *Code of Ethics,* October 1999, p. 1. The full text of this essay can be found at: http://members.ozemail.com,au/~wta/ethics/code.htm.

[22] Ibid. p.2.

[23] Olsen, Andrew, *Authoring a Code: Observations on Process and Organization,* (Chicago: Center for the Study of Ethics in the Professions. 1999) p. 1.

[24] Olsen, p.1.

[25] *Ethics Report.* OECD, p.19.

[26] *Ethics Report*, pp.20-22

[27] *Ethics Report,* pp.97-9

[28] Jeremy Pope*, TI Source Book 2000: Confronting Corruption: The Elements of a National Integrity System* (London, Transparency International, 2000) p 37.

[29] Pope, p. 296

[30] Richard J. Stillman II, *The Rise of the City Manager,* (Albuquerque: University of New Mexico Press, 1974). We extend a special thanks to Professor Stillman for his efforts to document the many twists and turns in the city management profession over the decades and particularly his attention to the evolving nature of the Code of Ethics.

[31] Stanislaw J. Lec, *Unkempt Thoughts,* (*New* York: Minerva Press, 1962), p. 50.

[32] Stillman, all citations in reference to the ICMA Code of Ethics and changes made through 1969 have been taken from Appendix C: pp. 123-7.

[33] John A. N. Lee and Jacque Berleur, *Progress towards a World-Wide Code of Conduct,* (Presented at the SIGCAS Conference on Ethics, Gatlinburg, TN 11-13 November 1994 and available on the following website: http://courses.cs.vt.edu)

[34] Andrew Olsen, *Authoring a Code: Observations on Process and Organization,* (Center for the Study of Ethics in the Professions, Illinois Institute of Technology, 1999), pp. 1-6

[35] From the website: www.math.yorku.ca/sfp.html that includes The Toronto Resolution. The Resolution was formulated at a Workshop on "Ethical Considerations in Scholarship and Science", held in Toronto 8-9 November 1991 and co-sponsored by York University and other like minded institutions. . [36] A. Fleming Bell, II, *Ethics in Public Life* (Chapel Hill, NC, Institute of Government, 1998), pp. 33-6.

[37] Bell, pp.37-8.

[38] Pope, p.177.

[39] William Isaacs, *Dialogue and the Art of Thinking Together* (New York: Currency Books, 1999), p.9.

[40] Rushworth M. Kidder, *How Good People Make Tough Choices*, (New York, William Morrow and Company, 1995). These thoughts from Kidder are taken from the web-site: www.globalethics.org/pub/toughchoices.html pp. 1-15.

[41] Casall, Alipio, *Ethics: Are you willing to do something to change things?* Taken from the website: www.Codigodeetica.com.br

[42] From the same source.

[43] William Isaacs. *Dialogue and the Art of Thinking Together*(New York: Currency Books, 1999), p.1.

[44] Ibid, p.9

[45] Op. cit. p.19.

[46] Daniel Yankelovich, *The Magic of Dialogue(New York: Simon and Schuster, 1999, pp.41-44*

[47] Ibid, pp. 127-8.

[48] Elizabeth Kellar. "*Ethics on Center Stage"*, The Public Manager (Washington: International City/County Management Association, Fall 1995) p36.

[49] These statistics were taken from a report prepared by ICMA staff entitled *ICMA's Ethics Program Highlights 1990-2000.* When you see similar discussions later on in this part of the Resource Guide, assume they are taken from similar documents. Typing citations is boring stuff. Besides, this is not an academic dissertation. However, we apologize to the literary purists for these editorial indiscretions.

[50] Casall, Alipio, *Ethics: Are you willing to do something to change things?* Taken from the website:

www.Codigodeetica.com.br

[51] From the same source.

[52] Kouzes, James and Barry Pozner. *The Leadership Challenge:* San Francisco, Jossey-Bass Publishers, 1987, p.286.

[53] Taken from the Ethics Commentary section of ICMA's Public Management publication, August 2000.

[54] Elizabeth Kellar. *Ethics on Center Stage,* The Public Manager: The New Bureaucrat, Fall 1995, Washington DC, p.37.

[55] Ibid, p.38.

CODE OF ETHICS