



Applied Ethics, Code of Conduct and Conflicts of Interest

City Council Study Session
March 21, 2023

Background

- On October 18, 2022, the City Council approved Council Member Kalmick's H-Item to explore best practices on addressing conflict of interest, ethics, and code of conduct.
- The City has invited John P. Pelissero, PhD of the Markkula Center for Applied Ethics at Santa Clara University to provide an overview of these topics and invite further discussion from the City Council.





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Applied Ethics, Codes of Conduct, and Conflicts of Interest

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Workshop for the City of Huntington Beach, CA

March 21, 2023





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“Americans want better performance from their government and their leaders. They want leaders who are more ethical in their behavior, who care more about the public interest and less about their own careers...”

Source: Rebuilding Citizen-Government Relations for the 21st Century





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What is Ethics?

- Ethics refers to **standards and practices**.
- Tells us how human beings ought to act in the many situations in which they find themselves—as citizens, public officials, professionals, and so on.
- Ethics is also concerned with our character, formed by **knowledge, skills, and habits**.
- Foundational theories of ethics are based on **moral philosophy**—both ancient and modern in origins.





What is Applied Ethics in Government?

- **Government ethics** applies to the actions, behavior, processes, and policy of governments and the public officials who serve in elected or appointed positions.
- Officials should serve **the public interest** with ethical awareness and ethical actions.
- A public official must not use their position for personal gain and should avoid even the appearance of a conflict of interest.
- **Political ethics** applies to the political processes of a democracy, including elections, campaigns, and voting.





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How Governments Apply Ethics to Actions

- **Best Practices include:**
 - Adopting a **Code of Ethics** for the Government
 - Developing ethical awareness of **Conflicts of Interest**
 - Implementing annual **Disclosure Requirements**
 - Addressing ethical issues in **Campaign Practices and Fundraising**
 - Operating government with a practical level of **Transparency**





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Some *examples* of Best Practices

- Codes of Conduct:
 - [City of Santa Clara](#)
 - [City of San Jose](#)
- Conflict of Interest:
 - [CA Fair Political Practices Commission](#)
 - [League of California Cities](#)
- Campaign ethics:
 - [City of San Diego](#)
 - [Code of Fair Campaign Practices](#)



Approaches to Applied Ethical Decision-making

Six Lenses that form the framework for ethical decisions:

- Rights Lens
- Justice Lens
- Virtue Lens
- Common Good Lens
- Utilitarian Lens
- Care Lens



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Approaches to Ethical Decision-making

Rights Lens

- Protects and respects the moral rights of those affected.
- Humans have a right to be treated as ends in themselves and not merely as means to other ends.
- Moral rights—including the rights to make one's own choices, to be told the truth, to have a degree of privacy, and so on—are widely debated.
- Understood as implying duties—especially the duty to respect the rights and dignity of others.
- Demonstrating awareness of the rights lens is important to government ethics and derives from the value of **constitutional and civil rights** in our democracy.





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Approaches to Ethical Decision-making

Justice Lens

- Each person should be given their due, and what people are due is often interpreted as **fair or equal treatment**.
- Equal treatment implies that people should be treated as equals according to some defensible standard such as merit or need, but not necessarily that everyone should be treated in the exact same way in every respect.
- Different types of justice that address what people are due in various contexts, ranging from social justice to distributive justice to restorative justice.
- **Democracy is founded on principles that are linked to fairness and justice for all**, thus the Justice lens is important to the role of government.





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Approaches to Ethical Decision-making

Virtue Lens

- Ethical actions ought to be consistent with certain ideal virtues that provide for the full development of our humanity.
- These virtues are **dispositions and habits** that enable us to act according to the highest potential of our character and on behalf of values like truth and integrity.
- Honesty, courage, compassion, generosity, tolerance, self-control, and prudence are all examples of virtues.
- Virtue ethics asks of any action by government, **“Is this action consistent with acting at our best?”** or **“Will this decision promote integrity and trust in our government?”**





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Approaches to Ethical Decision-making

Common Good Lens

- Life in community is a good in itself and our actions should contribute to that life.
- Interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others—especially the vulnerable—are requirements of such reasoning.
- Calls attention to the common conditions that are important to the **public interest** and the welfare of everyone—such as clean air and water, a system of laws, effective public safety departments, healthcare, a public educational system, or care for the planet.
- Governments have a special obligation to act in **the public interest** and to demonstrate awareness of the common good in all of its decisions.





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Using the Lenses in Decision-making

- Each of the lenses helps one determine what standards of behavior and character traits can be considered right and good.
- We may not agree on the content of some of the specific lenses, such as what constitutes the common good or what is fair.
- The different lenses may lead to different answers to the question “What is ethical?” .
- **Using multiple lenses** when making an ethical decision may achieve the best result.



A FRAMEWORK FOR ETHICAL DECISION MAKING

RECOGNIZE AN ETHICAL ISSUE

1. Could this decision or situation be damaging to someone or to some group? Does this decision involve a choice between a good and bad alternative, or perhaps between two "goods" or between two "bads"?
2. Is this issue about more than what is legal or what is most efficient? If so, how?

GET THE FACTS

3. What are the relevant facts of the case? What facts are not known? Can I learn more about the situation? Do I know enough to make a decision?
4. What individuals and groups have an important stake in the outcome? Are some concerns more important? Why?
5. What are the options for acting? Have all the relevant persons and groups been consulted? Have I identified creative options?

EVALUATE ALTERNATIVE ACTIONS

6. Evaluate the options by asking the following questions:
 - Which option will produce the most good and do the least harm? (The Utilitarian Lens)
 - Which option best respects the rights of all who have a stake? (The Rights Lens)
 - Which option treats people equally or proportionately? (The Justice Lens)
 - Which option best serves the community as a whole, not just some members? (The Common Good Lens)
 - Which option leads me to act as the sort of person I want to be? (The Virtue Lens)
 - Which option will demonstrate care for the concerns of all stakeholders? (The Care Lens)

MAKE A DECISION AND TEST IT

7. Considering all these approaches, which option best addresses the situation?
8. If I told someone I respect-or told a television audience-which option I have chosen, what would they say?

ACT AND REFLECT ON THE OUTCOME

9. How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?
10. How did my decision turn out and what have I learned from this specific situation?





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Goals for a Code of Ethics and Conflict of Interest Policy

- Reflect the **core values** of the community.
- Promote **mutual respect and trust** within government.
- Encourage **ethical awareness and ethical behavior** among public officials.
- Establish the highest **standards for personal and professional conduct**.
- Avoid creating the **appearance of unethical behavior**
- Provide a process to resolve ethical issues in **a respectful, non-adversarial fashion**. (Best practice suggests that the process should be civil, not judicial.)





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For More Information:

www.scu.edu/ethics

