Ethics for Records Managers
Georgia Records Association Annual Meeting

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Objectives of this session

- Understand:
  - What ethics is
  - Various RIM ethic codes
  - What “Records Managers should maintain high professional standards of conduct in the performance of their duties” means
  - How to practice records management in a professional manner.
Agenda

- Ethics – what does it mean and why is it important
- The governance is in place
- What could possibly go wrong
- Putting it into practice
- The Principles
- Resources

Ethics – what does it mean and why is it important

Simple definition of Ethic/s (noun)

*By Merriam-Webster*

- Rules of behavior based on ideas about what is morally good and bad
- An area of study that deals with ideas about what is good and bad behavior: a branch of philosophy dealing with what is morally right or wrong
- A belief that something is very important
Full definition of Ethic/s
By Merriam-Webster
- The discipline dealing with what is good and bad and with moral duty and obligation
- A set of moral principles: a theory or system of moral values
  - the present-day materialistic ethic
  - an old-fashioned work ethic
- The principles of conduct governing an individual or a group
- A guiding philosophy
- A consciousness of moral importance
- A set of moral issues or aspects (as rightness)

EXERCISE
The Georgia Records Association (GRA)
What We Do
- GRA is a professional organization dedicated to establishing responsible Records Management practices throughout local and state government in Georgia
- The Association is committed to providing professional development through continued education and networking, while serving as a source of information and support to all local and state government organizations

Why are ethics important?
As Leaders...
- The management team sets the tone for how the entire company
- When management leads an organization in an ethical manner, employees follow in those footsteps
- Management guide employees in making decisions that are not only beneficial to them as individuals, but also to the organization as a whole
- A foundation of ethical behavior helps create long lasting positive effects
- Running a business in an ethical manner from the top down builds a stronger bond between individuals on the management team, further creating stability within the company

Why are ethics important?
As employees

- Employees make better decisions in less time with business ethics as a guiding principle; this increases productivity and overall employee morale.
- When employees complete work in a way that is based on honesty and integrity, the whole organization benefits.
- Employees who work for a corporation that demands a high standard of business ethics in all facets of operations are more likely to perform their job duties at a higher level and are also more inclined to stay loyal to that organization.

Why Are Ethics important?
As employees continued

- The importance of business ethics reaches beyond employee loyalty and morale or the strength of a management team bond.
- As with all business initiatives, the ethical operation of a company is directly related to profitability.
- The reputation of a business is paramount in determining whether a company is a worthwhile investment.
- If a company’s reputation is less than perfect based on the perception, that it does not operate ethically, investors are less inclined to buy stock or otherwise support its operations.

Why Are Ethics important?
As recordkeeping professionals...

- Records and archives management have a societal purpose beyond the private interests of organizations and persons.
- Recordkeeping enables organizations and individuals to be held accountable for their actions.
- But the moral context in which records management and archiving are practiced is changing rapidly.
Ethics, Accountability, and Recordkeeping in a Dangerous World by Richard Cox

- “The war on terrorism has increased national security concerns to such an extent that providing security (or a sense of security) is trumping other political values, such as democracy and civil rights.
- Corporations are under increasing pressure to put short-term profits ahead of other considerations. As a result, in both the public and private sector, there is an increased tendency to tolerate, even promote, deception, falsification, or destruction of records, surveillance, breaches of confidentiality, and intrusion on privacy.
- Records professionals confront increased pressure to be complicit in such activities or be active participants. They meet difficult ethical dilemmas head on and should be prepared to work in this ethically murky environment in a way that best serves the public interest.”

The governance is in place

Federal Government

- The United States Office of Government Ethics (OGE)
  An independent agency within the executive branch of the U.S. Federal Government which is responsible for directing executive branch policies relating to the prevention of conflicts of interest on the part of Federal executive branch officers and employees
- Internal Revenue Service (IRS)
- Environmental Protection Agency (EPA)
- Federal Drug Administration (FDA)
GA State Agencies

- Bureau of Investigation, Georgia
- Georgia Department of Audits and Accounts
- Consumer Protection Unit, Department of Law
- Government Transparency & Campaign Finance Commission
- Georgia Environmental Protection Division
- Fiscal Management Council, Georgia
- Georgia State Board of Accountancy
- Professional Standards Commission, Georgia
- Public Safety, Georgia Department of
- GA State Ethics Commission

Records and Information Management
Institute of Certified Records Managers (ICRM)

Code of Ethics

1. Shall maintain high professional standards of conduct in the performance of their duties. The Code of Ethics is provided as a guide to professional conduct.
2. Have a professional responsibility to conduct themselves so that their good faith and integrity shall not be open to question. They will promote the highest possible records management standards.
3. Shall conform to existing laws and regulations covering the creation, maintenance, and disposition of recorded information, and shall never knowingly be parties to any illegal or improper activities relative thereto.
4. Shall be prudent in the use of information acquired in the course of their duties. They should protect confidential, proprietary and trade secret information obtained from others and use it only for the purposes approved by the party from whom it was obtained or for the benefit of that party, and not for the personal gain of anyone else.

Records and Information Management
Institute of Certified Records Managers (ICRM)

Code of Ethics continued

1. Shall not accept gifts or gratuities from clients, business associates, or suppliers as inducements to influence any procurements or decisions they may make.
2. Shall use all reasonable care to obtain factual evidence to support their opinion.
3. Shall strive for continuing proficiency and effectiveness in their profession and shall contribute to further research, development, and education. It is their professional responsibility to encourage those interested in records management and offer assistance whenever possible to those who enter the profession and to those already in the profession.
Records and Information Management
Information Governance Professional (IGP)
Code of Ethics
1. Demonstrate integrity, honesty and fairness.
2. Affirm the legal, ethical, and moral use of information.
3. Comply with applicable laws.
4. Protect the confidentiality of proprietary information.
5. Protect the privacy of individuals.
6. Report illegal or unethical practices.
7. Avoid compromise of professional judgment by conflicts of interest or the appearance thereof.
8. Represent their qualifications and certifications truthfully and accurately.

Records and Information Management
Information Governance Professional (IGP)
Code of Ethics continued
9. Accurately represent the purposes of certification and associated competencies.
10. Maintain professional competence in all areas of responsibility and undertake assignments only when qualified by education and/or experience.
11. Accept responsibility for maintaining the credential through re-certification.
12. Use the IGP designation and property as authorized.
13. Uphold and abide by the policies of the IGP Certification Board.
14. Act in a manner free of bias with regard to religion, ethnicity, gender, age, national origin, or disability.
15. Issue public statements in an objective and truthful manner and only when founded upon knowledge of the facts and competence of subject matter.

Records and Information Management
Assoc. of Records Mgrs. and Administrators (ARMA)
Code of Professional Responsibility
I: The Social Principles. Because of their responsibilities to society, RIM:
► Support the creation, maintenance, and use of authentic, reliable, usable information and support the development and use of information systems that place a high priority on accuracy and integrity, which requires that records be complete and unaltered (ISO 15489-1 Records Management).
► Affirm the legal, ethical, and moral use of information.
► Affirm that the collection, maintenance, distribution, and use of information about individuals is a privilege in trust: the right to privacy of all individuals must be both promoted and upheld.
► Support the free flow of publicly available information as a necessary condition for an informed and educated society.
Records and Information Management
ARMA - Code of Professional Responsibility continued

II: The Professional Principles. Because of their responsibilities to their employers/clients/profession, RIM:

- Strive to serve the client or employer at the highest level of their professional competence.
- Recognize illegal or unethical RIM-related actions and inform the client or employer of possible adverse consequences.
- Avoid conflict of interest or improper gain at the expense of clients, employers, or co-workers.
- Maintain the confidentiality of privileged information.
- Recognize the need for careful action to assure appropriate access to information without violation of the intellectual property rights of the owners of that information.
- Pursue an appropriate program of ongoing education for the professional practice, which may include certification.
- Accurately represent their education, competencies, certifications, and experience to superiors, clients, co-workers and colleagues in the profession.
- Enrich the profession by endorsing the sharing of knowledge, experience, and research; encourage public discussion of the profession’s values, services, and competencies.
- Are actively committed to recruiting individuals to the profession on the basis of competence and educational qualifications without discrimination.
- Embrace and practice an attitude of cooperation and mutual respect for the contributions of other RIM professionals and attempt to create an atmosphere in the best interest of clients or employers.

Enough rules, we need a BREAK!!

Exercise

1. I hold myself accountable to...
2. What I treasure most...
3. I will not compromise on...
4. My strongest strengths are...
5. I need to improve in the following two areas...
Exercise

6. How would you describe yourself and your behavior in recent commitments or roles?

- Examples:
  - Honest / Trustworthy
  - Live up to commitments
  - Responsible / Accountable
  - Courageous
  - Reliable

Exercise

6. What are things that challenge your personal beliefs?

Organizational Ethics (e.g., agency, company, partnership, professional organization)

- There is almost always a policy called something like:
  - Business or Company Code of Ethics
  - Code of Ethics and Business Conduct
  - Ethical Principles
  - Ethics and Standards
- Key principles and behaviors important in an organization are usually included
- Includes words such as:
  - Honesty, Honor, Integrity
  - Keep promises
  - Be fair and just
  - Respect others and property
  - Be compassionate
Organizational Ethics (e.g., agency, company, partnership, professional organization)

- Ethics is often grouped with other disciplines:
  - Compliance
  - Data privacy
  - Data protection
  - Risk Management
  - There is often an annual monitoring program

Policy vs Guideline vs Procedure vs Standard

- **Policy:** Identifies issue and scope. High level statements protecting information across business. Used to ensure discipline and compliance
  1. Policies usually mandatory
  2. If one does not follow the policies, they ‘violated’ them
- **Guideline:** Serves as a guide to provide additional recommended actions
  1. One cannot be accused to violate them if not following them
  2. It would have been better if they had followed the guidelines
- **Procedure / protocol:** Establishes proper steps to follow
- **Standard:** Assigns quantifiable measures, a yardstick

From: DifferenceBetween.net

Professional recordkeeping ethics

- It’s not just the role of your leaders or HR department or CEOs, you are responsible for policing ethics in your workplace
- Don’t underestimate the role you play in implementing an ethical workplace
- Preventing ethical violations falls on RIM because we’re in a position to know if an ethical breach might have occurred
- You must be educated on your employer’s ethics policy and code of conduct
- You must watch out for ethical violations
It’s important for RIM to have professional recordkeeping ethics

- The RIM role in the ethical management of organizations is:
  - providing and protecting authentic and complete records of its’ activity
  - guarding confidentiality/disclosures, information privacy, and intellectual property
  - RIM addresses the same issues with paper records and electronic records including:
    - controlled access, security, records quality, responsibilities and accountabilities

Professional ethics in archives and RM, Michael Cook Jan 2007

It's important for RIM to have professional Recordkeeping ethics - continued

- Records are being manipulated or destroyed illegally or unethically in countries all over the world
- RIM has new pressures to take innovative measures to replace lost budgets and revenues, e.g., charging fees to the public for records the public has already paid for once, selling records to commercial interests, accepting donations from private interests – all giving rise to potential social and ethical issues
- RIM professionals are keenly aware of the importance of these issues as they impact on recordkeeping and vice versa
- The links between trustworthy recordkeeping and accountability, human rights and government by law are understood and demanded by the public and are acted upon by public policy makers

Rick Barry, www.rbarry.com

Furthermore...current state needs

- Ethical issues evolve and new issues arise
- Ethical decisions are demanded due to rapid growth of information and information systems
- RIM role is becoming increasingly complicated due to the new technologies
- RIM must be proactive to stay relevant
- RIM is faced with growing tensions in the interfaces between IT, record creators, record owners and users
- IT and RIM now together perform traditionally RIM roles to safeguard and manage electronic information
What could possibly go wrong

We know WHAT we are supposed to do, so what’s the issue?

Ethics are not laws, policies, rules, guidelines, or codes of conduct...

Ethics is how individuals behave.

Ethics are an exact reflection of our guiding values.

BUT values vary from employee to employee.

Preventing ethical problems requires staying aware of our guiding values and assuring that our behavior, both individually and organizationally, is aligned with the values to which we aspire.
Values > Behavior > Compliance to
Ethical directives

- Values drive behavior
- Ethics is about behavior
- In the face of dilemma, it is doing the right thing
- Leaders and their people are to take the right and good path when they come to the ethical choice points
- Values drive behavior and therefore need to be consciously stated and affirmed by actions

Creating and Sustaining an Ethical Workplace Culture
By Charles D. Kerns, PhD, MBA, 2003 Volume 6 Issue

Values drive Behavior

In practice, these six categories of virtuous values are intertwined
1. Wisdom and Knowledge
2. Self Control
3. Justice and Fair Guidance
4. Transcendence
5. Love and Kindness
6. Courage and Integrity

Creating and Sustaining an Ethical Workplace Culture
By Charles D. Kerns, PhD, MBA, 2003 Volume 6 Issue

Behavior

- Behavior - acting within certain moral codes in accordance with the generally accepted code of conduct
- Play by the rules is always the best policy
- Sometimes the rule book is inadequate or allows too much interpretation
- Therefore, one must act with a clear moral conscience
Ethics problems are rarely the result of an employee not knowing the rules. They are usually caused by unaddressed personal issues coupled with a lack of appropriate or effective self-monitoring, self-control, or oversight.

Exercise

One day in the office, you see someone shredding documents. They look nervous, looking over their shoulder and acting in haste.

What actions do you take?

Morals

- Morals (acts of conscience) apply to all aspects of a person's life.
- Morals apply to everything a person does.
- Moral codes are not usually accepted by everyone.
- Nor are they binding on everyone (except, sometimes in a theological sense).
Ethics

- Ethics usually relate to only some aspect of a person’s behavior.
- Ethics apply to everyone within a select group, but only to that part of their behavior connected to activity covered by their ethical code (such as, their professional, as distinct from their private, life).
- Ethics are the ways in which we do or do not live by laws, rules, guidelines and codes of conduct.
- Ethics are the rules we follow, regardless of what the stated rules are. In other words, they are our personal and organizational code of conduct.

Unethical behaviors

What are some examples?

- Misrepresenting time or hours worked
- Lying to supervisors
- Lying to co-workers, customers, vendors, or the public
- Misuse of your employer’s assets
- Lying on reports or falsifying records
- Improper use of the Internet
- Harassment
- Privacy and the sale of public records
- Public alienation from government
- The role of ARM professionals in ethical violations

Keeping the record, keeping the trust Richard E. Barry, Barry Associates
The need for ethics

► If your workplace lacks ethical standards, your employer risks losing valuable employees and customers and possibly even more
► Federal laws impose heavier penalties on employers convicted of criminal wrongdoing if they cannot prove that they’ve made efforts to implement ethical measures to prevent and deter illegal conduct

Putting it into practice

► Teach expected behaviors
  ► Close gaps in knowledge about what to do and actual actions needs to be closed
  ► Unfortunately, “white collar” criminals will tell us that they knew what was right, yet they failed to do it
  ► Managerial leaders who value justice and fairness are more likely to deal the cards fairly — thereby modeling ethical behavior — than are those who do not
  ► Test employees level of understanding
RIM ethics

- Telling employees about code of ethics may not be enough
- Employees at all levels also require tools, techniques, and support to improve self-monitoring skills
- They also must know how, when and where to report ethics concerns as well as that they will be immune from retaliation for making a report
- Work to create a culture in which ethically-attuned thinking at all levels is noticed, conspicuously modeled, and rewarded
- Preach solid ethics and then practice what you preach

Ethical vs Unethical

- Honesty
- Transparency
- Dishonesty
- Secrecy

What do you do if you witness, suspect, or were made aware of unethical behavior?

- Escalate to your proper channels
- If at all possible, protect the identity of those about whom you are consulting due to slander, libel, and anti-trust concerns
- And, it’s simply more courteous
- This is what you would want if someone was concerned about your behavior
Whistleblowing

- Whistle blowing is when a person discloses to the general public (the press) or to the appropriate regulatory authorities that his or her organization is committing a harmful or illegal act.
- Whistle blowers often have to act against their loyalty to the organization and sacrifice their careers in making such a disclosure.
- So, it is critically important to know if and when an individual has an ethical obligation to do so.

Famous whistleblowers, from Wikipedia

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>What occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td>1515</td>
<td>Bartolomé de las Casas</td>
<td>In 1513, he advocated, before King Charles V, Holy Roman Emperor, on behalf of rights for the natives. Originally, he advocated the use of African slaves instead of natives. Later in life, he came to see all forms of slavery as equally wrong.</td>
</tr>
<tr>
<td>1984</td>
<td>Clive Ponting</td>
<td>Senior civil servant in the UK Ministry of Defence who leaked classified documents to Labour Member of Parliament Tam Dalyell confirming that the General Belgrano was sunk by British forces during the Falklands War while outside the total exclusion zone, contradicting statements by the Thatcher Government.</td>
</tr>
<tr>
<td>1997</td>
<td>Christoph Meili</td>
<td>A night guard at a Swiss bank, he discovered that his employer was destroying records of savings by Holocaust victims, which the bank was required to return to heirs of the victims. After the Swiss authorities sought to arrest Meili, he was given political asylum in the United States.</td>
</tr>
</tbody>
</table>
### Famous whistleblowers, from Wikipedia

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</thead>
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<tr>
<td>1998</td>
<td>Linda Tripp</td>
<td>Former White House staff member who disclosed to Office of Independent Counsel that Monica Lewinsky committed perjury and President Bill Clinton committed misconduct, by denying the Clinton-Lewinsky relationship in the Paula Jones federal civil rights suit. A victim of retaliation by the Clinton Admin, Tripp successfully sued the Dept of Defense and Justice Dept for releasing information from her security file and employment file to the news media in violation of Privacy Act of 1974. In 2003, Tripp settled with the federal government for over $595,000. And she received a retroactive promotion and retroactive pay for past years, a pension and was cleared to work for federal government again.</td>
</tr>
<tr>
<td>2009</td>
<td>Linda Almonte</td>
<td>Filed suit under the Dodd Frank Act whistleblower program regarding alleged corrupt practices including robosigning at JP Morgan.</td>
</tr>
<tr>
<td>2010</td>
<td>Chelsea Manning</td>
<td>US Army intelligence analyst who released the largest set of classified documents ever, mostly published by WikiLeaks and their media partners. The material included videos of the July 12, 2007 Baghdad airstrike and the 2009 Granai airstrike in Afghanistan; 250,000 United States diplomatic cables; and 500,000 army reports that came to be known as the Iraq War logs and Afghan War logs. Manning was convicted of violating the Espionage Act and other offenses and sentenced to 35 years in prison.</td>
</tr>
<tr>
<td>2013</td>
<td>Edward Snowden</td>
<td>Booz Allen Hamilton contractor Snowden released classified material on top-secret NSA programs including the PRISM surveillance program to The Guardian and The Washington Post in June 2013.</td>
</tr>
</tbody>
</table>

### More exercises

**There is no right way to do a wrong thing.**

...
Break into groups...

1. Each share an example of a dilemma in the workplace
2. Select one example from your discussion
3. Select a spokesperson to present the dilemma

Professional Life Versus Family Life

- Alan works in the claims department of a major hospital. Paperwork on a recent admission shows that a traumatic mugging caused the patient to require an adjustment in the medication she is prescribed to control anxiety and mood swings. Alan is struck by the patient’s unusual last name and upon checking her employment information realizes she is one of his daughter’s grade school teachers.
- Alan’s daughter seems very happy in her school and he cannot violate patient confidentiality by informing the school of a teacher’s mental illness but he is not comfortable with a potentially unstable person in a position of influence and supervision over his eight year old daughter.
Can Alan reconcile these issues in an ethical manner?

Informational Access

- Tony, a data analyst for a major casino, is working after normal business hours to finish an important project. He realizes that he is missing data that had been sent to his coworker Robert. Tony had inadvertently observed Robert typing his password several days ago and decides to log into Robert’s computer and resend the data to himself. Upon doing so, Tony sees an open email regarding gambling bets Robert placed over the last several days with a local sports book. All employees of the casino are forbidden to engage in gambling activities to avoid any hint of conflict of interest.
- Tony knows he should report this but would have to admit to violating the company’s info technology regulations by logging into Robert’s computer. If he warns Robert to stop his betting, he would also have to reveal the source of his information.
What does Tony do in this situation?
Personal Friendships

- Michael has several friends; two are Roger and Daniel. Roger has recently started dating a lady named Phyllis. He is convinced this is a long term relationship. Unknown to Roger, Michael observed them at a restaurant several days ago and realized Phyllis is the wife of his other friend Daniel.

- Michael is deciding whether to tell Roger that Phyllis is married when he receives a call from Daniel. Daniel suspects his wife is having an affair and since they and Michael share many friends and contacts, he asks if Michael has heard anything regarding an affair.

To whom does Michael owe greater friendship to? No matter who he tells, he is going to end up hurting one, if not both friends. Does he remain silent and hope his knowledge is never discovered?

In the workplace...

You have become aware that your boss is taking cash from the ready cash fund and buying lunch. He stated, on several occasions, that he has been short of cash and has taken several dollars. He further stated that he always paid it back. The records indicate that the ready cash fund is short at the end of each week. It is your responsibility to explain the shortage.

1. What is the problem?
2. What principles are being broken?
3. What action should you take and why?

In the workplace

A co-worker recommended Mrs. Evans for a Distinguished Service Award (DSA) for her action during a city emergency. The recommendation was approved and the DSA was awarded to Mrs. Evans during a ceremony with the press present. Several months later, you discovered that your co-worker inflated the recommendation and made several statements that were untrue. With this knowledge, the DSA would not have been awarded.

1. What is the problem?
2. What principles are being broken?
3. What action should you take and why?
The Principles®

So what is good RIM?

- It is not easy to describe what “good records management” looks like
- This question gains in importance as regulators, citizens, and customers are increasingly concerned about the business practices of government
- ARMA International “Generally Accepted Recordkeeping Principles®” (The Principles) guides:
  - Leaders in determining how to protect their organizations in the use of information assets;
  - Legislators in crafting legislation meant to hold organizations accountable; and
  - Records management professionals in designing comprehensive and effective records management programs.

The Principles® The Maturity Model

Accountability

A senior executive (or person of comparable authority) shall oversee the information governance program and delegate responsibility for records and information management to appropriate individuals. The organization adopts policies and procedures to guide personnel and ensure that the program can be audited.
The Principles® The Maturity Model

Transparency
An organization’s business processes and activities, including its information governance program, shall be documented in an open and verifiable manner, and the documentation shall be available to all personnel and appropriate interested parties.

The Principles® The Maturity Model

Integrity
An information governance program shall be constructed so the information generated by or managed for the organization has a reasonable and suitable guarantee of authenticity and reliability.

Resources
- ARMA International - Book - Ethics, Accountability and Recordkeeping in a Dangerous World
  Archives and records repositories are the safe havens of information. But modern influences such as corporate and government privacy, intellectual property disputes, and ever-changing technologies threaten the integrity of the profession’s work.
- ARMA International - Job Aid - Professional Ethics Frequently Asked Questions (FAQs)
  These are a list of frequently asked questions (FAQs) related to professional ethics. If you learn who is most at risk for ethics problems, the danger signs of personal ethics roles, and the costs of ethics problems today.
- "Keeping the record, keeping the trust" originally published in the January, 2000, Newsletter of the British Society of Archivists. This is about a few of the social, human factors and ethical issues - set out by social issues for short - of some millennial proportion that are bearing down on ARM professionals: privacy and the sale of public records; public alienation from government; and the role of ARM professionals in ethical violations.
Act ethically and carry on...

Thank you!

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