



Senior Leadership Ethics Training

Texas Military Forces,
General Counsel's Office
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Agenda

Ethics & Values

- Ethics
- Our Values

Leadership

- Leading an Ethical Environment
- Pressure to Conform

Regulation

- Conflicts of Interest
- Gifts
- Social Events
- Travel

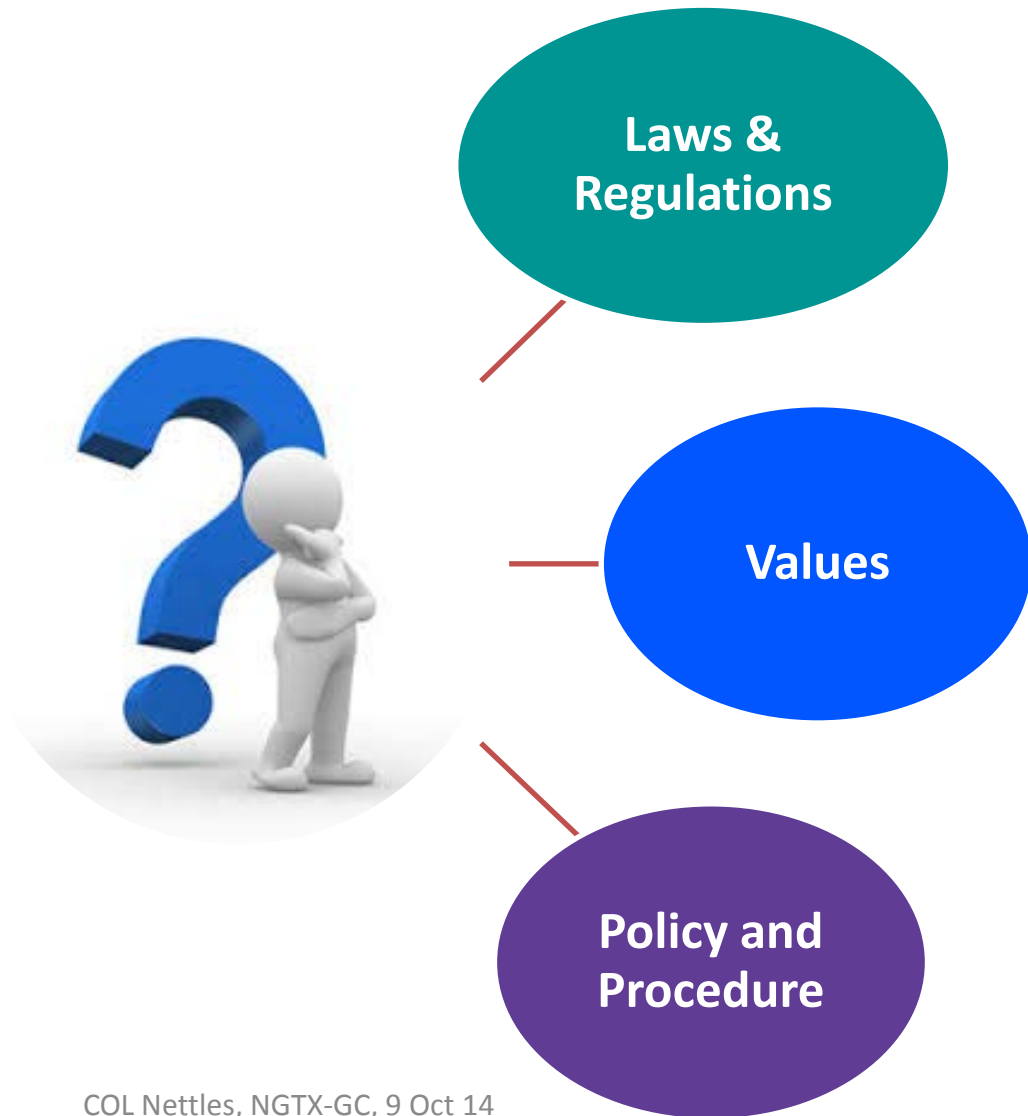


IN Conclusion.....





Ethics & Values





“That’s Unethical!” Buzzword



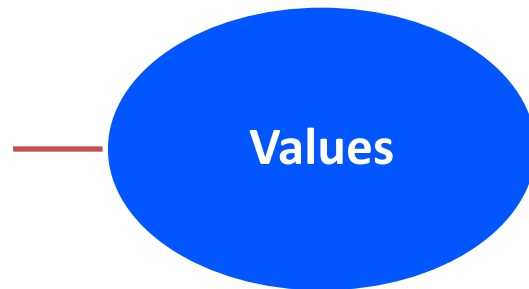
Philosophical Ethics

Attempts to determine or define what kinds of actions are right or wrong in particular circumstances

Applied Ethics

Business and Military

Guides individuals to act in a manner consistent with the defined requirements and organizational values. Is relevant to the conduct of individuals and entire organizations.





An Ethical Dilemma



A Question of Loyalty?

When reporting concerns, it is common for individuals to experience fear & to feel conflicted when multiple loyalties come into play

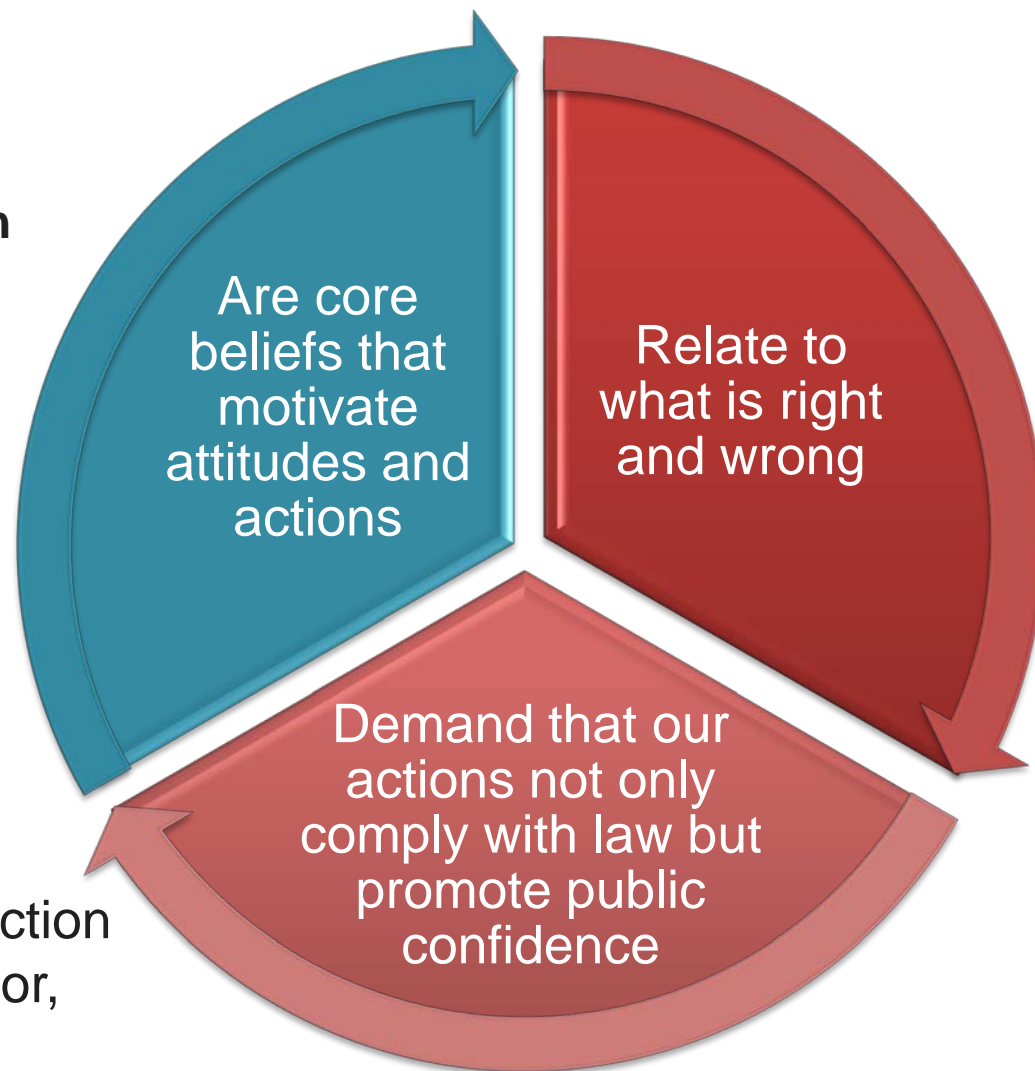




What are Ethical Values?



Ethics are standards by which one should act based on **VALUES**



Review JER, Chapter 12, Section 4 “Ethical Values” (e.g., candor, accountability, fairness)



Our Core Values

14 Ethical Principles



Our Core Values



- Loyalty
- Duty
- Respect
- Selfless Service
- Honor
- Integrity
- Personal Courage

- Integrity First
- Service Before Self
- Excellence in All We Do



14 Ethical Principles



1) TRUST

Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

2) INDEPENDENCE

Employees shall not hold financial interests that conflict with the conscientious performance of duty.

3) CONFIDENTIALITY

Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

4) INCORRUPTIBILITY

An employee shall not, except as permitted by law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.



14 Ethical Principles



5) HONESTY

Employees shall put forth honest effort in the performance of their duties.

6) VERACITY

Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

7) LOYALTY

Employees shall not use public office for private gain.

8) FAIRNESS

Employees shall act impartially and not give preferential treatment to any private organization or individual.



14 Ethical Principles



9) CONSERVATION

Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

10) INTEGRITY

Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

11) VIGILANCE

Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

12) RESPONSIBILITY

Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.



14 Ethical Principles



13) COMPLIANCE

Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

14) VISIBLITLY

Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant fact



Leadership





What Leadership Sounds Like



"If that does not suit you, then get out!"

"If you become aware of any individual degrading another, then show moral courage and take a stand against it."

"I will be ruthless in ridding the Army of people who cannot live up to its values and I need every one of you to support me in achieving this."

"If you're not up to it, find something else to do with your life. There is no place for you amongst this band of brothers and sisters,"



Lieutenant General David Lindsay Morrison

"Those who think that it is okay to behave in a way that demeans or exploits their colleagues have no place in this Army."



Setting the Ethical Climate



Question: How do you as Leaders “own” the ethical climate of your organization?

Set the stage

Remind your team about core values. Highlight a core value at stake if a proposed action is taken, (e.g., loss of public trust in the integrity of DoD business processes).



- Loyalty
- Duty
- Respect
- Selfless Service
- Honor
- Integrity
- Personal Courage



- Integrity First
- Service Before Self
- Excellence in All We Do



Setting the Ethical Climate



Clearly uphold ethical expectations.

Be sensitive to and address “good intentions.”

Hold self and others accountable. “Lead by Example” does not only belong at the top.

Publicly comment on individual integrity, courage, and candor.



Setting the Ethical Climate



Ask your team to partner with you in setting the ethical tone for the organization.

Kick off annual ethics with a values and Ethical decision making message; the imperative to “do the right thing”; use real world vignettes

Identify incidents of personal courage, selfless service, integrity, protecting the federal fisc, speaking truth to power, etc. so that you can commend such conduct at official functions.

Setting the Ethical Tone

Give an ethics message about core values at your regular senior staff meetings.

Video-tape a message about ethical decision-making and fundamental values.



The Character that Takes Command

The character that takes command in moments of crucial choices has already been determined. It has been determined by a thousand other choices made earlier in seemingly unimportant moments.

It has been determined by all the little choices of years past by all those times when the voice of conscience was at war with the voice of temptation whispering the lie that it really doesn't matter.

It has been determined by all the day-to-day decisions made when life seemed easy and crises seemed far away from the decisions that, piece by piece, bit by bit, developed habits of discipline - or of laziness, habits of self-sacrifice - or of self-indulgence, habits of duty and honor and integrity - or dishonor and shame.

Ronald Reagan, The Citadel, May 15, 1993



Would your Team conform?

“the essence of conformity is yielding to group pressure”

Normative Conformity

- Yielding to group pressure to fit in
- Scared of being rejected by group
- Publicly accepts the views of group but privately rejects them

Informal Conformity

- Person lacks knowledge & looks to group for guidance
- Person in an unclear situation & socially compares their behavior w/ group
- Person accepts views of groups & adopts them as an individual

Compliance

- Publicly changing behavior to fit in w/ group while privately disagreeing
- Conforming to majority (publicly), in spite of not really agreeing with them (privately)

Ingratiation Conformity

- Person conforms to impress or gain favor/ acceptance from others
- Motivated by the need for social rewards



Would your Team conform?

Result

- FACT: 75% conform
- *Asch Conformity Experiments*

Answer

- Yes, your team **WILL** conform

Question

- What example is being presented for your team to conform to?

Action

- Leadership at all levels
- By your actions, provide exemplary Air & Army Values and Behaviors



Regulation

5 CFR §2635



Conflicts of Interest



Gifts



Widely Attended Gatherings (WAGS)



Travel



Conflicts of Interest (COI)

Federal Conflict of Interest Statutes

18 U.S.C. §§ 201 - 211

18 U.S.C. § 216

18 U.S.C. § 219

5 C.F.R. 2635, Subparts D,E,F

5 C.F.R. 2640

5 U.S.C. app. 4 §§ 401-408

5 U.S.C. app. 4 §§ 501-505

DoD 5500.7-R (JER), Chapters 2,3, & 5





COI Defined



Conflict of Interest is a:

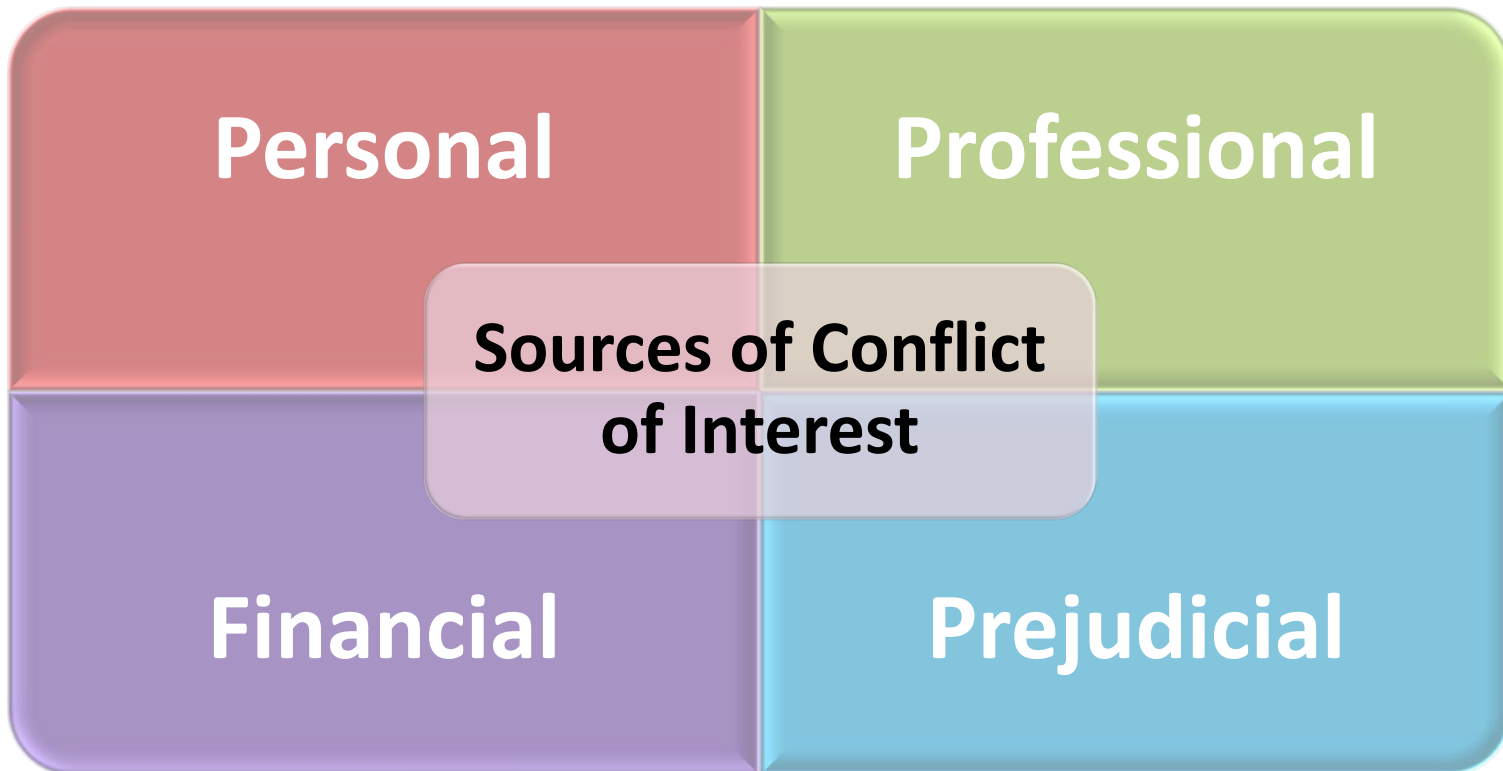
personal
interest or
relationship,

as defined by
law or
regulation,

that conflicts
with the faithful
performance of
official duty.



Primary Conflict Types



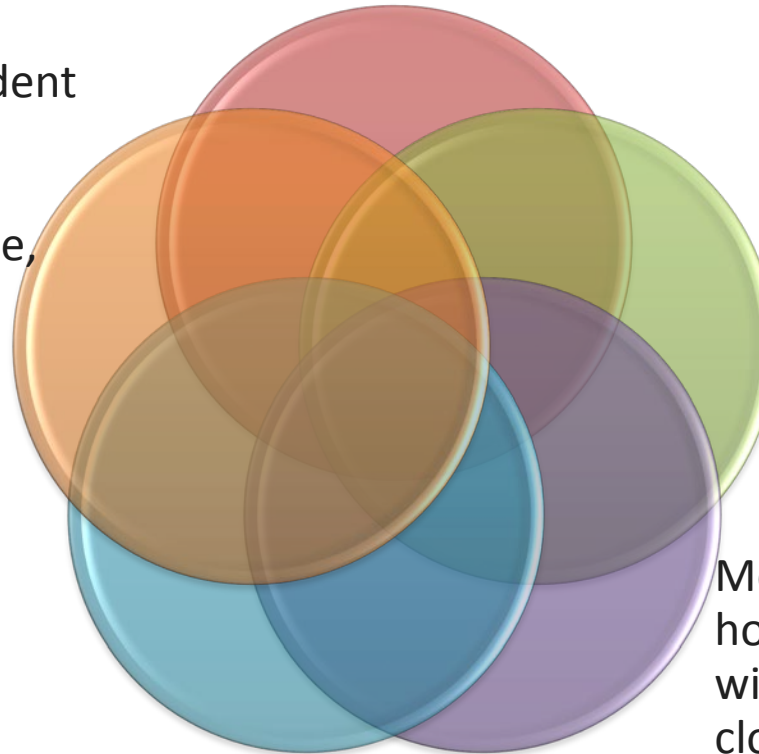


You Have a Covered Relationship With

Organizations in which you are an active member

A person for whom your spouse, parent or dependent child **serves as** an officer, director, trustee, general partner agent, attorney, consultant, contractor or employee

Former business partners, clients, and employers



A person with whom you have or seek a business, contractual or other financial relationship

Members of the household & relatives with whom you have a close personal relationship



Non-Federal Entities



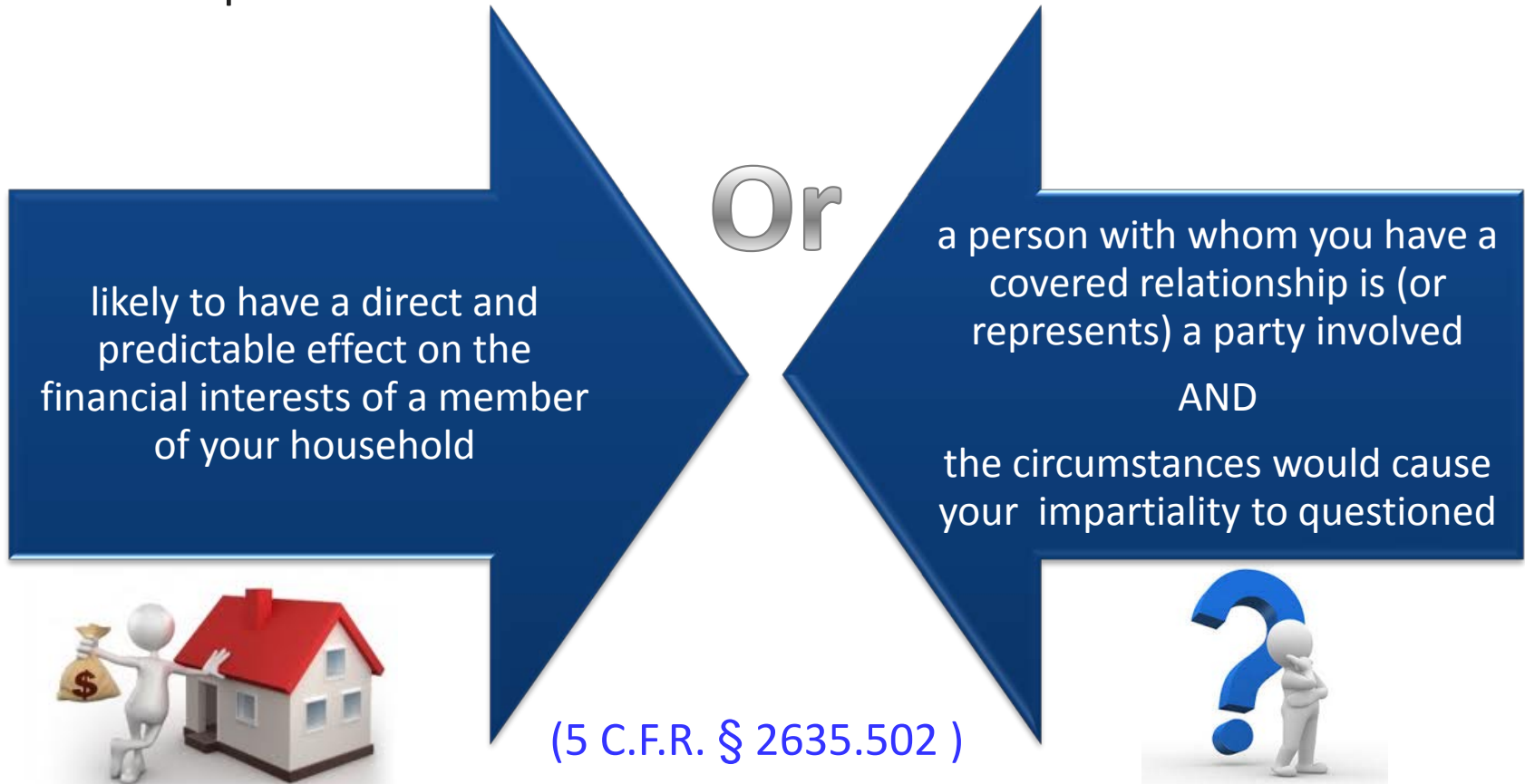
A Non-Federal Entity is any organization or individual outside the Federal Government

- Charities & not-for-profit groups
- Churches & congregations
- Professional associations
- Local & state governments (not always regarding Guard units)
- Spouses' clubs
- Unit booster clubs
- Commercial enterprises
- And many, many more!



“Impartiality Rule” Test

You are disqualified from participating in a particular matter when :



Broader application and reach than the criminal conflict of interest statute

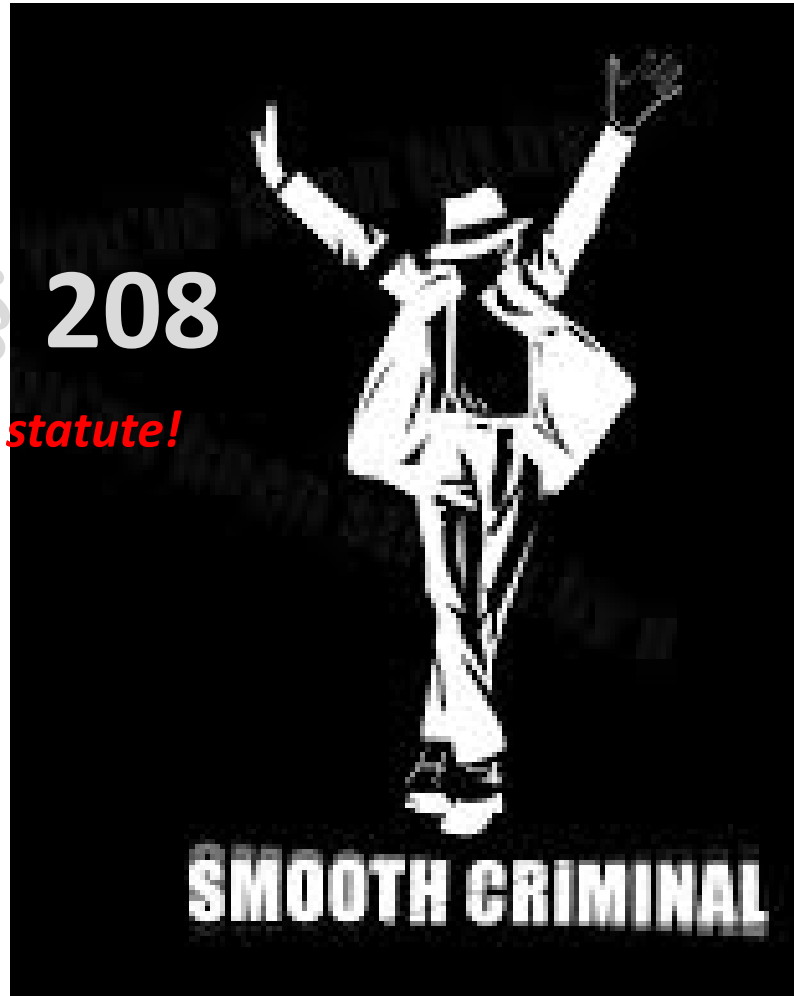


COI Statute: 18 U.S.C. § 208



18 U.S.C. § 208

This is a criminal statute!





COI Statute: 18 U.S.C. § 208



You may not participate **personally and substantially** through decision, approval, recommendation, advice, investigation or otherwise

In a judicial proceeding, application, ruling, determination, contract, claim, controversy, charge, or other **particular matter**

In which you or your spouse, minor child, partner, organization in which you are an officer or employee, or company with whom you are negotiating for employment

Have a financial interest



COI Resolution



If possible, spot and avoid COI. If unavoidable...

Individual waiver

Waiver for Special Government Employees

Reassignment

Change of duties

Divestiture of the financial interest

Disqualification (recusal)

Regulatory exemptions



Gifts



A Gift = Anything of Value



Cash, Tangible Items



Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or any other item having monetary value



Includes services



Includes gifts of training, transportation, travel, lodging, and meals



Gift Overview





Foreign Gifts



**No solicitation
of gifts**



**Individual may accept gift of
“minimal value” (retail
value in U.S. at time of
acceptance of \$350 or less)**

Must aggregate:

- **Multiple gifts from donor at single presentation**
- **Gifts to spouse is a gift to the service member**



Social Events



Widely Attended Gatherings
(WAGS)



Widely Attended Gatherings (WAGS)

Means:

- Numerous Attendees
- Attendees represent a diversity of views & interests

NOTE: Does **NOT** include travel or accommodation costs.





Determine Whether You Can Attend

Acceptance will further the programs, operations, & policies of the particular command or organization to which the employee is assigned

&

Acceptance will not undermine the integrity of NGB's operations or programs.



Acceptance Not in NGB's Interest

Do you have oversight of a contract pertaining to the organization extending the invitation?

- Person or organization who has extended the invitation has interests that may be affected by the performance or nonperformance of your official duties



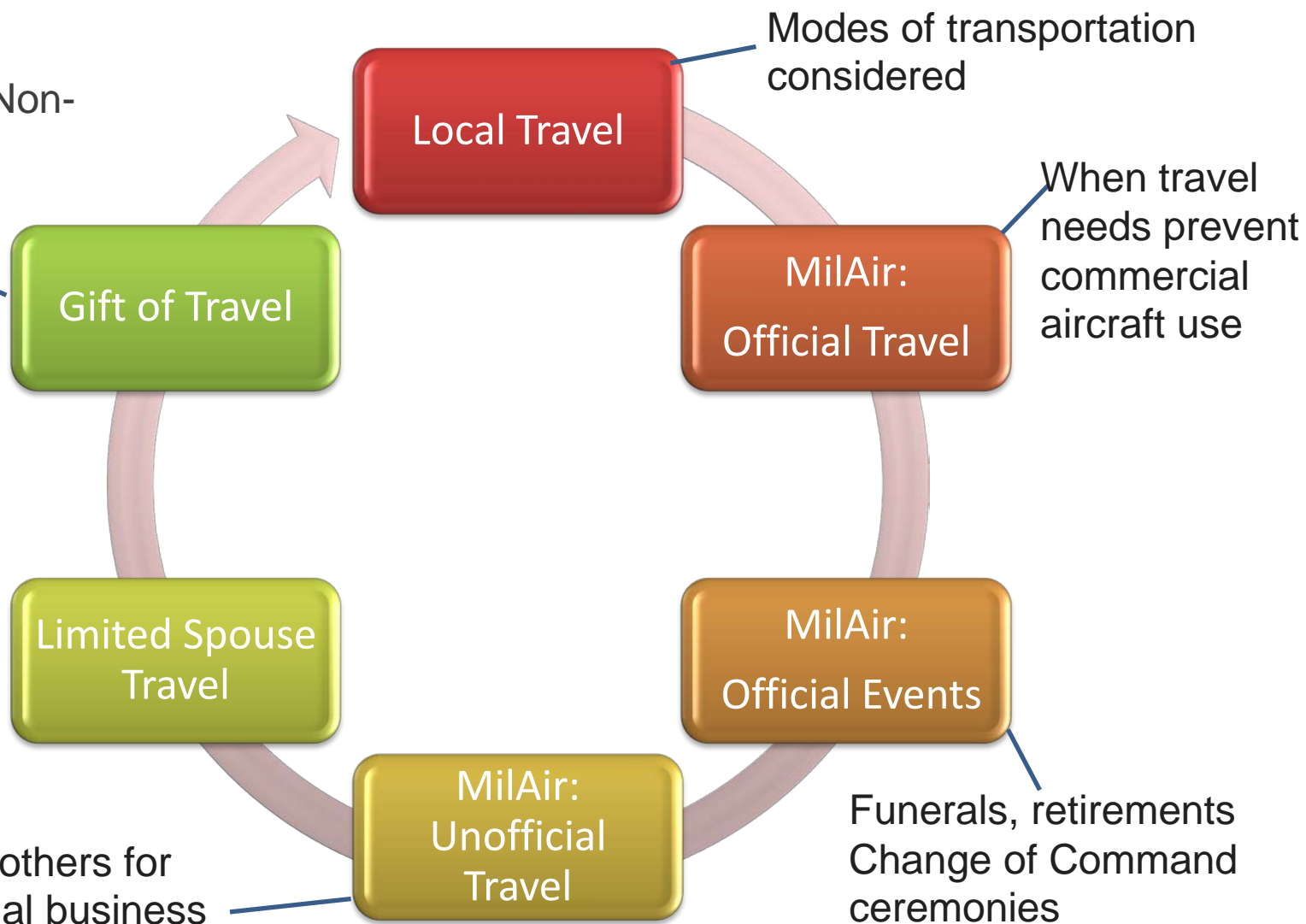
Travel



Travel



Payment from a Non-Federal Source
31 U.S.C. §1353





References



5 C.F.R. Part 2635

Standards of ethical conduct for employees of the executive branch

5 §2635.101

Basic obligation of public service

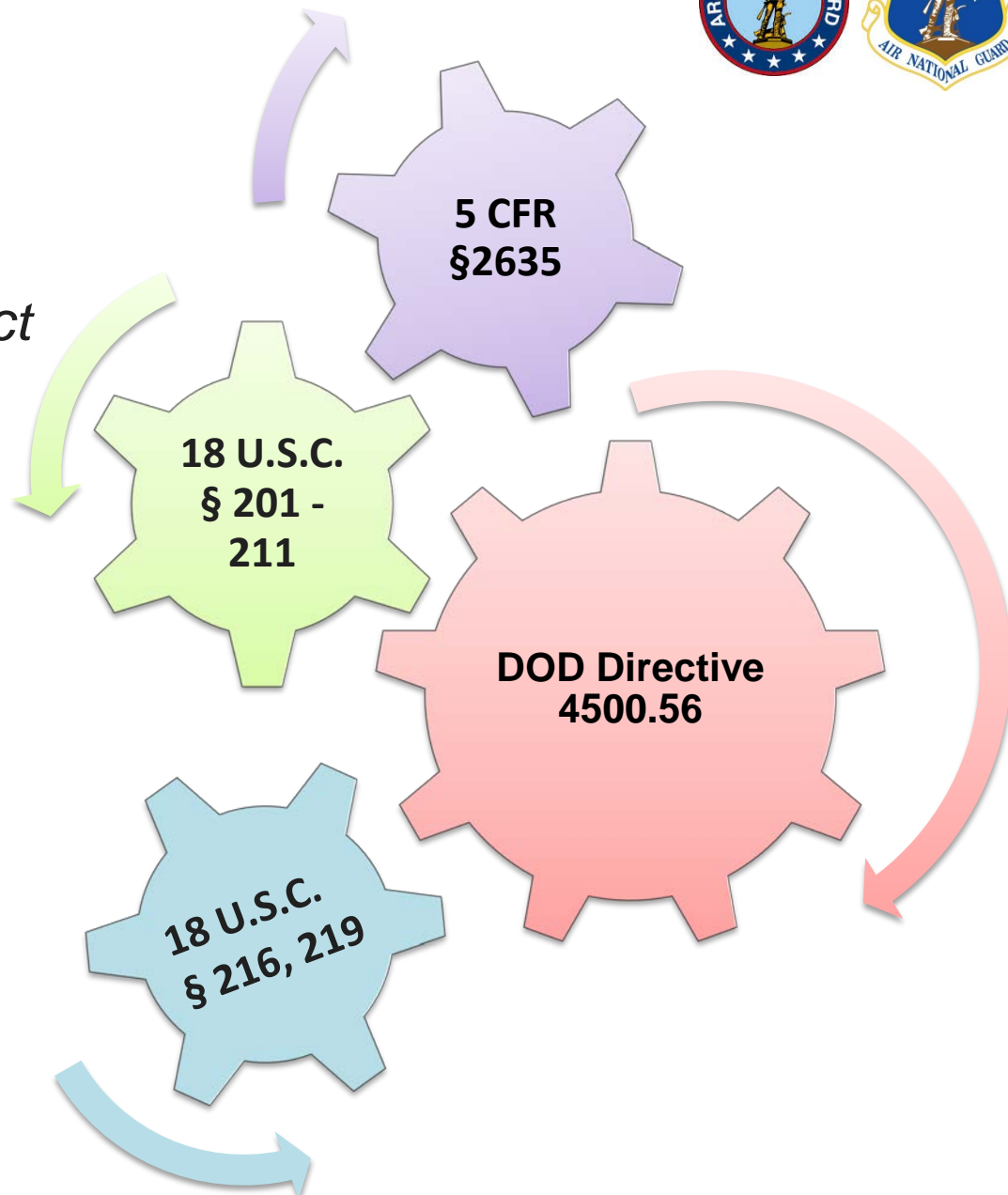
10 U.S.C. §2601/2608

Gifts to Government

DOD Directive 4500.56

31 U.S.C. § 1353

Travel Payments





IN Conclusion.....





If you have a question regarding a specific issue, please feel free to contact NGTX-GC Ethics Program personnel ng.tx.txarng.mbx.ethics-office@mail.mil

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Questions?

