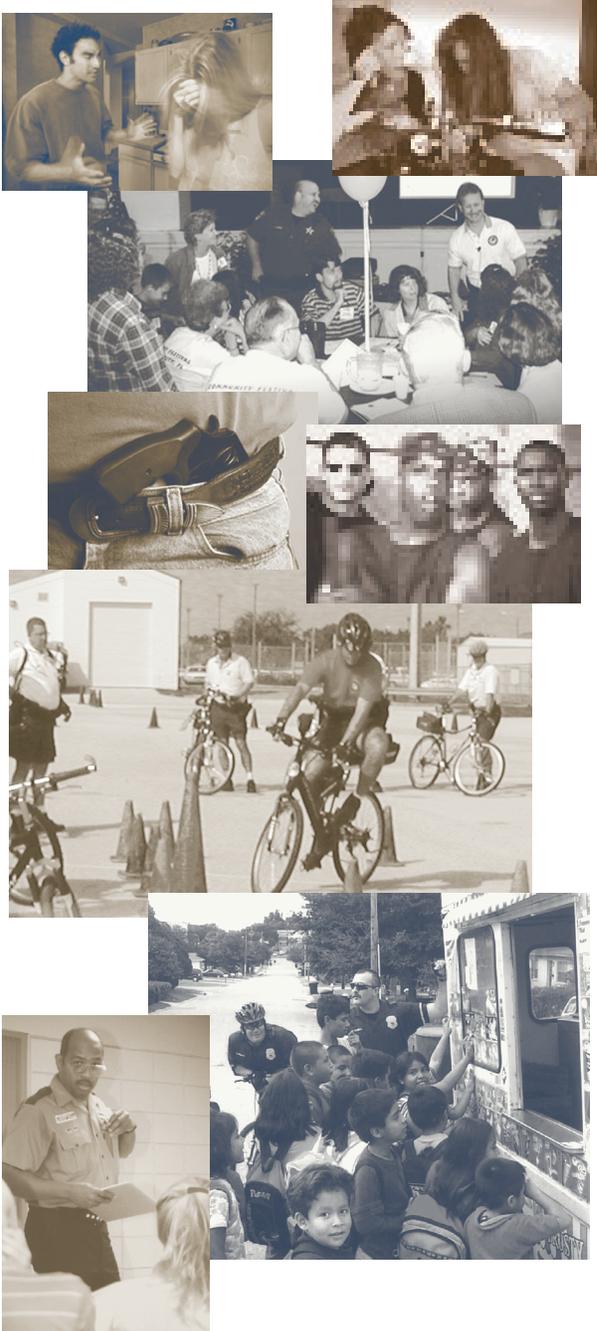


St. Petersburg College

FLORIDA REGIONAL COMMUNITY POLICING INSTITUTE



Ethical Issues for Elected Officials and Public Servants



Instructor Manual

St. Petersburg College

Ethical Issues for Elected Officials and Public Servants



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Who We Are

The Florida Regional Community Policing Institute (RCPI) at St. Petersburg College (SPC) operates under a cooperative agreement from the Department of Justice, Office of Community Oriented Policing Services (COPS). RCPI provides FREE community policing training to law enforcement officers, community residents, city employees, social services agencies, and private sector representatives throughout Florida.

Basic Courses

- Introduction to Community Policing
- Police-Community Partnerships
- Problem Solving for the Community Police Officer and Citizen
- Survival Skills for Community Policing Officers
- Ethical Issues and Decisions in Law Enforcement
- Reaching your Goals Through Code Compliance
- Planning a Win for the Good Guys: Crime Prevention/Crime Displacement and Environmental Design
- Managing Encounters with the Mentally Ill
- Building Bridges: Community Policing Overview for Citizens
- Changing Roles: Supervising Today's Community Policing Officer
- Grantsmanship 101
- Sexual Predator and Offender Awareness in Your Neighborhood and on the Internet
- Effective Media Skills for Law Enforcement
- Citizens' Community Policing Academies

Specialty Courses

- Protecting, Serving and Supervising through Community Partnerships
- Three-Part Community Policing Management Series

Domestic Violence Courses

- Dynamics of Domestic Violence
- Legal Aspects of Domestic Violence
- Resources for Domestic Violence Teams

Ethics Courses

- Citizen Complaint Intake and Investigation Issues
- Bias-Based Policing: Issues and Dilemmas
- Use of Force Issues in a Community Policing Environment
- Early Identification and Intervention Strategies (EIIS)

Online Courses

- Ethical Issues & Decisions in Law Enforcement
- Introduction to Community Oriented Policing
- Dynamics of Domestic Violence
- Understanding the Dynamics of Violence in the Workplace

Course Material

Course material is provided at no charge to all participants. We can adapt our training to fit your agency/ community/business needs. Evening and weekend classes are available. Most training modules are eight or 16 hours but may be modified to allow for limited time allotments.

Training Locations

Generally, classes are conducted at our SPC training site. However, we will arrange training at your facility or a training center in your area. Students who travel more than 50 miles to specified courses held at St. Petersburg College may be eligible for lodging reimbursement. See individual course brochure for eligibility.

Who Can Attend?

- Any law enforcement officer (community policing patrol, crime prevention, campus police), civilian employees, probation officers, and social service agencies
- Community leaders and citizens
- Chiefs and Sheriffs who are interested in starting and maintaining community policing in their communities
- Business managers, executives and employees
- Mayors, City Managers, Council members, trustees and government leaders
- Middle, high school youth, college students

Registration

To register for classes, schedule on-site training or become part of our mailing list, please call:

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Acknowledgements

This textbook was written for the Florida Regional Community Policing Institute (RCPI) at St. Petersburg College (SPC) by Keith Goree, an instructor for SPC. Keith Goree has a bachelor's degree in Religious Studies and Psychology from Harding University, a master's degree in Marriage and Family Therapy from Abilene Christian University, and has completed postgraduate work in philosophy, applied ethics, and education at the University of South Florida.

He has worked as a youth and family counselor, a child abuse investigator for the State of Florida, and joined the faculty of the SPC Applied Ethics program in 1986. He speaks on ethics education at professional conferences for teachers and school administrators throughout the country. Mr. Goree is the author of an ethics textbook, *Ethics in American Life*, and has been a contributing author to several

books, including the SPC textbook, *Ethics Applied*. In 1997, the Florida Association for Community Colleges named Keith one of the top community college professors in the state. He is also an instructor for the Florida Regional Community Policing Institute at SPC.

This textbook summarizes the development of Ethical Issues for Elected Officials and Public Servants and was supported by the Department of Justice, Office of Community Oriented Policing Services (COPS). The author wishes to acknowledge the staff that envisioned and implemented this textbook for the Florida Regional Community Policing Institute at SPC. Finally, the support of COPS personnel who assisted and were committed to the dissemination of this textbook is gratefully acknowledged.

Unit One: Personal and Professional Ethics

The Human Scavenger Hunt

The goal of this game is simple. Match each of the following statements to one of your classmates. You cannot use any classmate more than once (and you can't use your own name). So just meet and greet your colleagues and put names in the blanks as you make connections. The first one to get 10 matches with 10 different names wins. You have 10 minutes.

1. _____ I am the first member of my family to go into public service.
2. _____ I think that genetic engineering and cloning technologies will end up producing more good than harm.
3. _____ I believe that too often the news media treats people in public service unfairly.
4. _____ My religious faith is important to me.
5. _____ I served in the military.
6. _____ I'm not necessarily against the death penalty in principle, but the possibility that some people might be executed for crimes that they did not commit does concern me.
7. _____ I believe that there is more to ethics than just obeying the law.
8. _____ I understand at least some of the reasons why many people seem so cynical about government ethics.
9. _____ I originally went into public service because I wanted to help people.
10. _____ I believe that people in public service should be held to higher moral and ethical standards than ordinary citizens are held to.

*"Anyone can be great, because anyone can serve."
Martin Luther King, Jr.*

*"He who permits himself to tell a lie once, finds it much easier to do it a second and third time, until at length it becomes habitual. He tells lies without attending to it, and truths without the world believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions."
Thomas Jefferson*

What is “Ethics” and why does it Matter?

“The man of wisdom has no perplexity; the man of humanity has no worry; the man of courage has no fear.”
Confucius

Ethics – The reasoned study of what is morally right or wrong, good or bad.

Morality – Refers to the rules and social standards that we are taught to follow.

Ethical Issues – Situations or actions that raise questions of moral right or wrong; topics that raise honest ethical debate.

3-Minute Brainstorm:

What are some ethical issues that are relevant to people in public service?

Ethical Principles – General statements of how people should act under normal circumstances. Examples:

- *People should treat others as they would want to be treated themselves.*
- *People should be honest.*
- *People should respect the rights of others.*
- *People should act in ways that produce the greatest possible good for the greatest possible number.*

Professional Ethics – The application of universal ethical principles to situations and actions that may arise in business or professional life.

Virtues – Character traits that constitute a good moral life or that are associated with good people.

“The sad truth is that most evil is done by people who never make up their minds to be either good or evil.”
Hannah Arendt

3-Minute Brainstorm:

What are some character traits (virtues) of good public servants?

Character – The sum or totality of a person’s ethical strengths and weaknesses. (In this sense, character is not an all-or-nothing quality that one either has or hasn’t. Instead, think of it as a continuum. Some people have excellent character, others deplorable character, and most of us are somewhere in between.)

Integrity – The quality of living consistently by ethical principles that other rational people would consider commendable. It’s the virtue of being one good person, through and through.

Four Components of Consistent Ethical Behavior (James Rest)

- A. Moral Sensitivity – the ability to be recognize the presence of ethical issues and problems in everyday situations.
- B. Moral Judgment – knowing what is right and wrong; the ability to decide the wisest and most ethical course of action in a situation.
- C. Moral Motivation – possessing the desire to do the right thing; wanting to do what is good.
- D. Moral Character – having the courage and self-discipline to follow through and do what you know is right, even in the face of strong temptation.

“The only thing necessary for the triumph of evil is for good men to do nothing.”
Edmund Burke

3-Minute Brainstorm:

It has been said that most unethical actions by public servants can be traced to short-term thinking. Do you agree? Why or why not?

“The foundation of morality is to have done, once and for all, with lying.”
T. H. Huxley

*“Without civic morality
communities perish; without
personal morality their survival
has no value.”
Bertrand Russell*

3-Minute Brainstorm:

A “standard” is a level of behavior that people are expected to live up to. What primary differences do you see between the legal standard and the moral/ethical standard?

3-Minute Brainstorm:

Should public servants be held to higher ethical standards than those to which ordinary citizens are held? Why or why not?

*Ghandi’s seven sins:
“Wealth without work
Pleasure without conscience
Knowledge without character
Commerce without morality
Science without humility
Worship without sacrifice
Politics without principle”*

3-Minute Brainstorm:

Do you think that, in general, public servants hold themselves and their colleagues to higher ethical standards? If so, how? If not, what could/should they be doing differently?

Unit Two: Moral Development

Personal Ethics Pop-Quiz

Instructions: Answer YES or NO to each of the questions below. Then briefly explain WHY you chose the answer that you did. You will not be asked to share your answers, so be honest with yourself.

1. *While in a grocery store parking lot one evening, you accidentally dent another car. No one else sees it happen. Would you leave a note taking responsibility?*

Yes/No?

Why or Why Not?

2. *A friend wants to copy and swap some expensive computer software with you. You know it's illegal. Would you swap?*

Yes/No?

Why or Why Not?

3. *You are an elected representative. Your legislative body is deciding whether or not to pass an ordinance about gay and lesbian rights. Your constituents are demanding (overwhelmingly) that you vote one way, but your personal convictions are on the other side. Would you go along with the will of the people?*

Yes/No?

Why or Why Not?

4. *You lose an expensive diamond ring and your insurance company reimburses you for the loss. Shortly thereafter, you find the ring. Would you return the money?*

Yes/No?

Why or Why Not?

5. *You are a staff assistant to the mayor. You enjoy working for her, but recently you have seen her accepting personal gifts from an influential property developer. She tells you that she will not let the gifts influence her decisions or policies, but you know that accepting these gifts violates ethics laws. Would you report your boss?*

Yes/No?

Why or Why Not?

“The Japanese recognize that there are really only two demands of leadership: One is to accept that rank does not confer privileges, it entails responsibilities. The other is to acknowledge that leaders in an organization need to impose on themselves that congruence between deeds and actions, between behavior and professed beliefs and values, that we call ‘personal integrity’.”
Peter Drucker

“Always do the right thing. This will gratify some people and astonish the rest.”
Mark Twain

“Never do anything against conscience, even if the state demands it.”
Einstein

Levels of Moral Reasoning

Scholars who study **moral development** try to understand how people develop a sense or understanding of right or wrong. Since infants have no real understanding of morality while almost all adults do, there must be some sort of process going on. How does this process work? The general consensus used to be that our understanding of right and wrong was based solely on what we had been taught by others or through life experiences. However, research over the past 30-40 years (Lawrence Kohlberg, Carol Gilligan, James Rest, and others) has demonstrated that there is much more going on than that. While findings and theories differ in ways, it is generally accepted now that humans reason about moral right and wrong at three different levels.

The key to understanding these levels is to remember that they are based on how people **think**, not on how they **act or behave**. It's not *what* you do that determines your level, it's **why** you do it and how you justify your actions.

Instructor's Note: Level I reasoners can do good things and those reasoning at Level III are still human and will from time to time will do things they should not. But what is it exactly that makes an action right or wrong? How you answer that question will say something important about your moral maturity.

Level I

The most immature level of ethical reasoning is to base moral decisions purely on **self-interest**.

*“The last temptation is the greatest treason:
To do the right deed for the wrong reason.”*
T.S. Eliot

Instructor's Note: What is right is whatever is in one's own best interests. People reasoning at this level might think that an action was morally acceptable as long as they don't get punished for it. Or they might reason that the right action is the one that gets them something important that they want. People who reason this way are often manipulative, using situations and other people to get what they want. And as long as they get what they want, it's very difficult for them to conceive that they might have done something wrong.

Level II

The next level of moral reasoning is to base ethical decisions on **conformity**. There are really two forms that this conformity can take, and it's worth considering them separately.

- a. Some people see ethics as a matter of conforming to the **desires and expectations of others**.

Instructor's Note: What's right is whatever gets them social approval. What makes others like, accept, admire and respect them. Those at this level are easily swayed by peer pressure, since their personal feelings of self-worth are often dependant on the approval of others.

- b. Others seem to think that ethics is a matter of conforming to **formal and official laws, rules and policies**.

Instructor's Note: The "right thing to do" is to obey the rules. These may be governmental rules (laws), corporate policies, professional regulations, religious rules, or even the formal rules of a club, sport or game. People at this level equate "legally right" and "morally right." In contrast to Level I reasoners, this obedience to rules is not motivated by personal gain or the desire to avoid punishment. Instead the motivation comes from a respect for the system and a personal obligation to help maintain the social order. After all, if people don't follow rules and laws, chaos will result. While those reasoning in this way tend to make solid citizens and good employees, there is a dark side. This legalistic kind of thinking can lead to blind obedience to rules and laws. These people have difficulty understanding that there can be rules and laws that ought not to be obeyed.

Level III

The highest level of ethical reasoning is to base moral decisions on **ethical principles**.

Instructor's Note: You will recall that principles are general guidelines of ethical behavior. They are the "should" statements of ethics. (People should be honest. People should keep their promises. People should not exploit others for personal gain.) These principles are sometimes referred to as being universal, meaning that other rational people, thinking logically, would have to agree that they are worthy principles. These principles are not universal because everyone follows them, but because we can make valid logical arguments that everyone should. Thus, the principle that people should discriminate against those who are different from them would not be considered a universal principle.

Moral Development Video

In the 1950s a Harvard psychologist named Stanley Milgram began a series of somewhat infamous experiments. He told his subjects that he was trying to measure the effects of negative reinforcement

*"Ethics is never dispensable. It is an integral part of human survival. But in the 21st century, such survival will be a more complicated and precarious question than ever before, and the ethics required of us must be correspondingly sophisticated."
Oscar Arias, in Shared Values for a Troubled World*

"To do injustice is more disgraceful than to suffer it." Plato

“Once a society exempts certain classes from universally shared moral responsibilities, it is in trouble.”

Carl Henry

“Wisdom, compassion, and courage - these are the three universally recognized moral qualities of men.” Confucius

(pain) on learning. His subjects were to push a button sending an electric shock to a “learner” whenever the learner gave a wrong answer. However, the real experiment was to see whether the “teachers” (the real subjects) would obey his instructions. This video provides a reenactment of Milgram’s experiment, as well as excerpts of interviews that Lawrence Kohlberg did later with the subjects. Listen for the different levels or stages of moral reasoning that the subjects exhibit.

Application Scenario

Instructions: Read the following scenario. Then try to identify how you think Connie would think and what you think she would be most likely to do at each level of moral reasoning. Keep in mind that you are not trying to identify at which level Connie is functioning. You don’t have enough information for that. Instead, you will put her in all three levels and explain how her thinking and behavior would vary from level to level.

Connie’s Conundrum

Connie Science is the new Assistant to the Deputy Director of the Federal Health, Education, and Welfare Department in Washington D.C. She is a divorced mother of three children (ages 12, 15, and 17 years). She is also a diligent employee who has worked for the federal government for twenty years, and is now delighted to have finally been appointed by President Clinton to the kind of job she has always wanted; one in which she can have input into important decisions about government policies which can help improve people’s lives. But, at the moment, Connie is faced with a serious ethical dilemma.

During her first few weeks on the job, she has witnessed her new boss, Mr. O. Vern Bereng, accepting gifts and money to which he is not legally entitled. While none of the “gifts” amounted to a great deal of money, Connie is concerned about their sources and the intentions behind them. She knows that many of the packages and envelopes were from the Alliance of American Insurance Companies, a lobbying group trying to influence new laws about national health care. Two days ago, summoning up her courage, Connie went to see Mr. Bereng. She asked him about the gifts, and reminded him of the government ethics laws forbidding the acceptance of such gifts. He reacted with open anger.

“How dare you question my actions when you’ve only been on the job for three weeks?” he stormed. “I used my influence to help you get this job, and I can use it to get rid of you, too! Don’t forget that you are still on probation in this position, and boat-rockers do not last long around here. I’ll bet you would be surprised to learn

how many of your co-workers are doing the same thing I am. If you persist with this self-righteous crusade you'll find yourself cut off without any influence or power. Ms. Science, you have the potential to go a long way in this department. But if you aren't going to play ball with us, then go find yourself another game!"

So Connie has to decide what to do. As she drove home that afternoon, she thought to herself, "Should I report this to the Justice Department or go along with my new colleagues and get on the lobbyists' mailing lists? If the practice of accepting gifts is what everyone is used to, maybe it is not so bad. If nobody is being hurt, how wrong can it be? Anyway, I am a single parent. If I lose this job, my family will lose its only source of income. But how I can face myself in the mirror each day if I knowingly violate both the government ethics laws and my moral beliefs?"

Level	How would she be thinking?	What do you think she would do?
I.		
IIA.		
IIB.		
III.		

*"Not life, but a good life is to be chiefly valued."
Socrates*

*"Man is the only animal that blushes, or needs to."
Mark Twain*

Unit Three:

Conflicts of Interest

Class Notes on Conflicts of Interest

Consider these situations:

- A group of police officers are arguing among themselves about whether there is anything wrong with accepting the free meal being offered to them at a restaurant.
- A major corporation decides to prop up its stock value by hiding much of its debt in off-the-books partnerships, using its own corporate officers as the partners. These officers each receive millions of dollars for participating.
- A city mayor appoints his brother-in-law as city manager, even though the man has little managerial experience and there were other, more qualified applicants.
- An attorney charged with the oversight of an elderly woman's trust account has access to the woman's money, and steals some of it.
- A politician accepts campaign contributions from a special interest group that wants a certain law to be passed.

*Instructor's Note: What all of these situations have in common is **conflict of interest**, perhaps the most pervasive of all business ethics problems. Dr. Michael Davis from the Illinois Institute of Technology has conducted extensive research on conflicts of interest. Much of the following material is from his research.*

What is a Conflict of Interest?

A conflict of interest occurs when a person faces competing priorities between personal interests and professional commitments and responsibilities.

Instructor's Note: For example, the politician mentioned earlier is required to exercise judgment on behalf of the citizenry, but his personal need to keep those campaign contributions coming in may interfere with that judgment.

*If you don't want to work for a living – this is as good a job as any.”
John F. Kennedy 1946 – New Congressman*

*“Congress would exempt itself from the Laws of Gravity if it could.”
Congressman Henry Hyde, 1988*

“Character is much easier kept than recovered.”
Thomas Payne

What’s Wrong With Conflicts of Interest?

For one, it causes the person to be less reliable and trustworthy. It increases the risk of errors in judgment.

Instructor’s Note: Imagine being asked to serve as a referee for a basketball game involving your daughter’s team. Your official decisions might be more lenient on her team out of normal parental bias. Or you might be stricter on her team to ensure that no one thought you were being unfair to the other team. But either way, you have become less reliable as a referee. The situation has increased the odds of poor calls on your part. Even the perception others have of your integrity is now at stake.

Three Levels of Conflicts of Interest

- **Actual** conflicts of interest. These fit the definition given earlier. One’s professional obligations and responsibilities are in conflict with his or her personal interests. Following one’s personal interests could result in corporate, professional or even legal sanctions.
- **Potential** conflicts of interest. These exist when a person has a clear conflict of interests in respect to a certain judgment, but is not yet in a situation requiring that judgment.

Instructor’s Note: What if you were the referee for your daughter’s basketball tournament, but you had not officiated in one of her games yet? You haven’t had the opportunity to encounter an actual conflict of interest, but the odds are good that you will.

- **Apparent** (or perceived) conflicts of interest. These occur where a person does not have any conflict of interest (actual or potential), but others might be justified in thinking that one might be present.

Instructor’s Note: Go back to the cops and the free lunch. Some officers will adamantly state that a \$6 lunch would never affect their judgment. They seem offended that anyone would imply that it might. And they may be right, at least when speaking for themselves. But what might other patrons in the restaurant think when the cops leave without paying? What might other restaurant owners assume about the comparative level of police service the “free-meals” restaurant receives? Law enforcement is one of those professions when there cannot be even the appearance of a conflict of interest.

“So far – about morality. I know only that what is moral is what you feel good after and what is immoral is what you feel bad after.”
Ernest Hemingway

Strategies for Coping With Conflict of Interest Situations

- You might **do nothing**.
Instructor's Note: Just ignore the conflict. But since conflicts of interest have the potential to harm others and damage one's reputation, that isn't usually a very wise or ethical choice.
- You might try to just **avoid** these situations.
Instructor's Note: It's not a bad idea to avoid the ones that you can, but you really can't avoid all of them. Remember the cops and the free lunches? What if the officer's brother-in-law owns the restaurant? What if a citizen from a culture where such gifts are considered common courtesy makes the offer? What if the community wants to have a banquet for "Cop Appreciation Day?" What if an officer's child needs expensive medical care and the community wants to make donations to help? Life is complex and there will be situations that come along where at least potential or apparent conflicts are inevitable.
- You can sometimes **escape** conflict of interest situations.
Instructor's Note: A judge or attorney may recuse herself from a case involving a conflict of interest. You could find another referee for the basketball game. Escape is often a wise and ethical response, but not all conflict of interest situations can be avoided. What if you are the only available referee in town? What if politicians cannot get elected without accepting campaign contributions from parties with special interests?
- You can at least **disclose** the conflict of interest.
Instructor's Note: This doesn't end the problem, but it helps to avoid the betrayal of trust. Our society currently uses this approach to deal with politicians and campaign contributions. We allow the candidates to accept the contributions, but they must meticulously disclose who gives them money and how much. (At least they did until the soft money phenomenon.) Notice that we expect the contributions to affect the judgments and decisions of the politicians, at least to some degree. But we try to minimize the betrayal of public trust by keeping everything out in the open with no secrecy.

*"The world has achieved brilliance without conscience – Ours is a world of nuclear giants and ethical infants."
General Omar Bradley*

*"Only a life lived for others is a life worth living."
Einstein*

*“Everything secret denigrates:
nothing is safe that does not bear
discussion and publicity.”
Lord Action*

- Sometimes all you can do is ***manage*** the conflict of interest. *Instructor’s Note: A surgeon for a small-town hospital gets an emergency call and finds his ex-wife needing emergency surgery to save her life. The divorce was bitter and hostile. The doctor is the only available surgeon, so he can’t avoid or escape the conflict or she will die (ending his expensive alimony payments). He could disclose the conflict, but she is unconscious and telling others might violate her privacy. Perhaps the best answer in rare cases like this is to simply manage the situation as best you can. For example, the doctor could ask his team to watch him and the procedure closely and to report any problems immediately.*

These conflicts of interest are present in most professional walks of life. The “special interest” at stake may be as little as free lunches or as much as millions of dollars. Conflict of interest situations result in many cases of professional discipline and even loss of jobs. The preferred responses to conflict of interest situations are usually avoidance or escape whenever possible. When those won’t work, disclosure and management are required to minimize the potential harm to self and others.

Application Scenario

Read the scenario. Then work in small groups to answer the questions that follow.

Max and Minnie

Max Gross is the hard-working owner of “Metropolitan Paints and Supplies”, a franchise of the Sta-Brite Paint Corporation. Even though he is the owner, Max is under considerable pressure from the Sta-Brite main office to increase his sales. By selling more materials now he can get lower prices on future orders as well as big discounts on his advertising fees. The problem is that business is not good these days.

The recession has hit Max’s business with a vengeance. Several of his best customers have gone out of business entirely, and the others aren’t buying as much as they used to. Sta-Brite is dealing with the sluggish economy by tightening the screws even further on their franchise owners. Max has gotten a pretty clear message that if he doesn’t improve his bottom line figures very soon, the corporation will open a new franchise in his area to pick up some of the slack. In desperation Max turns to his sister-in-law for help.

Minnie Gross works in the purchasing department of the Metropolitan public school system. Her job is to oversee the sealed bids process that the school system uses to make

*“90 percent of success is just
showing up.”
Woody Allen*

its major expenditures. After ten years in this office Minnie prides herself on being able to predict, with amazing accuracy, what the low bid will be on any given contract within 1-2 percent of the final dollar total. The biggest contract out for bids this term is for painting supplies needed to refurbish several elementary schools.

Frustrated to the point of tears, Max explains his dilemma to Minnie over dinner one evening. If he doesn't get a major contract soon his business will fail. Since the Grosses mortgaged themselves to the hilt to get his business off the ground, his family will likely be forced into personal bankruptcy as well. Max pleads that his only hope is for Minnie to help him decide what his bid should be to ensure that he gets the school system's contract. Even if the profit margin isn't very high, it will at least get the Sta-Brite main office off his back and buy him some time. And, he adds, when he gets his business back on its feet he will gladly give her a little something to repay all the trouble she is going to.

Minnie likes Max and cares about his welfare, but she realizes that he is asking her to do something that may be legally and ethically wrong. If she gets caught giving inside information to Max, she could lose her job. But she also believes that the Sta-Brite corporation is wrong in treating Max the way it has. He certainly isn't responsible for the recession. And besides, she doesn't want the whole family to be mad at her.

Questions

1. What type of conflict of interest do you think Minnie is facing (actual, potential, apparent)? Explain why you think it's that type.
2. Briefly explain how Minnie's actions might vary depending on which coping strategy she chooses to employ.

Coping Strategy	Behavioral Response
Do Nothing	
Avoid	
Escape	
Disclose	
Manage	

*"Inability to tell good from evil is the greatest worry of man's life."
Cicero*

*"The ethical person should do more than he is required to do and less than he is allowed to do."
Michael Josephson*

Optional Application Exercise (if time permits)

Working in small groups, create your own conflict of interest scenario relevant to someone working in public service. Have one person in your group write down the story. After you share it with the class, turn it in to the instructor. If it's good enough, we'll use it in future classes!

Unit 4:

Florida Code of Ethics for Public Officers & Employees

A Brief Introduction to Codes of Ethics

A code of ethics is a published set of rules and principles intended to provide guidelines and behavioral standards for those individuals under its authority.

There are three main types of codes of ethics:

Corporate Codes – written by businesses to clarify expected employee standards of conduct.

Examples: Wal-Mart, McDonalds, Raymond James, Honeywell, etc.

Professional Codes – written by professional groups to outline or detail the standards of behavior expected of their members.

Examples: American Medical Association, Florida Bar Association, International Association of Certified Public Accountants, National Education Association, etc.

Government/Public Service Codes – compilations of laws relevant to the ethical conduct of elected and appointed officials, as well as public employees.

Examples: Florida Commission on Ethics' Code of Ethics, U.S. House of Representatives, U.S. Senate, codes for various military branches, etc.

The principles, rules, and standards within codes of ethics can be written at four levels:

Theoretical Level – *Instructor's Note: This refers to the highest possible standards, based on the highest possible ethical principles. While these guidelines are certainly impressive, no human can always meet them, making it difficult to discipline those who fail to meet the standard.*

- “Our members will always tell the truth, the whole truth, and nothing but the truth.”
- “Put the welfare of the customers ahead of your own personal interests at all times..

“All virtue is summed up in dealing justly.”
Aristotle

“Trust like the soul – never returns once it is lost.”
Syrus

Practical Level – *Instructor’s Note: This represents behavioral standards that most people could meet most of the time through diligent effort. Again, such guidelines sound very impressive, but the standards are so high that any occasional failures to meet them would probably not result in very punitive measures.*

- “Our employees will always treat every customer as the employee would want to be treated herself.”
- “Treat each customer with courtesy and kindness, no matter how the customer acts in return.”

Currently Attainable Level – *Instructor’s Note: This standard represents the community’s ethical norm or average. These rules are not likely to sound praiseworthy or admirable. Since those failing to meet these standards would be falling below the average behavior of the community or society, discipline would probably be more punitive.*

- “Do not curse in front of the customers.”
- “Employees are expected to clean up spills that might pose a safety hazard to shoppers.”

The **Basic** Level – *Instructor’s Note: The minimal legal standard. These codes are often legalistic in nature, not requiring much more of people than is already required by law.*

- These codes can unwittingly invite people to play the loophole game. Since the codes are based on rules and not principles, people often begin looking for ways to “get around the rules” without technically violating the law.

Instructor’s Note: It’s worth noting that all government ethics codes are written at the basic level because they are by definition only compilations of laws. Thus, they cannot rise above legal standards.

- Since violations of these standards are also violations of the law, discipline is generally more severe.
- “Employees are not to steal money or merchandise from the store.”
- “Counselors will hold all patient information in confidence, except when the law requires that such confidences be broken.”
- “Public officers and employees are prohibited from accepting a gift worth more than \$25 from a lobbyist.”

“Ethics requires us to abandon the notion that an act is ethical – simply because it is legal.”
Michael Josephson

Overview of Florida Code of Ethics for Public Officers and Employees

A. Prohibited Actions

1. Solicitation and Acceptance of Gifts
2. Unauthorized Compensation
3. Misuse of Public Position
4. Disclosure or Use of Certain Information
5. Solicitation or Acceptance of Honoraria

B. Prohibited Employment and Business Relationships

1. Doing Business With One's Agency
2. Conflicting Employment or Contractual Relationship
3. Exemptions
4. Additional Exemption
5. Lobbying State Agencies by Legislators
6. Employees Holding Office
7. Professional and Occupational Licensing Board Members
8. Contractual Services: Prohibited Employment
9. Local Government Attorneys

C. Restrictions on Appointing, Employing, and Contracting With Relatives

1. Anti-nepotism Law
2. Additional Restrictions

D. Post Office-Holding and Employment (Revolving Door) Restrictions

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers
2. Lobbying by Former State Employees
3. Additional Restrictions on Former State Employees
4. Lobbying by Former Local Government Officers and Employees

E. Voting Conflicts of Interest

F. Information About Various Disclosure Forms

Additional Relevant Content

IV. Availability of Forms

V. Penalties

1. Non-Criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics
2. Penalties for Candidates
3. Penalties for Former Officers and Employees
4. Penalties for Lobbyists and Others

“There is a big difference between what we have a right to do – and what is right to do.”
Justice Potter Stuart

“The reward of a thing well done – is to have done it.”
Emerson

“We make a living by what we get, but we make a life by what we give.”
Winston Churchill

5. Felony Convictions: Forfeiture of Retirement Benefits
6. Automatic Penalties for Failure to File Annual Disclosure

VI. Advisory Opinions

VII. Complaints

1. A Citizen’s Responsibility
2. Confidentiality
3. How the Complaint Process Works
4. Dismissal of Complaints at Any Stage of Disposition
5. Statute of Limitations

VIII. Executive Branch Lobbying

IX. Whistle-Blower’s Act

Application Exercises for the Florida Code of Ethics

Small Group Exercise #1

“If We Were in Charge...”

Working together in small groups, come up with at least three ways the code could be improved. These improvements might include laws or issues that should be covered but are not, laws that should be changed or even deleted, or even changes in wording or format. When all the groups are finished, compare your suggested changes with those of the other groups.

Small Group Exercise #2

Application Scenario - Lenny’s Dilemma

Lenny Poreman is 40 years old and a newly elected state representative. His full-time job as a college teacher pays him about \$50,000 per year. His new part-time job as a state representative pays an additional \$25,000. Lenny and his wife, Arlene, have triplet daughters, now six years old. Arlene was once studying to be an accountant, but gave that up to stay home with the girls. After years of struggle, the Poreman’s have worked themselves out of a significant debt that was due in large part to several college loans and high medical bills from the birth of the girls. This spring for the first time in years, Lenny and Arlene were ready to invest some money. After careful research, Lenny decided to buy stock in the MegaByte Computer Corporation, a company in his district and a rising star on the stock market. This was a risky move, because it put all of their savings in one corporation, but he was convinced the stock was about to skyrocket in value.

Lenny’s first committee assignment was to the House Commerce Committee. At a luncheon for new committee members he overheard two of the veterans talking quietly about MegaByte.

“Life consists, not in holding good cards, but in playing well those you hold.”
Josh Billings

They were saying that the company was about to be sued by a competitor and that MegaByte would probably lose the lawsuit. The stock was about to plummet. There was even a good chance that the company might go under. If so, stockholders would be lucky to get a few cents on each dollar they had invested.

Lenny is now beside himself. Arlene had told him this was too risky, but he had let his ego get in the way. A loss of this magnitude right now could destroy them again financially. An obvious temptation is to dump his stock now, since this information is not yet public. Lenny fears that, because of how he learned the news about MegaByte, this might constitute insider trading. But he is desperate.

What would be the wisest course of action for Lenny? Do you see any ethics rules in the Florida Code of Ethics that might give him guidance? Are there any resources that might help him make a wise decision?

WRAP-UP AND EVALUATIONS

“We cannot live happily as human beings in the belief that our own actions don’t matter.”

Alvin Toffler



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