Department of the Navy

2016 Annual Ethics Training
Presented by
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Office of the General Counsel
Department of the Navy
Core Values and the Standards of Conduct

Roadmap

- Navy Core Values
- The Standards of Conduct
- Can I? Should I?
- Application in Specific Contexts
- Where to Find Help

Honor
Courage
Commitment

These are the values every Sailor, Marine and Civilian are expected to live up to.
Navy Core Values

Honor

I am accountable for my professional and personal behavior. I will be mindful of the privilege I have to serve my fellow Americans. I will:

* Abide by an uncompromising code of integrity, taking full responsibility for my actions and keeping my word.

* Conduct myself in the highest ethical manner in relationships with seniors, peers and subordinates.

* Be honest and truthful in my dealings within and outside the Department of the Navy.

* Make honest recommendations to my seniors and peers and seek honest recommendations from junior personnel.

* Encourage new ideas and deliver bad news forthrightly.

* Fulfill my legal and ethical responsibilities in my public and personal life.

Courage is the value that gives me the moral and mental strength to do what is right, with confidence and resolution, even in the face of temptation or adversity. I will:

* Have the courage to meet the demands of my profession.
* Make decisions and act in the best interest of the Department of the Navy and the nation, without regard to personal consequences.
* Overcome all challenges while adhering to the highest standards of personal conduct and decency.
* Be loyal to my nation by ensuring the resources entrusted to me are used in an honest, careful and efficient way.

The day-to-day duty of every man and woman in the Department of the Navy is to join together as a team to improve the quality of our work, our people and ourselves. I will:

* Foster respect up and down the chain of command.
* Care for the personal and spiritual well-being of my people.
* Show respect toward all people without regard to race, religion or gender.
* Always strive for positive change and personal improvement.
* Exhibit the highest degree of moral character, professional excellence, quality, and competence in all that I do.

Refresher on the Standards of Conduct

Both the Standards of Conduct and our Core values have a simple concept at their heart:

Public Service is a Public Trust

No concept is more fundamental to ethics than this simple idea. We - Sailors, Marines, and Civilians – are all charged with doing the people’s business, not our own.

Refresher on the Standards of Conduct

- Don’t hold financial interests that conflict with your official duties.

- Don’t use non-public information for any private interest.

- Don’t accept gifts given because of your official position or from prohibited sources, including contractors.

Refresher on the Standards of Conduct

* Put honest effort into the performance of duties.
* Don’t use public office for private gain of anyone.
* Always act impartially and don’t show preferential treatment to anyone unless authorized.

Refresher on the Standards of Conduct

- Protect and conserve government property and resources.

- Don’t engage in outside employment or activities that conflict with your official duties.

- Report waste, fraud, abuse, and corruption to appropriate authorities.

Refresher on the Standards of Conduct

* Satisfy your just financial obligations.

* Adhere to laws and regulations providing equal opportunities for all Americans.

* Don’t create the appearance that you are violating the law or the ethical standards.

The Standards of Conduct help answer the question, “Can I do [something]?” They set the minimum behavior permissible.

Our Core Values of Honor, Courage and Commitment help answer the question of “Should I do [something]?” They help guide our decision making throughout our professional career.

Can I? Should I?

* Not every action that is legal under the Standards of Conduct lives up to our Core Values.

* Not every action that may be consistent with our Core Values is permissible under the Standards of Conduct.

* You have to use the Standards of Conduct and the Core Values together to reach a sound conclusion.

You sit on the board of a local non-profit that partners with schools to enhance the school’s scientific, technical, engineering and math (STEM) curriculum. Your command has amazing facilities that would greatly stimulate interest among high school students and, as a bonus, enhance the command’s outreach to the local community. Do you?
A. Recommend to the Commanding Officer that command reach out to your non-profit.
B. Recommend to the Commanding Officer that the command reach out to local schools.
C. Recommend to the board of your non-profit that they contact your command about forming a partnership to reach high school students.

Can I?
Under the Criminal Conflict of Interest statute, 18 U.S.C. 208, you may not take any official action that has a direct and predictable effect on the financial interests of an organization in which you serve as an officer, director, or trustee. This prohibition includes merely recommending an action. Even if it is possible to conclude that there is no financial benefit to your non-profit, recommending them to the commanding officer shows preferential treatment for them.

Should I?
While this does show commitment to the community relations interest of the command and does foster real benefits for both sides, this course of action may result in you violating a criminal statute.

Can I?
Even though your non-profit has the same objective as the command of enhancing STEM education, there is no indication that the command reaching out to schools affects your non-profit.

Should I?
Engaging local schools certainly shows commitment to both the community and the command. You might want to consider whether pursuing your private interest in STEM education through your official duties might be viewed by some as not entirely honorable.

Community Service – C. Non-Profit Contacts the Command

Can I?
So long as you don’t communicate to your non-profit any non-public information you can suggest to the non-profit that they contact your command. You cannot contact that command yourself because a separate criminal statute, 18 U.S.C. 205, prohibits you from representing anyone before the federal government. If your non-profit does contact your command you cannot be involved in the decision making process. That would be conflict of interest under 18 USC 208.

Should I?
The non-profit may be in a better position to reach out to schools than the command alone. Indeed it may be far less burdensome for the command to work with the non-profit to identify schools. By not being directly involved at work with the effort you ensure that you act honorably and, by advising the non-profit of the opportunity, you show commitment to the community and the public affairs mission.

You are part of a task force responding to an earthquake in a friendly nation. You have been assigned to help shore up an earthen dam that was severely compromised by the earthquake. Work is proceeding slowly and a crucial piece of equipment has broken down. The part is not immediately available and it will take a minimum of 72 hours to airlift to your site. You are not confident that the dam will hold that long. A local fix it shop approaches you and says they can repair the equipment and get it back in operation in under two hours. They only ask the US Government reimburse them for the $350 cost of the repair. Do you?

A. Agree to the deal even though you don’t have contracting authority.
B. Attempt to reach a contracting officer who can agree to the deal.
C. Wait for the part to reach you.

Humanitarian Relief – A. Agree to the Deal

Can I?
Committing the government to purchase something without contracting authority is an unauthorized commitment. Both the Standards of Conduct and fiscal rules prohibit employees from entering into unauthorized commitment. It is possible you will be held personally liable for the cost and may be subject to disciplinary action.

Should I?
This is a real emergency. The dam may not hold long enough to get the part or find a contracting officer. Your mission is to stabilize the dam and very likely prevent the deaths of people living below it. Agreeing to this deal does show commitment to that mission. However, doing so will require courage on your part because you would have to knowingly violate the rule. If you show honor by informing your superiors of the unauthorized commitment as soon as prudence allows, it may be determined that your decision was necessary to save lives and therefore justified.

Humanitarian Relief – B. Reach a Contracting Officer

Can I?
Only contracting officers can commit government funds. In any non-emergency situation this is what both the Standards of Conduct and fiscal rules require.

Should I?
This is a real emergency. If you judge that you can reach a contracting officer quickly enough, doing so is the legally and factually correct answer. This, however, may be one of those unusual cases where the letter of the law may not allow you to act in time to save human life. You have to be enough of a professional to judge the gravity of the damage to the dam and the actual difficulty of getting the necessary authority. You have to have the courage to act in a manner that protects lives and the government’s interest.

Can I?
In any ordinary situation this would the correct answer. Indeed it is unlikely that you would face any adverse consequences if you waited for the supply system to get the part to you.

Should I?
Not acting in this case and waiting for the part fails to show the courage we expect. Acting on your own authority does expose you to the potential for disciplinary action down the line. Not acting could result in death and a great deal of property damage. This may one of those times when honor demands that you act even at the risk of knowingly violating regulations.

You are waiting to board a ten hour flight to DC after a very long day. Before boarding starts the gate agent announces over the intercom that there are five first class seats available and asks whether there are any military personnel who would like an upgrade. Ten people whom you don’t know, including one you recognize as a Flag Officer (FO), approach the desk and request an upgrade. Because there are more applicants than available seats the agent indicates that he will randomly choose the five upgrades from the ten applicants. Before the selection is made you overhear the FO encouraging the gate agent to give him one of the upgrades. Do you?

A. Say nothing, do nothing.
B. Say nothing, but report the incident to the DON.
C. Say something to the FO before the seats are allocated.
Can I?
The gift rules prohibit an officer or employee from soliciting a gift that is given because of the employee’s official position, or from a prohibited source. The Standards of Conduct and the JER require that DoD employees who suspect that a violation has occurred report the matter to the appropriate authority.

Should I?
Not responding to the proposed violation does not show the courage that we expect. Nor does it show the honor to fulfilling ethical responsibilities. And it certainly does not demonstrate commitment to ethical principles.

The Trip from Heck – B. Say nothing, Report to IG

Can I?
Reporting what appears to be the improper solicitation of a gift meets your obligation under the Standards and section 10-200 of the JER.

Should I?
Reporting a violation takes some honor, courage and commitment; the “easy” path is to look away. But arguably not addressing what appears to be a violation in the moment falls short of what we expect of our personnel in all of our core values.

Can I?
Absolutely. Speaking to the FO allows you to ascertain whether there is a potential violation (the FO may, for example, be using frequent flier miles to pay for the upgrade). It is important to recognize that saying something need not be a public confrontation. A quiet word is better for all involved, especially if there is a completely innocent explanation.

Should I?
Speaking to the FO requires a great deal of courage in a moment you did not expect to be confronted with a dilemma. It honors the obligation to put public service above private gain, and shows commitment to the Navy to address a problem while it can be solved rather than simply waiting until after the fact.

Some Final Thoughts

* Applying our Core Values and the Standards of Conduct don’t always lead to a single “correct” answer.

* Ethical issues are often hard and very personal. Ethics is team sport. Talk with your Ethics Counselor and supervisor when there are tough problems.

* Your Ethics Counselor will normally be your local JAG or OGC attorney. If you do not know who your Ethics Counselor is, email Ethics@Navy.Mil to be referred to the proper person.

Essential Ethics Sources

- The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 (includes the 14 Principles of Ethical Conduct).
- DoD Supplemental Standards of Ethical Conduct, 5 C.F.R. Part 3601.
- DoD Joint Ethics Regulation, DoD 5500.07-R.
- Criminal Conflict of Interest Statutes, Chapter 11 of Title 18 (18 U.S.C. §§ 201-209, 216).

HELPFUL WEBSITES

* U.S. Office of Government Ethics
  * www.usoge.gov

* DoD Standards of Conduct Office
  * www.dod.mil/dodgc/defense_ethics

The Department of the Navy Designated Agency Ethics Official (DAEO) is the Navy General Counsel.

The Department of the Navy Alternate DAEO is the Judge Advocate General of the Navy.

If you have questions, please contact your local Ethics Counselor for assistance.
Congratulations!

You have now completed the 2016 DON Annual Ethics Training

Congratulations, you have completed this course. You must continue to the next page to record your training as complete and to view or print your certificate.