

# White Paper: Considerations for K-12 Code of Employee Conduct Implementations



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*Operational Staff Development for K-12 School Leadership*



### *Selected Review of the Literature*

While there is a large body of research regarding the effectiveness of codes of employee conduct in the business environment, fewer studies have addressed this topic in public school districts and charter organizations. The intent of this literature review is to provide sufficient reporting of the current thinking to determine whether or not a causal relationship exists between an institution's ethical philosophy, social mission and code of conduct efficacy and the actual demonstration of ethical employee ethical behavior in public school districts and charter organizations.

This chapter progresses from the foundations of Ekblad's (1995) study analyzing the relationships between institution principles of ethics, discipline policies, and procedures in the education environment. This review will explore the relationship between ethical philosophy on code of conduct design, how ethical efficacy within the institution is impacted as a result and the role of the code in promoting ethical employee behavior. The conclusion will establish the need for, and the necessity of, a more definitive study.

### *Conceptualizing Ethical Philosophy Efficacy*

The continuing mission of public education is to uphold the development of a learning environment in which children are equipped with the knowledge and skills needed to become productive members of society. As such, holding staff to a high level of ethical accountability represents a key prerequisite for achieving this outcome.

According to Ekblad (1995), aligning ethical philosophies, discipline policies and procedures should promote congruent ethical behavior among staff, and articles by researchers such as Guarneri et al. (2009) also reveal that although ethical philosophies correspond among school districts, discipline procedures and practices vary greatly. To date, this incongruity has been largely unaddressed.

To validate that congruency does exist between school districts with regard to ethical philosophies, procedures and practices, Ekblad (1995) asserted that education employees believe that ethical philosophy should correspond with practices and procedures. While employees generally indicated that this was true within their respective districts, Ekblad's findings revealed that congruency between ethical philosophy and practice did not exist in a majority of districts studied.

Further, Meehan (2009) found that "ethical efficacy" builds from behavioral theory and behavior modification, proposing that a precursor to improved employee behavior is motivation by threat of consequence. He attempted to validate this by examining why practices and procedures do not reflect the institutions ethical philosophy. Meehan analyzed the impact of ethical philosophy on ethical behavior as an outcome. He looked at how thoughtful design and implementation of ethical philosophy impacts employee willingness to model sound ethical behavior and concluded that for employees to demonstrate ethical behavior, supervisors must promote adherence to the expected behaviors because the philosophy of the institution is committed to ethical practices. Ekblad (1995) went further with his study by explaining that ethical philosophy is the foundation for creating discipline policies that promote ethical behavior.

In 2004, Adam, Rachman and Moore's study of business ethics in an institution identified systemic strategies that affected employee attitudes. The study recommended formal and informal strategies of code implementation that must be interwoven. The "formal institution" consisted of three parts: 1). A "corporate ethical code of conduct" that is clearly stated and provided to the public; 2). "Committees, conferences and training"; and 3). "Ethical audits and questions." They described the "informal institution" as the ethical culture of the public. Their results found that a majority of employees believed that informal institution methods were most influential indicating the "social dimension" of the working environment as having the greatest impact on ethical behavior. Interestingly, their results found that less than 11% of the respondents agreed that conduct is influenced by the examples set by their supervisor. These results assigned a key role of social dimension in the working environment to determine ethical efficacy (p. 227). Collectively these studies confirm a common

### ***Conceptualizing Ethical Philosophy Efficacy (continued)***

outcome that society's ethical beliefs influence ethical behavior despite the consequences imposed by supervisors.

Ferrell, Cobbin, & Ferrell (2002) also tested this theory by demonstrating the relationship between ethical efficacy and consistent behaviors. This study found the main persuasion of effective ethical behavior is external culture. The mere presence of a code within an institution was not found to be the primary influence of ethical behavior, but the institution's public commitment to uphold ethical values did play a central role.

In 2011, Erwin confirmed Ferrell, Cobbin & Ferrell's findings, demonstrating that verbal persuasion alone was not a powerful change agent for ethical behavior, but when coupled with a philosophically derived public social mission statement, ethical behavior was influenced. Accordingly, Veral et al (2005) also found that the efficacy of a sound philosophy justifies the development of a publically stated social mission statement that provides a foundation for the design of a code of conduct that specifically addresses those procedures and practices that will both promote and maintain ethical staff behavior.

### ***Social Mission Statement***

Veral (2005) addressed the influence institutions have on ethical behavior in a paper organized around the benefits of publically stating ethical beliefs by acknowledging the responsibilities of employees as institutional citizens. Central to this study is the author's differentiation that public ethical mission statements communicate institutional expectations that employees will maintain ethical behavior. Weaver, Trevino & Cochran's (1999) model analyzing the effectiveness of codes of employee conduct produce confirmed Veral's findings that the social mission statement, coupled with regular reviews of and maintenance of the code by supervisors, produced improved ethical behavior.

Kaptein & Schwartz's (2008) study asserted that the public is acutely aware of the need for institutional code development because of the increases in the number of ethical violations in the past decade within the media. They examined efficacy by analyzing the value of employee codes in promoting ethical staff behavior in findings of 79 observed quantitative and qualitative empirical studies. Thirty-five percent of participating institutions concluded that their codes of conduct were effective in promoting ethical behavior, 16% produced results supporting a weak relationship, 33% revealed no benefit and 14% were inconclusive. They concluded that varying theoretical frameworks, bias and the short duration of the studies produced incongruent perceptions of code usefulness. This suggests that a meaningful social mission statement, if guided by a sound theoretical framework and maintained by supervisors over time, will influence an employee's willingness to promote ethical behavior.

Guarneri (2009) went in a slightly different direction, explaining that ethical behavior in the workplace affirms the expectations that society places on educators as members of an important profession expected to mold and engage the character and moral development of students. She observed that society believes any teacher responsible for educating students must accept that his or her moral and ethical character be of the highest caliber. According to Veral (2005), the code of conduct developed upon the values of society embedded within a social mission statement fosters positive social and employment relationships with all stakeholders throughout the institution.

Society is concerned with the notoriety of acts of employee misconduct in public schools and charters because in the United States, approximately 4.5 million students and/or their parents or guardians will report ethical violations by teachers or other education employees during their K-12 schooling, and nine of every 10 such claims will go unresolved. This documented increase in the number of employee-related ethical violations not only heightens public awareness of the extent of the problem, but also justifies the need of every institution to develop a comprehensive social mission statement (Guarneri, 2009; see also Shakeshaft, 2003) .

### ***The Code of Conduct***

In his study on the design and monitoring corporate codes of conduct, Veral (2005) explained that a corporate code of conduct establishes a personal benchmark and public commitment that an employee will adhere to certain standards of ethical conduct. As communicated, the code of conduct attends to the guiding principles of, and consequences for, violating the ethical philosophical beliefs of the institution.

The code also communicates the rights of its employee to be treated in a fair, reasonable and consistent manner in accordance with both cultural and legal mores. As such, a code must also contain managerial policies that protect worker's rights.

Veral, (2005) goes on to state that codes have as much controlling influence on management as they do on employees if the expectations address the legitimate concerns of both the institution and society. A code forces management to hold itself accountable for work place fairness and serves as a measurable tool for society to gauge institutional ethical responsibilities.

Macky & Boxall (2007) explain that codes improve the relationship between working practices and employee behaviors. Ekblad (1995) justified the benefits of codes by affirming that their mere presence reaffirms the reasons for communicating employee discipline policies and expectations. Ekblad et al. (1995) found that a majority of employees *want* to model ethical behavior that influences children, and that a clearly defined code of expected ethical behaviors supports their right to do so as members of a helping profession.

### ***The Role of Supervisors in Code Development***

In his work on positive discipline over punishment, Meehan (2009) confirmed that supervisors play an important role in creating a positive working environment when they take steps to modify inappropriate employee behaviors. He explained that predictable coordination of employee effort is possible with clearly stated expectations and hypothesized that, supervisors must promote adherence to ethical behavior as a philosophy of the organization for educators to demonstrate ethical behavior. Ekblad (1995) further affirmed that accountability is promoted when supervisors consistently maintain ethical behavior at all times.

According to Elder (2004), in order to hold employees to an institutionally supported ethical standard, supervisors must first prove that they have "grounds" for taking disciplinary action when a violation surfaces. He reasoned that the thoughtful design and implementation of a code of conduct must meet the test of "just cause" as defined from a labor relations perspective (National Labor Relations Board website, n.d). The NLRB follows a seven-step test to prove "just cause" in which the most important of the steps, and a right of every employee, is for the employer to prove that it "gave the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct" (Elder, 2004, p. 37).

In an earlier study, Ueda (1985) focused on the responsibilities of principals in providing effective leadership in collective bargaining situations where there is close monitoring of labor relations. He explained how both authority and constraints to authority influence the willingness of principals to take disciplinary action when inappropriate or unacceptable behaviors are allowed to occur until these supervisors are "fed up."

The results of the study also indicated that principals perceive themselves as having different amounts of authority. He indicated that restrictive provisions within contracts and negotiated agreements influenced how principals use their authority to modify employee behaviors. The findings also revealed that, contrary to their beliefs, the policies from which principals derived their authority were similar. Accordingly, this study showed that the willingness of principals to maintain expected code behaviors and the willingness of districts to enforce their ethical philosophies, were mutually dependent

### ***The Relationship between Ethics and Codes***

Kaptein & Schwartz (2008) theorized that contrasting outcomes were an indicator of organizational seriousness with regard to the maintenance of high ethical standards. Erwin (2011) noted that careful design and supervisor implementation of ethically-driven codes of expectations positively influenced employee behavior. He implied that code efficacy was dependent on supervisor perceptions that their institutions will require consistent compliance with the expected behaviors derived from their ethical philosophies. Therefore, ethical employee behavior was the outcome established from the dependent relationship between the social mission statement of an institution and its ethics philosophy.

Erwin et al (2011) went further and argued that the clarity of a code influences its effectiveness. They also confirmed that code effectiveness was a result of ethical philosophy. The motivating factor was the institutional commitment to direct and hold supervisors accountable to maintain these principles.

Institutions that do not maintain codes of conduct often direct their supervisors to quickly develop them and roll them out at the beginning of the school year. Weaver et al. (1999) found that these institutions view codes as gestures that attempt to appease society's demand that employees maintain ethical behavior. Their findings confirmed that thoughtful code design, clarity of expectations and a meaningful plan for code implementation influenced the willingness of employees to adhere to institutional codes.

Kaptein & Schwartz (2008) went to the micro level of code effectiveness by examining the relationship between the processes used to design codes and their success in promoting ethical behavior. They affirmed that stakeholder groups must own the expected behaviors embedded within the code, and if they do not, their codes will not reduce unethical behavior. Erwin (2011) advocated for emphasized encouragement when designing codes to give those stakeholder groups charged with identifying ethically-derived expected behaviors the opportunity to own the document upon completion.

### ***Characteristics of Code Design and Implementation***

Vaguely stated codes of expectations lead to suspicion about their authority and weaken their effectiveness in influencing ethical behavior. Veral (2005) reasoned that codes must include expected behaviors that all stakeholders agree with (i.e., those that are representative of their own ethical philosophies). He went on to explain that the expectations must be meaningful not only to workers, but also to the institution and its constituents.

Kaptein & Schwartz (2008) described codes as narratives of beliefs and values. They revealed that codes based on beliefs and value characteristics have limited effectiveness unless institutions clearly communicate their distinctive set of ethical principles. From these principles, clearly stated expectations generate the need for regulations governing appropriate ethical behavior.

In another study, O'Dwyer & Madden et al. (2006) identified three ethical considerations for developing a code. These included: 1). Behaviors affecting employees; 2). Behaviors affecting the institution; and 3). Behaviors affecting the public. They studied the attitudes of managers and concluded that in firms where codes exist, supervisors were more concerned with behavior that impacted them and the institution than they were with maintaining ethical efficacy in areas that pertained only indirectly to their concerns. O'Dwyer & Madden et al also identified several characteristics found to promote code efficacy that included: 1). The thoughtful design of the code; 2). The thoroughness of introducing the code to employees; 3). The ongoing commitment to code revision; 4). The procedures for promoting self-remediation; and 5). The specific outline for how violations will be handled by supervisors.

In another study, Macky & Boxall (2007) generated a number of hypotheses that tested the impact of positive work environment practices as a characteristic of successful code implementation. Their study revealed that

### *Characteristics of Code Design and Implementation (continued)*

higher the levels of job satisfaction, organization commitment and supervisor trust were reported among employees who had success meeting the behavior expectations of the institution.

McCarthy (1997) went a layer deeper in analyzing the impact of code implementation by looking at the influence that ethics orientations had on code efficacy. She found that limited introductions to codes of conduct through ethics orientations did not improve ethical behavior over time. She further explained that traditionally, code orientations occurred only at the time of hire. This study demonstrated the need to introduce code behaviors on a regular basis and further supported the findings of Berson, Oreg, & Dvir (2008) who suggested that supervisors mold employee attitudes and behaviors throughout their careers by introducing code expectations frequently.

### *Conclusion*

In this chapter, research on ethical philosophy, social mission, codes of conduct, the role of supervisors in code implementation, relationships between codes and ethics, and the implications for codes of conduct were reviewed. Although there is numerous research available on employee code efficacy in the corporate environment, this review confirmed that little research exists studying the implications of employee code efficacy on ethical behavior in the education environment.

Ethical philosophy is not only the foundation for beliefs and values that create the discipline policies and accountability structure needed to promote ethical behavior, but also justifies the need for the development of a social mission statement which provides the scope for code of conduct expectations that specifically address the procedures required to maintain "ethicalness" among staff. Researchers have had success in identifying the positive impact that ethical philosophy has had on promoting ethical efficacy. The research implies that effectively defined ethical philosophies establish the values that both society and education institutions expect employees to maintain. The results also identified the existence of causality between ethical philosophies and their influence on ethical efficacy. The research further supported the finding that ethical behavior is dependent upon a sound ethical philosophy, but also that a sound ethical philosophy is the reason for ethical behavior.

Social mission statements were also found to be important for code development as public declarations of the ethical beliefs and values on an institution. Social mission statements communicate the ethical expectations of education institutions and signify that they understand and appreciate the importance that society places on their need to maintain ethical behavior among staff. Social mission statements also affirm the willingness of institutions to accept responsibility for addressing employee misconduct and provide a foundation for the development of employee code of conduct guides of expected behaviors.

Codes of conduct represent personal benchmarks, or commitments by employees to adhere to certain standards of ethical behavior. As communicated, codes are the guiding principles of and consequences for the management of violations of the ethical philosophical beliefs of organizations or education institutions. Codes have as much controlling influence on management as they do on employees and serve as measurable tools for society to gauge institutional ethical responsibilities. Codes of conduct also act to improve the relationship between working practices and employee behaviors and by their mere presence reaffirm the reasons for communicating employee discipline policies and expectations.

The role of supervisors in code of conduct development and subsequent code implementation is a crucial one and requires further study. Modifying inappropriate behavior is an important responsibility for supervisors seeking to create a positive working environment. Predictable coordination of employee effort is possible with clearly stated expectations and, for employees to demonstrate ethical efficacy, supervisors must promote consistent demonstrations of ethical behavior by staff. However, supervisors view their authority, and constraints to their authority, as influencing their willingness to consistently maintain ethical standards. The

*Conclusion (continued)*

research showed that the relationship between the willingness of principals to maintain code expectations and the willingness of organizations to enforce their ethical philosophies are dependent upon one another. Relationships between ethics and codes were found to be an indicator of organizational or institutional seriousness to maintain high ethical standards. Code efficacy is dependent on supervisor perceptions that institutions will require consistent compliance with expected behaviors derived from the organizational ethical philosophies. The literature found that ethical efficacy is realized from the dependent relationship between social mission statements and ethics philosophies. Conversely, organizations that view codes as gestures to appease society's concern for maintaining ethical behavior will not realize ethical efficacy.

Characteristics of code design and implementation affirm a thoughtful and meaningful desire of an organization to maintain ethical behaviors in a fair and reasonable manner. Vaguely stated codes of expectations were found to promote suspicion about their authority and serve to weaken ethical efficacy. For codes to be embraced and viewed as meaningful, they must include behaviors that all institution stakeholders agree with (i.e., those that are representative of their own ethical philosophies). Further, codes must be based on beliefs and value characteristics that represent the ethical principles of the institutions that implement them. It is these characteristics embedded within any code that represent the principles which justify the need for regulations governing appropriate ethical behavior.

The review of the literature related to the impact and influencing factors of ethical efficacy affirmed that there is a significant correlation between ethical philosophy, social mission, code of conduct expectations, the role of supervisors and the relationship between ethics and codes of conduct. Left yet to be answered is why many supervisors are unwilling to consistently hold employees to the expectations required within codes derived from the ethical philosophies of their organizations.

Perhaps this is because some organizations are either unwilling or unable to monitor the accountability of code implementation. High efficacy supervisors promote ethical efficacy because the procedures and practices they hold themselves and their employees accountable to are congruent with the stated ethical philosophies that society expects employees, especially educators, to embrace as they mold the character of their children.

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