Re-inventing a Code of Conduct:
A Case in Civility

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Why a Code of Conduct?

Effective Compliance and Ethics
- Federal Sentencing Guidelines (2018)
  - Promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.
- Department of Justice Guidance on Evaluating Corporate Compliance Programs (2019)
  - Any well-designed compliance program entails policies and procedures that give both content and effect to ethical norms ... As a threshold matter, prosecutors should examine whether the company has a code of conduct... As a corollary, prosecutors should also assess whether the company has established policies and procedures that incorporate the culture of compliance into its day-to-day operations.

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Culture of Compliance

- Codes of Ethics as Cultural Artifacts
  - Codes of Ethics:
    - Communicate organizational values and beliefs
    - Set expectations of member behavior
    - Provide framework for decision-making
    - Promote the Culture of the organization – Culture of Compliance

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Need for Change

- Planned Change
  - Code of Ethics wasn't visible
  - No communication or education
  - Focused on financial responsibility
  - Little connection to organizational mission or values
  - Lacked authority from enforcement

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Re-Inventing Culture

- Planning
  - Identify Stakeholders / Audience
    - Current Students / Alumni
    - Professional Staff / Faculty
    - Funders / Sponsors / Donors
  - Evaluate the Messaging
    - Reflect Core Values
    - Commitment to Integrity & Compliance
    - Understandable to ALL members of the community

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Our Core Our Code

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Creating Consensus

- Inclusive Process
  - Draft Revised Code to the Policy Oversight Workgroup
  - Legal Review and Approval
  - Share draft Revised Code of Ethics with Deans
  - Introduce Revised Code of Ethics to Shared Governance
    - Student Senate
    - Staff Senate
    - Faculty Senate
  - Signed by University President

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The Code of Conflict

- Revised Code Feedback
  - Academic freedom / Freedom of expression
  - Risk of cultural homogeneity
  - Concepts of Courtesy and Civility are individualized
    - Linked to Gender Roles
    - Cultural background and context

The best laid schemes o'
Mice an' Men,
Gang aft agley.
An' lea'e us nought
but grief an' pain,
For promis'd joy!

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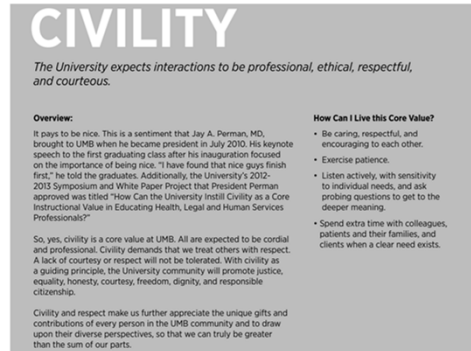
Responding Vs. Reacting

- Reaction
  - Concepts of Courtesy and Civility are individualized
- Respond
  - Academic freedom / Freedom of expression
    - Systematic Review
  - Risk of cultural homogeneity
    - This is a goal of a Code of Conduct
    - Organizational Culture does dissuade or diminish individual culture

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Systematic Review

- Defining Civility
  - Civil(ity)
  - Respect
  - Professional
  - Courteous
  - Ethical
  - Polite
  - Decency
- Enforceable
  - Sanctions / Disciplinary Measures
  - No Sanctions / Disciplinary Measures

CIVILITY

The University expects interactions to be professional, ethical, respectful, and courteous.

Overview:

It pays to be nice. This is a sentiment that Jay A. Perman, MD, brought to UMB when he became president in July 2010. His keynote speech to the first graduating class after his inauguration focused on the importance of being nice. "I have found that nice guys finish first," he told the graduates. Additionally, the University's 2012-2013 Symposium and White Paper Project that President Perman approved was titled "How Can the University Instill Civility as a Core Instructional Value in Educating Health, Legal and Human Services Professionals?"

So, yes, civility is a core value at UMB. All are expected to be cordial and professional. Civility demands that we treat others with respect. A lack of courtesy or respect will not be tolerated. With civility as a guiding principle, the University community will promote justice, equality, honesty, courtesy, freedom, dignity, and responsible citizenship.

Civility and respect make us further appreciate the unique gifts and contributions of every person in the UMB community and to draw upon their diverse perspectives, so that we can truly be greater than the sum of our parts.

How Can I Live this Core Value?

- Be caring, respectful, and encouraging to each other.
- Exercise patience.
- Listen actively, with sensitivity to individual needs, and ask probing questions to get to the deeper meaning.
- Spend extra time with colleagues, patients and their families, and clients when a clear need exists.

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Determining A Sample

- Samples:
  - Carnegie Classification
    - Basic – Special Focus Four-Year: Medical Schools & Centers
      - Fifty-Five (55) Institutions
        - » Thirty (30) Private
        - » Twenty-Nine (25) Public
      - Average Enrollment: 2,048
  - General Sample
    - Institutions Perceived as Similar or Aspirational
      - Thirty (30) Institutions
        - » Fifteen (15) Private
        - » Fifteen (15) Public

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Tiered Findings

- Codes of Ethics / Conduct
  - No Code of Ethics / Conduct
  - Code of Ethics / Conduct
  - Separate Codes of Ethics / Conduct
    - Student; and
    - Professional Staff/Faculty
  - One Code of Ethics / Conduct
    - Student; or
    - Professional Staff/Faculty

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Coding: Audience

- Coding (Carnegie Classification)
  - Code of Conduct Audience
    - (0) No Code of Conduct;
    - (1) Student Code of Conduct Only;
    - (2) Faculty/Staff Code of Conduct Only;
    - (3) Universal Code of Conduct; or
    - (4) Separate Codes of Conduct for both Students and Faculty/Staff

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Coding: Content

- Coding (Carnegie Classification)
  - Civility
    - (0) No civility;
    - (1) Civility in Student Code;
    - (2) Civility in Faculty/Staff Code; or
    - (3) Civility in Universal or All Code of Ethics/ Conduct
  - Sanctions
    - (0) No sanctions;
    - (1) Sanctions in Student Code;
    - (2) Sanctions in Faculty/Staff Code; or
    - (3) Sanctions in Universal or All Code of Ethics/ Conduct
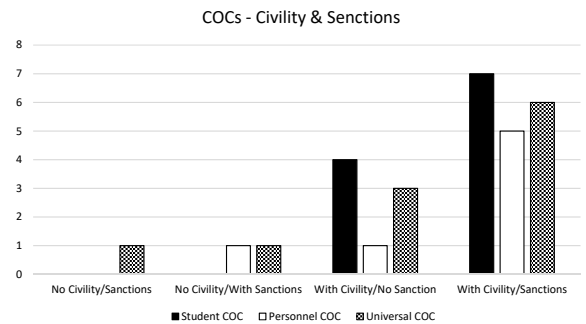
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Coding: Continued

- Coding (Carnegie Classification)
  - Civility & Sanctions (Audience, Civility, Sanctions)
    - No civility or sanctions (1,0,0; 2,0,0; and 3,0,0)
    - No civility with sanctions (1,0,1; 2,0,2; and 3,0,3)
    - Civility but no sanctions (1,1,0; 2,2,0; and 3,3,0)
    - Civility and sanctions (4,0,0; 4,0,1; 4,0,2; 4,0,3; 4,1,0; 4,1,1; 4,1,2; 4,1,3; 4,2,0; 4,2,1; 4,2,2; 4,2,3; 4,3,0; 4,3,1; 4,3,2; and 4,3,3).

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Results

- Civility in Codes of Ethics / Conduct
  - Student Codes of Ethics / Conduct
  - Universal Codes of Ethics / Conduct
  - Professional Staff / Faculty Codes of Ethics / Conduct

COCs - Civility & Senctions

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Reporting the Results

- Communicating Results
  - Summary Report
  - Research Report
    - Literature Review on Civility / Academic Freedom
    - Results of Survey

ABSTRACT

Within academia, it is imperative to ensure faculty, staff, and students' freedom of expression to allow for robust discourse and unimpeded learning. Additionally, Institutes of Higher Education (IHE) are complex organizations with unique cultures and are subject to an array of legal and regulatory mandates required for their functioning. IHE's must find the balance between their educational mission and these requirements. IHEs institute Codes of Conduct to communicate expectations that reflect their organization's requirements and to promote cultures that are attractive to potential and current students. The literature on the concepts of civility and respect in IHE Codes of Conduct is divided on the merits of culture opposed to ensuring academic freedom. This preliminary study reviewed a sample of IHEs to identify if they have a Code of Conduct and, if so, does it include an affirmative requirement for civility or respect. The results of the study suggest IHEs rely on Codes of Conduct to set behavioral expectations that include civility or respect. The researchers suggest several areas for further research.

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8

Organizational Response

- Code of Ethics Revision Status
  - No Action
  - Review remains pending

17

Code of Conduct Renewed

- Revisiting the Code
  - Leadership
    - Civility
      - Civility is a Core Value
        - » The University expects interactions to be professional, ethical, respectful, and courteous
      - Harassment and Bias are Uncivil Behaviors
    - Accountability
      - Leadership is Accountable for Creating the Culture
      - Everyone is Accountable for Meeting or Exceeding Expectations
    - Education
      - Communicate Expectation for Ethical Conduct
      - Teach What IS Acceptable, Ethical Conduct

18

Any Questions?

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