WHAT ARE ETHICS?

Ethics describes how humans relate to each other. Ethical behavior towards our fellow man is characterized by an adherence to values such as honesty, compassion, fairness, consideration and kindness. Professional ethics describes how we deal with the non-technical aspects of our profession. Ethical behavior in the professional realm is characterized by integrity, diligence, competence and dedication.

The three stages of development of individual ethical standards are:
o **Personal** – these are the standards we develop in early childhood as concepts of "right" and "wrong". Reinforcement is usually achieved through either punishment or reward.
o **Social** - our personal standard is modified through experience as we encounter peer pressure outside the immediate home environment. The human desire to be accepted can lead us to act in ways that may be contrary to our personal standards.
o **Universal** – At this stage we develop standards that integrate the personal and social, and add standards that transcend the two. These standards develop as we observe the consequences of our actions to ourselves, but even more importantly, to others.

Ethical standards fall into two general categories:
o **Don'ts** - don't kill, lie, steal, cheat, etc. This category also describes what is called "behaving morally". Moral standards tend to be absolute. So are laws that attempt to prescribe ethical behavior. They do not allow for exercise of individual judgement based on an assessment of the consequences of blindly following a moral imperative.
o **Do's** – do be fair, loyal, trustworthy, compassionate, etc. These ethical values provide us with guidance for our behavior when strict adherence to moral standards can lead to unintended bad consequences. Or as Isaac Asimov put it "*Never let your sense of morals get in the way of doing what's right"*.

We assimilate ethical standards and values into the very fabric of our being, so that behaving ethically becomes a necessity if we are to feel good about ourselves over the long run. This inner ethical and moral "compass" is essential, because ethical behavior is not always rewarded by society. The term "*No good deed goes unpunished"* is often applicable to the difficult choices life may present us with.

It is easier to say what ethical behavior is not, than to completely define what it is. It is not what is in the law, or in a particular set of religious principles, or what feels good in the short run or is acceptable to our peers, even though all of these standards to some extent provide guidance for ethical behavior.

ETHICAL DILEMMAS

Classic ethical dilemmas deal with the conflict between do's and don'ts. An example is the son confronted by the Nazi police looking for his parents who are hiding in the cellar. He doesn't want to lie and he wants to be a loyal and trustworthy member of his society, yet he knows that doing so will result in dire consequences for his parents.

As public works practitioners we encounter ethical dilemmas on a daily basis, albeit of a more mundane nature. These dilemmas often involve prioritizing our values in order to do the "right thing".

Here are some examples:

o **Loyalty**: One might ask "Loyalty to whom?" Faced with the decision whether or not to report a rule infraction that we witness, our loyalty to our fellow employees may come into conflict with our loyalty to our supervisor. If our supervisor is more concerned with the ends and not the means, and the supervisor's methods of achieving organizational goals involve circumventing rules and procedures, then our loyalty to our supervisor may conflict with organizational loyalty. Our loyalty to our organization may be in conflict with our loyalty to the public if the organizations policies are not consistent with our view of what's right (the "Whistleblower's" dilemma). The risk we take in doing the right thing in these situations can result in consequences to us that range from loss of friendship to loss of employment.

o **Doing unto others**: Customer service and the use of public funds. Lending a helping hand to a citizen in the course of our job is part of customer service. How far you extend that hand is not always clearly defined. We have to strike a balance between individual service (which can be highly time consuming) and service to the public in general, which tends to represent a more efficient use of public resources. Requests for individual service are usually accompanied by emotional appeals to our compassion and desire to apply the Golden Rule, while our primary mandate to do proactive asset management is predicated on rational and logical decisions that are oriented to long term goals and objectives.

o **Environmental ethics**: The use of public funds Environmental ethics is a complex subject, that, in addition to other values, asks us to consider man's place in the universe and how that fits within the balance of nature. From a public works perspective, the ethical dilemma is precipitated by the fact that environmental impacts are associated with most, if not all public works projects and activities (which are primarily for man's benefit). Because funds are limited, only so much can be spent on environmental mitigation before an activity or a project is rendered unfeasible. At times, this makes public works professionals appear to be insensitive to the environment while trying to fulfill their fiduciary and project management responsibility.

Who's your buddy? Public contracts, public funds and the perception of misuse. Much of what we do in public works is predicated on developing good working relationships with our vendors – consultants, contractors, sales people, and the like. Good relationships achieve a number of desired outcomes, including timely conflict resolution, clear and open communication and, most importantly, efficient use of public funds. Knowing how

to maintain objectivity and be fiscally responsible, while at the same time trying to maintain good personal relationships with your contractual partners is not always an easy task and can involve resolving ethical conflicts between values such as friendship, fairness, responsibility and trustworthiness. While we may believe that our relationships are on sound ethical grounds, in the public sector, perception is as important if not more so than reality. If the same vendor seems to be getting the work over and over again, even if there is a seemingly objective procurement process, then it is highly likely that someone will think there is something unethical going on.

Ethical dilemmas generally fall into one of three categories

o   **Personal cost ethical dilemma**, wherein your job, reputation, friendship, etc. may be on the line

o   **Right vs right ethical dilemma**, where one or more positive values are in conflict

o   **Self-imposed ethical dilemmas** that involve rationalizing behavior that we know is "not right" by using such excuses as "..I deserve this…" "..It's only a small thing…" or "everyone is doing this.."

Personal cost and self-imposed dilemmas are not difficult to solve. Usually the "right thing" to do is fairly obvious. The difficulty is in generating the inner strength to act on our convictions when the outcome does not appear to us to have the potential for positive results in the short run. To avoid making bad decisions, we could try the following:

o   Step "outside yourself" and try to analyze the situation dispassionately. One way to do this is to talk to someone who doesn't have the same personal stake in the outcome that you do.

o   Imagine explaining what you did and why you did it to your child or parent.

o   Imagine reading the story of your actions and the process that led you to rationalize them in the morning paper.

Conflicting values dilemmas involve choosing a course of action where there is more than one acceptable alternative that requires us to prioritize our values.

o   See which values apply to your dilemma

o   Don't lose sight of the facts

o   Sort out the options and look for the option that has the greatest potential for overall benefit with the least harm.

In the case of decisions affecting the custodianship of public infrastructure, it can be argued that the standard for selecting the best alternative action should be that which optimizes the use of limited resources to effectively manage the design, construction and maintenance of that infrastructure. As a result, values such as professionalism, competence, and integrity may need to take precedence over compassion, loyalty and friendship.

ETHICS LAWS

When the topic of ethics is mentioned in the media, it is usually in connection with someone getting caught breaking a law. Examples include use of performance enhancing drugs by athletes, insider trading by corporate executives and using ones political (or appointed) position in the public sector for private gain. In our society, there is a tendency to try and prevent a recurrence of this bad behavior by passing a law to make it clear that it is unacceptable and will result in definite consequences to the transgressor.

The expectation is that the majority of people will avoid the bad behavior because they will now be aware that it has negative consequences. In reality, the bad behavior was more than likely exhibited by a minority of people, and the majority avoided it before it was made "illegal" because of their basic beliefs and values. The minority that behaved badly may have done so for a variety of reasons, but whatever those reasons were, they overrode some basic value that society deems essential to social order and human coexistence. As a result, passing a law to try and govern human behavior seldom deters a minority of folks who will continue to behave badly, but in a more circumspect way. Or, as Plato put it "Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws."

ETHICS CODES

Many public agencies and professional organizations have codified ethical standards, sometimes as a formal "Code of Ethics" sometimes embedded in a Mission Statement or in a Statement of Professional Conduct. There are also numerous ethics courses that are offered (mandatory in California for all elected and appointed officials). For the person whose upbringing has included a grounding in basic morals and values, these codes and standards are a confirmation of those values, but not very helpful in resolving ethical dilemmas that require us to select from options that all appear to be consistent with the basic value system.

Ethics courses tend to emphasize how to avoid doing the wrong thing rather than how to select the right course of action from several acceptable alternatives. Learning what constitutes conflict of interest and what type of gifts should be reported does not provide us with guidance on how to deal with the more subtle pressures and behaviors that may influence our decisions on important matters such as selecting consultants or dealing with contractors.

ETHICS AND ORGANIZATIONAL CULTURE

A more important influence than mission statements or ethics codes on how employees will resolve ethical dilemmas is organizational culture. Organizations that profess their virtues through ethics codes and mission statements but do not "walk the talk" send mixed messages to their employees. Whom the organization perceives as "the Enemy" will often determine staff attitudes and how the organization interacts with its external environment much more than any expressed intent to give good customer service. The "Enemy" may be "those greedy developers" or "those outsiders – the commuters who irresponsibly drive through our town", or it may even be the public - "those ungrateful whiners – they want the service but they don't want to pay for it". These blanket generalizations, sometimes uttered out of a legitimate feeling of frustration, influence attitudes and beliefs and translate into actions by employees who, in the course of doing their job, are trying to do their best to resolve ethical dilemmas under the pressure of time and limited resources.

ETHICAL BEHAVIOR

How one reacts to a traffic signal provides a good model for defining ethical behavior. When we approach a signalized intersection, it is clear to most of us that the red light means stop, a green light means go. If we go through a red light we knowingly break the law and risk suffering the consequences if we get caught. A green light means we have unrestricted permission to go albeit with an awareness of our surroundings and a healthy appreciation for the unpredictable. Approaching a light that has turned yellow, we have several options – slow down, speed up, or continue at the same speed. While many will automatically slow down (these are the truly ethical people who invite road rage and rear end collisions), a fair number of us will decide what to do based on the situation.

Our choice will be influenced by our personality, our frame of mind at the time, our preoccupation with where we are going, how late we are, etc.   Only by stepping outside of ourselves can we appreciate what the yellow light is really there for – not to be interpreted in terms of our personal needs and wants, but in terms of our concern for the safety of others. It is there to alert us that we need to proceed with caution, because our actions could have serious consequences not just to us, but to other users of the roadway. Recognition of this fact puts us on the path to driving responsibly.

Similarly, behaving ethically requires an awareness of the warning signs that we may be in a situation that has the earmarks of an ethical dilemma. This recognition is characterized by an uneasiness in the pit of our stomach, a vague feeling of discomfort or anxiety, or perhaps even annoyance and anger. These feelings are like the yellow light at the intersection. They are a warning to us that the decisions that follow need to be made carefully, and not based solely on our emotional response to the situation.

The reward for doing the right thing is not always immediate, nor does it always come to us from the external environment. On the contrary, behaving ethically can have negative consequences, such as loss of friendships, public criticism, negative impacts to certain members of the public and/or the environment, and can lead to a lot of personal agonizing over the alternatives we discarded when we picked the one we thought best. Sometimes doing nothing seems like the safest course. However, as Public Works professionals doing nothing is seldom an acceptable alternative, and does not absolve us of responsibility for the consequences of our inaction.

While not every decision is an ethical dilemma, every dilemma has an ethical component. If we want to make a difference and to contribute in a meaningful way to our profession, our families and our community, we have to wrestle with the ethical dilemmas that confront us daily, trust our inner compass and make the best choice we can from those that are available. Our reward in the long run will be as Abraham Lincoln put it: "When I do good, I feel good; when I do bad, I feel bad…. that's my religion".

Checklist for Ethical Decisions

The best protection against making questionable decisions is to create an ethical climate in the organization. But suppose the climate is less than salutary and the examples from the top less than noble… what then? Every person must at times turn inward for his or her own moral guidance. Here is a helpful checklist for evaluating the ethical implications of a proposed course of action.

Would you mind if your decision were made public knowledge? If so, how would it appear to the public?

Are you doing this because the end justifies the means? If so, what if that end does not occur? Would the action still be justified?

Is it okay to do what you are doing because "everybody does it" even though it makes you uncomfortable. Would you still do it if you were the only one doing it?

If you have serious reservations about choosing a course of action , should you choose it?

Would you still choose this course of action if a different consequence (from the one you were anticipating) were to occur?

	Ethics Quiz	OK	Maybe	Not OK
1	Take a pen home from work			
2	Take a few pens home from work and give to your kid for school supplies			
3	Ask a contractor to sponsor your softball team			
4	Go to a pro basketball game with rep from a vendor – they pay			
5	Go to a pro basketball game with rep from a vendor – you pay			
6	Have your secretary say you're in a meeting, when you're not			
7	Let a coworker make a mistake so you have a better chance at a promotion			
8	Don't tell your boss something he/she should know			
9	Leave your coffee cup in the sink for your secretary to wash			
10	Use your Work's cell phone for personal calls			
11	Gossip with coworker			
12	Use Work computer after hours to make vacation hotel reservations			
13	Commit to a new job, then change your mind if offered more money to stay			
14	Tell culturally-insensitive jokes			
15	Tolerate culturally-insensitive jokes told by others			
16	Fail to report someone who is doing something unethical			

Creating the ethical public organization: it starts with values

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When I was just a baby,
My mama told me son:
Always be a good boy,
And never play with guns.
But I shot a man in Reno...

You probably recognize this from "Folsom Prison Blues" sung by Johnny Cash. This song brings to mind the ineffectiveness of soliciting good behavior by telling someone not to engage in bad behavior. We know people usually ignore such advice, otherwise our prisons would be empty and we would never see ethics violations.

The traditional approach to seeking compliance with ethical guidelines in our organizations has been to identify conduct that is not appropriate and get the word out. In other words, the approach has been to focus on unethical behavior. For example, most ethical codes identify conflicts of interest, personal use of public property and the like as unacceptable. Given the fact that most organizations take the subject of ethics seriously and dedicate time and effort to train managers and employees about ethics, should we be surprised that ethical behavior is not as strong as we would like in our organizations? The answer is no. Studies tell us that organizations that stress the cultural approach of internalizing ethical values are more effective in reducing the number of ethical violations (Ethics World, 2010). There is a significant difference between prohibiting a set of individual behaviors and creating a set of values upon which organizational behavior should be based. The latter has the substantial advantage of being rooted in the expectations and informal controls of the group, not the fear of sanction by the individual.

In other words, culture wins out over deterrence.

Culture is a very powerful stimulus to human behavior, in societies as well as organizations. The key to the power of culture is that it relates to values if we define values as the expectations of a group concerning broad courses of action. Are ethics different than values? Not really as values underlie most rules of ethics. But over time we have defined our codes of ethics in a way that limits behavior rather than defines the broad pathway for conduct. Therein lies the chief disadvantage of approaching a change in culture by a set of rules—if we want to change the culture, we need to approach the task from a collective effort to define and identify values. This will result in the group performing and operating according to its culture of values (Nadler, 2010).

How do we start changing the culture of our organizations? What is the process? Moreover, what should be the goal of the process? These are important questions. The first is our goal—given that we serve the public, our goal in building an ethical organizational culture should be to create stronger bonds of trust and confidence between the public and our organization. The second question is about the process; how do we go about changing the culture of the organization to achieve our goal?

As culture is an expression of the group, a change in culture must involve the group. This was the approach used by the City of Santa Clara. The process began with the city council endorsing the concept of a city-wide

discussion on the values that should be incorporated into a new code of ethics. Once the city council endorsed the concept, a committee of stakeholders developed a list of 70 values, and shared the list for comment and review with representative business and community groups in Santa Clara. This wider review resulted in the identification of eight core values which formed the basis for the new code of ethics (ICMA Study, 2001).

Would this work for a public works department? I think so. The usual arrangement is a city-wide code of ethics, not a code of ethics for each department. But most city codes of ethics are created in a more traditional manner with the focus being on what *not* to do rather than identifying a set of values to follow. There is a good reason for a city code of ethics to spell the contours of unethical conduct—they provide the basis for sanctions and enforcement. But studies tell us that a sanctions approach is not as effective as a more organic approach where the organization internalizes the appropriate values. If we want staff and managers to internalize ethical values a good approach is to emulate the process used by the City of Santa Clara.
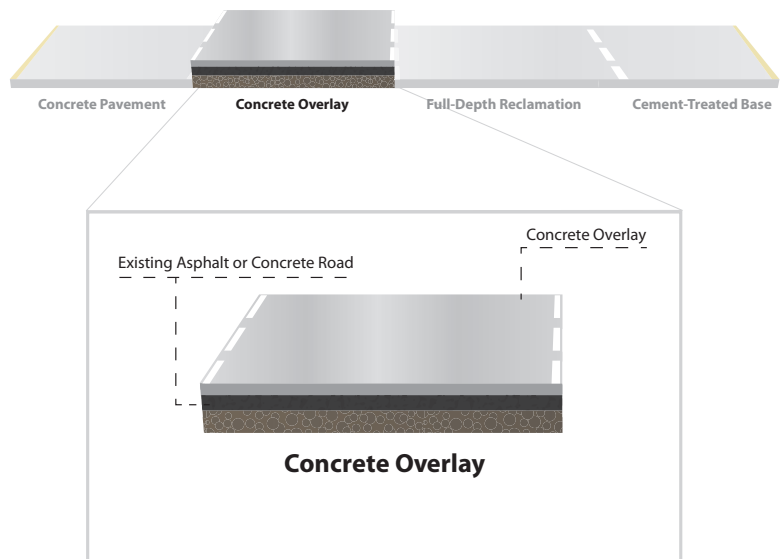
What is the role of the leader in this process? It falls to the leader to provide ongoing, visible support that will ensure the process moves forward expeditiously. The leader must stay engaged, offering encouragement and asking relevant questions to move the process and to send the message that the process is critically important to the organization. It also falls to the leader to establish a vision for the process. The leader must make it clear that the

values must be stated in terms that define conduct in terms of practical actions. Stated another way, the values must translate into clear and positive standards of behavior (Institute for Local Government, 2011).

Once the values are identified and stated in such a way that they can guide organizational operations, the leader must also ensure that the organization embraces its values in its daily affairs. At the recent APWA Congress in Denver, I purchased from the APWA bookstore *The Ethics Edge* (2006), one of the many excellent publications by ICMA (West, 2006). One of the key articles in this collection is on ethics-based leadership written by Montgomery Van Wart. Van Wart believes leaders fall into one of three categories: **unethical, ethical** and **ethically neutral.** The first two categories are self-explanatory. The category of an ethically-neutral leader would strike most of us as someone who has not crossed the line into unethical conduct. From a traditional sense of ethics as defined in most codes of ethics, being ethically neutral is not a bad thing. But in the world of values and culture, being ethically neutral is only one step above being unethical and a step below being ethical. When it comes to ethics in the public organization, a leader should not be a fence-sitter.

Van Wart sees ethically-neutral behavior as undercutting the efforts to change the culture of the public organization, and then takes the discussion further. He believes the ethical leader must be engaged in ethical and values-based behavior. It falls to the leader, then, to employ values in making **decisions**. Van Wart sees three important steps in making decisions. One, the leader must see the world through an ethical lens and understand that many decisions address or are affected by values. Two, an ethical leader recognizes that a decision will often mean some values will take precedence over others. Three, the decision of the ethical leader must best address the **collective good of the organization**.

Here is where culture is reinforced. If the leader alertly puts values into play, and then makes a decision that takes such values into consideration, the leader is sending a message that the agreed-upon values for the organization have practical meaning at the highest levels of the organization.

What other ways can the leader buttress a values-based culture? One excellent way is to publish the values of the organization, making them visible to the community and to applicants. Another is to ensure that those employees whose official conduct best reflects the values are publicly recognized. Ongoing training and use of values in per-

formance reviews are helpful. It is also helpful to include the values in new employee orientation. One of the most important steps is to promote only those employees and managers who adhere to the values. Few actions are as destructive to internalizing a culture of values as promoting someone who has routinely ignored the values of the organization. Finally, it is helpful, and often invaluable, to assign someone in the organization to be available to answer questions about values and ethics (Institute for Local Government, 2011).

If the overall effort is going to be successful in internalizing values underlying ethical concerns, the organization cannot rely on a sanctions-based approach—it must embrace its values at every point in the organization. As values should reflect the collective experiences and perspectives of the organization, the broadest possible involvement of the organization is required. Training and education are all-important in fostering a culture of values within the organization. Moreover, the leader must ensure that within the set of values, the keystone value is the public good. Finally, the leader must not only talk the talk, but walk the walk. It is the application of values-oriented leadership that affirms a culture of ethics.

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Why We Lie

We like to believe that a few bad apples spoil the virtuous bunch. But research shows that everyone cheats a little—right up to the point where they lose their sense of integrity.

By Dan Ariely
Updated May 26, 2012 10:54 am ET

Research shows that nearly everyone cheats a little if given the opportunity. Dan Ariely, author of the new book, "The (Honest) Truth About Dishonesty," explains why. (Photo courtesy Shutterstock)

Not too long ago, one of my students, named Peter, told me a story that captures rather nicely our society's misguided efforts to deal with dishonesty. One day, Peter locked himself out of his house. After a spell, the locksmith pulled up in his truck and picked the lock in about a minute.

"I was amazed at how quickly and easily this guy was able to open the door," Peter said. The locksmith told him that locks are on doors only to keep honest people honest. One percent of people will always be honest and never steal. Another 1% will always be dishonest and always try to pick your lock and steal your television; locks won't do much to protect you from the hardened thieves, who can get into your house if they really want to. The purpose of locks, the locksmith said, is to protect you from the 98% of mostly honest people who might be tempted to try your door if it had no lock.

We are all cheaters, but we don't do it rationally, according to Duke University's Dan Ariely. In a Big Interview with WSJ's Rolfe Winkler he explains the psychology that makes us willing to cheat more or less depending on the circumstances and what we can do to resist temptation.

We tend to think that people are either honest or dishonest. In the age of Bernie Madoff and Mark McGwire, James Frey and John Edwards, we like to believe that most people are virtuous, but a few bad apples spoil the bunch. If this were true, society might easily remedy its problems with cheating and dishonesty. Human-resources departments could screen for cheaters when hiring. Dishonest financial advisers or building contractors could be flagged quickly and shunned. Cheaters in sports and other arenas would be easy to spot before they rose to the tops of their professions.

But that is not how dishonesty works. Over the past decade or so, my colleagues and I have taken a close look at why people cheat, using a variety of experiments and looking at a panoply of unique data sets—from insurance claims to employment histories to the treatment records of doctors and dentists. What we have found, in a nutshell: Everybody has the capacity to be dishonest, and almost everybody cheats—just by a little. Except for a few outliers at the top and bottom, the behavior of almost everyone is driven by two opposing motivations. On the one hand, we want to benefit from cheating and get as much money and glory as possible; on the other hand, we want to view ourselves as honest, honorable people. Sadly, it is this kind of small-scale mass cheating, not the high-profile cases, that is most corrosive to society.

Much of what we have learned about the causes of dishonesty comes from a simple little experiment that we call the "matrix task," which we have been using in many variations. It has shown rather conclusively that cheating does not correspond to the traditional, rational model of human behavior—that is, the idea that people simply weigh the benefits (say, money) against the costs (the possibility of getting caught and punished) and act accordingly.

Which two numbers in this matrix add up to 10? Asked to solve a batch of these problems, most people cheated (claiming to have solved more of them than they had) when given the chance.

The basic matrix task goes as follows: Test subjects (usually college students) are given a sheet of paper containing a series of 20 different matrices (structured like the example you can see above) and are told to find in each of the matrices two numbers that add up to 10. They have five minutes to solve as many of the matrices as possible, and they get paid based on how many they solve correctly. When we want to make it possible for subjects to cheat on the matrix task, we introduce what we call the "shredder condition." The subjects are told to count their correct answers on their own and then put their work sheets through a paper shredder at the back of the room. They then tell us how many matrices they solved correctly and get paid accordingly.

What happens when we put people through the control condition and the shredder condition and then compare their scores? In the control condition, it turns out that most people can solve about four matrices in five minutes. But in the shredder condition, something funny happens: Everyone suddenly and miraculously gets a little smarter. Participants in the shredder condition claim to solve an average of six matrices—two more than in the control condition. This overall increase results not from a few individuals who claim to solve a lot more matrices but from lots of people who cheat just by a little.

Would putting more money on the line make people cheat more? We tried varying the amount that we paid for a solved matrix, from 50 cents to $10, but more money did not lead to more cheating. In fact, the amount of cheating was slightly lower when we promised our participants

the highest amount for each correct answer. (Why? I suspect that at $10 per solved matrix, it was harder for participants to cheat and still feel good about their own sense of integrity.)

Would a higher probability of getting caught cause people to cheat less? We tried conditions for the experiment in which people shredded only half their answer sheet, in which they paid themselves money from a bowl in the hallway, even one in which a noticeably blind research assistant administered the experiment. Once again, lots of people cheated, though just by a bit. But the level of cheating was unaffected by the probability of getting caught.

Knowing that most people cheat—but just by a little—the next logical question is what makes us cheat more or less.

One thing that increased cheating in our experiments was making the prospect of a monetary payoff more "distant," in psychological terms. In one variation of the matrix task, we tempted students to cheat for tokens (which would immediately be traded in for cash). Subjects in this token condition cheated twice as much as those lying directly for money.

Another thing that boosted cheating: Having another student in the room who was clearly cheating. In this version of the matrix task, we had an acting student named David get up about a minute into the experiment (the participants in the study didn't know he was an actor) and implausibly claim that he had solved all the matrices. Watching this mini-Madoff clearly cheat—and waltz away with a wad of cash—the remaining students claimed they had solved double the number of matrices as the control group. Cheating, it seems, is infectious.

Other factors that increased the dishonesty of our test subjects included knowingly wearing knockoff fashions, being drained from the demands of a mentally difficult task and thinking that "teammates" would benefit from one's cheating in a group version of the matrix task. These factors have little to do with cost-benefit analysis and everything to do with the balancing act that we are constantly performing in our heads. If I am already wearing fake Gucci sunglasses, then maybe I am more comfortable pushing some other ethical limits (we call this the "What the hell" effect). If I am mentally depleted from sticking to a tough diet, how can you expect me to be scrupulously honest? (It's a lot of effort!) If it is my teammates who benefit from my fudging the numbers, surely that makes me a virtuous person!

The results of these experiments should leave you wondering about the ways that we currently try to keep people honest. Does the prospect of heavy fines or increased enforcement really make someone less likely to cheat on their taxes, to fill out a fraudulent insurance claim, to recommend a bum investment or to steal from his or her company? It may have a small effect on our behavior, but it is probably going to be of little consequence when it comes up against the brute psychological force of "I'm only fudging a little" or "Everyone does it" or "It's for a greater good."

What, then—if anything—pushes people toward greater honesty?

There's a joke about a man who loses his bike outside his synagogue and goes to his rabbi for advice. "Next week come to services, sit in the front row," the rabbi tells the man, "and when we recite the Ten Commandments, turn around and look at the people behind you. When we get to 'Thou shalt not steal,' see who can't look you in the eyes. That's your guy." After the next service,

the rabbi is curious to learn whether his advice panned out. "So, did it work?" he asks the man. "Like a charm," the man answers. "The moment we got to 'Thou shalt not commit adultery,' I remembered where I left my bike."

What this little joke suggests is that simply being reminded of moral codes has a significant effect on how we view our own behavior.

Inspired by the thought, my colleagues and I ran an experiment at the University of California, Los Angeles. We took a group of 450 participants, split them into two groups and set them loose on our usual matrix task. We asked half of them to recall the Ten Commandments and the other half to recall 10 books that they had read in high school. Among the group who recalled the 10 books, we saw the typical widespread but moderate cheating. But in the group that was asked to recall the Ten Commandments, we observed no cheating whatsoever. We reran the experiment, reminding students of their schools' honor codes instead of the Ten Commandments, and we got the same result. We even reran the experiment on a group of self-declared atheists, asking them to swear on a Bible, and got the same no-cheating results yet again.

This experiment has obvious implications for the real world. While ethics lectures and training seem to have little to no effect on people, reminders of morality—right at the point where people are making a decision—appear to have an outsize effect on behavior.

Another set of our experiments, conducted with mock tax forms, convinced us that it would be better to have people put their signature at the top of the forms (before they filled in false information) rather than at the bottom (after the lying was done). Unable to get the IRS to give our theory a go in the real world, we tested it out with automobile-insurance forms. An insurance company gave us 20,000 forms with which to play. For half of them, we kept the usual arrangement, with the signature line at the bottom of the page along with the statement: "I promise that the information I am providing is true." For the other half, we moved the statement and signature line to the top. We mailed the forms to 20,000 customers, and when we got the forms back, we compared the amount of driving reported on the two types of forms.

People filling out such forms have an incentive to underreport how many miles they drive, so as to be charged a lower premium. What did we find? Those who signed the form at the top said, on average, that they had driven 26,100 miles, while those who signed at the bottom said, on average, that they had driven 23,700 miles—a difference of about 2,400 miles. We don't know, of course, how much those who signed at the top really drove, so we don't know if they were perfectly honest—but we do know that they cheated a good deal less than our control group.

Such tricks aren't going to save us from the next big Ponzi scheme or doping athlete or thieving politician. But they could rein in the vast majority of people who cheat "just by a little." Across all of our experiments, we have tested thousands of people, and from time to time, we did see aggressive cheaters who kept as much money as possible. In the matrix experiments, for example, we have never seen anyone claim to solve 18 or 19 out of the 20 matrices. But once in a while, a participant claimed to have solved all 20. Fortunately, we did not encounter many of these people, and because they seemed to be the exception and not the rule, we lost only a few hundred dollars to these big cheaters. At the same time, we had thousands and thousands of

participants who cheated by "just" a few matrices, but because there were so many of them, we lost thousands and thousands of dollars to them.

In short, very few people steal to a maximal degree, but many good people cheat just a little here and there. We fib to round up our billable hours, claim higher losses on our insurance claims, recommend unnecessary treatments and so on.

Companies also find many ways to game the system just a little. Think about credit-card companies that raise interest rates ever so slightly for no apparent reason and invent all kinds of hidden fees and penalties (which are often referred to, within companies, as "revenue enhancements"). Think about banks that slow down check processing so that they can hold on to our money for an extra day or two or charge exorbitant fees for overdraft protection and for using ATMs.

All of this means that, although it is obviously important to pay attention to flagrant misbehaviors, it is probably even more important to discourage the small and more ubiquitous forms of dishonesty—the misbehavior that affects all of us, as both perpetrators and victims. This is especially true given what we know about the contagious nature of cheating and the way that small transgressions can grease the psychological skids to larger ones.

We want to install locks to stop the next Bernie Madoff, the next Enron, the next steroid-enhanced all-star, the next serial plagiarist, the next self-dealing political miscreant. But locking our doors against the dishonest monsters will not keep them out; they will always cheat their way in. It is the woman down the hallway—the sweet one who could not even carry away your flat-screen TV if she wanted to—who needs to be reminded constantly that, even if the door is open, she cannot just walk in and "borrow" a cup of sugar without asking.

Mr. Ariely is the James B. Duke Professor of Behavior Economics at Duke University. This piece is adapted from his forthcoming book, "The (Honest) Truth About Dishonesty: How We Lie to Everyone—Especially Ourselves," to be published by HarperCollins on June 5.

Ethical Leadership: Focus on the public's interest

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Ethics means different things because the subject of ethics connects with us in so many ways. We have the religious context of morality, we have a tradition of democracy and respect for the individual that is part of our national culture, and we have a history of integrity in public service dating back to the late nineteenth century.

These are just a few examples of the historical and philosophical roots of ethics. But as leaders in public works we must focus on the public's interest solely. The term "public's interest" is a broad concept, but we do have standards to narrow our focus when we decide what to do as leaders. For one, we have APWA's Standards of Professional Conduct:

- Keep the public trust.
- Serve the public's interest above all.
- Encourage sustainability.
- Address public health and safety.
- Ensure personal integrity.
- Comply with the law.
- Respect the environment through sustainability.

We also have the standards found in the American Society of Public Administration (ASPA) Code of Ethics:

- View yourself as a public servant – promote the public interest, involve citizens, exercise compassion, be fair, promote the public interest, assist people, and avoid harassment and discrimination;

- Respect the Constitution and the law – prevent misuse of public funds, investigate wrongdoing, respect privileged information, protect whistle blowing activities, and promote fairness, equality, and due process.

- Demonstrate personal integrity – maintain truthfulness and honesty, don't act solely for personal gain, give others credit for their work and contributions, guard against conflict of interest or its appearance, respect others, take responsibility, and conduct official acts without partisanship.

- Promote ethical organizations – strengthen organizational capabilities to apply ethics, enhance open communication, subordinate institutional loyalties to the public good, establish procedures that promote ethical behavior, hold individuals accountable, provide means for dissent, and provide due process.

- Strive for professional excellence – strengthen individual capabilities and encourage the professional development of others, provide support and upgrade competence, stay current on emerging issues and potential problems, and encourage others to participate in professional activities and associations.

Obviously some ethical decisions are easier to make than others. For example, we should not line our pockets with the public's monies. Those monies should be spent for the good of the public, not for our personal benefit. Determining the public's interest is not always so simple, however. For example, our standards now require us to consider the environment as a factor in making decisions. Our public service ethics have evolved to the point that we must consider the environment because we now recognize the effects of public works on our health and well-being. Moreover, we are increasingly cognizant that our resources are not unlimited. The area of sustainability, for example, is now a public interest issue and therefore must be factored into our thinking. That was not the case twenty years ago, but our world has changed and our ethical standards reflect these changes.

The new and broader look at what is the public's interest also plays out on the personnel side of public works. For example, how often do we look at a person as a commodity when that person first enters public works? We generally don't. We have been trained to see people from a human perspective; not exclusively certainly, but we don't usually look at a person as a commodity. The reality is a new employee represents a huge investment of the public's resources in terms of pay, benefits and, more importantly, potential to the community through his or her work in the organization. That doesn't mean the person is a commodity. But it does ask us to look at each person as a huge investment for the public.

The same is true for training; we need to look at the long term. If we want to best address the public's

interest we need to embrace the ethical considerations of professional development by encouraging employees to attend conferences, providing them opportunities to learn new ways of doing things, and supporting professional development to ensure our people stay current on emerging issues and potential problems. These are long-term considerations, and we must subscribe to those training programs which promise the greatest potential for future value to the person, the organization and the community.

This new ethical focus can change the way we must respond to constraints on our fiscal resources. When monies are tight we are tempted to cut training monies or travel expenses for conferences, etc. Maybe it's because we are accustomed to looking at things through the lens of what is best now, the short term. But employee development is now an ethical consideration under the standards in the ASPA Code of Ethics. This is an example of the conflict in values we face each day in our decisions as there are all kinds of variables and factors weighing in or against a particular decision. In this case the ethical response should be to not sacrifice training simply to save monies in the short term.

Another area of ethical dimension is transparency in our organizations—not just internal transparency but external as well. Probably nothing undercuts trust inside and outside an organization as "backroom" decisions. Employees feel marginalized, and the public's opportunity to be a stakeholder is lost. One example comes to mind.

About five years ago the residents of my town opened the local paper and saw a full-page article from the city manager. The story goes something like this: several years ago an employee cut a check to a contractor for work done for the city's

water department. This would have been an uneventful transaction if the check had been in the correct amount. But it was substantially more than what was owed the contractor. The contractor cashed the check. Almost two years went by before the error was discovered by the city manager. The city manager, the mayor and the city council decided not to make a full disclosure of the mistake at that time. The city manager explained in the news article that contemporary disclosure would have jeopardized attempts to make the city whole. After all, he said, the contractor had other creditors who would have made a run on his assets if alerted to the fact the contractor was on the hook to the city for a considerable sum of money. The city manager then went on to say that all subsequent efforts to collect

Should the taxpayers have been notified when the original error was discovered? To answer that question let's examine the ethical dimensions of the decision. On one hand there is the issue of how best to recoup the overpayment. Related to this issue is the belief by the city leaders that publicity was not going to help recover the monies. Most people saw this rationale as nonsense; indeed, the insurance company was not even contacted and no one could understand why not notifying the insurance company would serve the public interest. On the other hand there is the issue of transparency— the concept that the public has a right to know. One can argue that transparency would allow the public to share its ideas about how to collect the overpayment. In fact, the newspaper was filled with helpful suggestions from business leaders and local attorneys. There is also a possible adverse effect on the statute of limitations for legal remedies against the contractor; the passage of time without action didn't help: when the city leaders decided to not disclose the discovery of the error in 2005 more than three years passed before the public was informed.

This incident points out a guiding ethical principle for all public managers and leaders in the public sector: they owe their loyalty to those they serve. In this case the public's interest was best served by "coming clean"; it is far better to suffer embarrassment and criticism for improper financial accounting than to risk the loss of $460,000 of the taxpayers' monies. The comment that resonated for me was made by one of the city council members who observed, "We may be able to get the money back, but I fear we may never get back the public's trust."

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the overpayment had failed, so the city was now in the hole for about $460,000!

You can appreciate that most taxpayers were not thrilled by this revelation. Subsequent letters to the editor were filled with sharp criticism for the judgment calls made over the prior five years. At the standing-room-only public meeting the following week many people called for resignations, greater accountability, and an investigation by the state attorney general, etc. A few folks defended the city leadership, but most did not. And the comments focused on more than the issue of additional taxes—a common complaint was the feeling that those folks who had for years led the city and made the key decisions on their behalf had violated their trust.

Ethics laws, ethics codes and ethical dilemmas: How do we do the right thing when our resources are limited?

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A former U.S. President (who shall remain nameless) was once asked by a reporter if it was all right for his cabinet members to accept gifts from lobbyists. He answered by stating that it was not all right for his cabinet members to break the law. The ethical issue raised by the reporter's question was avoided when the President gave a response in legal terms. Some would argue that any gift, no matter the size or nature, is inappropriate when exchanged between a government official and a citizen whose occupation is centered on influencing government officials to act in favor of their client's interest. Most laws that attempt to address ethical issues surrounding gift giving set limits on the gift and call for its disclosure, thereby indirectly implying that the size of the gratuity is proportional to an individual's susceptibility to influence. Thus the complex relationship between government officials and their constituents who seek favor is narrowed down to a dollar limit on gifts, which totally misses the mark.

When people behave badly, there is a tendency to try and prevent a recurrence of that bad behavior by passing a law to make it clear that it is unacceptable and will result in definite consequences to the transgressor. The expectation is that the majority of people will avoid the bad behavior because they will now be aware that it has negative consequences. In reality, the bad behavior was more than likely exhibited by a minority of people, and the majority avoided it before it was made "illegal" because of their basic beliefs and values. The minority that behaved badly may have done so for a variety of reasons, but whatever those reasons were, they overrode some basic value that society deems essential to social order and human coexistence. As a result, passing a law to try and govern human behavior seldom deters a minority of folks who will continue to behave badly, but in a more circumspect way. Or, as Plato put it, *"Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws."*

We expect the behavior of those serving the public interest (and this includes everyone connected with public works) to be in accordance with the law, but also guided by certain values. These values include honesty, fairness, compassion, competency, professionalism, loyalty and trustworthiness. These values are often expressed in mission statements, codes of professional conduct and ethics codes. Unlike laws that attempt to guide human behavior through negative reinforcement (don't do this, or else this will happen), ethics codes attempt to provide us with positive guidance for how we should conduct ourselves in our chosen profession. While this may be helpful to some who are not sure which values should apply to guide their behavior, for most people the generally accepted values found in most ethics codes are a given. It's what is sometimes referred to as having a "moral compass." By the time you are an adult, you either have it or you don't. Without it, no code of ethics is going to help you do the right thing. With it, an ethics code simply reinforces the values you already strive to live by.

Ethical behavior is situational; laws and codes are categorical. Those who have been exposed to ethics seminars at work (usually taught by attorneys) find that they tend to emphasize how to avoid doing the wrong thing rather than how to select the right course of action from several acceptable alternatives. Prioritizing values is a necessary part of deciding what the "right thing" to do is in any given situation. As public works leaders we need to recognize that our employees face ethical dilemmas on a constant basis, which for the most part they resolve satisfactorily. What is needed is both a validation of this ongoing process as well as a dialogue about the nature of these dilemmas and the tools that can help make their resolution easier. Even good people

need occasional guidance to keep from making poor choices. Providing this guidance, both by example and through frank and honest discussion, is a key leadership role.

Ethical dilemmas generally fall into two categories—personal cost dilemmas and conflicting values dilemmas. Personal cost dilemmas are usually the result of an individual feeling that doing the right thing may have negative personal consequences. These consequences may include loss of friendship, reputation, or even one's job. Resolving these dilemmas can often involve putting honesty and professionalism ahead of loyalty and compassion. It can also involve going against the prevailing "organizational culture" and resisting peer pressure. Usually the "right thing" to do is obvious to anyone with a moral compass, but the higher the cost, the greater the difficulty of doing it.

In the resolution of personal cost dilemmas it is helpful if an atmosphere of trust exists within the organization. As leaders we can develop this trust by setting an example of doing the right thing when we are under pressure. More importantly, we can encourage open dialog with our employees by having an open door, an open mind and an open heart. Personal cost dilemmas can be dealt with more effectively if employees feel that they can bring them up without being judged or lectured to. Making the right choice is easier if employees feel both validated in terms of the difficulty in arriving at the right choice and supported in the execution of it.

Conflicting values dilemmas involve choosing a course of action where

there is more than one legally acceptable alternative that requires us to prioritize our values. In the case of decisions affecting the custodianship of public infrastructure, it can be argued that the standard for selecting the best alternative action should be that which optimizes the use of limited resources to effectively manage the design, construction and maintenance of that infrastructure. As a result, values such as professionalism, competence, honesty and trustworthiness may need to take precedence over compassion, loyalty and friendship. While the public and our organizations' policy makers may place a high value on responsiveness and customer service, in the long run we will be judged more on how effectively we preserved the assets that are in our care, than how quickly we responded to complaints.

The current trend is to implement new processes and technologies to provide a higher level of sustainability. This is an admirable goal and speaks to some of humanity's noblest values. However, there is on occasion strong pressure to do this in areas where there is a lack of research that will prove these strategies are effective in the long run. When it comes to environmental cleanup, the cost of removing the last increment of pollutant may far exceed the benefit. Nevertheless, new regulations are constantly being promulgated without the accompanying funding to implement them. This creates a dilemma for local governments dealing with a limited budget. Choosing the right thing to do by emphasizing professionalism, competence and cost benefit can put a public works leader in jeopardy

of being viewed as inflexible, unresponsive or insensitive.

In an atmosphere of "political correctness" it may take a certain amount of moral courage to point out that the emperor is not wearing any clothes (because he can't afford them!). As leaders in the field of public works we owe it to the public to do our best with the limited resources and time we are given not only to achieve the "greatest public good" but to help define it in practical terms. It means applying the excerpt below from the *APWA Standards of Professional Conduct* on a daily basis, and making sure our employees see it as more than just a nice aphorism with little relevance to their daily decision making.

- *I will strive to plan, design, build, maintain and operate public infrastructure in a manner that respects the environment and the ability of government to adequately preserve these assets for succeeding generations.*

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Ethics in Public Works

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Each of us is first and foremost a public servant. We are entrusted by the public to build and maintain the roads, water, sewer, and many other public infrastructure systems. Most of us are unaware that our jobs as public servants tie back to the development of the Constitution where our founders recognized a distinct role for public service; to possess the technical and scientific expertise for carrying out what elected officials believe to be the will of the people. While many of us are local public servants and not federal, our role remains based on this fundamental role of public service, to be the technical and scientific experts. But what is unstated in this role is that we can be faced with balancing what we know to be right, and what we are being asked to do. We can be faced with ethical dilemmas of protecting the public versus carrying out a task that we know has the potential to lead to harm.

When we find ourselves in this dilemma there is no guidebook to tell us exactly how to handle this situation. We may find ourselves balancing our jobs, or our careers, with what we are being asked to do versus what is right for the community we serve. These are rarely black and white issues, and the potential for harm to the community can be easily dismissed as being exaggerated or not likely to occur. But our requirements to the public are not dismissed even in the low likelihood of occurrence.

The public has an expectation of its public servants in these situations. We can be the last line of defense for the public to be their voice in these situations, but how we do that, when we do that, is up to each of us. So what standards should we use in that situation to help guide us? For me I rely on some tools I got when I was getting my Master's in Public Administration specifically from Dr. Doug Morgan in ethics in public service. There are ten public standards: 1. constitutional sovereignty (responsibility to protect the institution we serve); 2. subordination and autonomy (respectful subordination versus professional autonomy); 3. representation (obligation to represent the people we serve); 4. civic participation (dialogue with the public on important issues); 5. effective governance (regulation); 6. responsiveness (timely response to the public); 7. due process and rule by law (can and must act in area of responsibility); 8. equity (all are treated equally); 9. accountability and open government (decisions impacting the public are known and accessible); and 10. protection of rights (individual rights are protected). These ten standards are covered in depth in a book called *Foundations of Public Service* and this article is not intended to substitute the full depth that these standards are covered in that book. But they are a reasonable guide for us to use to help us understand when we need to, or should, act.

While these standards can tell us when we should take some action if any one of the standards is being violated, they don't tell us how to act. For that, it is again up to each of us. For me, as an individual who served in the military, chain of command is my protocol. But I have been in situations where telling my direct supervisor or boss was not enough. In those situations, going around the chain of command is something you as an individual need to believe strongly enough in that it requires that higher and further action. My recommendation is that we build those protocol in our divisions and departments before we need to use them. Have the "what if" conversations before they happen so everyone knows when and how to deal with these situations when they arise. We can't cover every situation, but we can identify what the process is when anyone believes a standard is being violated. Some may end with a conversation, others with documentation, but

in rare cases it may take going to the public directly or to the elected officials that represent them. We must be judicious in our judgment and know that every event does not warrant public alert. We can lose credibility so we must use prudent decision making in exercising our independent discretion as the technical and scientific experts.

Public service is not easy. We are often criticized and stereotyped in what we do. But one of the more valuable things I learned during my Master's program was from the same professor who taught the course on ethics in public service. He stated to me that public service was never designed to be easy. It was designed to be the suspension that dampens the ride between the policy makers and the public they serve. I have found that to be true in my own career. There are times the path we find ourselves on is rough, tight budgets, regulatory requirements, and serving a public that just expects the infrastructure they use to be safe and reliable, even when resources are not made available by the policy makers. We need to be comfortable in our role, and confident in knowing the public trusts us to do the right thing, even when that may be at personal risk to our careers.

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STANDARDS OF PROFESSIONAL CONDUCT
FOR MEMBERS OF THE
AMERICAN PUBLIC WORKS ASSOCIATION

The American Public Works Association serves the public interest through education of its members, decision-makers and the general public about the issues relating to effective provision, management and operation of public infrastructure, commonly referred to as public works. The Association is comprised of individual members, public agencies and private firms who are interested in effectively managing and protecting the public's investment in infrastructure and public works services.


The Board of Directors of the American Public Works Association advocates the following Standards of Professional Conduct to guide its members in the conduct of their business. The Board of Directors encourages its members, whether individual or organization, to apply these standards to every aspect of their professional life.

As a member of the American Public Works Association I am dedicated and committed to maintaining the following standards of professional conduct.

- I will keep the public trust and will not take personal advantage of privileged information or relationships.

- I will put public interest above individual, group or societal interest and consider my chosen occupation as an opportunity to serve society.

- I will encourage sustainability through wise use of resources; whether they are natural resources, financial resources or human resources.

- I will consider public health and safety in every aspect of my work.

- I will conduct myself with personal integrity in a manner that enhances and honors the reputation of the profession, my employer, my community and the Association.

- I will ensure that the work for which I am responsible complies with all legal requirements of the local, state, province, or federal governments.

- I will strive to plan, design, build, maintain and operate public infrastructure in a manner that respects the environment and the ability of government to adequately preserve these assets for succeeding generations.

Code *of* Ethics

THE AMERICAN SOCIETY OF CIVIL ENGINEERS

ASCE
AMERICAN SOCIETY OF CIVIL ENGINEERS
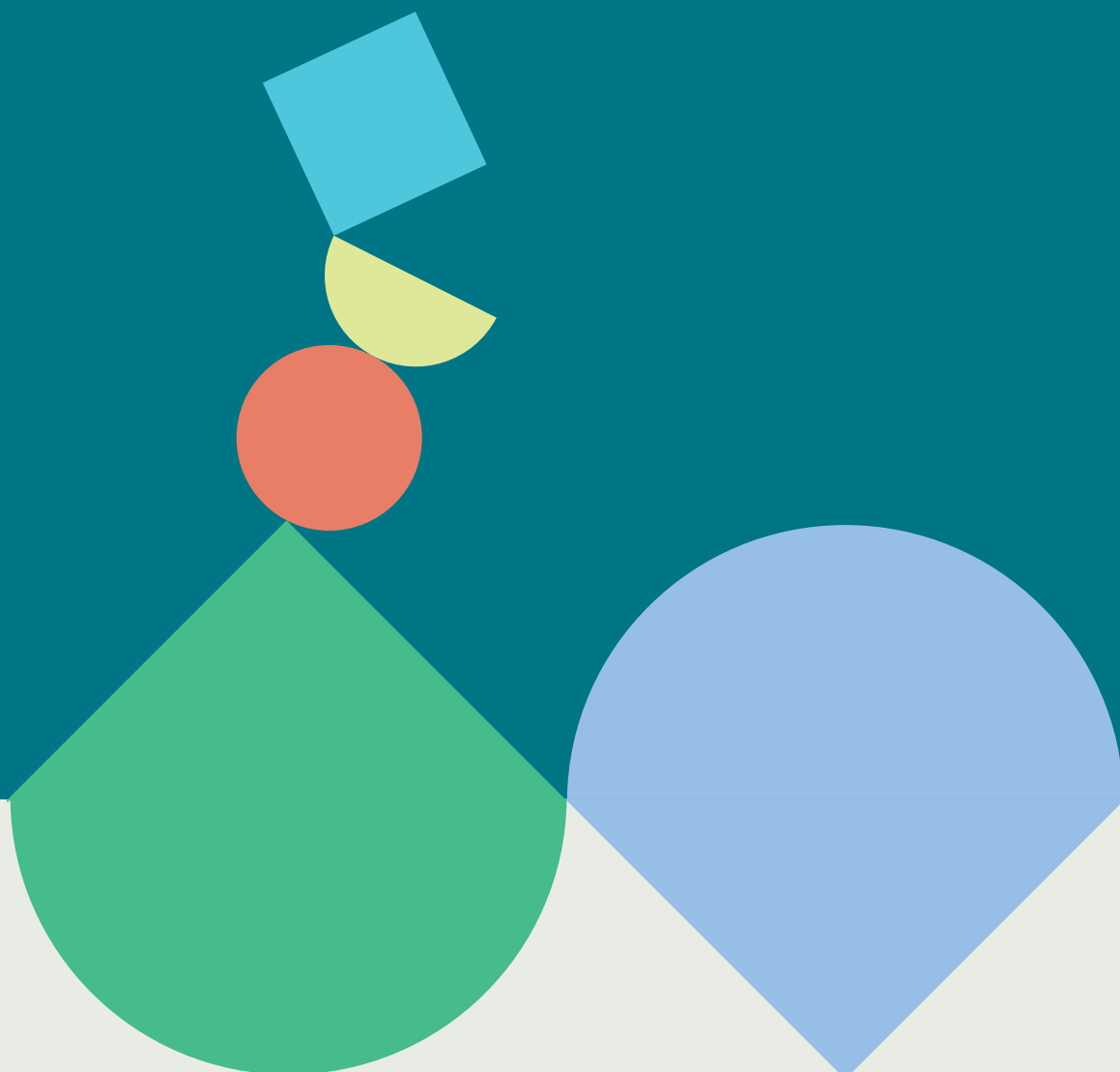
PREAMBLE

Members of The American Society of Civil Engineers conduct themselves with integrity and professionalism, and above all else protect and advance the health, safety, and welfare of the public through the practice of Civil Engineering.

Engineers govern their professional careers on the following fundamental principles:

- create safe, resilient, and sustainable infrastructure;

- treat all persons with respect, dignity, and fairness in a manner that fosters equitable participation without regard to personal identity;

- consider the current and anticipated needs of society; and

- utilize their knowledge and skills to enhance the quality of life for humanity.

All members of The American Society of Civil Engineers, regardless of their membership grade or job description, commit to all of the following ethical responsibilities. In the case of a conflict between ethical responsibilities, the five stakeholders are listed in the order of priority. There is no priority of responsibilities within a given stakeholder group with the exception that 1a. takes precedence over all other responsibilities. [1]

CODE OF ETHICS

1. SOCIETY

Engineers:

a. first and foremost, protect the health, safety, and welfare of the public;

b. enhance the quality of life for humanity;

c. express professional opinions truthfully and only when founded on adequate knowledge and honest conviction;

d. have zero tolerance for bribery, fraud, and corruption in all forms, and report violations to the proper authorities;

e. endeavor to be of service in civic affairs;

f. treat all persons with respect, dignity, and fairness, and reject all forms of discrimination and harassment;

g. acknowledge the diverse historical, social, and cultural needs of the community, and incorporate these considerations in their work;

h. consider the capabilities, limitations, and implications of current and emerging technologies when part of their work; and

i. report misconduct to the appropriate authorities where necessary to protect the health, safety, and welfare of the public.

2. NATURAL AND BUILT ENVIRONMENT

Engineers:

a. adhere to the principles of sustainable development;

b. consider and balance societal, environmental, and economic impacts, along with opportunities for improvement, in their work;

c. mitigate adverse societal, environmental, and economic effects; and

d. use resources wisely while minimizing resource depletion.

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1 This Code does not establish a standard of care, nor should it be interpreted as such.

3. PROFESSION

Engineers:

a. uphold the honor, integrity, and dignity of the profession;

b. practice engineering in compliance with all legal requirements in the jurisdiction of practice;

c. represent their professional qualifications and experience truthfully;

d. reject practices of unfair competition;

e. promote mentorship and knowledge-sharing equitably with current and future engineers;

f. educate the public on the role of civil engineering in society; and

g. continue professional development to enhance their technical and non-technical competencies.

4. CLIENTS AND EMPLOYERS

Engineers:

a. act as faithful agents of their clients and employers with integrity and professionalism;

b. make clear to clients and employers any real, potential, or perceived conflicts of interest;

c. communicate in a timely manner to clients and employers any risks and limitations related to their work;

d. present clearly and promptly the consequences to clients and employers if their engineering judgment is overruled where health, safety, and welfare of the public may be endangered;

e. keep clients' and employers' identified proprietary information confidential;

f. perform services only in areas of their competence; and

g. approve, sign, or seal only work products that have been prepared or reviewed by them or under their responsible charge.

5. PEERS

Engineers:

a. only take credit for professional work they have personally completed;

b. provide attribution for the work of others;

c. foster health and safety in the workplace;

d. promote and exhibit inclusive, equitable, and ethical behavior in all engagements with colleagues;

e. act with honesty and fairness on collaborative work efforts;

f. encourage and enable the education and development of other engineers and prospective members of the profession;

g. supervise equitably and respectfully;

h. comment only in a professional manner on the work, professional reputation, and personal character of other engineers; and

i. report violations of the Code of Ethics to the American Society of Civil Engineers.

ASCE
AMERICAN SOCIETY OF CIVIL ENGINEERS

ICMA CODE OF ETHICS

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.

2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

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.

4. Serve the best interests of all community members.

5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

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.

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.

9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.

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.

11. Manage all personnel matters with fairness and impartiality.

12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in April 2023.

ICMA

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:
1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. **Engineers shall hold paramount the safety, health, and welfare of the public.**
   a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
   b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
   c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
   d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
   e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
   f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. **Engineers shall perform services only in the areas of their competence.**
   a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
   b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
   c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

3. **Engineers shall issue public statements only in an objective and truthful manner.**
   a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
   b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
   c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. **Engineers shall act for each employer or client as faithful agents or trustees.**
   a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
   b. Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
   c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
   d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
   e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. **Engineers shall avoid deceptive acts.**
   a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
   b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. **Engineers shall be guided in all their relations by the highest standards of honesty and integrity.**
   a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
   b. Engineers shall advise their clients or employers when they believe a project will not be successful.
   c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
   d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
   e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
   f. Engineers shall treat all persons with dignity, respect, fairness, and without discrimination.

2. **Engineers shall at all times strive to serve the public interest.**
   a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
   b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
   c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
   d. Engineers are encouraged to adhere to the principles of sustainable development[1] in order to protect the environment for future generations.
   e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminar.

3. **Engineers shall avoid all conduct or practice that deceives the public.**
   a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
   b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
   c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. **Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.**
   a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
   b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. **Engineers shall not be influenced in their professional duties by conflicting interests.**
   a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
   b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. **Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.**
   a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
   b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
   c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. **Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.**
   a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
   b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
   c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. **Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.**
   a. Engineers shall conform with state registration laws in the practice of engineering.
   b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. **Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.**
   a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
   b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
   c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
   d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:
1. Engineers and firms may individually refuse to bid for engineering services.
2. Clients are not required to seek bids for engineering services.
3. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
4. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
5. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
6. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.