

Module Two

Professional Boundaries, Ethics and Culture

What's in this Module:

- ✎ Exercise: The Ethics Test
 - Ethics
 - Defining Agency Culture
- ✎ Exercise: Identifying Agency Culture
 - Sexualized Work Environment
- ✎ Exercise: Tug of War: Impact of Culture
 - Professional and Personal Boundaries
 - Defining Professional Boundaries
 - Discretion and Autonomy
 - Managing Personal Associations with Offenders
 - Conflict of Effective Interventions
 - On-duty and Off-duty Behavior and Staff-Staff Misconduct
 - Freedom of Association
 - Collateral Contacts
 - The Imbalance of Power
 - The Issue of Consent
- ✎ Exercise: Red Flags
 - Changing Agency Culture
- ✎ Exercise: The Envelope, Please
- ✎ Blueprint - Module Two
- Attachment A - The Decision-Making Process
- Attachment B - Data - Offenders and Employees

Learning Objectives:



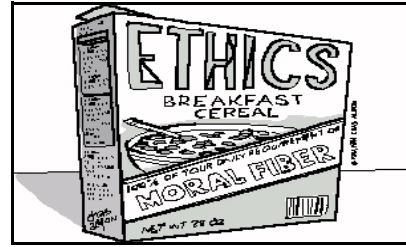
- Explore the issues of ethics in community corrections;
- Clarify the ethical standards of employees and the agency;
- Define and identify an agency's culture;
- Understand the impact of agency culture on staff sexual misconduct; and
- Identify the importance of establishing and maintaining professional boundaries in community corrections.

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Misconduct with Offenders in Community Corrections

Exercise: The Ethics Test

What are your professional ethics? More importantly,
are these ethics shared by your employees?

Place an **“E”** in the space provided if you believe the
behavior is ethical; place a **“U”** in the space provided
if you believe the behavior is unethical.

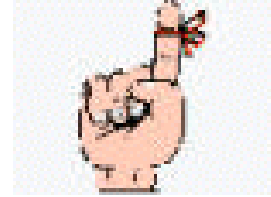


- _____ 1. Accepting a reduced price “law enforcement courtesy” meal from a local diner.
- _____ 2. Accepting a ride from a member of an offender’s family when your car is in for service.
- _____ 3. Covering for a colleague with his supervisor because your colleague is experiencing some personal problems at home.
- _____ 4. Overlooking a close friend’s violation of a petty department rule.
- _____ 5. Periodically taking a “mental health day” or sick day when you aren’t ill.
- _____ 6. Telling a colleague about an offender’s sexual history.
- _____ 7. Having your car serviced at a garage where you know an offender works.
- _____ 8. Curtailing field visits because there is a budget crunch, especially in reimbursements for gas.
- _____ 9. Asking to use the bathroom at an offender’s home.
- _____ 10. Failing to tell a supervisor when you think you see a colleague having dinner with an offender on your caseload.
- _____ 11. Telling a “little white lie” to protect a peer or colleague.
- _____ 12. Treating offenders differently than the general public.
- _____ 13. At the last minute, asking a court clerk whom you work with all the time to re-schedule a hearing that interferes with personal plans.
- _____ 14. Finding ways around departmental policies and procedures that get in the way of your doing your job.

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Misconduct with Offenders in Community Corrections
Ethics

What are “ethics?” According to the American Heritage Dictionary,

- “A principle of right or good conduct or a body of such principles.
- A system of moral principles or values.
- The study of the general nature of morals and of specific moral choices.
- The rules or standards governing the conduct of the members of a profession.”



Ethics has a significant impact on an agency’s culture and operations. Administrators should not assume that what *they* consider ethical behavior is what others in their organization consider ethical behavior. In fact, 72% of companies in the United States provided **no** training to their employees regarding ethics in the past year.¹ Clear professional and personal boundaries with offenders in community corrections is a major aspect of ethics.

By examining and observing the agency culture, one can begin to see the wide range of ethics that exist among employees. This is why it is vital that ethical behavior in the highest level be modeled by the agency’s leadership and be required from managers, and supervisors. When agency practice does not match the written policies and procedures, this is an indication that ethics and ethical behavior are devalued by the agency, expectations are unclear, and employees can make-up their own rules.

These talking points about ethics that can help administrators clarify their own personal ethics, and begin to identify the ethics within the organization:²

- Why are ethics important in community corrections?
- How can you determine the ethics practiced in your organization?
- Why do some employees fail to act ethically?

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- Why can't employees and supervisors identify and confront unethical behavior?
- Can "ethics" be taught?
- How can we create an ethical workplace?

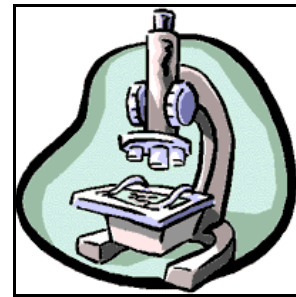
Consider an ethical dilemma that has faced you. How did the dilemma come about? Review the decision-making model in Attachment B.

Defining Agency Culture

What is agency culture? Why is identifying an agency's culture relevant to prevent and address staff sexual misconduct with offenders?

An agency's culture is the sum of the attitudes, beliefs, traditions, symbols, ceremonies and prejudices of current and past employees, the character of the surrounding community and work environment, the history of the operations and events in the agency, and the personality, leadership, and ethics of past leaders.³

Culture can either help an agency embrace change, or it can defeat it. It is critical to observe and evaluate the agency's culture which can directly influence the effectiveness of your leadership.



What Comprises Agency Culture?

Staff sexual misconduct is a critical and sensitive issue. Addressing staff sexual misconduct may require some agencies to consider the very core of how they do business. If there is trust and mutual respect between the agency's administration and the line employees, addressing misconduct may proceed more smoothly than if this trust is lacking. As you think about your agency's culture, consider the following issues:⁴

- Hiring
- Promotions
- Operations
- Managers
- Professionalism

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Misconduct with Offenders in Community Corrections

- Communication
- Leadership
- Quality of Work Life


Exercise: Identifying Agency Culture

Instructions: Review each of the following components of culture and give your organization the rating that you believe best describes how things are now. Be honest in your assessment! Note the rating in the space provided for each topic area, and then total each of these ratings to provide an overall rating.



Give your agency, workplace, or office one of the following ratings for each element within the blocks:

- 1 = We need help!**
- 2 = We are doing "OK", but could use improvement.**
- 3 = We are doing very well, no need for any improvements at this time.**

	<p>The Checklist⁵</p> 
H I R I N G	<ul style="list-style-type: none"> ✓ There is a plan in place to hire new staff. _____ ✓ Hiring goals are reached. _____ ✓ Good quality employees are being hired. _____ ✓ Our hiring message is reaching our community. _____ ✓ New employees represent the diversity in our community and of offenders. _____ ✓ Our employees are our #1 recruiters. _____
	<p>Score for hiring block is _____</p>

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P R O M O T I O N S	<p><u>Promotions</u></p> <p>✓ The promotional process is objective. _____</p> <p>✓ Employees know the criteria they need to meet to be promoted. _____</p> <p>✓ The promotional process is regarded as “fair” by most employees. _____</p> <p>✓ The promotional process results in qualified and motivated managers. _____</p> <p>✓ The promotional process is seen as a positive incentive by employees. _____</p>
	Score for promotions block is _____
O P E R A T I O N S	<p><u>Operations</u></p> <p>✓ Daily operations match written policy and procedure. _____</p> <p>✓ Employees are generally hard working and committed to doing their jobs right. _____</p> <p>✓ Employees are professional in their interactions with offenders. _____</p> <p>✓ Employees understand their job responsibilities. _____</p> <p>✓ Supervisors support their subordinate employees. _____</p> <p>✓ There are few sustained allegations of misconduct. _____</p> <p>✓ Employees feel safe as they do their job. _____</p>
	Score for operations block is _____
M A N A G E R S	<p><u>Managers</u></p> <p>✓ Managers are trained to do their jobs. _____</p> <p>✓ Managers support the organization’s mission and its leadership. _____</p> <p>✓ Managers are pro-active. _____</p> <p>✓ Managers are visible. _____</p> <p>✓ Managers are generally respected by both their subordinates and their bosses. _____</p> <p>✓ Managers are considered competent by both their boss and their subordinates. _____</p> <p>✓ Managers are generally approachable by their subordinates. _____</p>
	Score for managers block is _____

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Misconduct with Offenders in Community Corrections

P P R O F E S S I O N A L I S M	<p><u>Professionalism</u></p> <p>✓ The organization has a good reputation in the community. _____</p> <p>✓ Employees are respected members of the community. _____</p> <p>✓ Employees' off-duty behavior is consistent with professionally accepted behaviors in other professions. _____</p> <p>✓ Employees are respectful of each other. _____</p> <p>✓ Employees accept and embrace workplace diversity. _____</p> <p>✓ Incidents of sexual harassment or sexual joking are rare. _____</p> <p>✓ Employees are proud to be associated with the organization. _____</p> <p>✓ Employees avoid using street slang, foul language, or derogatory remarks toward their peers and/or offenders. _____</p> <p>✓ The agency maintains professional accreditation - national or state. _____</p> <p>✓ Other agencies come to visit to learn from your organization. _____</p> <p>✓ The agency is seen as a valued partner with the criminal justice agencies in the community. _____</p>
	Score for professionalism block is _____
C O M M U N I C A T I O N	<p><u>Communication</u></p> <p>✓ There is a regular employee newsletter that employees look forward to reading. _____</p> <p>✓ Information flows well both up and down the chain of command. _____</p> <p>✓ Supervisors facilitate communication in the organization. _____</p> <p>✓ Employees believe that their grievances will be heard in a timely manner and settled fairly. _____</p> <p>✓ Employees believe that their feedback is valued. _____</p> <p>✓ Supervisors hold regularly scheduled employee meetings to share information and provide training. _____</p>
	Score for communication block is _____

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Misconduct with Offenders in Community Corrections

L E A D E R S H I P	<p><u>Leadership</u></p> <p>✓ The organization’s mission is clear. _____</p> <p>✓ The mission is known by employees. _____</p> <p>✓ The organization’s values are identified and embraced by employees. _____</p> <p>✓ The leadership is accessible to employees. _____</p> <p>✓ The leadership embodies professionalism. _____</p> <p>✓ The leadership engages in “management by walking around.” _____</p> <p>✓ The leadership values employees and it shows. _____</p> <p>✓ Employees generally trust the agency’s leadership. _____</p>
Score for leadership block is _____:	
W O R K L I F E	<p><u>Quality of Work Life</u></p> <p>✓ Employees can get time off without a lot of hassle. _____</p> <p>✓ Employees don’t abuse sick leave. _____</p> <p>✓ Employees trust and use the employee assistance program. _____</p> <p>✓ Employees are formally recognized for milestones in their careers. _____</p> <p>✓ Employees are acknowledged, officially, for a job well done. _____</p> <p>✓ Employees respect each other’s diversity. _____</p> <p>✓ Employees are not divided along age, race, sex, or ethnic lines. _____</p> <p>✓ There is little racism or sexism in the workplace. _____</p> <p>✓ Employees consistently receive training to do their jobs effectively. _____</p>
Score for quality of work life block is _____:	

Add up your scores here:

Hiring	=	_____
Promotions	=	_____
Operations	=	_____
Managers	=	_____
Professionalism	=	_____
Communication	=	_____
Leadership	=	_____
Quality of Work Life	=	_____
<u>TOTAL</u>	=	_____

Rating Results: How do you believe your workplace stacks up? Here is what your rating may mean in terms of the culture of your workplace:

If your score is: 0 - 88 Your rating indicates that your workplace needs improvements in just about all areas relating to your culture. These improvements relate not only to how the business of your workplace is conducted, but how employees are treated. Without improving these workplace issues, any new initiatives, particularly about sensitive areas such as staff sexual misconduct, are likely to encounter resistance and even sabotage from employees.

If your score is: 89 - 147 Your rating indicates that your workplace is addressing the basic needs of employees, and striving to create a positive culture. Some improvement may be needed to the areas that you noted. Because your workplace has a more “positive” culture, you will be in a better position to introduce new initiatives such working to prevent staff sexual misconduct.

If your score is: 148+ Congratulations, your rating indicates that you are working in an environment that has a very positive culture and probably has little conflict, making it more open to new initiatives.

Sexualized Work Environment

A sexualized work environment contributes negatively to the agency culture, and sets an atmosphere where professional boundaries are blurred and eventually eroded. Generally, a sexualized work environment begins with inappropriate and unprofessional staff/staff interplay, and then migrates to staff/offenders. A sexualized work environment can exist anywhere employees and offenders have official contact - in the office, in the offender’s home and workplace, and in treatment facilities. It evolves where there is a tolerance, and tacit encouragement, of some, or all of the following:

- Open discussion, within hearing of offenders,



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- about, an employee's off-duty activities;
- A tolerance for unprofessional use of nicknames or name-calling;
- Sexual innuendo in verbal and non-verbal communications;
- Inappropriate demeanor among employees, and between employees and offenders;
- Inappropriate dress of both employees and offenders;
- Disrespect among employees;
- Gossip; and
- Inappropriate jokes or pranks, especially those with sexual innuendos.

In a sexualized work environment, employee/offender dynamics devolve to the point where almost no subject is off-limits or considered unprofessional. Professional boundaries between employees and offenders become eroded, erased, blurred, and, eventually nonexistent.

Other issues for administrators to consider in assessing the work environment are the number of complaints from employees about harassment and/or hostile work environment, and other employee grievances indicating potentially unhealthy relationships among peers or supervisors.

Exercise: Tug of War: Impact of Culture

Based on what you have learned about your agency’s culture, how do you believe that your agency’s culture will help or hinder your efforts to address staff sexual misconduct with offenders? What are the positive things in your culture, what will be assets? What are negative aspects of culture that you will need to plan to overcome? Make a list of how your culture will impact your efforts to prevent and address staff sexual misconduct.



Aspects of your agency’s culture that will help you:	Aspects of your agency’s culture that may hinder you:

Professional and Personal Boundaries

A successful community corrections professional is one who is clear about professional boundaries, and knows how to effectively manage and intervene with the offenders on their caseload. Unfortunately, the increase in the number of new employees in the profession, and retirements, have placed newly hired employees in unfamiliar territory with fewer experienced role models



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Misconduct with Offenders in Community Corrections

and mentors. What are the essential elements to protect employees and offenders from inappropriate relationships?

- Defining professional boundaries;
- Discretion and autonomy of employees;
- Appreciating the conflict inherent in effective intervention models;
- Clarifying the expectations of on-duty and off-duty behavior between employees and between employees and offenders;
- Defining the limits of association;
- Guiding collateral contacts;
- Understanding the imbalance of power; and
- Clarifying the issue of consent.

Defining professional boundaries

To determine and recognize professional boundaries, employees must first understand their duties and responsibilities. Through training and ongoing dialogue the agency's leadership can assist employees in developing, refining, and preserving their professional boundaries.

In considering this issue, ask:

- How often do we discuss professional boundaries with employees?
- How often are employees able to present their concerns and questions about potential boundary violations in a safe and supportive environment?
- Do employees believe they can speak to supervisors about uncomfortable situations which may arise between them and an offender without fear of discipline?
- Are there negative consequences for employees who speak frankly about such concerns?
- Do we ignore professional boundary issues as "too personal" or "too embarrassing" to discuss?



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- Do supervisors believe that employees can define their own professional boundaries or that professional boundaries are just “common sense?”

For some of these topics, the answers may be readily apparent, for others the answers may be less obvious, but no less important to know.

Discretion and Autonomy

Working with offenders outside the structure of a jail or prison setting, by its nature, gives considerable discretion to employees. Employees work in the field, alone and without immediate supervision, with the mandate to use their training and experience to effectively manage their caseload.

- What actions does the agency take to assure that employees are able to handle the decisions facing them in the field?
- Will supervisors be able to recognize when an employee’s behavior is raising ‘red flags’ indicating that he/she may be in trouble?

It is critical to provide employees with the tools, skills, training, feedback and supervision, to assure they recognize the scope and impact of their discretion and when they are crossing the line.

Managing Personal Associations with Offenders

Employees may find themselves in potential conflict with their professional responsibilities when they have a personal association with a person who is under supervision.

The agency should have a clear policy on how to manage these situations, and make determinations as to when and how employees must make these associations with offenders, known to supervisors.

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Training that includes skills, role playing and other techniques is needed to assure that employees demonstrate how they will address sensitive and uncomfortable situations that may evolve with the offenders they supervise.

How can an agency meet this challenge? An agency should have policies which:

- Guide employees in managing contacts with offenders they know, including defining casual contact, such as at a grocery store, movie theater, church, or other community location so that employees are clear as to what the agency wants reported, how and when.
- Tell employees what to do if they develop a personal relationship with an individual they later discover is under supervision;
- Advise employees to whom, how and when to make notification of these contacts; and
- Define what behaviors with offenders and families of offenders are permissible and what are not - both on and off duty.

Conflict of Effective Intervention

The trend in community corrections is an approach to supervision considered more clinical. Offenders are often required to participate in some form of treatment as a condition of supervision. The emerging use of tools for effective interventions blends the role of corrections professionals as both “helpers” and “enforcers.” Employees are broadening their traditional skills and styles of supervision thereby increasing autonomous decision-making. This trend, even if effective, is not without potential for inappropriate boundary crossing. As a result of enhanced interventions employees:

- Have access to personal and confidential information;
- May be conflicted as to how to balance the knowledge of personal information about an

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Misconduct with Offenders in Community Corrections

- offender, with respect for the nature of the information; and
- Must deal with clinical boundaries, often without clinical supervision.

It is human nature for one person to feel a connection to another when they discover a personal side in each other. For community corrections professionals this is where the “helper” and the “enforcer” role may come into conflict.

In the “enforcer” role:

- Roles are clear.
- Employees enforce the rules.
- Personal information about an offender is less relevant.

In the “helper” role:

- Roles/relationships are less clear.
- Employees use personal information about offenders in making decisions.
- Personal “connections” are more likely to occur.

So what can managers do to protect employees from crossing professional boundaries in these situations?

- Acknowledge the potential.
- Acknowledge the danger.
- Use training to give employees knowledge and skills.

On-duty and Off-duty Behavior and
Employee/Employee Misconduct

Nothing will inspire a more heated discussion among employees than agency rules governing off-duty behavior. Many employees believe that what happens off-duty, personal time, is no one’s business, especially their employer.

Administrators are often reluctant to set guidelines about office relationships except supervisor/subordinate

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Misconduct with Offenders in Community Corrections

relationships. Establishing rules that connect off-duty staff/staff relationships to required workplace behavior is one approach to managing this potential distraction.

Increasingly, administrators are concerned about employee-employee misconduct. Employee interactions, romantic and otherwise, are seen as potentially interfering with the mission and work of the organization. In one survey, it was reported that 8 million people enter new relationships at the workplace each year; half lead to long term commitments or marriage;⁶ 17% lasted a few days or weeks; 36% lasted from a few weeks to one year; 31% lasted one to five years; and 16% lasted over 5 years.⁷ When employee-employee relationships go bad, there are workplace repercussions, mostly negative.

Freedom of Association

While this issue will be discussed further in **Module Five - Legal Issues for Community Corrections** many agencies set policies identifying individuals with whom their employees may, and may not associate, on-and-off duty.

Some employees challenge these rules asserting that they have a right to be free to associate with whomever they wish, as long as that person isn't on their supervision caseload. General guidance is that the courts have supported agency regulations limiting association if the agency demonstrates that the rules are specific to achieve the mission of the organization, provide alternatives, and are designed to promote the efficiency of the public services it performs.⁸

Collateral Contacts

Professional boundaries and ethics can be tested when employees interact with the other people involved in the life of the offender, such as family members, employers, friends and co-workers. It is important that the agency gives employees the guidance and skills to enable them to maintain the same professional boundaries with

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Misconduct with Offenders in Community Corrections
collateral contacts that they do with the offender.

The Imbalance of Power

There are many types of organizations (military, academia, churches, judiciary), where there is an inherent imbalance of power between those involved. In these settings where authority and power exist for one but not others, there is a risk of abuse of that power and authority.

Those with authority have a tremendous responsibility to protect those over whom they have such authority. The employee-offender relationship is NOT an equal one. When inappropriate and/or illegal relationships develop between employees and offenders, the 'imbalance' becomes abusive and carries great risk for those involved.⁹

The Issue of Consent

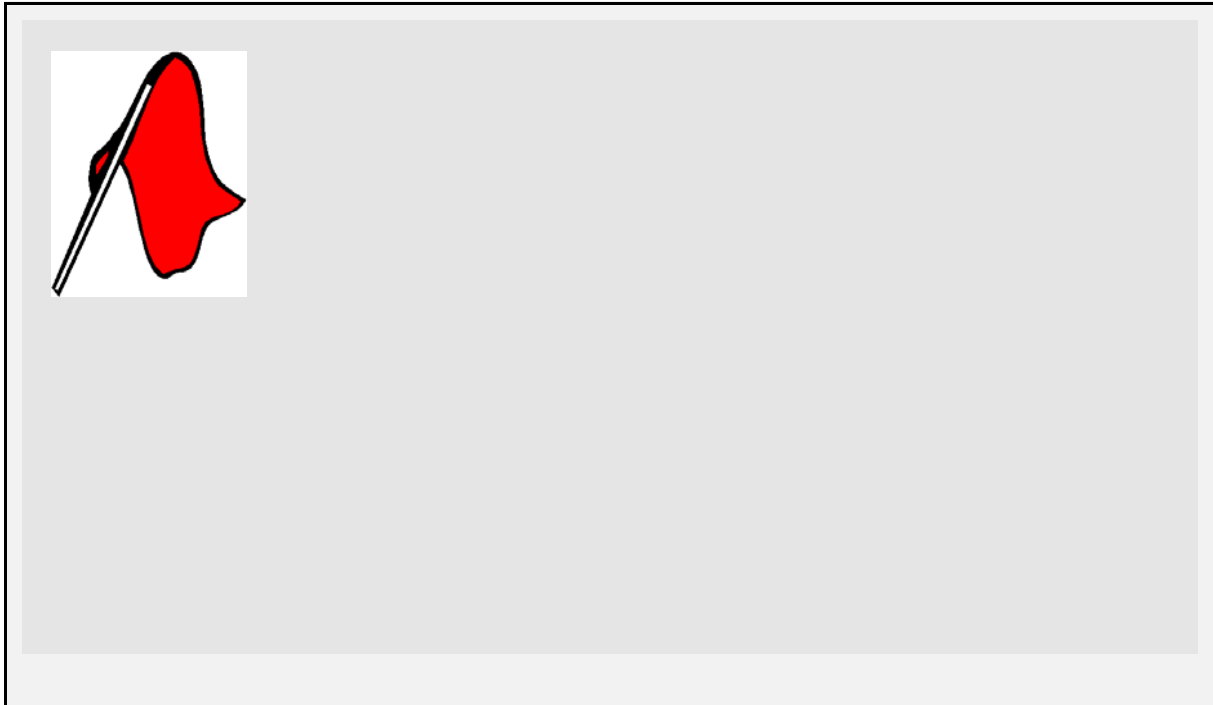
An imbalance of power exists whenever one person has power or authority over another. Consent is not possible when someone is subject to another's authority and power. Even if they offer their consent, it is that imbalance of power that makes such consent invalid.

The issue of consent is not just important in the criminal sense. It is also an ethical issue, and one that can affect the overall integrity and credibility of an agency. An agency policy that establishes that offenders cannot consent is one more effective approach to preventing misconduct. This can be done even if the state's law does not address consent.

Exercise: Red Flags

How do supervisors know when an employee is in trouble or heading for trouble? Do peers know when their colleagues may need some intervention to prevent bigger trouble? What are some of the “red flags” that we need to recognize?

Changing Agency Culture



One of the toughest jobs for any agency administrator is to change the culture of the organization.

Culture has evolved over many years, and through many administrations. Real culture change requires a commitment of years, not months. To change culture, the internal beliefs, attitudes and behaviors of a critical mass of employees and supervisors must be impacted. The following steps are general guidelines for achieving change:

- Establish a clear mission and vision for the agency.
- Define the agency's values and expectations.

“Efficient management without effective leadership is like straightening deck chairs on the Titanic”

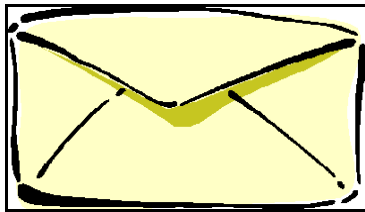
Stephen R. Covey

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- Include stakeholders in the development of the agency mission.
- Include employees in policy development. Don't just manage from the top down.
- Develop a code of conduct, with definitive standards, and with clear consequences for breaches of the standards.
- Demonstrate zero tolerance.
- Expect the best from all employees.
- Maintain a reputation for fairness and competence.
- Be a paragon of ethics and value-centered leadership.

Understanding an organization's ethical base and its culture are first steps in planning any new initiative - particularly one as sensitive as preventing and addressing staff sexual misconduct. Failing to take the steps to consider ethics and identify culture will impede even the most sincere efforts.

Exercise: The Envelope, Please



Working to change an agency's internal culture will be one of the more difficult tasks facing administrators. In this exercise, you and your training colleagues will brain storm responses to questions posed by your instructor. This fast-paced exercise is designed to increase the number of problem-solving options at your disposal.

Conclusion - Module Two

Module Two has focused on the critical issues of ethics, culture and professional boundaries. This Module has provided a process to use in thinking about the shared ethics in your organization and how these ethics has evolved.

This Module has also provided an opportunity to name and identify the culture of your agency or workplace, and think about how this culture will help or hinder you as you implement your plans to prevent and address staff sexual misconduct.

This Module has also provided practical ideas for addressing the things in your agency's culture that need your attention.

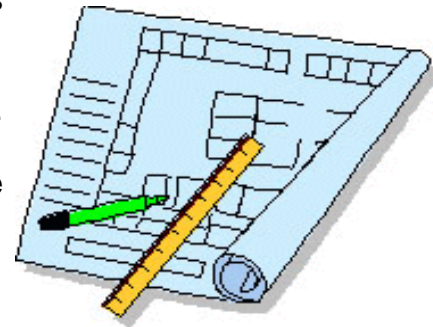
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Exercise: Blueprint - Module Two

Please refer to your personal blueprint. **Module Two** has been completed.

- Make notes about what issues are of concern to you.
- What is working well in your organizations?
- What is on your “to do” list based on what you have heard?

Take a few minutes to make your notes.



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Attachment B - The Decision - Making Process¹⁰

Every day we make choices about how to behave or how to respond to a situation. The basic process for making ethical decisions can be summarized in the following steps:

	Strategy	Questions to Ask
1	Define the precise dilemma you face. Do not globalize or generalize.	For example, rather than “Is this officer acting ethically?”, consider the exact situation, “Is it ethical or acceptable when this officer has dinner with the family of the offender on his caseload?”
2	Gather all the information about the dilemma.	This may include interviewing the offender, the officer, reviewing case files, finding out how the officer behaves with other offenders, how the officer acts toward this particular offender, etc.
3	List the pros and cons.	Literally, list the pros and cons of the situation on a sheet of paper.
4	Is it legal?	What are the laws, policies and procedures about the situation? Does it align with collective bargaining agreements, personnel rules, and other human resources rules?
5	Is it aligned with the agency mission?	Does this situation support the mission of the agency, and is it necessary to achieve the mission?
6	What are the consequences of taking the action you are considering?	What are the possible ramifications of your decision - for the officer, the offender, the agency, public perception, etc.
7	Decide if it is ethical.	Take all of the information and results of each of the above steps, and decide if the situation is ethical.
8	Act on your decision.	Take whatever steps are necessary to correct the situation. This could include educating the officer and offender and family; disciplining the officer; changing policy and procedure; training etc.
9	Live your decision	Now, model the ethical behavior you are expecting, and demonstrate the agency policy of zero tolerance and its support for ethical behavior.

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Endnotes:

1. Source: Wirthlin/LRN Corporate Ethics Study. Reported in USA Today, January 25, 2004.
2. See also Debbie J. Goodman, Enforcing Ethics: A Scenario-Based Workbook for Police and Corrections Recruits and Officers. Prentice Hall. 1998.
3. McCampbell, Susan; Rubin, Paula; Layman, Elizabeth, "Staff Sexual Misconduct with Inmates: Implications for Jail Administrators". Cooperative Agreement 01P8GIR4, National Institute of Corrections, June 2001.
4. Adapted from Rubin/McCampbell, "Effectively Managing a Multi-Generational Workforce in Corrections," National Institute of Corrections, February 2004, Cooperative Agreement # 02P06GIW0.
5. Excerpted from McCampbell, Layman, Hall, "Survival guide for newly appointed wardens," 2002, 16; and from Effectively Managing a Multi-Generational Workplace in Corrections, 2004.
6. Dennis Powers, "The Office Romance," reported in the *Wall Street Journal*, September 18, 2003, page D1 in an article entitled "A National Failing to Get a Life: The Unromantic Side of Office Romance."
7. Ibid, Source: Janet Lever for Elle Magazine and MSNBC.com: online survey of 19,3548 people who had office romances.
8. Pickering v. Board of Education, 391 US 563 (1968).
9. Kayden, Xandra, *Surviving Power: The Experience of Power - Exercising it and Giving it up*, The Free Press, a division of Macmillan Inc., Publishers, New York 1990.
10. See also, Bly, Robert W., Doing the Right Thing: Ethics in the Workplace, 1999, American Media Publishing, Des Moines, Iowa.