ABSTRACT

This paper outlines the initial stages of a research project aimed to map the organizational assessment practices employed by for-profit and non-profit organizations in evaluating the ethical conduct of their senior leadership. The research examines the changing practices in executive leader accountability following ethics scandals that involved top executives and led to demands for reform such as those in Sarbanes Oxley. The paper summarizes a literature review on the topic and introduces the research design, research hypotheses and research questions that are central to this study.
Introduction

When Dutch retail giant Ahold and Italy’s Paramalat joined the likes of Worldcom, Enron and Tyco, it became clear that ethical misconduct in organizations is a global issue. That ethical scandals are not limited to for-profit organizations, but also permeate public institutions and non-profits, is made abundantly clear by recent scandals involving politicians in the U.S. Congress and accusations of financial mismanagement against NGOs such as the American Red Cross, the Smithsonian Institution, and the J. Paul Getty Trust.

With citizen outrage against unethical practices mounting, so are initiatives to hold organizational leaders accountable. In the United States, the federal Sarbanes Oxley Act of 2002 was a highly visible effort to strengthen accountability among corporate executives and their boards, as well as imposing greater sanctions for wrongdoing. States like California are imposing similar provisions on nonprofits as evidence of wrongdoing rocks that sector as well (Gilkerson, 2007). Public officials in European countries are also becoming more vocal in their need to assure constituents that corporate and NGO leaders are upholding basic ethical standards by which their institutions are expected to function.

Externally imposed regulations, however, provide only a minimum set of expectations and sanctions. It is the organizational culture that really determines whether day to day actions are truly in line with ethics and the law. In a 2002 American Management Association study about one-third of the executives believed that their company’s public statements on ethics sometimes conflicted with internal messages and realities (as reported in Rhode, 2006: 13). Research suggests that leaders in organizations play a critical role in setting the ethical tone for their organizations (Verschoor, 2006). While theories about how ethical leadership comes about differ, there are strong suggestions that assessment procedures are an important part of the equation. In other words, organizations that assess their leaders on their ethical conduct are more likely to achieve higher ethical standards – the “what gets measured, gets done” adage applies to ethics as well as to other performance dimensions. Outcomes, however, will be dependent on an organization’s level of awareness of ethical issues, industry codes of conduct, and organizational cultures.

Focusing specifically on assessment strategies and practices, this research aims to make an important contribution to the under-researched area of ethical leadership. It asks whether and how organizations assess their leaders on their ethical performance. What is particularly unique about the approach of this study is that it aims to present a comparative analysis of assessment practices of leaders in senior management positions in both for-profit and non-profit organizations.

Timeliness of Research on Ethical Assessment

Some authors claim that ethics in business has become the most important problem facing American companies today (Pomeroy, 2006). The recent scandals that rocked America’s corporate world were directly responsible for the introduction in 2002 of the Sarbanes-Oxley Act (SOX). SOX established new expectations and legal standards for public company boards, company management and public accounting firms. SOX also addressed issues relating to auditor independence, corporate governance and enhanced financial disclosure.
While SOX is only legally binding for profit-making organizations, increasingly its introduction appears to be having implications for non-profit organizations. There is some indication that a number of NGOs have proactively adopted some policies in response to the Act, such as enhancing independent audits and improving Board oversight practices (Independent Sector, 2006). There are also reports of attempts to adopt state laws in order to make SOX provisions binding upon non-profits (Gilkerson, 2007).

Evidence suggests that leadership rather than externally imposed laws and regulations will have the greatest impact on organizational culture and behavior (Lipman 2006; Koestenbaum, 2005; Selvarajan, 2004). Thus examining the expectations and evaluations board governance imposes on senior executive leaders will provide much needed insight into how top executives are held accountable for providing such leadership.

**Review of the Literature**

According to Koestenbaum (2005), an important challenge to boards of directors is the creation of a “tone at the top” that promotes ethical conduct and results in attention to ethics permeating throughout the culture of an organization. It is his belief that deterring misconduct before it takes place is better than punishing it after the damage has been done. Koestenbaum points out that any organization can establish a code of ethics, but without its leadership promoting an ethical environment on a daily basis, the impact of such code of ethics will be negligible. One approach to achieving the “tone at the top” preventative approach is a comprehensive annual assessment of the ethical performance of leaders in senior management.

Along the same lines, Lipman (2006) argues that the key to creating an ethical work culture is to assure that leaders exhibit the highest of standards in regards to their conduct. He points out that the U.S. Department of Justice currently requires boards of directors to create an ethical, law-abiding culture to avoid criminal indictment. Lipman argues that financial incentives must be provided to the CEO to create such a culture. Holding the leaders of an organization accountable for their behavior through a yearly assessment process is critical for establishing a framework for providing such incentives.

Warren Bennis (2003), founder of the Leadership Institute at the University of Southern California’s Marshall School of Business, argues that leaders are those who create a climate of candor and trust throughout their organizations. In this regard, boards of directors are treating candor as one important measure for determining how a leader is promoting an ethical environment in which to work.

However, some researchers claim that performance evaluations of CEOs merely involve a cursory review of performance and automatically result in relatively standard pay increases (Ethics and Policy Integration Center, 2006). Over the past few years, however, this trend seems to be shifting with more and more organizations requiring and implementing formal and measurable evaluation systems for their senior leadership, based on better defined performance criteria. This new trend notwithstanding, we found little information available on ethics assessment strategies for senior leadership. While organizational consciousness about the importance of ethics among senior leadership may be growing, boards of directors of
organizations may be struggling with how to incorporate ethics assessment into their formal evaluation procedures.

Some business consultants have started responding to this need by offering ethics assessment and training programs. But ethics assessment practices for executive level leaders remains an under-researched area, and little information exists about what practices (let alone “best practices”) are being followed. This is an important incentive for our research because as expressed on the Ethics and Policy Integration Center’s (EPIC) website, “the dominant thinking in organizational life is that if you cannot measure it, it isn’t important;” and “what is measured is what tends to get attention and resources.” They go on to say, however, that “if it is truly important, you cannot measure it, at least with precision. Instead, what is important needs to be interpreted.” When it comes to defining and measuring ethics in organizations, it is clear that a lot of interpretation will be required.

Research that does address ethics assessment speaks about it generally and focuses primarily on the ethics of the common employee and/or the role human resource management (HR) can play in assessing ethics. However, according to Selvarajan (2004), performance appraisal systems have concentrated on economic performance to the exclusion of ethical dimensions of job performance. Selvarajan further states that a formal employee performance appraisal can play a critical role in improving ethical conduct. In this regard, an ethical assessment of a leader integrates ethics expectations into formal role identities and makes ethical conduct at work relevant to employee actions.

Van Wart (2004) suggests that ethical assessments generally focus on either determining how an organization is adhering to specified legal norms or evaluating how leaders are promoting ethical guidelines and monitoring standards for operational ethical conduct. To Van Wart, the former is best determined by an independent ethics audit of some kind and the latter by a formal ethical assessment as part of a performance review.

In this regard, a talk presented by James O’Toole at the Markkula Center for Applied Ethics (2004) suggests that any assessment of ethical conduct of employees should begin with an analysis of the CEO. Issues to be addressed are ethical reputation of the CEO, the communication of expectations of ethical behavior, the degree of ethical training available to employees, the system in place to report ethical violations and concerns, and rewards in place for those exhibiting highest standards of ethical conduct.

According to Lebovitz (2006), SOX has resulted in enhancing the likelihood that a culture of ethics based on action rather than discussion will occur. He states that ethical decision-making starts at the top with leadership that motivates others to emulate the behavior of the CEO. In this regard, leaders must speak openly about their views on the value of ethical behavior and, more importantly, behave accordingly themselves. In this instance, rewarding such actions through an annual assessment process can have a positive influence upon the work culture in an organization.

Other sources propose assessment methodologies (i.e. ways of getting at the data) leaving the question of who should be assessed unaddressed. There is also a substantial body of literature
that focuses on factors that might impact the outcomes of ethics assessment strategies, such as gender, cognitive processes, motivational factors, culture, people’s position in the organization etc. (Beutell, N. & Brenner, O., 1986; Bridges, J., 1986; Hodson, R., 1989; Greenberg, J., 1988.) As far as we are aware, our study is the first to focus attention on senior leadership and their ethics, asking organizations whether, and if so how, they assess ethics of executive level leaders.

Research Design

Our preliminary research revealed three main issues that needed to be resolved in order to successfully gather information on organizations’ ethics assessment strategies. First, we needed to determine who within the organizations had credible knowledge of the organizational assessment process of senior leadership. Second, we needed to determine the best way in which to access from these individuals data on ethical performance assessment practices. Third, we needed to determine exactly what kind of data to seek.

Study Sample

Since the board of directors is responsible for evaluating chief executives in both the profit and nonprofit sectors, our initial approach was to contact the chairman of the board to gather information on what boards were doing to assess ethical performance of senior executive leadership. We identified board chairs of several large profit and nonprofit organizations (not among the Forbes 200 we target in the study, so as not to contaminate our study group) and conducted preliminary telephone interviews. These interviews revealed a very strong interest in the research, as boards are grappling with ways to address leadership accountability for ethics. However, the interviews also revealed that approaching the board chairs of the largest profit and nonprofit organizations would not likely yield the desired information. By design, boards systematically organize themselves to be separated from direct contacts by the public, and many organizations have put into place formal procedures that prevent boards from providing the information required in this study. In addition, the strategy would be confounded by the common practice of for-profit CEO’s also holding the position of Chairman of the Board. Alternate sources of information (e.g. chief ethics officer, the human resources director, chairman of the board’s compensation committee) were also considered. These options were rejected because there was little consistency across organizations in the direct involvement of such positions in the evaluation of executive leaders.

Thus it was determined the study would target the chief executive (CEO, Executive Director or equivalent). Recognizing that the person from whom we will be gathering information is the same person whose ethical behavior and assessment is the subject of the investigation, we will try to account for respondent bias through the types of questions asked.

Based on feedback gathered in preliminary interviews, the topic of assessing the ethical conduct of chief executives is high on the agenda of today’s board of directors both in the private and nonprofit sectors. What appears to be driving interest in assessing the ethical conduct of executive leaders are the legal ramifications surrounding the Sarbanes-Oxley Act and related requirements being imposed on nonprofits, rather than a proactive strategy on the part of boards.
to assure that chief executives are exhibiting ethical conduct and leadership in a systematic and effective way. Preliminary findings suggest that boards of directors expect their chief executives to behave according to standards specified in a typical organizational code of ethics document. For example, in an effort to elevate the importance of ethical conduct on the overall list of expectations, some organizations have a practice of requiring the chief executive to sign a commitment to uphold the code of ethics.

It does not appear that an ethics metric is readily available in either sector to measure the outcomes of ethical conduct of a chief executive. Whereas there are metrics used for assessing the economic performance of a chief executive, no similar metric is readily available for measuring ethical conduct. Therefore, there may be a tendency to rely on informal processes and standards for assessing ethical conduct. That which is more concrete (e.g. whether the chief executive is meeting federal reporting mandates) is more likely to be considered by boards during annual evaluations, while other dimensions (e.g. whether the chief executive leads in creating an ethical organizational culture) may not be considered in any formal way. Whether this tendency is more evident in chief executives in the private sector than for counterparts in the nonprofit sector is one area to be examined in our research.

In the nonprofit sector, attention paid to ethics by boards is typically not determined by federal mandates, though nonprofit chief executives are similarly held accountable for their actions by the clients they serve and by reporting by the media. Again, there is typically no ethics assessment rubric readily available for boards to utilize as part of an annual performance review. These boards have a similar dilemma to their counterparts in the private sector.

**Data Gathering Tool**

Since chief executives of large organizations are under severe time constraints from carrying out their primary responsibilities leading the organization, it was determined that an efficient and less time consuming data collection strategy is required in order to access respondents for the study. Our preliminary interviews of board chairs suggested that the most effective strategy would be to access chief executives via email. It was determined that an online survey requiring no more than 10 minutes to complete would be the most appropriate mechanism for gaining access to credible information from chief executives.

**Sample Selection**

To allow for comparison between the for-profit and non-profit sectors, we used the Forbes 200 lists of the largest U.S. organizations in each sector for identifying the study sample. We used the top 200 U.S. companies from the Forbes 2007 list of the World’s 2000 Largest Public Companies, which they ranked based on measures of sales, market value, assets and profits (Forbes, 2007). We used the Forbes 2006 list of America’s 200 Largest Charities, which ranked nonprofits on the basis of private gifts (not total revenues) reported in the latest available fiscal year, and which excluded academic, charities with only a few donors (such as most private foundations), community foundations and religious institutions that don’t report numbers (Forbes 2006). Email addresses of the chief executive of the for profit Forbes 200 organizations was acquired from RSA Teleservices, Inc. of Quebec, Canada. Since no equivalent email list was
available for the nonprofit chief executives, those email addresses were gathered by making telephone contact with the 200 nonprofit organizations.

In order to avoid the problem of an email arriving from an unknown source (it would go out as Ethics Assessment Research at the University of Delaware <ethics-research@udel.edu), we first sent a letter by regular mail to the chief executive briefly explaining the research, asking for participation, and alerting him or her that the email would be arriving shortly. The letter also contained the URL for the online survey. The email was sent several days later.

Research Questions and Hypotheses

This study analyzes how executive leaders are assessed on their ethical conduct. In this study, an executive leader is identified as a CEO or President in an organization in the private sector and an Executive Director (or equivalent) in an organization in the nonprofit sector. The research questions to which answers are sought in this study are:

1. Do organizations in the private and nonprofit sectors follow a similar assessment process in evaluating the highest-ranking leaders on their ethical behavior?
2. Is this assessment process primarily formal or informal?
3. Do organizations in the private and nonprofit sectors utilize similar criteria when assessing the ethical conduct of their highest-ranking leaders?

The three hypotheses tested in the study are:

1. In both non-profit and for-profit organizations, the assessment of ethical conduct is not a significant part of the formal appraisal process of executive leaders.
2. The assessment process used for evaluating ethical conduct of executive leaders will vary by sector in which the organization is situated.
3. The criteria used to assess the ethical conduct of executive leaders will vary by sector in which the organization is situated.

Multi-Dimensional Analysis

The strategy adopted for this study was to gather data on multiple foci in the arena of ethical leadership. One focus of this study is on whether and how chief executives are assessed on their ethical conduct as individuals. Another focus is on whether and how chief executives are assessed on the leadership they provide in creating an ethical organization. A third focus of our study lies in trying to determine if there are differences in how organizations in the non-profit and for-profit sectors assess the ethical conduct of their chief executives. Finally, the study examines both formal and informal assessment processes. In analyzing these organization’s ethics assessment processes, we are anticipating a troublesome tension between executive leaders being held accountable for personal ethical conduct and their being held accountable for the ethical environment they are expected to establish.

Findings

(To be inserted Upon Completion of Data Gathering and Statistical Analysis)
References


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Notes:

¹ For the purpose of this paper the terms NGO and non-profit are used interchangeably.
Assessing Ethics of Executive Level Leaders

Informed Consent

We need your informed consent to participate in this research project.

The University of Delaware is conducting important research regarding the assessment process undergone by leaders in executive positions in the profit and non-profit sectors. The purpose of the study is to determine the degree to which ethical behavior plays a role in the performance assessment of executive level leaders (such as the CEO, Executive Director etc.). We are contacting the CEO (or equivalent) of the Forbes 200 list of largest companies, and the Forbes 200 list of largest nonprofit organizations. Participation in this study will require answering confidential survey questions, taking 5 to 10 minutes of your time.

Your survey responses will be completely confidential and will not be linked to you or to your organization. Findings will be reported as a group, distinguished only by sector (for profit or nonprofit). You can refuse to answer any question on the survey instrument, or stop completing the survey instrument at any time. Withdrawing from this research survey will not result in any negative consequences to you. Essentially, your participation poses no risks to you. Benefits, however, will accrue to the organizations that are the subject of the survey as you may elect to receive a copy of the final research report.

If you have questions about this research project, you may contact Dr. James L. Morrison at 1-302-831-8541. If you have questions regarding your rights as a participant, you may contact the Chair, Human Subjects Review Board, University of Delaware, at 1-302-831-2136.

* 1. I agree to participate in this research.
   - Yes
   - No

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Assessing Ethics of Executive Level Leaders

Demographics

Please check one option

(Questions 2-4 of 23)

2. Your position in the organization
   - CEO
   - President
   - Executive Director
   - Board of Directors
   - Other (please specify)

3. Gender
   - Male
   - Female

4. Type of Organization
   - Non-profit 501c3
   - Profit
   - Other (please specify)
Assessing Ethics of Executive Level Leaders

Classification of Organization

5. Classification of your organization - Nonprofits

- Human Services
- Health
- Education
- Environment
- Arts, Culture, Humanities
- Religion
- Public & Societal Benefit
- International
- Other (please specify)
6. Classification of your organization - For Profits

- Manufacturing
- Transportation
- Retailing
- Communication
- Public Utility
- Financial Services
- Other (please specify)
Organizational Framework for Assessing Ethical Conduct

Please rate your agreement or disagreement with each of the following aspects of assessment of executive leadership (such as CEO, President, Executive Director) in your organization.

(Questions 7-10 of 23)

7. In our organization, how we achieve results is just as important as the results themselves.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

8. Our organization has a robust ethics enforcement policy.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

9. Our organization uses an external consultant to assess our leaders in executive positions to ensure their compliance with our code of ethics.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

10. During their regular performance review, executive level leaders in our organization are formally assessed according to specified ethical conduct benchmarks.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>
11. Our organization openly posts its vision, values, and codes of conduct for public viewing

12. Executive level leaders are required to formally sign a statement to uphold the organization's code of ethics.

13. In our organization, executive level leaders are assigned formal responsibilities to ensure ethical conduct within the organization.

14. In our organization, ethical leadership primarily means meeting governmental legal mandates.

15. In our organization, ethical leadership primarily means promoting a discretionary proactive ethics strategy.
Assessing Ethics of Executive Level Leaders

Assessment Criteria for Evaluating Leader's Ethical Performance

Please indicate which of the metrics listed below is used in evaluating the executive leadership.

(Questions 16-17 of 23)

16. Which of the following criteria are explicitly included in the FORMAL assessment of executive level leaders? (Please select the THREE most important criteria - click on ONE ITEM PER COLUMN ONLY)

<table>
<thead>
<tr>
<th>Selection 1</th>
<th>Selection 2</th>
<th>Selection 3</th>
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<tbody>
<tr>
<td>Sets a good personal example of ethical conduct (Role Model)</td>
<td></td>
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<tr>
<td>Promotes the organization's core ethical values</td>
<td></td>
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<tr>
<td>Ensures safety and health of employees</td>
<td></td>
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<tr>
<td>Promotes social responsibility</td>
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<tr>
<td>Assures legal mandates are followed</td>
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</tr>
<tr>
<td>Puts safeguards in place to avoid fraud/deception (preventing unethical conduct)</td>
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<td></td>
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<tr>
<td>Monitors ethical practices of others (minimizes pressures to commit misconduct)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiates ethics education and training in the organization</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. Please describe any ADDITIONAL criteria which are explicitly included in the FORMAL assessment of executive level leaders. If there are none, please type "None"
Assessing Ethics of Executive Level Leaders

Assessment Criteria for Evaluating Leader's Ethical Performance Continued

(Questions 18-19 of 23)

18. Which of the following criteria are explicitly included in the INFORMAL assessment of executive leaders? (Please select the THREE most important criteria - click on ONE ITEM PER COLUMN ONLY)

Selection 1  Selection 2  Selection 3

Sets a good personal example of ethical conduct (Role Model)
Promotes the organization's core ethical values
Ensures safety and health of employees
Promotes social responsibility
Assures legal mandates are followed
Puts safeguards in place to avoid fraud/deception (preventing unethical conduct)
Monitors ethical practices of others (minimizes pressures to commit misconduct)
Initiates ethics education and training in the organization

19. Please describe any ADDITIONAL criteria which are explicitly included in the INFORMAL assessment of executive level leaders. If there are none, please type "None"

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Assessing Ethics of Executive Level Leaders

Procedures Utilized to Assess Ethical performance

(Questions 20-21 of 23)

20. Please indicate the actual procedure(s) utilized to gather data to assess the ethical conduct of executive level leaders. (Check all that apply)

- Self-Rating Assessment Metric
- Signed statement of agreement to standards of ethical conduct
- Assessment by a group external to the organization
- Assessment by a group internal to the organization (HR, ethics officer etc.)
- Completion of an assessment metric by board member
- Number of complaints received via hotline, feedback forms etc.
- None apply
- Other (please specify)

21. Which of the following measures (if any) are explicitly used in assessing ethical performance in your organization? (Check all that apply)

- Percentage of employees who completed ethics and compliance training
- Percentage of employees who have signed an agreement to uphold the organization's code of conduct
- Number of complaints received via ethics "help-line" or "hotline" feedback forms, suggestion box etc.
- Number of legal compliance complaints against the organization
- Cycle time for responding to internal ethics inquiries or complaints
- Cycle time for closing an ethics investigation on a specific complaint
- Quality of the information available regarding the organizations ethical expectations
- Cycle time for responding to external ethics complaints and inquiries
- None apply
- Other (please specify)
22. From the options below choose the processes that are explicitly used in your organization to enhance ethical performance (choose as many options as apply)

- Code of Conduct
- Ethics Training
- Confidential communication strategy to deal with ethical issues (hotline, feedback forms etc.)
- Organizational culture which values a voluntary and proactive ethics strategy
- Ethics administrator, commission or ombudsman to functions as problem solvers, provide advice and consultation
- Communication strategy to inform people about ethics
- None apply
- Other (please specify)

23. Is there anything else with regards to how your organization assesses the ethics of its senior leadership that you would like to share with us?
Assessing Ethics of Executive Level Leaders

Thanks!

You have completed the survey. You will be able to exit the survey by clicking on "next" at the bottom of this page and clicking on "done" on the next page. You MUST click "done" in order for you answers to be stored in the database.

If you are able and interested in providing further input for our research please take a few more seconds to review our final request on the next page before clicking "done".

We appreciate your participation in this important research. You may look forward to receiving a summary of our findings via email in the near future.

<< Prev  Next >>
In order to better understand how organizations assess ethics of senior leadership, our research team would be very interested in analyzing the actual assessment tools organizations use for this purpose. Therefore we would greatly appreciate it if you would send us a copy of the assessment tools (such as performance evaluation instruments, metrics etc.) your organization uses.

This is an additional research request that we CAN NOT IN ANY WAY CONNECT TO THE SURVEY that you just completed. Rest assured that any information you share with us will be treated confidentially and will not be passed on to any of the other organizations participating in our research.

If you would like to share your tools with us, please send a copy of your assessment tools to the following address

Ethics Research Project
Attn: Alain Noghiu
University of Delaware
184 Graham Hall
Newark, DE 19716

You may also send your electronic versions to alain@udel.edu

We greatly appreciate your support for this project.

<< Prev       Done >>