



## **Equity Action Plan**

### **U.S. Office of Government Ethics**

#### **(1) Executive summary**

The U.S. Office of Government Ethics (OGE) leads and oversees the executive branch ethics program which is at work every day in more than 130 agencies. The executive branch ethics program works to prevent financial conflicts of interest to help ensure government decisions are made impartially to serve the public. OGE carries out its mission by developing and interpreting ethics laws and regulations, supporting and training executive branch ethics officials, administering the executive branch financial disclosure systems, monitoring senior leaders' compliance with ethics commitments, ensuring agencies comply with ethics program requirements, and making ethics information available to the public.

In the course of fulfilling this mission, OGE has determined that it can most effectively advance equity and remove barriers for underserved communities in three key program areas: (1) ethics education, (2) release of ethics records, and (3) procurement. As described in detail below, OGE plans to undertake, or has already implemented, a variety of actions to further equity among federal employees, the general public, members of the greater executive branch ethics community, and disadvantaged businesses. Resulting from its earlier assessments of the programs that affect each of these groups, OGE has arrived at tangible actions that should bear quantifiable results. Moreover, as also specified below, OGE has developed plans for holding itself accountable for carrying out its planned actions and for monitoring their success.

#### **(2) Summary of early accomplishments**

OGE has begun taking steps to gather insights from ethics officials about equity in the executive branch ethics program in order to improve public access to and understanding of the ethics records it makes available, and to continue its success in supporting disadvantage businesses through its purchasing.

Of note, during the summer of 2021 OGE held listening sessions for members of the federal ethics community and for OGE employees, to obtain feedback on what barriers to equity they perceive in the policies or programs of the executive branch ethics program and on what ideas they have for addressing these barriers.

The results of the listening sessions have informed the planned or implemented actions described below.

#### **(3) Equity action plan**

##### **ACTION 1- REMOVE INEQUITIES IN ETHICS EDUCATION TO ENABLE FEDERAL EMPLOYEES TO BETTER SERVE THE PUBLIC**

###### **A. Barrier to Equitable Outcome(s)**

- *Barrier OGE is trying to address:*

OGE seeks to address potential inequities that may exist in the delivery and content of required ethics education to federal employees, which in turn may impact an employee's understanding of their ethical obligations under the Ethics in Government Act, the criminal conflict of interest laws, and ethics regulations. A lack of understanding could negatively impact how federal employees carryout their work and deliver services to the public, including underserved communities.

- *Program, policy, or regulation that contributes to this barrier:*

The regulatory framework for ethics education does not specifically mention inclusivity or accessibility. However, the following mandatory ethics training can be improved to become more inclusive and accessible:

- Initial Ethics Briefing, which is required for new high-level employees
- Initial Ethics Training, which is required for all new employees
- Annual Ethics Training, which is required for employees required to file a Confidential Financial Disclosure report or a Public Financial Disclosure report, and certain other employees
- Notice to New Supervisors, which is required for new supervisors

- *Populations most impacted by this barrier:*

- Employees of the executive branch from underserved communities (including those who may not see themselves as being represented in the materials used to deliver required ethics training)
- Employees who have visual or hearing impairments
- Employees who have cognitive disabilities
- Employees for whom English is a second language or for whom standard legal language (i.e., "legalese") presents an impediment to learning

- *Evidence indicating that this barrier meaningfully impacts full and equal participation:*

- Lack of inclusivity in the language used or the individuals represented in the training will keep target audiences from absorbing the training as effectively as they would otherwise. (See [Legalese v. Plain English: An Empirical Study of Persuasion and Credibility in Appellate Brief Writing](#))
- In the summer of 2021, OGE conducted DEIA listening sessions for ethics officials across the executive branch. Ethics officials indicated that target audiences may be more receptive to ethics training if they see themselves represented in the training presentations and the training presenters.

- OGE’s listening sessions revealed that not all training products, such as webinars, PowerPoints, and training aids, are fully accessible to those who have visual, aural, or cognitive impairments.

## **B. Action and Intended Impact on Barrier**

- *Actions OGE will take to eliminate/reduce the barrier:*

OGE plans to take the following actions to eliminate/reduce the barrier:

- Conduct a review of OGE’s collection of resources for delivering ethics education to new and current federal employees and update, as needed, so that these resources reflect the principles of diversity, equity, inclusion, and accessibility
- Share resources, through presentations and/or written guidance, with ethics officials on how to incorporate DEIA principles into the delivery of ethics education to their agencies’ federal employees
- Ask agencies to assess their ethics education materials
- Hold interactive workshops for ethics officials so that they can implement the principles they have learned into the ethics education they will deliver to employees and receive feedback from their peers

- *Reason(s) for prioritizing these actions:*

Because the executive branch ethics program is decentralized, OGE is focusing its efforts on training the ethics officials who, in turn, provide ethics education to their own agencies’ employees whom serve the public, including underserved communities.

- *How the actions are expected to result in reducing or eliminating the barrier to equitable outcomes:*

By improving OGE’s ethics education materials for ethics officials and creating a framework through which agency ethics officials can improve the ethics education delivered to their own agencies’ workforce, OGE aims to better serve populations of federal employees that may have previously been underserved, which in turn may impact how federal employees carry out their work and deliver services to the public, including underserved communities.

## **C. Tracking Progress**

- *Factors to be used to determine whether the action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near-to mid-term (2-4 years out):*

OGE will track its progress by:

- Tracking the number of OGE-created ethics education materials updated
  - Collecting data, such as the number ethics education materials updated by agency ethics officials, via a data call, for example the Annual Agency Ethics Program Questionnaire
  - Encouraging agencies to survey their employees after conducting ethics education
  - Considering examining each agency's progress as part of regular agency program reviews
- *What success might ultimately look like in the long-term (5-8 years out):*
- Ethics education throughout the executive branch incorporates diversity, equity, inclusion, and accessibility principles

#### **D. Accountability**

- *How OGE will hold itself accountable to implementing this action:*
- These actions will be embedded in the Strategic Plan, as well as in OGE's Fiscal Year 2022 and 2023 Annual Performance Plans. The team implementing this action will report on its progress at quarterly meetings with OGE's senior leadership as well as at the standing, quarterly meetings with agency ethics officials. OGE may also include one or more questions on OGE's Annual Questionnaire and/or as part of agency program reviews to gather data about implementation of DEIA principles in ethics training and report the results in OGE's public-facing summary report of questionnaire data.

### **ACTION 2 – IMPROVE EQUITABLE ACCESS TO ETHICS RECORDS AVAILABLE UNDER THE ETHICS IN GOVERNMENT ACT OF 1978 AND OGE IMPLEMENTING REGULATIONS**

#### **A. Barrier to Equitable Outcome(s)**

- *Barrier OGE is trying to address:*

OGE is trying to address the potential inequitable awareness of, and access to, ethics records, including public financial disclosure records, which serve to support public confidence in the impartiality of government decision-making within the existing statutory requirements.

- *Program, policy, or regulation that contributes to this barrier:*

The executive branch ethics program is established by the Ethics in Government Act of 1978, as amended, and is carried out by OGE in accordance with its implementing regulations and guidance.

- *Populations most impacted by this barrier:*

Improvements in access to and release of ethics documents would most benefit members of the public from underserved communities who seek these records, including those with the following challenges:

- Individuals who are unaware of the availability of the ethics documents and who OGE is not able to reach through our current outreach efforts – website, Twitter, media amplifiers, etc.
  - Individuals whose primary language is not English
  - Individuals with lower literacy rates
- *Evidence indicating that this barrier meaningfully impacts full and equal participation:*
    - Per the U.S. Census, American Community Survey, 21.6% of people speak a language other than English at home.
    - Per the Literacy Project, the average reading competence in the United States is at the 7th to 8th grade level.
    - Further, per the National Assessment of Adult Literacy, the NAAL survey found that 12% of adults (25 million) function at a below basic document literacy level and 22% (47 million) function at a basic document literacy level. Document literacy includes the knowledge and skills needed to perform document tasks, (i.e., to search, comprehend, and use non-continuous texts in various formats). Examples include job applications, payroll forms, transportation schedules, maps, tables, and drug or food labels.
    - In his book *Sludge*, Cass Sunstein discusses impacts of administrative burden on underserved communities, such as preventing people from obtaining access to benefits for which they are eligible, including information. Examples of “sludge” include lengthy forms, complicated websites, waiting time, and bureaucratic jargon. Sunstein’s studies indicate “sludge” has disproportionate effects on the historically marginalized, like the elderly, sick, people of color, and people with low incomes.
    - In addition, in their book *Administrative Burden: Policymaking by Other Means*, Pam Herd and Don Moynihan explain that “learning costs” can also

impact full and equal participation. Learning costs refer to time and effort expended to learn about a program, protection, or service, ascertaining eligibility status, the nature of benefits or protections, conditions that must be satisfied, and how to gain access to benefits or protections.

## **B. Action and Intended Impact on Barrier**

- *Actions OGE will take to eliminate/reduce the barrier:*

OGE plans to take the following actions to eliminate/reduce the barriers:

- Re-write/simplify the instructions for completing the ethics records request form (OGE Form 201)
- Ensure the online OGE Form 201 is compliant with the Integrated Digital Experience Act, which includes being mobile friendly and using the U.S. Web Design Guidelines
- Review and modify, as needed, OGE communications about how to access ethics records using the OGE Form 201
- Add a customer service option for individuals requiring assistance while requesting ethics documents from OGE
- Translate the online OGE Form 201 into other languages, prioritized by U.S. Census population, starting with Spanish

- *Reasons for prioritizing these actions:*

As noted above, OGE prioritized these actions because the release of ethics documents is one of the few direct services OGE provides to the public and these actions can be completed in the near term.

- *How the actions are expected to result in reducing or eliminating the barrier to equitable outcomes:*

By modifying the ethics document request form (OGE Form 201) using the U.S. Web Design Guidelines, OGE will rely on a proven design solution that delivers a more seamless, user-friendly experience (a key requirement of 21st Century Integrated Digital Experience Act (21st Century IDEA) [digital.gov]) and, as a result, increase the number of ethics documents that may be successfully requested and examined. In addition, by translating the form into other languages and simplifying the instructions, OGE will mitigate a language/comprehension barrier that may have been preventing individuals from requesting these key ethics documents.

## C. Tracking Progress

- *Factors to be used to determine whether the action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near-to mid-term (2-4 years out):*

OGE may use the following factors to determine whether the agency action has eliminated or substantially reduced the barrier to equitable access identified above in the near-to-mid-term:

- Number of page-views of translated pages or similar website analytics
  - Conduct post request surveys that includes questions asking if requestors are from underserved communities
- *What success might ultimately look like in the long-term (5-8 years out):*

Ultimately, in the long term, success might include broader awareness of the executive branch ethics program and use of ethics documents by organizations that advocate/represent the issue of particular importance to underserved communities, thereby increasing trust in government decision-making.

## D. Accountability

- *How OGE will hold itself accountable to implementing this action:*

These actions will be embedded in OGE's Strategic Plan, as well as in OGE's fiscal year 2022 and 2023 Annual Performance Plans. OGE will coordinate with other agencies to obtain stakeholder information to share changes to access and request ethics documents, as well as use its existing communication channels, such as Twitter, to share information about document access.

## ACTION 3 – USE THE AGENCY'S PURCHASING POWER TO REDUCE INEQUITIES

### A. Barrier to Equitable Outcome(s)

- *Barrier OGE is trying to address:*

OGE is trying to reduce inequity by using its purchasing power as a federal agency in ways that benefit historically underserved communities, such as by making purchases from, and entering into contracts with, small and disadvantaged businesses.

- *Program, policy, or regulation that contributes to this barrier:*

OGE is subject to government-wide purchasing and procurement requirements. Within those standards, OGE seeks to maximize its ability to make purchases and let contracts benefitting underserved communities by using disadvantaged

businesses for the goods and services it needs.

- *Populations most impacted by this barrier:*

Small and disadvantaged businesses

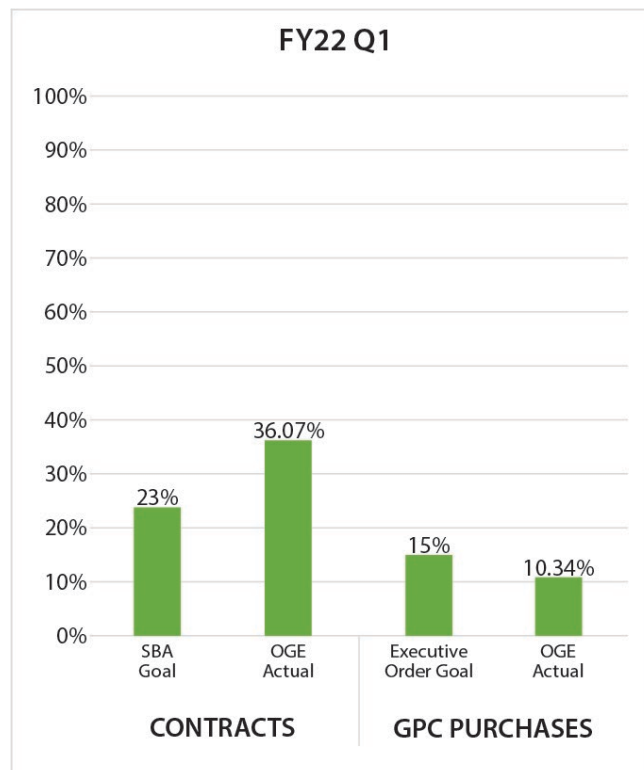
- *Evidence indicating that this barrier meaningfully impacts full and equal participation:*

Although OGE has historically met or exceeded federal goals for Government Purchase Card (GPC) purchases from, and contracts with, small and disadvantaged business, OGE intends to further formalize its efforts and take additional steps to ensure accountability in its processes.

## **B. Action and Intended Impact on Barrier**

- *Actions OGE will take to eliminate/reduce the barrier:*

OGE will continue to maximize its use of small and disadvantaged businesses when making GPC purchases and letting contracts and will further formalize its procedures to ensure it continues to excel in this area. The table below reflects the result of OGE's efforts in this regard during the first quarter of fiscal year 2022.



OGE will further formalize our processes and procedures for purchasing and contracting to ensure ongoing success and accountability.



- *Reasons for prioritizing these actions:*

Government purchases and contracts can improve equitable outcomes. OGE can ensure that its discretionary GPC spending and contracting considers equity and is documented, tracked, and measured.

- *How the actions are expected to result in reducing or eliminating the barrier to equitable outcomes:*

OGE intends that by formalizing and routinely monitoring its processes and procedures in this regard, the agency will be able to better ensure that small and disadvantaged business will be consistently considered and utilized, as much as possible within established federal acquisition guidelines, thus mitigating potential barriers to underserved communities benefitting from government spending.

### **C. Tracking Progress**

- *Factors to be used to determine whether the agency action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near- to mid-term (2-4 years out):*

Determining factors will consist of OGE's actual GPC purchases from and contracts with underserved communities as compared to federal goals. OGE will track its actual spending and contracting against federal goals to in order to meet or exceed them.

- *Indicate what success might ultimately look like in the long-term (5-8 years out):*

To the extent feasible, success will be measured by OGE consistently exceeding its current performance in driving GPC purchases and contracts to underserved communities via small and disadvantaged businesses.

### **D. Accountability**

- *How OGE will hold itself accountable to implementing this action:*

OGE will perform quarterly reviews and report the results to the CFO to ensure continued success and will strive to improve the diversity of vendors selected with regard to its GPC and contracts programs in order to meet or exceed established federal acquisition goals for small and disadvantaged businesses.