

Description

This seminar presents the historical development of ethical theory and its practical application for building officials.

The consequences of poor ethical decisions will be discussed and participants will have an opportunity to develop a personal code of ethics they can use to inform their behavior when confronting ethical problems.

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Goal

The participant will be able to describe the background of ethical theories and practices necessary for code officials to use as a framework supporting ethical behavior.

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Objectives

Upon completion, participants will be better able to:

1. Define ethics.
2. Explain the process of ethical choice.
3. Describe what it means to act ethically as a code official.
4. Avoid ethical traps for the code official.
5. Develop a personal code of ethics.

Target Audience



- Building department managers
- Building officials
- Code officials

Module 1 Ethics in Theory



An Introduction to Ethics

Often referred to as the *science of morality*, ethics is used to answer such questions as:

- What are right and wrong?
- How can we know or decide?
- Where do our ethical ideas come from?
- What are rights? Who or what has them?
- How should we treat one another?

The Origins of Ethical Philosophy



Aristotle believed that:

- The study of ethics is necessary to improve our lives.
- The principal concern of ethics is human well-being.
- Virtues of courage, justice and honesty are central to a well-lived life.

The Origins of Ethical Philosophy

Aristotle believed that: (*continued*)

- We must acquire the ability to see which course of action is best supported by reason.
- Only through practice can we acquire the skills necessary to make ethical decisions.

Types of Ethics

1. Meta-ethics.

- The study of where ethical notions came from and what they mean.
- A search for an ethical system independent of our own opinions.
- Can be applied to any situation at any time or place.

Types of Ethics

2. Normative ethics.

- The study of what makes actions right or wrong.
- A search for a single standard that guides or regulates human conduct.
- An example is the “Golden Rule.”

Types of Ethics

3. Applied ethics.
 - The application of ethical theory to real-life situations.
 - The study of specific problems or issues using the application of the lessons of both meta-ethics and normative ethics.
 - The basis of professional ethics.

Professional Ethics

Professional ethics, sometimes referred to as “business ethics” is important because it is a form of applied ethics that scrutinizes ethical principles and problems that occur in the business environment in which the code official operates.

Professional Ethics

Basic rules of professional ethics include:

- Not using authority to influence personal life, for monetary gain, or with malicious intent.
- Acting within the scope of the position’s authority only.
- Not influencing or advocating unethical conduct in others.
- Acting in good faith to fulfill the duty of the position of authority.

Professional Ethics

Many organizations develop a code of ethics that may:

- Define acceptable behaviors.
- Promote high standards of practice.
- Provides a benchmark for members for self-evaluation.
- Establish a framework for professional behavior and responsibilities.
- Be a vehicle for occupational identity and maturity.

Professional Ethics

In the absence of a formal code of ethics, a code official must rely on a personal code of ethics.

A good place to start is with the ICC Code of Ethics.

The ICC Code of Ethics

International Code Council Code of Ethics

It is the policy of the Board that each active certificate holder shall agree in writing to comply with the following Code of Ethics; and shall agree that failure to comply shall subject their certification to suspension or revocation by the Board:

The protection of life, health, and property is a solemn responsibility of the highest order. Recognizing the public's trust bestowed upon individuals engaged in the administration and enforcement of building codes, the International Code Council advocates commitment to a standard of professional behavior that exemplifies the highest ideals and principles of ethical conduct. The governing concepts embodied in this philosophy are characterized herein below, for the benefit and guidance of those so engaged, and for the enlightenment of the public so served.

The Code Council-certified individual shall:

- Place the public's welfare above all other interests and recognize that the chief function of government is to serve the best interest of all the people.
- Demonstrate integrity, honesty and fairness in all transactions and constantly strive for excellence in all matters of ethical conduct.
- Recognize the continuing need for developing improved safety.
- Maintain professional competence in all areas of employment responsibility and encourage the same for all associates at all levels.
- Accept no personal favors for public services rendered and conscientiously avoid all circumstances that could compromise professional integrity.

Characteristics of an Unethical Culture

Red flags include:

- Lack of transparency.
- Rationalizations and justifications.
- Secrecy.
- Poor recordkeeping.
- Lack of oversight.
- Inadequate ethics training.
- Unclear or poorly worded policies and procedures.

Characteristics of an Unethical Culture

Red flags include: (*continued*)

- Reporting misconduct and whistle-blowing is discouraged or punished.
- Inadequate compliance program, or no program.
- Outside employment or consulting.
- Culture that supports conflicts of interest.
- Relatives working in the same department or in the same chain of command.

Stages of Moral Reasoning

STAGE	CHARACTERISTICS
Obedience or Punishment (Stage 1)	<ul style="list-style-type: none"> Simple obedience and punishment. “The boss says so!”
Morality of Marketplace (Stage 2)	<ul style="list-style-type: none"> Self-interest. “What’s in it for me?”
Conformity (Stage 3)	<ul style="list-style-type: none"> Approval by the group. “Good boy, nice girl.”

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Stages of Moral Reasoning

STAGE	CHARACTERISTICS
Law and Order (Stage 4)	<ul style="list-style-type: none"> Upholding authority. “The tyranny of the majority.”
The Social Contract (Stage 5)	<ul style="list-style-type: none"> Personal belief system. Protecting the rights of others. “With liberty and justice for all.”
Universal Human Rights (Stage 6)	<ul style="list-style-type: none"> Universal moral principles without bias. “With malice toward none.”

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Dilemmas for a Moral Workout

The School Dilemma

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Activity: Practice Exercises

- Dilemma 1: Paycheck Error
- Dilemma 2: Embellishment of Job Tasks
- Dilemma 3: Ignore a Code Violation for Financial Gain
- Dilemma 4: A close relative wants you to build a new sun-deck for him.
- Dilemma 5: Social event outside of work
- Dilemma 6: Pornographic material is accidentally sent to another employee



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The Process of Ethical Choice

- The process of ethical choice involves:
1. Establishing and examining values;
 2. Developing sensitivity to potential ethical conflicts; and
 3. Practicing ethical behaviors.

Factors that Influence Ethical Decision-making

FACTOR	REASON(S)
Self-esteem	The need to have a positive self-image and to protect our self-esteem is a major factor in determining the choices an individual makes.
Personal Moral Standards	An individual's ethical system is based on internalized convictions rather than external consequences.

Factors that Influence Ethical Decision-making

FACTOR	REASON(S)
Organizational Relationships	<ul style="list-style-type: none"> ▪ Business people attempt to resolve a dilemma by deciding on a philosophy that they perceive will result in the greatest benefit for the most people. ▪ Others may decide instead to choose the course of action that least infringes on any one person's basic human rights.

Factors that Influence Ethical Decision-making

FACTOR	REASON(S)
Organizational Relationships (continued)	<ul style="list-style-type: none"> ▪ Each organization applies its own philosophies to corporate decision making. ▪ For the individual, potential areas of relationship conflict often occur with competition, desperation, immaturity and greed.

Factors that Influence Ethical Decision-making

FACTOR	REASON(S)
Opportunity	<ul style="list-style-type: none"> ▪ Behind some dishonest acts is an attempt to gain an advantage that would be difficult or impossible to obtain by more honest means. ▪ The workplace is full of really tough and tempting choices. It is often difficult to discern when an incentive becomes a bribe or to identify the abuse of power in incidents of sexual harassment or racial discrimination.

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Factors that Influence Ethical Decision-making

FACTOR	REASON(S)
Opportunity <i>(continued)</i>	<ul style="list-style-type: none"> ▪ The motto, "All's fair in love, war and business," can lead individuals astray.

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Module 2 Ethics in Practice



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Acting Ethically as a Code Official

- To act ethically, a code official **must**:
- Exemplify high standards of professional integrity, proficiency and knowledge.
 - Not commit a deliberately wrongful act that reflects adversely on the code official's professional fitness.
 - Acknowledge diversity by respecting the rights of others and not improperly discriminating against people.

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Acting Ethically as a Code Official

To act ethically, a code official **must**:
(continued)

- Strive to continue professional education.
- Accurately represent professional qualifications, education and affiliations.
- Systematically and critically analyze ethical issues in the practice of planning.
- Strive to contribute time and effort through outreach activities.
- Always be aware of perceptions.

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Responsibilities of the Code Official

Responsibilities to the public include:

- Have special concern for the long-range consequences of present actions.
- Pay special attention to the interrelatedness of decisions.
- Strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs.

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Responsibilities of the Code Official

Responsibilities to the public include: *(continued)*

- Strive to expand choices and opportunities for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.
- Strive to protect the integrity of the natural environment.
- Strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.
- Fully understand the primary responsibility and purpose of enforcing construction safety codes.

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Responsibilities of the Code Official

Responsibilities to the profession and colleagues include:

- Protect and enhance the integrity of the profession and be responsive to criticism of the profession.
- Represent accurately the qualifications, views and findings of colleagues.
- Review work of other professionals in a fair, considerate, professional and equitable manner.

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Responsibilities of the Code Official

Responsibilities to the profession and colleagues include: (*continued*)

- Share results of experience and research, which contribute to the body of planning knowledge.
- Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation.
- Contribute time and information to the professional development of students, interns, beginning professionals and other colleagues.

Responsibilities of the Code Official

Responsibilities to the profession and colleagues include: (*continued*)

- Strive to promote diversity and to increase the opportunities for members of recognized minorities to become professional code officials.
- Not commit an act of sexual harassment.
- Be willing to accept alternative methods of compliance where it is proven to be within acceptable standards and practices.

Responsibilities of the Code Official

Responsibilities to clients and employers include:

- Exercise independent professional judgment on behalf of clients and employers.
- Accept the decisions of a client or employer concerning the objectives and nature of the professional service to be performed, unless the course of action to be pursued involves conduct that is illegal or inconsistent with the code official's primary obligation to the public interest.

Responsibilities of the Code Official

To act ethically, a code official **must not**:

- Perform work if there is an actual, apparent, or foreseeable conflict of interest.
- Represent a private client in any matter for one year after the code official's last date of employment from that organization.
- Solicit prospective clients or employment through use of false or misleading claims, harassment or duress.

Responsibilities of the Code Official

To act ethically, a code official **must not**:
(continued)

- Sell or offer to sell services by stating or implying an ability to influence decisions by improper means.
- Use the power of any office to seek or obtain a special advantage that is not in the public interest.
- Accept or continue to perform work beyond the code official's professional competence.

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Responsibilities of the Code Official

To act ethically, a code official **must not**:
(continued)

- Reveal information gained in a professional relationship when the client or employer has requested confidentiality.
- Exceptions include:
 - By process of law.
 - To prevent a clear violation of the law.
 - To prevent a substantial injury to the public.

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Real-world Examples of Unethical Behavior

- Two housing inspectors have bought recently inspected properties
- Records reveal ethics violations
- Two more charged in building and safety investigation
- Building official admits violations: Town inspector to pay \$3,300 state ethics fine

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Ethical Traps for the Code Official and How to Avoid Them

1. Conflicts of interest
2. Diversity issues
3. Sexual harassment
4. Nepotism
5. Fraternization
6. Organizational values

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1. Conflicts of interest

When an individual or organization is involved in multiple interests, one of which could *possibly* corrupt the motivation for an act in the other.

It usually involves an individual or organization using their position and/or status in an action for the purpose of financial or personal gain.

1. Conflicts of interest

Types of conflicts of interest include:

- Self-dealing—an official who controls and organization causes it to enter into a transaction with the official, or with another organization that benefits the official.
- Outside employment—the interests of one job contradict another.
- Family interests—a relative is employed or where goods or services are purchased from a relative or a firm controlled by a relative.
- Gifts from friends who also do business with the person receiving the gifts.

1. Conflicts of interest

How to avoid a conflict of interest:

- Disclosure
- Recusal
- Third-party evaluations
- Codes of ethics

2. Diversity issues

Diversity includes:

- Age
- Ethnicity
- Ancestry
- Gender
- Physical abilities
- Race
- Sexual orientation
- Educational background
- Geographical location
- Income
- Marital status
- Military experience
- Religious beliefs
- Work experience

2. Diversity issues

How to promote diversity:

- Develop organizational value statements that embraces concepts of respect for all cultures and differences.
- Incorporate diversity as a key performance factor. Include diversity as a value to be measured on performance evaluations.
- Participate in EEOC programs.

2. Diversity issues

EEOC programs:

- Title VII of the Civil Rights Act of 1964.
- The Equal Pay Act of 1963.
- The Age Discrimination in Employment Act of 1967.
- The Americans with Disabilities Act of 1990.
- The Rehabilitation Act of 1973.
- Title II of the Genetic Information Nondiscrimination Act of 2008.
- The Civil Rights Act of 1991.

3. Sexual harassment

Sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors.

3. Sexual harassment

Harassment can be:

- Perpetrated by anyone, in any place, and at any time.
- The victim does not have to be the person directly harassed, but can be anyone affected.
- Both the harasser and the victim can be any gender, and not necessarily the opposite sex.
- A supervisor or organization can be held liable if they fail to take action.

3. Sexual harassment

How to avoid sexual harassment:

- Policies defining sexual harassment and identifying disciplinary actions for violators.
- Training on the established policies, as well as general legal concepts regarding the legal aspects of sexual harassment.

4. Nepotism

Nepotism is favoritism granted to relatives or friends without regard to their merit.

4. Nepotism

How to avoid nepotism:

- Establish policies and procedures that make it clear that favoritism to family or friends is not acceptable.
- Provide training on the policies and legal ramifications of participating in nepotism activities.

5. Fraternization

Fraternization is when a personal relationship between two people of different rank or standing interferes with work.

Usually, this refers to being involved socially or romantically with anyone who has a different level of seniority.

5. Fraternalization

How to avoid fraternization:

- Develop a non-fraternization policy.
- Provide training on the policy and enforce it.

6. Organizational values

Organizational values are a main factor in describing or defining the culture of the organization.

They should be incorporated into the policies of the organization, and serve as performance criteria for evaluating employees.

Developing a Personal Code of Ethics

Personal ethics:

- Are *personal*—they will be different for everyone, even if many share the same principles.
- Provide an internal guide that tells you what's right and wrong, based on the influences in your life and your experiences.

Developing a Personal Code of Ethics

Factors that contribute to the development of personal ethics:

1. Family.
2. Religious beliefs.
3. Culture.
4. Experience.
5. Internal reflection.

Developing a Personal Code of Ethics

A framework for personal ethics:

- Value of others.
- Value of society.
- Value of self.

Developing a Personal Code of Ethics

Steps to a personal code of ethics:

1. Identify your ethical values. List all the values that are important to you.
2. Align your values with principles of ethics, based on the framework you've chosen to use.
3. Draft standards that support your values and ethical principles. Use the form, "I will..."

Developing a Personal Code of Ethics

Steps to a personal code of ethics:
(continued)

4. Test the standards against your daily experiences and adjust, if necessary.
5. Model your code of ethics for others.

Developing a Personal Code of Ethics

A sample code of ethics:

- **Integrity:** I will be honest in everything I do. I will always be forthright, sincere, reliable, and dependable.
- **Caring:** I will care about others. I will always be considerate, fair, and willing to help those in need.
- **Excellence:** I will do my best at everything I do. I will always strive for excellence.

Developing a Personal Code of Ethics

A sample code of ethics: (*continued*)

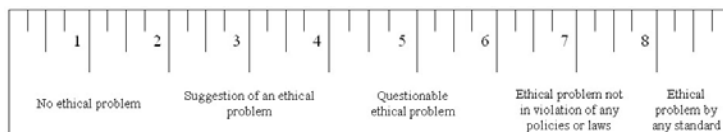
- **Attitude:** I will maintain a positive attitude. I will always be respectful, loyal, and humble.
- **Courage:** I will stand up for what is right.

Tools for Addressing Ethical Dilemmas

These two tools can help clarify ethical issues

- The Ethical Ruler
- Ethical Questions

Tools for Addressing Ethical Dilemmas



The Ethical Ruler can be used to test your initial gut reaction to a dilemma. It points you in the right direction, but doesn't provide a solution. It's a good first step.

Tools for Addressing Ethical Dilemmas

The Ethical Questions:

1. Have you defined the problem accurately?
2. How would you define the problem if you stood on the other side of the fence?
3. How did this situation occur in the first place?
4. What is your intention in making this decision?

Tools for Addressing Ethical Dilemmas

The Ethical Questions: *(continued)*

5. How does this intention compare with the probable results?
6. Whom could your decision or action injure?
7. Are you confident that your position will be as valid over a long time period as it seems now?
8. Would you be comfortable if your decision was disclosed in the newspaper?

Activity: Drafting a Personal Code of Ethics



List four or five of your most deeply-held ethical values, align them with the ethical principles, and write a standard for each. Use the form, “I will...”

Questions and Answers

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