

# **Ethics**

**Ethical Conduct and Standards**

by

**Dr. Andrew M. Peña**



*“It takes many good deeds to build a good reputation, and only one bad one to lose it.”*

**Ben Franklin**



## Thinking about Choices

If given the choice on your own accord...

High Road?

Low Road?

If given a choice under pressure from your peer(s)...

High Road?

Low Road?

What about your staff?



## What will be covered?

- What is Ethics?
- Effects of Unethical Conduct
- Standards and Principles Of Ethical Conduct
- Conflict of Interest and Commitment
- Resources



## What is Ethics?

It is the Greek word: “ethiko,” standards of conduct... There are two dimensions: **what is right & what is good...** Sometimes **choosing between *right and right***.

- Good and bad
- Moral duty and obligation
- Standards of right and wrong
- Principles of conduct
- Fairness and equity
- Value based



## Why is Ethics Important?

- **Who** defines “what is right” and “what is good?”
- How do you want people to handle a situation which may be unethical?



## PUTTING THE FINDINGS IN CONTEXT



There are more than  
**138 million Americans**  
in the workforce over  
the age of 18



**45%**  
of U.S workers  
observed  
misconduct  
or **62 million**  
Americans



**65%**  
of those who  
witnessed wrong  
doing  
**reported misconduct**  
which comes out  
to nearly  
**41 million**  
Americans



And of those  
who reported,  
**22%**  
said they  
experienced  
some kind of  
retaliation;  
that's almost  
**9 million**  
Americans

*Ethics Resource Center, 2012*



## What are the Types of Misconduct?

- Abusive behavior
- Putting one's self interests ahead of the organization's
- Internet abuse
- Lying to employees & other campus stakeholders
- Misreporting hours worked
- Improper hiring practices
- Safety violations
- Discrimination
- Environmental violations



## Slide 7

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**TDB13** What will you say about this slide when you are presenting? How will you integrate it into the sequence of slides?

I found a better quality graphic for you.

Teresa D. Burgin, 9/30/2015

## What is Ethics at NMSU?

The standards of conduct set forth in University policies include that you should **NOT**:

- Accept gifts which influence your job;
- Accept employment or business that discloses confidential information

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## What is Ethics at NMSU? – Cont'd

The standards of conduct set forth in University policies include that you should **NOT**:

- Use your official position for personal gain or benefit;
- Misuse government resources; and

### **What should I do...**

- Preserve your independence of judgment in making your official decisions....When do you think it'll "cross that line"?



## Growing Pressure to Break the Rules

- U.S. employees reported an increase in pressure to compromise their company's ethics standards or policies, or even break the law. **13%** of employees said they felt pressure to break the rules. That is the highest level since 2000 – just before a wave of corporate scandals triggered a new emphasis on corporate ethics. **PRESSURE APPROACHING HIGHEST LEVELS**
- Percentage of employees feeling pressure to compromise standards
- National Bureau of Ethical Standards (NBES) results showed again this year where there's smoke, there's fire. More than 9 of 10 (**93 percent**) of those who perceived pressure **also witnessed misconduct** where they work.

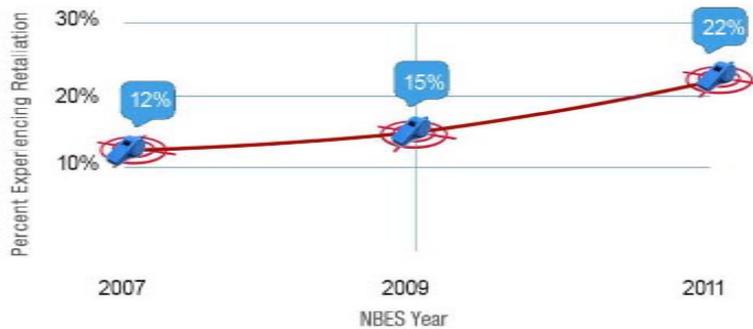
Ethics Resource Center, 2012



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TDB4

## RETALIATION AGAINST WHISTLEBLOWERS AT ALL-TIME HIGH



Ethics Resource Center, 2012



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## Slide 12

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**TDB4** This graphic is rather blurry. Can you find a crisper representation of the information? Can you find more current stats?

Teresa D. Burgin, 9/29/2015

## What are the Common Reasons for Unethical Behavior

- **Pressure:** To succeed, to get ahead, to meet deadlines, to “fit in” with co-workers or the organization
- **Not sure what is the right thing to do:** complex, complicated, gray areas
- **Self-interest, Personal Gain, and Ambition**
- **Misguided loyalty**
- **Apathy:** Don’t know or care about ethics. Nothing will happen to those who are unethical!



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## Scenario #1

A faculty (or staff member) is employed outside of NMSU by a company that has no affiliation with the university. The faculty or staff member needs to conduct research and draft a proposal for this company and uses their work time, a university computer, printer, and other university equipment to perform their duties for the other company.

This **would** constitute unethical behavior based on the standard of conduct outlined in the previous slide. The employee would have used their official position for personal gain and also has misused university resources.



## Our Standards of Conduct

- Our obligation to adhere to the highest ethical standards and principles.
- NMSU is committed to maintaining the highest standards of ethics and integrity in all of its academic, research, and administrative operations.



## What do “Standards of Conduct” mean for an Organization like NMSU?

- Defines the **values** of an organization (or a person)
- Sets the **tone** for expected behavior
- Promotes **dialog** for the gray areas
- Provides **guidance** to decision-makers in tough situations
- **May decrease retaliation** when misconduct is reported
- **May protect the organization** when misconduct occurs



## Principles of Ethical Conduct

- Employees of NMSU are expected to exercise and demonstrate personal and professional honesty and to respect the rights, values and contributions of others.
- Employees of NMSU are expected to be aware of and comply with relevant laws, regulations, contract requirements and university policies and procedures.



## Principles of Ethical Conduct – Cont'd

- Employees of NMSU with access to confidential, proprietary or private information must never use or disclose such information except where authorized or legally obligated to do so.
- Employees of NMSU are responsible for avoiding, where possible, real or potential conflicts of interest and commitment between personal and professional responsibilities, including relationships that have the appearance of a conflict.



## Principles of Ethical Conduct – Cont'd

- NMSU's interests should be foremost in all official decision making and employees and others acting on behalf of the university shall remove themselves from decision-making roles that involve them in any personal capacity or which involve their friends or family members.
- Employees of NMSU acting on behalf of the university have a responsibility to ensure that funds and other assets received are used in an ethical manner. Assets of the university (including personnel), whether tangible or intangible, may not be used for illegal purposes or personal gain.



## Principles of Ethical Conduct – Cont'd

- Employees of NMSU shall strive to present all information, including financial information and research data and results, completely and accurately.
- Acting ethically means more than following the exact letter of the law. It means avoiding **even the appearance** of impropriety.



## Ethical Environment



## Addressing Concerns Related to Ethical Conduct

- Concerns regarding the propriety of a situation involving the conduct of an **NMSU employee** should be reported to the **employee's supervisor**;
- Concerns regarding the propriety of a situation involving **someone acting on behalf of NMSU** should be reported to the **Committee on Conflict of Interest in Sponsored Activities**;
- Concerns regarding the propriety of a situation involving a **Regent** should be reported to the **President**.

*\*Confidentiality will be maintained wherever possible regarding individuals reporting violations and employees shall be free from retaliation for voicing concerns.*

## Scenario #2

A group of employees in a unit are aware of funds that could be used as an added benefit. They all agree to approve the others request for the benefit, not approving their own, but each others. The supervisor is aware of the action and endorses their request since it makes use of the funds. As a result each employee in this small group reap a significant advantage (benefit) over others.

**Though each employee didn't approve their own request for the benefit, which is appropriate. It does raise an ethical question in terms of judgment. The supervisor should've notified the next levels of her unit to inform them what they were doing. Secondly, a benefit that isn't open to all to access, provided an unfair advantage to those who knew of the benefit.**



## Conflicts of Interest

- Occurs when there is a competition between a member of the university community's private interests and the member's professional obligations to the university such that an independent observer might reasonably question whether the member's professional actions or decisions are determined by any consideration other than interests of the university.
- For examples of conflicts of interest and permitted activities, please refer to NMSU Policy 3.20.27 – 3.22. TDB10



## Slide 24

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**TDB10** Perhaps add some examples of items in the policies. They may NEVER open up the policy manual.  
Teresa D. Burgin, 9/30/2015

## Conflict of Interest/Commitment General Principles

- **Always disclose** – it is important that individuals document (through completion of the COI form) any potential or real conflict of interest that can be identified.
- **Amend your Conflict of Interest (COI) Form** – If situations change, disclosure needs to be made within fifteen working days of a change. You are required to update your COI form and have it route for approval accordingly. A new management plan may be required as well. (NMSU Policies: 3.20.10 & 3.20.15)
- **Manage when possible** – This may require an individual being removed or recusing themselves from the conflict situation. The preference of the institution will be to provide management solutions to the conflict of interest that will remove/isolate the conflict. Documentation of the management plan is critical.



## Conflict of Interest/Commitment General Principles – Cont'd

- **Prohibit when necessary** and where management is not possible – There may be cases where management of the conflict is not possible and the individual or organization will have to withdraw from the activity.
- Disclosing, managing, and monitoring conflicts of interest and commitment is **“Everyone’s responsibility”!**



### Scenario #3

A faculty (or staff member) is a principal investigator (PI) on a major state contract/grant. One of the PI's staff employees on the contract/grant is married to a major vendor to the contract/grant. The employee does not sign any PO's related to their work, however could be viewed as having some "influence" on the decision on their behalf. The staff employee fails to indicate on their COI this relationship, though the PI and Supervisor are fully aware of the relationship. The relationship hits the front page of the LC Sun News. What should've happened?

This is **definitely a conflict of interest**. Contact UComm and Office of the Provost on the news item. Contact the Associate Vice President for Research Integrity on the contract/grant matter. The Dept. Head should've recognized that there was a conflict, requested the employee complete an amended COI, then prohibited any business dealings with the vendor and the PI, and develop a management plan to address any perceptions of a COI moving forward.



### Scenario #4

Sally is an Accounting Manager in the Microbiology department on campus. Her boss, the Department Head, told her that they were just informed that a large federal grant would not be re-funded and several employee positions would be terminated as a result. He asked Sally to keep the information confidential because important federal documents had yet to be filed. Sally agreed to do so.

Two days later, a coworker asked Sally if she knew anything about the rumor regarding the grant status and possible layoffs. When she hesitated, the coworker said, "Look, this is serious. People could lose their jobs in a competitive research market. Do I cut back on spending? Do you know anything?"

Badaracco (1997). *Defining moments: When managers must choose between right and right*. Boston, MA: Harvard Business School Press.



## Scenario #4 – Cont'd

### What should Sally have done?

- ✓ **Honesty?** She does know something.
- ✓ **Loyalty** to comrades?
- ✓ **Say Nothing?** Duty to maintain confidentiality. She said she would.
  
- Choice is not between **right and wrong**
- Choice is between *right and right*.
- **Often the case in ethical dilemmas.**



Badaracco (1997). *Defining moments: When managers must choose between right and right*. Boston, MA: Harvard Business School Press.



## Ethics Education & Training



## NMSU Compliance Training – Conflict of Interest & Ethics

- **It's Easy!**
- **Online** and **Interactive** – time for discussion
- **Scenario-based** with situations the employees may encounter on the job
- No more than **15-20 minutes** to complete the module
- **Relevant** to the work place
- List of **resources** available – who should I talk to about ethics?
- **Not a one-shot approach**; build ethics into other trainings, discussions, hiring, performance management
- The critical role of **leadership**

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## What are the “Take-aways”?

- The role of leaders is critical
- If you don't provide an ethical framework, employees will provide their own
- A comprehensive ethics program is more than one-time training
- Dialogue is very important
- Scenario-based training is more relevant and more engaging

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**Thank you!**

**Additional “Ethics” Content for this presentation was provided with permission by and in appreciation of Dr. Betsy Webb, Professional Development & Training Manager - Montana State University – June 2014**

