ASAE Ethics Committee
Ethical Decision Making Models Project Companion Piece to Model Flowchart

Introduction

One goal of the ASAE Ethics Committee is to foster ethical thinking and behavior in the association community, which includes ASAE members and their organizations, consultants and industry partners. This ethical decision-making model is intended to advance that goal by providing a tool that can assist in the process of making sound ethical decisions. The model consists of several parts, which are intended to be used together. The components are:

- A written description of the model;
- the list of "Sources" attached as Appendix A;
- a "Glossary of Terms" attached as Appendix B; and
- a visual "Flowchart" attached as Appendix C.

It is intended that the "Glossary of Terms" and the list of "Sources" will be "living documents" that will be updated from time to time.

When faced with a situation that requires sound ethical decision making, this model provides a step-by-step process to help decision makers determine an appropriate course of action that is fair, respects and upholds public laws, emphasizes honesty, respects confidentiality, fosters an ethical culture, and encourages responsibility for one's own conduct.

When using this decision making model, consideration of the sources referenced in Appendix C and review of ASAE Standards of Conduct when working through ethical issues is encouraged. The ASAE Standards of Conduct can be found at the following link:
[http://www.asaecenter.org/files/ASAE%20standards_of_conduct_8_1_2014.pdf].

Ethical Decision Making Process

Following are the general steps that could be utilized when evaluating whether or not the organization has an ethical issue and ways to effectively evaluate options for addressing it. Please refer to the companion flowchart for a visual representation of this process.

1. Gather the facts
   a. Who-what-when-where-why
   b. Assess credibility or validity of "facts" that are relayed by other people (memory, individual perspectives)

2. Determine and define the problem or concern to be addressed.
   a. Proceed thoughtfully and calmly; don't rush to make a decision.
   b. Ask: Is there a problem that requires action?
   c. Ask: is there a legal question at issue? Legality is the bare minimum of behavioral standards. If the action is legal, is an ethical dilemma also present? What makes it an ethical problem?

d. Is there any conflict of interest that needs to be considered before proceeding? Have you checked your organization's conflict of interest policy for its applicability to this situation? If you have a conflict of interest, and it would prevent you from making (or being perceived to make) a fair and unbiased decision, move aside or delegate responsibility to someone without a conflict of interest.

3. Identify existing codes or standards that may be relevant to the situation, and apply any appropriate codes or standards.
    a. Your Association's code of ethics
    b. Your Association's bylaws, policies and procedures
    c. ASAE Standards of Conduct
    d. Other professional or industry related codes

4. Brainstorm on options.
    a. Research for applicable precedents and outcomes.
    b. Seek out the advice and wisdom of others as and when appropriate, such as colleagues, supervisors, experts and advisors.

5. Evaluate options.
    a. Use tests such as:
        1. Outcome: Is it harmful? Will this decision have a more beneficial outcome than any other alternatives?
        2. Transparency: Would you or the association be concerned if this decision appeared as the top story in the news?
        3. Rationality: Could I present a rational explanation of the decision to others? Could I explain to my colleagues or my supervisor?
        4. Switching places: Would I think this was a good choice if I was the subject of the decision?
        5. Values: Is the decision consistent with the organization's values and mission?
        6. Authority: what does/would the Association's ethics officer or legal counsel say about this decision?
    b. Apply all four of the concepts from the ASAE Standards of Conduct (respect, responsibility, fairness and honesty). Consider eliminating any options that fail one or more of the concepts.
    c. Project the consequences. What are the political and financial consequences of this choice? Would this impact the Association's governance? Who would be affected? Would those affected be internal to the association or external to it? How would they be affected? Would the impact be felt in the near term and/or at some point in the future?

6. Choose an option, from those available. If none are acceptable, return to step 4.

7. Implement the choice relative to the specific situation. In some organizations, there may be enforcement (of a code, etc.) and/or imposition of sanctions.

8. Monitor outcome; identify what lesson(s) have been learned for the future. Also consider what, if anything, could be done differently the next time a similar situation arises. Ask: Is there a way to implement this so that it has the effect of making this problem less likely to occur in the future? If so, action could include a bylaws amendment, policies and procedures change, or a Board resolution that generally addresses a similar situation if it should take place in the future.

9. Document as appropriate in the association recordkeeping structure for future reference.

Appendix A: Sources Consulted

Following are sources that were referenced when creating this framework.

A Practitioner's Guide to Ethical Decision Making, Holly Forester-Miller, Ph.D., Thomas Davis, Ph.D., American Counseling Association, 1996.
 http://www.counseling.org/docs/ethics/practitioners_guide.pdf?sfvrsn=2

An Ethical Decision-Making Model, School of Education, Syracuse University
http://soe.syr.edu/academic/counseling_and_human_services/modules/Common_Ethical_Issues/ethical_decision_making_model.aspx

CFA Institute Ethical Decision-Making Framework, Chartered Financial Analyst (CFA) Institute,
http://www.cfainstitute.org/ethics/integrity/training/Pages/decision_framework.aspx

Framework for Moral Reasoning, Center for Study of Ethics in the Professions, Illinois Institute of Technology, 2003.
http://ethics.iit.edu/teaching/framework-moral-reasoning

Making Ethical Decisions, by Michael Josephson, Josephson Institute of Ethics,
http://josephsoninstitute.org/MED/

The PLUS Decision Making Model, Ethics Resource Center, May 29, 2009.
http://www.ethics.org/?q=resource/plus-decision-making-model

Appendix B: Glossary of Terms and Definitions

ASAE Standards of Conduct: ASAE's membership of association professionals, consultants, and industry partners are committed to ethical standards that promote the goal of transforming society for the better. The Standards of Conduct embody aspirational ethical standards, describing the conduct that individuals strive to uphold as ASAE members. Although adherence to the aspirational ethical standards is not easily measured, conducting themselves in accordance with these ethical standards is an expectation that members have of themselves as professionals. Among the aspirational ethical concepts which these Standards of Conduct embrace are those of respect, responsibility, fairness and honesty.

The ASAE Standards of Conduct may be downloaded here.

Bylaws: The set of rules adopted by an organization chiefly for the government of its members and the regulation of its affairs. Bylaws can be considered the backbone of governance for associations.

Conflict of Interest: At some point in resolving an ethical issue, the concept of conflict of interest must be considered. A conflict of interest arises when a person in a position of authority may benefit (financially or otherwise) from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. For example, a conflict is typically present where the decision relates to a matter that would result in a direct pecuniary benefit to you or a family member, or where a decision could be perceived to be about the propriety of your own actions or choices.

In some jurisdictions or professions there are rules that attempt to define and prescribe matters of conflict of interest and how they should be dealt with, while in other professions it is more a "best practice" or preferred approach. This ethics model framework is not intended to discuss the issue of conflicts of interest in-depth; however, the question of whether or not a conflict of interest exists and how it should be handled is an integral part of dealing with ethical dilemmas.

In considering whether a conflict exists, keep in mind that there are "real" and "perceived" conflicts. You may decide that there is no real conflict of interest; however, there may be a perception by others that an individual lacks the necessary objectivity to resolve the matter fairly. In all cases of real or perceived conflict of interest, it would best if the person declared the conflict and recused themselves from further involvement. Bear in mind that in reality, this may not always be possible. Having a written conflict of interest policy in place before questions arise would be advisable. In fact, the IRS Form 990, which is the annual tax return to be filed by organizations exempt from income tax, asks whether the organization had a written conflict of interest policy in place during the tax year.
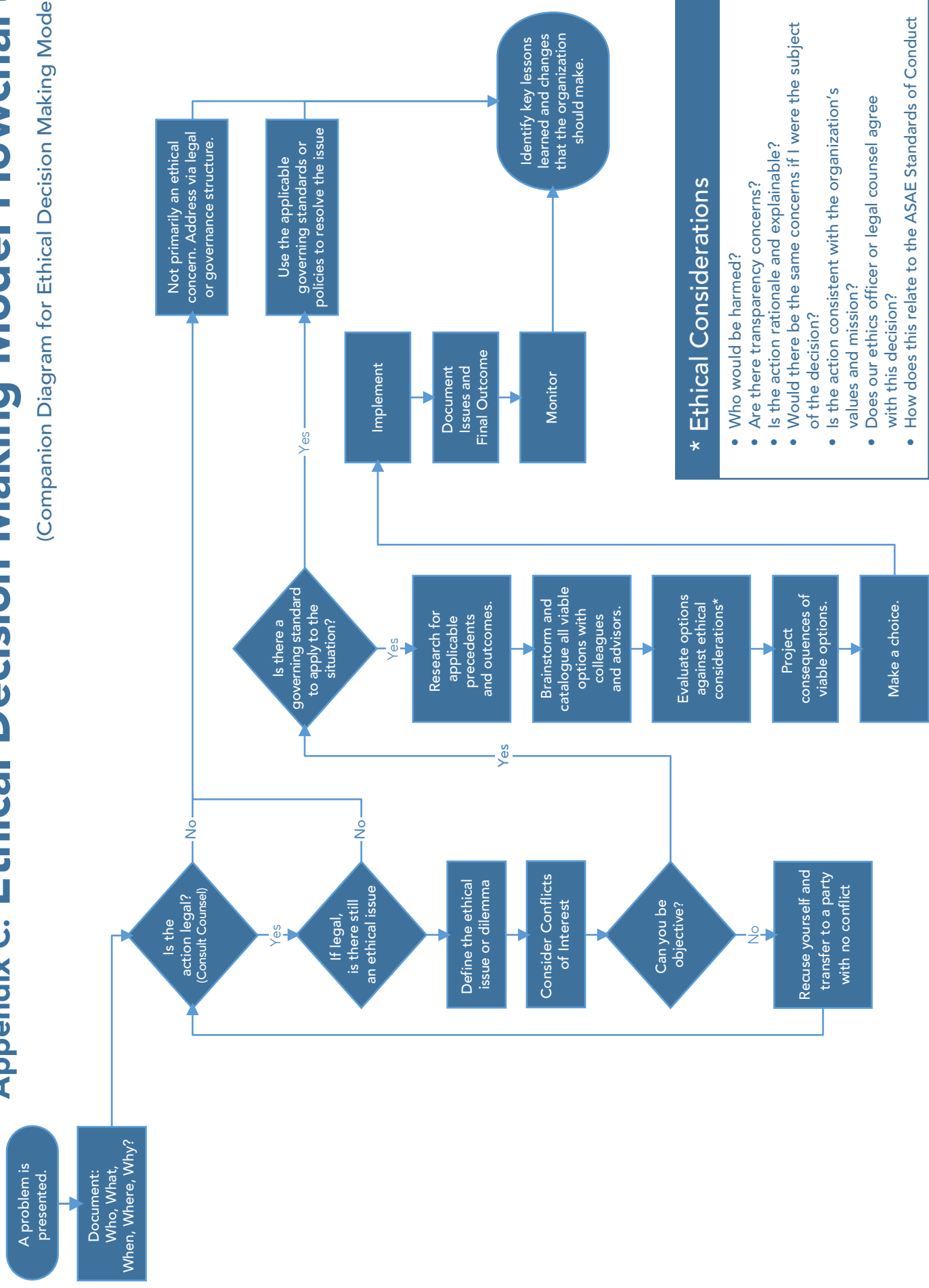
For more reading on conflicts of interest in the nonprofit environment, see:

1. A sample conflict of interest policy (on www.asaenet.org; members must login to view)
2. Key elements of a conflict of interest policy for nonprofit boards of directors
3. Managing Conflicts of Interest: The Board's Guide to Unbiased Decisionmaking, available from BoardSource.

Ethics: The Merriam Webster Dictionary defines ethics as "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." Additional definitions are: "the principles of conduct governing an individual or a group" and"a guiding philosophy." When we speak of "ethical" behavior, we are referring to behavior relating to ethics, or "conforming to accepted standards of conduct."

Appendix C: Ethical Decision Making Model Flowchart

(Companion Diagram for Ethical Decision Making Model)

A problem is presented.

Document: Who, What, When, Where, Why?

Is the action legal? (Consult Counsel)

If legal, is there still an ethical issue

Define the ethical issue or dilemma

Consider Conflicts of Interest

Can you be objective?

Recuse yourself and transfer to a party with no conflict

No — Not primarily an ethical concern. Address via legal or governance structure.

Yes

No

Yes

Is there a governing standard to apply to the situation?

Yes — Use the applicable governing standards or policies to resolve the issue

Research for applicable precedents and outcomes.

Brainstorm and catalogue all viable options with colleagues and advisors.

Evaluate options against ethical considerations*

Project consequences of viable options.

Make a choice.

Implement

Document Issues and Final Outcome

Monitor

Identify key lessons learned and changes that the organization should make.

* Ethical Considerations

- Who would be harmed?
- Are there transparency concerns?
- Is the action rationale and explainable?
- Would there be the same concerns if I were the subject of the decision?
- Is the action consistent with the organization's values and mission?
- Does our ethics officer or legal counsel agree with this decision?
- How does this relate to the ASAE Standards of Conduct