

Assessing Your Agency's Ethical Culture

This survey has been designed to assist your agency in gauging its ethical climate. Information from the survey can be helpful in creating training programs, developing policies for the agency, and establishing avenues of advice so that future actions reflect preferred agency values and standards. When the survey is conducted periodically, the agency can assess changes in its culture over time.

Instructions: Please check the most appropriate box. Add the checks in each column and multiply by the number in the top box (1 point for "always," 2 points for "usually," etc.). Get a final score by adding the totals from each column across to the Final Score column. Do the same for all three sections of the survey. See the interpretation of scores on the last page.

PART A. IN MY LOCAL GOVERNMENT, I AM....

Always 1 Point	Usually 2 Points	Not Sure 3 Points	Rarely 4 Points	Never 5 Points	
					1. Encouraged to speak up about any agency's practices and policies that are ethically questionable.
					2. Expected to report questionable ethical behaviors of others.
					3. Clear about where to turn to for advice about ethical issues.
					4. Expected to follow the spirit as well as letter of the law in my work for the agency.
					5. Expected to use ethical behaviors in getting results.
					6. Expected to tell the complete truth in my work for the agency.
					7. Surrounded by co-workers who know the difference between ethical and unethical behaviors, and seem to care about the difference.
					8. Expected to treat everyone who comes before the agency equally, regardless of personal or political connections.
					9. Expected to follow stated policy of the governing body and not the desires of individual elected or appointed officials.
					10. Working with one or more trusted confidante with whom I can discuss ethical dilemmas at work.
					Add columns across for = SCORE PART A

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PART B: THE EXECUTIVES IN MY LOCAL GOVERNMENT.....

Always 1 Point	Usually 2 Points	Not Sure 3 Points	Rarely 4 Points	Never 5 Points	
					1. Create an environment in which staff is comfortable raising ethical concerns.
					2. Appreciate staff bringing forward bad news and don't "shoot the messenger" for doing so.
					3. Expect staff to use ethical practices in getting results – not "whatever it takes."
					4. Gear their decisions to the spirit as well as letter of the law.
					5. Treat the public with civility and respect.
					6. Use public resources only for agency purposes and not for their own personal or political uses (such as agency supplies, staff time and equipment).
					7. Appoint and reward people on the basis of performance and contribution to the organization's goals and services.
					8. Treat all members of the public equally, regardless of who has people "connections."
					9. Help elected officials work within their policy role and stay out of day-to-day work of the agency.
					10. Refuse to accept gifts and/or special treatment from those with business before the agency.
					Add columns across for = SCORE PART B

PART C. THE ELECTED OFFICIALS FOR MY LOCAL GOVERNMENT.....

Always 1 Point	Usually 2 Points	Not Sure 3 Points	Rarely 4 Points	Never 5 Points	
					1. Create an environment in which staff are comfortable raising ethical concerns.
					2. Appreciate staff bringing forward bad news and don't "shoot the messenger" for doing so.
					3. Expect staff to use ethical practices in getting results – not "whatever it takes."
					4. Gear their decisions to the spirit as well as letter of the law.
					5. Treat the public with civility and respect.
					6. Use public resources only for agency purposes and not for their own personal or political uses (such as agency supplies, staff time and equipment).
					7. Allow the staff to handle day-to-day management issues and don't try to get involved.
					8. Treat all members of the public equally, regardless of who has people or political connections.
					9. Exclude themselves from decisions when reasonable members of the public might question their ability to make a fair decision.
					10. Refuse to accept gifts and/or special treatment from those with business before the agency.
					Add columns across for = SCORE PART C
					+ SCORE PART A
					+ SCORE PART B
					= FINAL SCORE

Scoring: Your Local Government's Ethical Climate

Score	Rating	What it Means/Steps to Take
30-60	High IIIIII Green Flag	<p>Congratulations! Your agency has a strong ethical environment. Keep up the good work, including such steps as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Incorporating ethics into the hiring and evaluation process for staff <input type="checkbox"/> Conducting regular ethics-related training programs and reiterating <input type="checkbox"/> Going through the for further assessment of opportunities for positive change <input type="checkbox"/> Reinforcing the importance of ethical considerations in agency behaviors and decisions
61-90	Medium Yellow Caution Flag	<p>Take a moment to reflect. Your agency is at a good place but has room to improve by doing the following</p> <ul style="list-style-type: none"> <input type="checkbox"/> Evaluating the areas of weakness indicated by the questionnaire and considering targeted remedial actions <input type="checkbox"/> Analyzing the messages that staff and others receive and send about ethics <input type="checkbox"/> Reviewing the agency's policies, including the criteria by which staff are evaluated <input type="checkbox"/> Considering whether having a code of ethics would be helpful for the agency <input type="checkbox"/> Following the best practices indicated in the box above.
91-120	Low Red Warning Flag	<p>Stop! Your agency's culture needs significant change. Suggested activities include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Identifying the aspects of the agency's culture that foster the problematic behaviors and analyze how to remediate them <input type="checkbox"/> Consulting with your agency's attorney about potential violations of laws and agency regulations <input type="checkbox"/> Following the best practices indicated in the boxes above
121-150	Very Low Extreme Hazard Flag	<p>Serious remedial attention to the agency's culture is vital. There is a very high risk that violations of law and/or agency regulations are occurring.</p> <p>Your agency attorney and chief executive should engage in a detailed analysis of where the problem areas are and create a plan to significantly increase the degree to which the agency values and pays attention to ethical considerations in the agency's operations.</p> <p>The best practices identified in the boxes above should also help.</p>

THE JOSEPHSON INSTITUTE ETHICAL DECISION-MAKING MODEL

In developing a decision-making model that avoids the shortcomings of each traditional theory and can be practically applied to common problems, the Josephson Institute has combined features of each and added the stakeholder concept. Acknowledging its primary influences, this hybrid theory might be called "Golden Kantian Consequentialism." There are three steps:

1. All decisions must take into account and reflect a concern for the interests and well being of all stakeholders.

The first principle of the II model is the underlying principle of the Golden Rule. It embodies both the affirmative and negative dimensions of the Rule — help when you can, avoid harm when you can. It also utilizes the stakeholder concept.

2. Ethical values and principles *always* take precedence over nonethical ones.

Like Kant's absolute duty theory, the second principle of II's model asserts that ethical values are morally superior to nonethical ones and that when faced with a clear choice between such values, the ethical person should always choose to follow ethical principles. This principle operates only when the decision maker perceives the conflict as one between an ethical value, such as honesty, and a nonethical value, such as money or power. Perceiving the difference between ethical and nonethical values can be difficult. When faced with this sort of dilemma, people rarely see choices as being between ethical and nonethical values. Instead, they see ethical dilemmas aris-

ing from the clash between what they want or "need" and ethical principles that might deny them their desires. A rationalization process then kicks in, transforming self-interested, nonethical motives into others-centered, ethical ones.

3. It is ethically proper to violate an ethical principle only when it is *clearly necessary* to advance another *true ethical principle*, which, according to the decision maker's conscience, will produce the greatest balance of good in the long run.

Many ethical dilemmas pit honesty against fidelity or fairness against promise-keeping or loyalty to one person against commitment to another. In such cases, it is difficult to evaluate the problem objectively and not allow self-interest and nonethical values to unduly affect the process.

The consequentialist facet of II's decision-making model acknowledges the need to prioritize among competing ethical values in particular cases, but only when it is clearly necessary to do so because the only viable options require the sacrifice of one ethical value to advance another. In such cases, the ethical decision maker should act in a way that will create the greatest amount of good and the least amount of harm to the greatest number of people. Dispensing with comparatively abstract principles such as honesty or promise-keeping is generally acceptable in order to avoid immediate and serious physical harm to oneself or others.

Like traditional utilitarianism, the third principle of the II model is vulnerable to manipulation by those who know what they want to do and are willing to construct a rationale for doing it. An ethical consequentialist must assert the necessary justification on two separate levels (1) the purpose of the conduct must be deemed necessary, and (2) the specific conduct contemplated must be necessary to accomplish that purpose.

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Couple games recruiting program for \$4 million, earns ire



Tom Vanden Brook, USA TODAY 3:05 p.m. EST January 18, 2015



(Photo: Bernadette Tuazon, AP)

WASHINGTON — The Army paid a Texas couple nearly \$4 million for supplying it with names of recruits who may have enlisted without their help, part of a bonus program blasted by a leading senator as a "mind-blowing" waste of taxpayer money, according to interviews and documents.

The Army's Referral Bonus Program — hatched in 2006 during the darkest days of the wars in Iraq and Afghanistan and buried in 2009 — paid as much as \$2,000 per recruit. It mirrored a National Guard program so plagued with kickbacks that more than 800 soldiers have fallen under criminal investigations in the last few years, according to Sen. Claire McCaskill of Missouri, the ranking Democrat on the financial and contracting oversight subcommittee.

Military investigators branded the scheme "sleazy but legal," McCaskill wrote in a letter to top Pentagon officials.

Rene Agosto, a former Army sergeant currently working as a civilian in Texas for the Air Force, developed a website called OfficialArmy.com to collect names of potential recruits. The site, designed to look like the government-run Army online portal, attracted potential recruits and encouraged them to fill out a form with personal information. Agosto and his wife Vanessa submitted those names — as many as 12 at a time — to Army recruiters and collected \$3,845,000, according to the Army and McCaskill.

"No one envisioned that someone would be bold enough to put up a fake Army website ... and make \$4 million in the process," McCaskill told USA TODAY. "They made \$4 million by somebody sitting at a desk and going click, click. That's essentially what they did for \$4 million in taxpayer money."

Agosto, in an e-mail, said he had sought and received approval from Army recruiting officials for the website. He referred further questions posed by the newspaper to Army officials and declined to speak with USA TODAY.

Lt. Col. Don Peters, an Army spokesman, said the program was killed in 2009 after officials determined they could meet recruiting goals without paying the bonuses.

McCaskill, in a letter to Defense Secretary Chuck Hagel and Army Secretary John McHugh, called on them to consider firing Agosto and to install caps on bonus programs to prevent future scandals.

"The Army is embarrassed," McCaskill said. "I think it's very awkward that these multi-millionaires are continuing to get more taxpayer money in their job."

RECRUITING TROUBLE

In 2006, the Army faced a recruiting crisis. Insurgents in Iraq were killing or wounding dozens of troops a week, the war grew increasingly unpopular, and the Army could not meet goals to fill its ranks. Standards for recruits were eased, and the Army began taking volunteers as old as 42.

"There was pressure and stress about getting enough recruits," McCaskill said.

Bonuses also became a widely used tool to keep and attract new soldiers, with billions of tax dollars spent to lure them. The Referral Bonus Program started in January 2006.

Soon after, the Agostos launched the site, OfficialArmy.com. It featured images of troops and the official slogan, Army Strong. "Get a free consultation to discuss benefits of joining the army and answer any questions you may have," a screen shot collected by Senate investigators shows. A form seeking personal identification information, including Social Security numbers, also appears along with this disclaimer in fine print: "Voluntary information shared with the U.S. Army will not be shared with any other party and will be used for recruiting purposes only."

The Agostos submitted the information about potential recruits and collected the bonuses, according to McCaskill's letter to Defense Department officials. "No additional work ... was done."

The recruits referred by the Agostos would have likely joined the Army without the bonus program, McCaskill said. She blamed the Army for not stopping the program when they realized it was being abused. Instead, McCaskill said, Army officials offered Agosto advice on the website.

"The couple provided no mentoring, meetings or other service to encourage recruits to ultimately sign up; nearly all the names would likely have joined the Army regardless of having found the OfficialArmy.com web site," she wrote to Hagel and McHugh.

The OfficialArmy.com site came to the attention of Army officials in 2007, according to McCaskill's letter. Her worry, however, was not the large payments going to the Agostos. Instead, they raised concerns about Army trademark infringement and worked with the Agostos to avoid problems.

"We like what they're doing," an Army official said, according to McCaskill's letter.

Agosto told investigators that he had received certificates, coins and letters of appreciation from Army recruiting officials for the referrals.

"They gave me the approval so I could not have launched my web site without their consent," Agosto said in his e-mail to USA TODAY.

The Army is as much to blame as the Agostos for the wasted money, McCaskill said. "Somebody was just too stupid to put a stop to it the minute they found out about it," she said.

'EXAMPLE IS MIND-BLOWING'

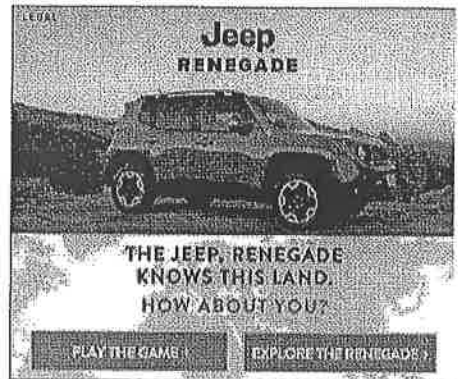
The Referral Bonus Program had been intended to encourage a soldier, classmate, teacher or coach to encourage people to consider joining the Army, McCaskill said.

The millions paid to the Agostos could have been avoided with basic safeguards such as not allowing electronic referrals, caps on payments and requiring those who sought bonuses to have met with potential recruits, she said.

"It was sloppy, dumb," McCaskill said. "It was a waste of taxpayer money. It is testimony to the fact that too often in every part of our government people aren't using a sharp eye to figure out if programs are effective and efficient in terms of using very precious taxpayer dollars."

"This example is mind-blowing in its stupidity."

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Deflated Topic: Air Pressure in Footballs

PHOENIX — Jan 27, 2015, 6:59 PM ET
By BARRY WILNER AP Pro Football Writer

1 Comment



Patriots owner Robert Kraft's pre-emptive strike the previous night took the issue of air pressure in footballs on Super Bowl media day and, well, deflated it.

Not only was the topic rarely raised in questioning of players from both sides Tuesday, but Kraft's protesting how his franchise is being portrayed seemed to provide the last word on the issue — for now.

In a short appearance at media day, Kraft assessed the impact of his strong statement delivered when New England arrived Monday. During that statement, he said he expects an apology from the NFL when its investigation determines the Patriots did nothing wrong.

"To be honest, I think by and large except for our quarterback they don't pay much attention to it," Kraft said of the Patriots' reaction to the under-inflated footballs controversy. "I think they think it's a bunch of hogwash. Bill (Belichick) does a good job of making them understand what they have to focus on.

"I've gotten a lot of positive comments from them. I just said what I believed."

Beyond that, the NFL's investigation of deflated footballs used by New England in the AFC championship victory over Indianapolis gave way to questions about players' favorite musicians, movies and clothing.

The always dashing Belichick, wearing a hoodle, of course, jeans and flip-flops on the podium, deflected any and all references to the subject. Not that there were more than two or three queries.

Quarterback Tom Brady, clearly at ease and having fun with the varied topics, barely was approached about the issue.

Same thing for the rest of the Patriots, who figure the investigation led by NFL Executive Vice President Jeff Pash and Ted Wells of the law firm of Paul Weiss will stretch well beyond Sunday's title game.

For All-Pro tight end Rob Gronkowski, there was an entirely different line of questioning he was thrilled to avoid.

"It feels good not to get any questions asked about my health, no doubt," said Gronkowski, who was hobbled for the 2012 Super Bowl loss to the Giants. "It feels good to be 100 percent healthy and 100 percent ready to roll for this game and not get a million questions like last time about my ankle."

For their part, the Seahawks seemed nothing more than amused about the probe into under-inflated footballs.

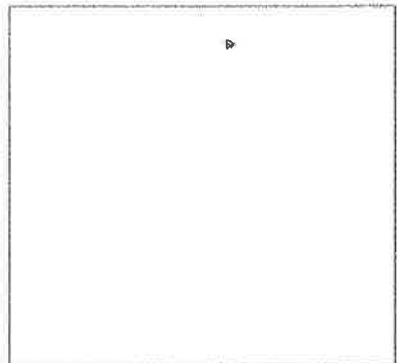
All-Pro cornerback Richard Sherman, who on Sunday said he didn't expect the Patriots to get punished even if found guilty because of Kraft's close ties to Commissioner Roger Goodell, chuckled when asked if he could tell when a football didn't have enough air.

"When I get my hands on them I'm trying to return them, not check the pressure," Sherman said.

Nor is Seahawks center Max Unger, who merely has his hands on the football on very offensive snap.

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"People keep asking me if I can feel the difference between pressure of the ball," Unger said, a touch of wonderment in his eyes. "I'm the center, I touch it every single play. I can't, if I'm being honest with you. I don't think it really even matters that much."

Ah, but to some folks it matters a lot. And, obviously, the NFL is very serious about its investigation.

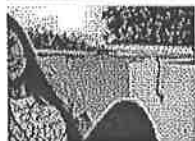
Defensive tackle Kevin Williams, in his first Super Bowl after spending 11 seasons in Minnesota, understands in part what is driving the air pressure hysteria.

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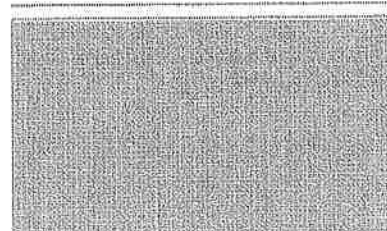
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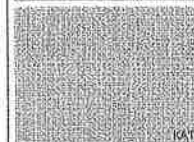
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Ethics and the Middle Manager: Creating "Tone in The Middle"
By Kirk O. Hanson

Creating a culture of ethics is often frustrated by a lack of attention and commitment by middle managers.

Creating a culture of ethics requires all levels of employees believe that the organization wants to act ethically in all it does. Emphasis since 2001 on "tone at the top," one of the legacies of the misbehavior by top management in the Enron, WorldCom, Tyco and other scandals, has helped many top executives realize they must create this tone by their own behavior.

Too often, however, the behavior of middle managers remains unchanged, and undermines ethical messages and the creation of an ethical culture which is a corporate priority. If middle managers are not committed to the values and ethics, this is immediately apparent to the lower level employees. The implementation of ethics in an organization is only as strong as its weakest link as it flows down into the organization.

An organization's "tone at the top" must be translated into a "tone at the middle" before it can reach the rest of the organization.

What is needed in every organization is an understanding by the top management and by the ethics/compliance professionals that they are seeking to influence specific behaviors of middle managers, just as they have focused in recent years on specific behaviors by top executives. The problem of motivating middle managers, however, is in many ways more difficult. Middle managers are given explicit and often unyielding financial, sales, and cost control goals to achieve. At times, they may perceive that top management is actually giving them the message to focus on the quantifiable business goals and not on the "softer" ethical goals, that the ethical messages were "for the record" and not real. At other times, they may perceive that top management simply does not realize they cannot meet the stretch performance goals without "stretching" the ethical standards of the organizations. In these cases, many middle managers decide for themselves to take the expedient path.

There are specific behaviors which middle managers must demonstrate in order for lower level employees to understand that the organization is serious about ethics.

It is possible to specify the middle management behaviors that will help the creation of an ethical culture. These are similar to that of the top management but include some unique actions. The key behaviors are:

1. Talk frequently about the ethical values and ethical commitment of the organization
2. Anticipate ethical dilemmas which typically arise in his or her area of responsibility
3. Talk about how the ethical values and commitments apply to the work of the specific group
4. Talk about how the ethical values and commitments apply to specific decisions the middle manager makes or participates in.
5. Recognize ethical issues when they do arise
6. Ask questions when the ethical action is unclear
7. Make ethical decisions consistent with organizational values and ethics
8. Report concerns about ethical and unethical actions to top managers

There are specific techniques which help the top to communicate the organization's real ethical commitment to the middle managers in ways that convince them the organization is serious. Motivating middle managers to reinforce the ethical culture of the organization by their own actions requires several specific actions by top executives. Among them are:

1. Top executives must themselves exhibit all the "tone at the top" behaviors, including acting ethically, talking frequently about the organization's values and ethics, and supporting the organization's and individual employee's adherence to the values
2. Top executives must explicitly ask middle managers what dilemmas arise in implementing the ethical commitments of the organization in the work of that group
3. Top executives must give general guidance about how values apply to those specific dilemmas
4. Top executives must explicitly delegate resolution of those dilemmas to the middle managers
5. Top executives must make it clear to middle managers that their ethical performance is being watched as closely as their financial performance
6. Top executives must make ethical competence and commitment of middle managers a part of their performance evaluation
7. The organization must provide opportunities for middle managers to work with peers on resolving the hard cases.
8. Top executives must be available to the middle managers to discuss/coach/resolve the hardest cases