UNITED STATES OFFICE OF GOVERNMENT ETHICS

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PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

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SUBJECT: Ethics Education: Using the Regulation to Maximize Effectiveness

Ethics education is a key instrument for reducing risks to agency programs by raising employees' awareness of their roles in protecting government integrity and helping them prevent ethical missteps in the performance of their duties on behalf of the American people. This Program Advisory provides the U.S. Office of Government Ethics' (OGE) recommendations on how to use the Government Ethics Education regulations[1] to reduce risk by maximizing ethics education program effectiveness. Specifically, this Program Advisory provides guidance on how Designated Agency Ethics Officials (DAEOs) should use the expanded authorities available to help them determine the appropriate content for annual training[2] and to carry out effective ethics education programs. As described more fully below, DAEOs should: (1) assess ethics risks and education needs; (2) identify appropriate content, format, and timing; and (3) regularly evaluate the overall efficacy of their programs.

Assessing Ethics Risks and Education Needs

OGE suggests that DAEOs assess ethics risks across their organizations and develop appropriate ethics education tools to mitigate the risks identified. To assess risk, DAEOs are encouraged to:

- review advice logs for common issues;
- discuss upcoming work and agency priorities with senior staff;
- talk to program managers about risks inherent in their work;
- conduct surveys to identify common and emerging ethics risks; and
- talk to employees about the ethics concerns they encounter in the workplace.

Because ethics risks and education needs are unlikely to be uniformly distributed throughout an agency, DAEOs should develop different ethics education messages and products for different groups of employees based on risk.

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[1] 5 C.F.R. pt. 2638, subpt. C.
[2] 5 C.F.R. §§ 2638.307(e), .308(f).

Identifying Appropriate Content, Format, and Timing

Next, OGE suggests that DAEOs use the results of their risk and needs assessment to identify and appropriately tailor ethics content to different audiences. For those employees required to receive annual training, the training presentation must focus on content that "the DAEO deems appropriate" for participants in the training session.[3] DAEOs should consider the ethics risks most relevant to the day-to-day work of their specific audiences when deciding which ethics concepts to cover and how much time to dedicate to each. For example, employees involved in procurement may require a greater emphasis on financial conflicts of interest. Similarly, employees involved in science and research may require greater emphasis on outside teaching, speaking, and writing.

Just as the content of ethics education should be relevant to the intended audience, the format of any ethics communications should be appropriate to the needs of the target audiences. Employees in positions with elevated ethics risks may benefit from in-person briefings and communications. Employees with ongoing ethics risks may benefit from a series of written or oral reminders. For employees who face minimal risks in their day-to-day work, basic, web-based training may be sufficient.

The timing of ethics communications is also essential to maintaining an effective program. For example, agency executives may require frequent, short interactions addressing real-time issues. Employees whose work poses episodic ethics risks may require targeted communications that coincide with the beginning of sensitive work.

Notably, OGE has given DAEOs the authority to establish any "additional requirements for the agency's ethics education program" that the DAEO deems necessary to make their agencies' ethics education programs effective.[4] For some high-risk groups of employees, additional required ethics education may be necessary to address specific concerns.

Evaluating the Effectiveness of an Ethics Education Program

Finally, OGE suggests that DAEOs continually evaluate the effectiveness of their ethics education program. To assess whether ethics education and communications are successfully managing ethics risks in their agencies, DAEOs are encouraged to:

- conduct self-assessments to ensure that required employees are receiving training;
- administer post-training evaluations to assess participants' perceptions of the training;
- review advice logs for increased activity after training presentations and communications; and

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[3] 5 C.F.R. §§ 2638.307(e)(1), .308(f)(1). In addition to the training presentation, agencies are required to provide written notice to employees about their obligations under the Standards of Conduct, and any supplemental agency ethics regulations. *See* 5 C.F.R. §§ 2638.307(e)(2), .308(f)(2).
[4] 5 C.F.R. § 2638.309.

- hold discussions with agency leaders and employees to evaluate whether the training and communications they received have supported them in managing ethics risks.

OGE Support

OGE will continue to provide resources, guidance, and training to help DAEOs create and maintain effective ethics education programs. OGE support includes in-person and distance-learning workshops for ethics educators, as well as tools and models that agencies can use to improve their ethics education programs. OGE has already created a suite of ethics education materials that agencies can customize for their own use. These tools can be found here: https://www.oge.gov/web/oge.nsf/Resources/Ethics+Training+Tools+and+Templates

If you have questions or would like to share your agency's success in meeting these requirements, please contact Patrick Shepherd at 202-482-9206 or pshephe@oge.gov.