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Gray areas: When ethics problems are not exactly black or white

- » Not all ethics problems fit neatly into a black-or-white category; some problems fall into a “gray area.”
- » Gray area issues can provide an opportunity to deal proactively, before issues becomes a full-blown ethics problems.
- » Gray area issues can help point the way to gaps in ethics education or training.
- » Ethics resources for employees must be known, accessible, and consistently communicated to be effective.
- » Gray area issues may not be right vs. wrong situations, but could possibly be a right vs. right situation, or even right vs. “more” right.

Ethics problems are not always transgressions that are either black or white. Detailed codes of conduct that are targeted at what is acceptable and what is not can make life easier when it comes to enforcement. But what about potential ethics problems

that land on our doorstep, but are not covered by the code, not obviously black or white, but more like gray? Situations that do not fall neatly into one category or the other I call “gray area” problems.

The way forward with such situations may not be immediately clear, and can require time and effort for satisfactory resolution. The good news is that gray area problems can provide valuable information and may also help to avoid bigger problems down the road.

I came face to face with a gray area issue some years ago, when I found myself being suggested as the keynote speaker for a large corporate event by two different representatives of two different organizations. For those who do speaking presentations, it is not uncommon to work with a variety of bureaus, meeting planners, or talent agencies on a regular basis.

In my experience, most are ethical and adhere to commonly accepted industry practices.

On my end everything initially looked good, although a bit unusual, with two different reps in the mix trying to pin down a speaker for the same program. Both confirmed the same fee with my office, which was my current fee for a keynote. I would not have become aware that something was a little off at that point, but one of the representatives called, obviously upset, and asked if I had allowed the other rep to quote a different fee, which I had not. I was confused about what was going on. Bottom line, even though I had no contact with the client at that preliminary stage, I was in the middle of a messy situation that I did not cause, and it did not cast me in a positive light with the client.

I tried to probe further about the situation with the rep in question, but things ended unsatisfactorily. His behavior may not have seemed unethical from his perspective, but I could not say that it was fair or in line with accepted practices. We did not work together and I am sure it cost me that booking with the client. The experience had a benefit however. We soon initiated a more comprehensive policy in my office to help avoid a similar situation in the future.



Bucaro

Heading off potential gray area headaches

What are the situations that employees encounter in your industry that might lead to a gray area? Once possible situations are identified, you can take a proactive approach.

TIP: Highlight situations in training sessions or ethics meetings where there could be a potential problem and work through possible options in these sessions for the best resolution. Being proactive might prevent development of an all-out ethics problem down the road.

When ethics problems surface in a public way, we sometimes hear in media interviews with a former or current employee that “everybody knew what was going on.” Ideally, everyone in the organization should know what the process is, and who the “go to” person, department, or committee is for questions, raising concerns, or reporting problems. If there is an elephant in the room, it is good if everyone at least knows *what* to do about it.

Don’t assume everyone understands the process or the path for raising concerns just because they read the employee handbook once. Periodically I get calls or emails from someone dealing with an ethics issue that is a real concern in their workplace. I try to offer some general ideas about what they might do, what resources might be available to them at work, etc. Sometimes I find myself wondering why they can’t or don’t feel comfortable working this through with someone on the inside. If you have an ethics officer, ombudsperson,

or ethics committee, let employees know what resources are available for them and how to access these resources.

Don’t assume everyone possesses a highly developed sense of ethics. (Let’s hope, yes, but don’t assume.) Educate, restate, and reiterate on a regular basis the importance of integrity, values, and ethical behavior to reduce risk.

Gray areas can be a testing ground, and can also provide opportunities for intervention and education before things get too far along. They can also be a resource to identify gaps in training programs. Gray area situations can also be a great opportunity for leaders to do what they do best—lead!

Is it always right vs. wrong?

All of us come face to face with gray area issues, and some are close to home. Gray area issues can be a testing ground for our own values. The issue might not always be right vs. wrong; maybe it will be right vs. right, or possibly, right vs. “more right.”

Therefore, in learning to recognize, analyze, and resolve these gray areas, what changes do you need to make to your approach to these areas? This means examining the specific type of training, techniques, or tools that focus on gray areas, and then finding the indicators of how effective the resolution of these areas has been. *

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Thank You!

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