

Constructing a Code of Ethics: An Experiential Case of a National Professional Organization

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ABSTRACT. This paper documents the development and implementation of an ethically valid code of ethics in a newly formed national professional organization. It describes the experience and challenges faced by the National Association of Senior Move Managers (NASMM) and its leaders as they worked to establish ethics as an organizing framework early in its evolution. Designed by the investigators and supported by the NASMM Board, the process took place over a 2 year period and more than 130 people participated. It provides a model for code development that is both practical and grounded in theory. Although the content of a code of ethics (the “product”) provides guidance to organizational members in the conduct of everyday business, especially when they face ethically challenging situations, how the code is developed (the “process”) influences its ethical validity. Few published cases document an organization’s experience developing a code, and this is the first case, to our knowledge, that provides a first-hand longitudinal account of an effective code development process.

KEY WORDS: development of a code of ethics, ethical culture, ethical leadership, ethical validity

In the past decade, criminal behavior by senior managers at large corporations like Enron, Adelphia, World Com and Tyco have, at once, engaged and shocked academics, professionals, and the general public. In response to, what seems to be, an explosion of unethical behavior in both the for profit and not-for-profit sectors, within government and business, higher education and religious institutions, organizations have added new positions to lend legitimacy and a public face to their efforts to support ethical behavior. The acronym, CEO, has taken on new meaning with the creation of the title, “chief ethics officer,” and, in some corporations, rules of

conduct and behavior have been subsumed under the more traditional area of “risk management.” Even as cases of unethical behavior appear in news headlines, organizations of all types continue to adopt codes of ethics and promote them in the arena of public opinion. However, a written code of ethics, no matter how carefully designed and constructed, is only one component of an organization’s ethics program, and its presence is not sufficient to prevent unethical behavior – as experience, unfortunately, has borne out time and time again. Lencioni (2002) argues that the rapid increase in adoption of codes of ethics reflects a “values fad” and that in many firms, values “...too often stand for nothing but a desire to be au courant or, worse still, politically correct” (p. 114). Moreover, a formal code – often simply a sheet or two of paper – must be embedded in an ethical culture if the goal is to guide the actions of organizational members who confront ethically challenging situations.

At the same time, a large body of literature has sprung up around codes of ethics (e.g., Cleek and Leonard, 1998; Cressey and Moore, 1983; Kaptein, 2008; Peterson and Krings, 2009; Schwartz, 2002, 2005; Stevens, 2008; Verbos et al., 2007; Webley and Werner, 2008); however, the process of code development remains understudied in contrast to work that examines code content and effectiveness. Kaptein (2008) and others (e.g., Cleek and Leonard, 1998; Davis, 2000; Frankel, 1989; Kaptein, 2004; Verbos et al., 2007) argue for more integrated study of codes as “products” and the “processes” used to develop and embed them. We take the position that there is not a distinct boundary between process and product – it is a permeable one and organizations must recognize that the code development process

heavily influences the product and its effectiveness. Thus, we agree with the call to "...couple the code with the coding process" (Helin and Sandstrom, 2007, p. 261) through rigorous examination of codes that goes beyond individual dimensions of content and effectiveness to assess its ethical validity (Newton, 1994).

This paper addresses the construction of a living code of ethics for a newly established national professional organization, the National Association of Senior Move Managers (NASMM). The NASMM experience provides a rich model for organizations that seek to develop an ethically valid code and to "embed a good code well" (Kaptein, 2008, p. 7). To our knowledge, it is the first published account of a code development process built on Newton's (1994) three principles of participation in development, validity in content, and authenticity of leadership. We begin with an overview of the senior move management industry, one of the so called "silver industries" that developed over the past decade in response to the specialized needs of the growing senior market. To provide a context for the discussion, we situate the NASMM experience in the literature on the development of corporate and professional codes of ethics; and we explain the process used to develop the code in conjunction with the majority of association members at two annual NASMM meetings. We highlight the importance of identifying core organizational values in the construction of a code, the need for a process grounded in group consensus, and present a sample of activities in which the membership participated to arrive at the elements of the code.

Senior move management: a growth industry and a new professional association

The connection between business and aging is not new. Apart from long term care, the number and types of businesses targeting older adults are sufficiently large and varied that they can be categorized into these groups: those that market anti-aging products to the sub-set of seniors who resist the physical manifestations of aging; those that target older adults seeking "lifestyle" products and services; and, finally, those, like AARP, that provide a myriad of benefits – ranging from political lobbying to car

insurance – to the older consumer through membership organizations (Dennis, 2004). In the United States, long term care has the longest, most dynamic and, perhaps, the gloomiest history of the various industries linked to aging. With the nursing home as the end point on the continuum of care, the long term care industry provides health and social services to an older adult market that seldom wants, but often needs and purchases its services. Beginning in the mid-twentieth century as the US economy became more industrialized, as more and more workers began to relocate from the farm to the city, as family size decreased, and after social security legislation was enacted, older adults who needed supportive care found their way to small board and care homes, the vanguard of what eventually grew into the long term care industry as we know it today.

In the past decade, a number of new and/or re-tooled industries emerged as the US population has aged, life expectancy has increased, and the population bubble of baby boomers approaches the aging phase of life. Senior move management is a "silver industry," that is, one of a number of businesses that "create, produce, market, and sell goods and services to older people" (Cutler, 2004, p. 6). With increased life expectancy, spawned by advances in medicine, science and technology, has come the expansion, not only of long term care for seniors, but also of new living arrangements – 55-plus communities, assisted living, and continuing care retirement communities. Increases in women's labor force participation combined with the social mobility of families, the traditional informal caregivers to aging relatives, means that adult children are frequently unavailable to assist their parents in downsizing and moving to new quarters. Nonetheless, children are often directly involved in the decision to relocate their parent and to engage the services of a senior move manager.

In response, a new occupational role emerged in the mid-1990s to fill the void – senior move management. Firms in this industry are usually small, local, independent organizations owned and operated by enterprising entrepreneurs who take a "hands on" approach to every facet of operations. As competition grew from within and outside the industry, a few owners began to franchise their business (Novack, 2004). Nearly all senior move management companies offer an array of pre-move

(sorting, packing, contracting with moving company, disposing of unwanted items via sales, auction, or trash removal, involving adult children in planning, etc.) and post-move services (unpacking, designing floor plans, set up, picture hanging, etc.). In addition, many senior move managers develop specialized knowledge about the social and emotional aspects of aging, especially those connected to “moving a lifetime” of accumulated assets and memories.

Leaders of the senior move management industry, its youth notwithstanding, moved quickly to establish a professional trade organization. The National Association of Senior Move Managers (NASMM) was founded in October 2002 when 22 people representing 16 companies – mainly on the east coast – met in Virginia to develop a mission statement and strategy for the fledgling organization. Its mission then and now is:

...to facilitate the physical and emotional aspects of relocation for older adults, to increase industry awareness, to establish a national referral network, to enhance the professional competence of members, and to promote the delivery of our services with compassion and integrity (NASMM, 2009).

Only a year after its founding, with an active governing board in place, and a membership that had tripled, NASMM leaders had already turned their attention to developing an organizational code of ethics. Although NASMM’s founders did not use the phrase “ethically valid Code of Ethics,” it was clear from the start that their motivation to develop a code was consistent with Paine’s (1994) advocacy of an “integrity strategy” (p. 111), one that views “ethics as a driving force of an enterprise (p. 111)...the governing ethos of an organization” (p. 107). A primary goal of the NASMM founders was to develop a code that reflected “...a set of fundamental, strategically sound beliefs” (Lencioni, 2002, p. 116) that “would set the industry apart from others” (M. Novack, personal communication), making it what Lencioni terms “aggressively authentic” (p. 115). NASMM’s leadership intended to influence the nascent industry’s ethical stance, not just that of the individual entrepreneurs, by “...setting new and progressive standards that are challenging, proactive and that inspire other organizations to follow...” (Kaptein, 2008, p. 61). Its founding President

believed that “...establishing the code was important to establishing the industry” (M. Novack, personal communication). Achieving this goal required a blending of process and product as the NASMM code of ethics evolved.

Codes of ethics: an overview

History shows that the development of codes of ethics in corporate America is cyclical and reactive, generally responding to gross misconduct, with early codes skewed toward an emphasis on legalistic content with the objective of constraining employee behavior (Benson, 1989; Cressey and Moore, 1983; Henderson, 1982; Helin and Sandstrom, 2007; Rezaee et al., 2001; Stevens, 2008; Wood and Rimmer, 2003). Global bribery scandals in the 1970s led to the first sustained period of code development. Activity subsided somewhat after the passage of the Foreign Corrupt Practices Act in 1977, but increased again in reaction to headline-grabbing scandals in the financial industry in the mid-1980s, and the 1991 Federal Sentencing Guidelines as revised in November, 2004 (Ethics Resource Center, 2009). Even today, widespread adoption of codes of ethics continues by organizations (e.g., Kaptein and Wempe, 1998), professional associations (e.g., Davis, 2000; Gotterbarn, 1999; Peterson and Potter, 2004; Shaw and Tarvydas, 2001) and occupational groups (e.g. National Association of Geriatric Care Managers, 2004).

Despite a burgeoning literature in business ethics, no standard conceptual framework exists that incorporates a uniform definition of a code, consensus about its purpose, content, process of development and implementation, or use and impact (Frankel, 1989; Kaptein, 2004; Stevens, 2008). Until the late 1990s, conceptual and empirical work focused almost exclusively on the narrow area of code content. Descriptive studies of the proliferation of codes in various industries (e.g., Adams et al., 2001; Farrell and Farrell, 1998; Kaptein, 2004; Long and Driscoll, 2008; Rezaee et al., 2001; Wotruba et al., 2001) and conceptual analyses of different types, including professional and corporate codes of ethics, credos, and codes of conduct dominated the literature (e.g., Farrell et al., 2002a; Frankel, 1989; Nijhof et al., 2003).

While attention to code content continues, a significant body of work on code effectiveness emerged over the past decade (e.g., Cleek and Leonard, 1998; Farrell et al., 2002b; Helin and Sandstrom, 2007; Peterson and Krings, 2009). There is broad consensus that the existence of a code does not reveal anything about why it was developed or whether it is effective, and empirical findings on effectiveness are mixed (Farrell et al., 2002b; Kaptein and Schwartz 2008; Schwartz, 2005). In their early study, Cressey and Moore (1983) pointed out that there is no practical way to assess effectiveness, and 25 years later, there has been little progress (e.g., McKinney and Moore, 2008; Valentine and Barnett, 2002). Much of the research on this topic fails to control for characteristics of the code itself, e.g., content or the larger culture in which the code is embedded (Joseph, 2003). Mixed findings in studies of code effectiveness may be due, in part, to the absence of consensus on a definition of a code and its core elements, as well as inconsistent methodologies. Although some have attempted to impose a post hoc analytic framework on one or more of these dimensions (e.g., Frankel, 1989; Gaumnitz and Lere, 2004; Hosmer, 1994; Kaptein 2004; Kaptein and Schwartz, 2008; Kaptein and Wempe, 1998; Schwartz, 2002, 2005; Wood and Rimmer, 2003), more dissensus than consensus exists, and the debate rages on.

A few researchers have attempted to distinguish rule-oriented or compliance-based ethics programs from those that are values-based. These studies are limited because they rely exclusively on attitudes and employee perceptions (Stansbury and Barry, 2007; Trevino et al., 1999). Findings from this literature demonstrate that while positive outcomes are associated with compliance-based ethics programs (e.g., higher levels of ethical awareness, reporting of misconduct, employee integrity, and lower levels of perceived misconduct), positive effects are stronger in organizations with values-based programs (Weaver and Trevino, 1999).

In the past 20 years, scholars (e.g., Kaptein and Wempe, 1998; Rezaee et al., 2001; Trevino et al., 2000) have begun to emphasize the need for a more proactive approach to code development, which encompasses creation, implementation and administration (Schwartz, 2002). Nonetheless, code development remains the most understudied area in

the literature on codes of ethics and virtually no empirical work on this topic exists aside from a few limited case studies (Farrell et al., 2002a; Frankel, 1989; Gotterbarn, 1999; Kaptein and Schwartz, 2008; Kaptein and Wempe, 1998; Nijhof et al., 2003; Sinclair, 1998). Schwartz (2002, 2005) criticizes the widespread assumption that codes are *prima facie* ethical, while Kaptein and Schwartz (2008) argue that knowing how a code was developed is a prerequisite to measuring its effectiveness. According to Schwartz (2002), analysis of code content has been truncated because studies generally ignore the process of development. His thinking has evolved from an earlier view, espoused by others (e.g., Schwartz, 2000) that is highly critical of codes because so many emphasize compliance with authoritarian rules without regard for the content of those rules. Schwartz (2000) recognized that business organizations can try "...to create an environment... where employees can be comfortable in choosing to do what they believe is the right thing to do...far more arduous than [*sic*] creating an ethical code..." (p. 182). He argues that to achieve this condition, organizations must not rely solely on rules-based code content; rather, they must invest in a process that begins with values. Schwartz's argument agrees with MacIntyre's (2006) position that "...knowing which rule to apply in which situation and being able to apply that rule relevantly are not themselves rule-governed abilities. Knowing how, when, where and in what way to apply rules is one central aspect of *phronēsis/prudential* [*italics in original*]" (p. 164). Aristotle defines *phronēsis* ("practical wisdom") as an intellectual virtue (350 B.C./1999) and Nyberg (2008) explains that it refers to "...the ethically good action a practical wise person would take (p. 589) and requires that members of a community be encouraged to critically question written and unwritten rules of conduct. Nyberg's (2008) argument is similar to others who urge that codes of ethics can only achieve their fundamental purpose – to guide employees to make ethically desirable choices – when they are situated in an ethical culture that allows the content of a code to be questioned.

Schwartz (2005) cautions that continued research on codes of ethics without a theoretical foundation is fruitless. He advocates, and we agree, that the appropriate framework is one based on Newton's construct of ethical validity (1994) introduced nearly

20 years ago to describe why some codes succeed and others fail. Newton urges that managers shift from a focus on “dead rule to living dialogue” (1994, p. 86) as they strive to develop an ethically valid code – similar to what Frankel (1989) describes as a living code of ethics – that considers both process and product.

For a code to achieve ethical validity, and realize the potential to be a living document, the code development process must be participative, the content must be values-based, and leaders must be authentic ethical managers who facilitate code development, are committed to “doing the right thing” (Rezaee et al., 2001, p. 173), and who employees perceive as both moral persons and moral managers (Trevino et al., 2000). Only when a code satisfies these principles can it become a living ethically valid document, recently defined by Verbos et al. (2007) as:

...a central, distinctive and enduring characteristic of the organization...It encompasses the cognitions of members about acting ethically within their organizational roles, a profound feeling that ethical action is not only right, but the only way to act within the organization, and members’ ethical behavior within the organizational context...It is posited to be the result of the multiplicative interaction of authentic leadership, aligned organizational processes and ethical organizational culture (pp. 20, 22).

The NASMM experience, the focus of the rest of this article, provides a model for organizations that want to take a proactive stance towards their ethics programs by approaching the task of developing or revising a code of ethics as an integrated strategy that blends process and product.

A map of the process

NASMM’s code development process closely adhered to Newton’s (1994) framework that includes participation, content validity and authenticity of leadership as the three essential dimensions of ethical validity. According to Newton, the first principle, participation, entails three phases: examination of one’s own conscience, discovery of community consensus by testing individual perceptions against those of others, and collective decisions regarding

which perceptions belong in the final code. From pre-conference planning through the 2 year period of code design and drafting, NASMM involved its entire membership in a process that closely mirrored these three phases and more than met the spirit of Newton’s call for full participation.

The principle of participation requires that the whole organization commit to development of a code and contribute to the process of deliberation because “...the real value of the code does not lie in the finished product...but in the process by which it all came to be” (Newton, 1994, p. 87). The finished product’s content must, according to the validity principle, be values-based and consistent with ethical principles. Webley and Werner (2008) emphasize that content must address the appropriate range of issues likely to face employees, and Lencioni (2002) stresses that code content that is authentic must set the organization apart from competitors and reflect what really is, even if it is controversial. Codes fail to meet the test of content validity when they do not reflect the issues that arise in the organization’s markets. Without full participation of organizational members, issues may not be captured, resulting in a product that is less useful as a guide for behavior as well as one that employees may view as irrelevant to their own experience. Not only were NASMM members full participants in the code development process, they provided experiential data as the source of the code’s content. Even before the first conference, NASMM’s leaders viewed achieving content validity as important in setting the industry apart. As the first step toward content validity, NASMM members submitted examples of ethically challenging situations that arose in the course of everyday business. Therefore, the lived experience of senior move management was integral to the content validity of the NASMM code.

Newton’s (1994) principle of authenticity in code development states that leaders must commit to the promotion of ethical behavior, not some other instrumental goal, such as improving the public image of the organization or deterring illegal behavior. Leaders must infuse this ethos throughout code development and the implementation process. In fact, NASMM founders did just that. Strong and repeated emphasis was placed on constructing a living code of ethics, developed by those whose behavior would be guided by it and re-visited from

time to time as the industry standards changed, as growth occurred, as membership categories expanded, and as the organization was otherwise transformed. In all workshops at both conferences, NASMM leadership was present but each individual had a single voice and every voice was equal. NASMM's approach to the code design "[spoke] volumes about what kind of culture the management team want[ed]" (Webley and Werner, 2008, p. 410). In other words, the means that are used to achieve the end product of a code of ethics sets in motion the building of an ethical culture (Etzioni, 1990).

Drawing the map of the process

In the summer of 2003, NASMM's president took the lead by recruiting the authors to conduct workshops on ethics at the association's first annual conference. Acting on the founders' collective premise that ethics take a central role in defining the senior move management industry, she told us that they believed it was important to "...define our values...because our work dealt with [vulnerable] seniors" (M. Novack, personal communication). Lencioni (2002) distinguishes core values from three other types of values: aspirational, permission-to-play, and accidental. As a young organization in a new industry, NASMM wanted to identify those deeply ingrained principles that were already guiding members' actions – what Lencioni terms core values. However, in their effort to influence the emerging industry, NASMM's leaders also sought to identify aspirational values – those that were not universally seen as core values but that would be needed to succeed in the future. To accomplish their goal of achieving a values-based code of ethics, and to begin building an ethical culture in which members felt engaged and committed rather than controlled – what Adler and Borys (1996) term an enabling culture – the stated goal of that first conference was to identify a set of values that were relevant to working with the senior population.

The NASMM leadership designated 2 three-hour ethics workshops at its first annual conference as plenary sessions and expected all 68 participants to attend, demonstrating a clear commitment to ethics. A year later, two half-day plenary sessions on code development took place at the second annual

NASMM conference. The number of participants grew from 68 to more than 130, all of whom engaged in a series of activities that used the outcomes of the initial conference as the foundational blocks for developing a values-based code. In preparation for the 2003 conference, we worked with the NASMM leadership to obtain a detailed history of the organization, its vision and mission; a summary of board activities; a description of the membership and its geographic distribution; a sample of ethical problems in senior move management; and, an agreement on the expected outcome of the workshops. From the opening session of the first NASMM conference to the final workshops the next year, activities were designed to foster open discussion about members' own perceptions about ethics as well as to reach consensus on the core values that should guide everyday actions in local markets. In both conferences, participants ultimately reached consensus. In the 2003 meeting, a set of values was developed that became the "input" or starting point for the 2004 meeting. In the 2004 meeting, agreement was reached on a draft code of ethics that articulated NASMM's core values and principles of behavior.

Ethics building: what's underneath? the 2003 workshops

The initial set of workshops in 2003 included time spent providing background and a context for developing a code since participants were, for the most part, entrepreneurs with a diverse demographic profile with little or no prior exposure to gerontology or the field of ethics. We opted for a more structured, didactic approach to conceptual and foundational topics related to the development and use of codes with which participants were generally unfamiliar, but they were introduced with an exercise or example intended to engage the audience. We used a variety of approaches and techniques throughout the course of these sessions, incorporating them into individual, small, and large group activities. The key instructional areas of the 2003 workshops fell into four broad categories: the content of an ethics program and the code's place within it; code benefits, limitations, and unintended consequences; the significance of clarifying and articulating the organization's core values; and, finally, a framework for developing the code. We stressed

organizational requirements for a successful code development process as well as reasons why organizations and professions develop codes.

Drawing on the previously cited literature on codes of ethics (e.g., Adams et al., 2001; Frankel, 1989; Gaumnitz and Lere, 2002; Schwartz, 2002), we opened the first session by addressing the meaning of a code, the organizational interests that it serves, and its role in fomenting an ethical organizational culture. For instance, as a preface to the discussion of the meaning of a code, a copy of the “Preamble” to the code of ethics of a major, unidentified corporation was distributed. Using this example as a reference, we emphasized that codes can be construed as one or more of the following: a public statement of an ethical position, a guide for behavior or principles that guide conduct of a profession or an organization. We cited the Preamble as one example of how a corporation uses a code to present a public statement of its “ethical position.” While the general consensus among participants was that the Preamble was a well-crafted, value-laden declaration, they were surprised to learn that it was the prologue to Enron’s Code of Ethics. On its face, Enron’s code appeared to have content validity but was deficient on at least one of the essential criteria for ethical validity. The Enron example provided a basis for a discussion of a “living” code of ethics, one that was embedded in the organization’s culture and internalized by members, as an ideal form. While many definitions of a code of ethics have been posited, we used Frankel’s (1989) definition to guide the NASMM membership as they worked through the code development process:

A professional code of ethics is perhaps its most visible and explicit enunciation of its professional norms. A code embodies the collective conscience of a profession and is testimony to the group’s recognition of its moral dimension (p. 110).

In accord with Newton’s (1994) principle of participation, one of the first reflective exercises in the workshop required participants to consciously and deliberately reflect on their industry experience and to write a personal account of an ethical dilemma in their professional work and how it was resolved. This activity helped participants consider their own

definition and perception of ethics, and to recognize that there is not always agreement on what constitutes an ethical dilemma, though they exist in all human organizations. The debriefing discussion illustrated teaching points, and assisted the group in identifying points of difference and areas of agreement.

Prior to the workshops, and in consultation with the NASMM President and selected members, we developed 19 brief scenarios reflecting common, everyday situations that senior move managers confront. Selected scenarios are shown in Table I. Working in small groups, participants were asked to re-evaluate this list of “dilemmas” with the goal of moving toward agreement on whether each issue contained an ethical dimension, and if so, how they would respond. The list of questions shown in Table II aided discussion. Then, each group was asked to identify the core value(s) at stake for each situation that the group defined as ethically problematic. This exercise generated a preliminary list of core values, the first step in clarifying the organizational values on which the code would ultimately be based.

The road to the code: the 2004 workshops

The major goal of the 2004 workshops was to develop a draft code of ethics using the results from the 2003 values identification exercises as the starting point. The workshop design was even more interactive than in 2003 with a continued emphasis on participation in the development process. The thrust of the 2004 meetings was to sustain participation and to develop a code whose content met the criteria for validity as described by Newton (1994).

During the year between the two conferences, we compiled and analyzed the results of exercises from the first conference, and reviewed the literature on professional codes of ethics, categorizing the array of values into three clusters. The first cluster contained key values identified by all small groups (Table III, Section A), and emerged from reflection on and discussion of the series of ethically challenging situations that move managers routinely confront. The second cluster of values (Table III, Section B) contained those identified by at least one but not all sub-groups. The third cluster of values (Table III, Section C) contained those identified by our literature review.

TABLE I
Selected examples of scenarios faced by senior move managers

You conclude that the client has significant mental impairment after the contract has been signed.
 You are asked by family members to “lie” to the older person regarding fees, disposal of belongings, etc.
 The client offers you a gift. The gift is one she intends to throw away. Is it ethical to purchase items from the client?
 The client confides that she has a serious health issue and asks you not to disclose the information to the marketing person at the facility where she plans to move.
 You accept referral fees from vendors, movers, etc.

TABLE II
Questions for evaluating ethical content of everyday situations

Whose problem is it?
 Who else is affected by it?
 Why is it a problem?
 What conflicts, pressures are connected to the dilemma?
 What are the parties trying to do or resist doing?

The 33 values shown in Table III are conceptually, clinically and philosophically distinct and provided a useful starting point for the 2004 workshops. However, some of them are synonymous in common usage and meaning; therefore, the first task was

to replace related, overlapping, or synonymous values with a term that captured their overall essence. The second task was to obtain a manageable core set of values. Small groups were instructed to review and consolidate the list. For example, “hard work” might encompass both the values of diligence and dedication. Analysis of the results of this small group exercise showed that all groups combined compassion, concern, empathy, and caring into one category, and honesty, integrity, fairness, and trustworthiness into another. Competence, quality, and due care were assigned to a third category, and so on. Using this method, a reduced set of values was generated, providing the basis for further pruning the list.

TABLE III
Identifying core values for the organization

A. Common to groups	B. Not common to groups	C. Values identified in the literature
Honesty	Compassion	Independence
Respect	Caring	Responsibility to stakeholders
Integrity	Dignity	Accountability
Quality	Fairness	Obligation to the profession
Neutrality	Concern	Trust
Responsibility	Transparency	Confidentiality
	Self determination	Competence
	Empathy	Cooperation
	Self definition as a professional	Equality
		Due care
		Advocacy
		Collaboration
		Openness
		Legal compliance
		Reliability
		Citizenship
		Recognition to others
		Civility

Once the number of values was reduced, a new list was created and an iterative voting process was initiated. This list of consolidated values was posted, and small groups then discussed, selected, and rank-ordered the five values that most closely reflected the “ethic” of the NASMM members. As a result, some values dropped off the list entirely, further condensing it. With each step in the values clarification process, consensus grew until a final slate of values was assembled and posted for individual voting. Within a large group format, each participant was allotted five votes to allocate among the list of remaining values. This process produced a final, limited set of ten values, shown in Table IV, on which principles of behavior were developed. At this point, drafting the code began in earnest.

Using the SHRM Tool Kit (SHRM, 2001) as a reference, each small group was assigned one of the ten core values in Table IV, and instructed to: write a one- to two sentence *statement of the principle* that reflects the core value; articulate *guidelines* for behavior based on the principle; and *summarize an ethical dilemma* relevant to the value and statement of principle, indicating an appropriate behavioral response. In this context, a core principle was defined as a statement of a basic truth, concept or motivating force that addresses appropriate conduct for the organization. Statements could also contain the rationale underlying the principle i.e., why it was critical to NASMM’s overall mission. We defined guidelines as criteria for decision making, unique to NASMM’s environment. Finally, experiential, rather than hypothetical, examples of ethical challenges facing senior move managers were included as

concrete illustrations that clarify the guidelines. Table V contains a sample of the output generated by the group for two of the core values, responsibility and advocacy. Results of this group exercise were collected, reviewed, and edited and assembled into one document which was presented to the membership prior to the end of the conference as a draft code of ethics for NASMM.¹

The final workshop required participants to analyze a sample portfolio of codes of ethics drawn from the professional and trade organizations of various industries and professions, and to evaluate codes of ethics of four professional organizations, representing disparate industries, on both content and form (Air Line Pilots Association, 2004; National Association of Geriatric Care Managers, 2004; National Association of Insurance and Financial Underwriters, 2004; National Society of Genetic Counselors, 2004). Specifically, groups were instructed to identify two strengths and weaknesses of each code. This exercise demonstrated that codes differ in the depth and scope of the behavior addressed, in the number and type of principles that are delineated and values that are invoked, in the degree to which their content captures issues specific to a given profession, and in length, format, and language (Gaumnitz and Lere, 2004). Most importantly, the evaluation brought home the reality that no code is perfect (Gotterbarn, 1999; Valentine and Barnett, 2002). At the close of the conference, we gathered the output of this exercise and constructed the draft code based on the values, core principles and guidelines for behavior that the groups developed. The draft code was presented to the membership at the closing session and submitted to NASMM’s Board. The Board then appointed an Ethics Task Force to review the results and finalize the code of ethics over the next year in consultation with the membership.

The NASMM code development process exemplifies Lencioni’s (2002) ideal “values initiative” (p. 114). His work, published just prior to NASMM’s code development process began, argues that the process that guides a values initiative must aim to achieve meaningful values as its “product.” His argument is similar to those advanced by Newton (1994), Schwartz (2002, 2005), and Kaptein (2008). The process must be owned by participants, preferably “...small teams that include the CEO, any founders who are still with the company, and a

TABLE IV
Final set of core values for NASMM

Integrity
Compassion
Advocacy
Responsibility
Professionalism
Legal compliance
Accountability
Respect/dignity
Competence
Obligation to the profession

TABLE V
Developing core principles and guidelines for behavior

Core value	Responsibility	Advocacy
Core principle	Senior move managers have an obligation to apply their expertise for the benefit of their clients and their families. Because moving is considered to be one of life's primary stressors, especially for seniors, senior move managers endeavor to build a partnership with clients using the following guidelines:	Senior move managers should advocate for seniors in transition because of our knowledge of the physical and emotional effects of moving. We should advocate for our colleagues and the profession to better serve all seniors.
Behavioral guidelines	Clearly communicate, in writing, the scope of services that will and will not be provided as well as financial arrangements. Communicate the NASMM Code of Ethics to our clients, employees, referring organizations and services to which we refer. Fulfill obligations agreed upon according to professional standards.	Recognize the limits of our knowledge and competence in any given situation. Refer out to professionals with the knowledge needed for situations for which we are unable to advocate properly.
Sample situation	A senior move manager is meeting with a client and tried to discuss the financial arrangements for services and get paperwork signed, but they are brushed off.	While meeting with a senior our knowledge and observation indicated that the senior may not be moving to an appropriate environment
Sample solution	As a responsible senior move manager you politely refuse to begin the work until you have a signed agreement	Contact the appropriate social service agency

handful of employees" (Lencioni, 2002, p. 116) – exactly the approach used by NASMM. Code content must reflect an organization's core values and be authentic, that is, reflect the issues that

members confront in everyday life, if needed, "...be tough, if not downright controversial" (p. 115), and set the organization apart from competitors. The NASMM code meets these criteria as well.

The development process must not be rushed and should be sustained over time. NASMM's careful attention to process over a 2 year period and the leadership's efforts to sustain ethical behavior as a core characteristic of the senior move management industry clearly speaks to this requirement. Finally, NASMM's founders set out on the code development process not only to formulate a values-based code of ethics that emerged from member participation, but to embed ethical behavior in the everyday life of its member businesses (Kaptein, 2008). Lencioni (2002) says that the latter goal has been achieved when "From the first interview to the last day of work, employees should be constantly reminded that core values form the basis for every decision the company makes" (p. 117). Whether or not the goal of embedding the code has been achieved is a question that can only be answered by continued research on the NASMM experience.

Discussion

The construct of ethical validity, originally proposed by Newton (1994) and extended by Schwartz (2002, 2005), provides a practical and theoretically sound model for organizations that envision a valid, living code of ethics as an integral part of a comprehensive ethics program. Developing it is a time- and labor-intensive process akin to the development of a mission statement, requiring a proactive values-based approach by leaders who are themselves committed to building an ethical culture as well as input and buy-in from all organizational members. Codes should not be imposed by top management nor should they be developed in isolation by an ad hoc group – even one internal to the organization. Achieving ethical validity is more likely when broad participation is sought and encouraged, when dissent is valued in the consensus building process, and when there is recognition of the importance of process as well as product. Not only can organizations with long, distinguished – or tarnished – reputations benefit from a living code to establish or enhance an ethical culture, new organizations can use it to begin building a comprehensive ethics program. In effect, we argue not only in support of an ethically valid code development process, but for an ethically valid ethics program. Such a program

would be characterized as one in which members continue to participate in periodic review and revision as experience with the code accumulates, where ethical behavior is supported by formal and informal systems and policies and in which ethics permeates everyday life, and where leaders demonstrate a reliable and visible commitment to ethics.

Achieving a code of ethics that is "living" requires leaders to invest time, resources and effort in an ethically valid code development process, and perhaps more importantly, to do so for the right reasons. In contrast to other organizations whose misconduct has been highlighted by the news media, the NASMM experience provides a model of proactive ethical leadership. As far back as Cressey and Moore's (1983) classic analysis, many early codes focused on preventing behavior that went "against the firm" rather than on behavior supporting the public interest. History has repeatedly proven that the mere presence of a code does not prevent unethical, or even, illegal behavior – there are many examples of what Petersen and Krings (2009) call "toothless tigers" (p. 510). Whether in for profit or not for-profit enterprises, the stated goal of a code of ethics is to influence behavior; however, understanding why codes vary in effectiveness may become clearer through an examination of how proactive the management team was in the development process.

Some codes result from external pressure, as was the case for the student loan giant, Sallie Mae, that announced in 2007, after a 35-year history, its intent to develop a code of conduct in reaction to the New York Attorney General's investigation into kickback schemes (Basken and Field, 2007; Hermes, 2008; Office of the New York State Attorney General, 2007). Some codes serve as symbols to satisfy stakeholders and improve public image (Stevens et al., 2005), as in the case of the now-defunct Allegheny Health, Education and Research Foundation (AHERF), a Pittsburgh-based corporation that in the 1990s became the largest statewide, not-for-profit, integrated health care delivery system in the country. Although the local and regional media in Pennsylvania regularly reported the personal excesses of AHERF senior executives, their raiding of hospital and educational endowments, and the accumulation of enormous debt that eventually resulted in the largest non-profit bankruptcy in US history (Burns et al., 2000), AHERF's story didn't

receive as much national play time as the Enron, Adelphia, and World Com collapses. Like Enron, on its face, the AHERF code was a written behavioral guide to be envied, comprehensive yet specific with regard to expected behavior. The content of both codes laid a strong moral foundation for employee conduct, but neither was sufficient to protect employees, stockholders, and others from the economic and social consequences of unethical behavior (Sims and Brinkmann, 2003).

The need for a proactive approach to code development has long been recognized in the literature. Building on earlier work (Bowman, 1990; Rohr, 1989), Rezaee et al. (2001) distinguish between a proactive approach that centers on generating trust by emphasizing values and behaviors such as respect for others, responsiveness to people, and matters pertaining to equality, freedom, and justice, and a reactive one that emphasizes legal and administrative controls to temper misconduct. The corporate debacles described previously underscore the fact that when codes are developed for the “wrong” reasons and when the development process fails to involve employees, is not values-based, and lacks authentic leadership, the code will become a “lifeless”, useless artifact.

The importance of process and product

Few published accounts provide empirical evidence in support of a proactive approach to code development that carefully considers both process and product. Our position is that there is not a distinct boundary between them – it is a permeable one and organizations must recognize that the process of code development heavily influences the product. Therefore, we take issue with the implication that Peterson and Krings (2009) draw from their review of the literature that “...if codes are to have an impact on behavior, they must be detailed and straight-forward” (p. 504). This narrow view stands in stark contrast to our position that considering only code content, in effect, divorces the code from the process that led to its formulation, and thus from the organization, its members and the stakeholders it is intended to serve. We assert that while content is certainly important, unless its developmental process is values-based, participative, and led by ethical

managers, it is much less likely to be effective. In addition, an ethically valid process contributes to organizational culture building where people have an awareness of values, implicit values are made explicit, and everyday behavior is more likely to be positively impacted because the formal code is owned by the members and used to guide choices (Kaptein, 2008; Newton, 1994; Paine, 1994; Schwartz, 2002, 2005; Webley and Werner, 2008).

Identifying organizational values

Clarifying the core values of the organization is a necessary prerequisite to formulating a code, and is a time-consuming process likely to require several iterations before agreement on a core set of values can be reached. The size of the organization will have some bearing on its approach to values identification since the objective is to obtain wide participation without overburdening or derailing the process. Nonetheless, taking the necessary time to develop a workable strategy to clarify values is fundamental. Failure to formulate and promulgate values that guide an organization – whether it proceeds to develop a code or not – increases the likelihood that organizational members will rely on personal value systems to resolve ethical problems in the workplace. These personal values and the resulting behaviors may or may not conflict with organizational values, leaving decisions about ethical conduct to chance (Cirka and Messikomer, 2006; Messikomer and Cirka, 2008). Even when a code’s development process adheres to the criteria for ethical validity, managers must remember that sustaining a culture where ethics is a governing ethos requires the support of formal and informal structures and policies.

The role of leadership

A proactive approach requires managerial involvement at a minimum and, ideally, visionary leadership (Sinclair, 1993) throughout the development process and beyond to be successful. While it may not be unique, the NASMM experience provides a model of a balanced emphasis on process and product, and demonstrates the critical role that leadership plays in

building an ethical organizational culture. The impetus to take what Rezaee et al. (2001) refer to as the “high road,” can only be provided by enlightened managers who have a commitment to “do the right thing.” In fact, Trevino et al. (2000) imply that the position of chief executive officer should be co-terminus with the position of chief ethics officer. Ethical leadership, they claim, rests on employees’ perception of top management as both moral persons and moral managers who have the responsibility to communicate – from the top down – the organization’s values, “the glue that holds things together” (Trevino et al. 2000, p. 128). NASMM’s leadership was the force behind the decision to construct its code, and, participated fully in its development. After the final code was approved and posted on the NASMM website (P. Guild, personal email correspondence), its founding President extended the commitment by developing an on-line training module in ethics for members (M. Novack, personal communication). In addition, ethics sessions have been featured at every annual conference since the code was written. NASMM’s continued attention to its code, at least through these activities, demonstrates the leadership’s desire to live the stated values by walking the talk (Urbany, 2005) and the commitment that Sinclair (1993) argues is essential to building an ethical culture.

Stakeholders

Senior move management is embedded in a collection of industries that serve the aging population. NASMM’s stakeholders include their members as well as their clients, older adults who are moving and family members who are often involved in the relocation process. Senior move managers routinely collaborate with providers of related moving services such as national and local moving companies and those that facilitate disposal of personal belongings such as auction houses, antique and second-hand dealers, and trash haulers. Another stakeholder group includes the array of for profit and non-profit senior housing organizations, as many of NASMM’s clients relocate to assisted living facilities, nursing homes and continuing care retirement communities.

Ideally, participants in this code development process would represent all significant stakeholder

groups. NASMM draws its members nationally; however, each entrepreneur deals with an array of local vendors in various geographic regions, making complete stakeholder participation impossible. Although local stakeholder interests were considered, their physical presence and direct participation were not part of code development. Both moving companies and senior living corporations have begun to diversify into senior move management, becoming competitors as well as stakeholders. As a result, NASMM members would more likely resist their direct involvement in a code development process because although senior move managers frequently partner with these vendors, they are increasingly competing in the same markets. Inviting current or potential competitors into a code development process would provide access to proprietary information.

Finally, the initial decision to develop a code of ethics and to dedicate large blocks of time to that effort at the first two NASMM conferences was a Board level decision, with strong direction coming from the association’s founding President. While no one openly objected and everyone was actively involved, no attempt was made to gain consensus on its purpose. As the NASMM code evolves, increased stakeholder participation beyond membership may be considered. Time and geographic distance both contributed to a development process that was intermittent during the code formulation period. Dispersed members meant that the most intense code development work occurred during the two conferences in order to obtain maximum participation. During the time between the first and second conference, NASMM’s attention to the code waned as planning for the 2nd conference was delegated to the authors.

A code as one element of an ethics program

A “living” code requires the organization to be reflective and self-critical, and to evaluate, on a regular basis, collective and individual values and behavior against code principles. NASMM’s code of ethics and the process used to develop it serves as a foundation for a comprehensive integrity strategy as described by Paine (1994). The NASMM code clearly communicates the association’s guiding values

and its leadership remains personally committed. Concrete evidence of this commitment, however, must be assembled and analyzed as part of future research. Anecdotally, NASMM members report that they do rely on the code to guide decision making at the local level; however, whether the association's existing formal systems and structures support and reinforce their values remains unclear. Ethics workshops have been a part of every annual meeting program since 2004 and a 2009 session focused explicitly on beginning a review of the code content and use by NASMM. However, the level of participation in these formal ethics education sessions is low relative to the rapidly growing NASMM membership and it is not known what training is provided by local entrepreneurs to develop competencies, knowledge and skills needed to make ethically sound decisions on a day-to-day basis (Paine, 1994).

Ongoing self-evaluation is another part of a comprehensive ethics program, and to be successful, the process must be supported by systems and structures that reinforce the organization's values (Paine, 1994). These include mechanisms for reporting and review of ethical transgressions, discussion and review of ethical challenges and how they were successfully or unsuccessfully managed, capturing and dissemination of ethical learning, socialization practices, and ongoing training to assess and improve knowledge of the code and its use (Wotruba et al., 2001).

Socialization practices are particularly important since NASMM's rapid growth in membership creates, in effect, another stakeholder group that was not involved in the values clarification/code development process 5 years ago. NASMM's challenge is similar to that facing other organizations where new members join and old members leave. Nurturing the allegiance of newcomers, new leaders and experienced employees to the organization's core values is critical and requires formal systems. Such structures include a process for periodic review of code content and use, a forum for open discussion of dilemmas, standardized reporting procedures, and strategies to disseminate learning and best practices. Even a code that was ethically valid in its infancy is likely to have little tangible and positive influence on everyday conduct without formal attention to these mechanisms that help to sustain its original intent. This is a tall order even in a large and stable organization,

let alone a loosely coupled collection of entrepreneurial businesses and an association that relies on regular planned turnover in its leadership.

The role of participation in ethical validity

Newton (1994) and Schwartz (2002, 2005) both emphasize that those who ultimately will use a code must be involved in its development. Gaining commitment to the code through engagement in the development process is one reason why participation contributes to ethical validity, but not the only reason. A key assumption in Newton's and Schwartz's work is that participation in the process is more likely to lead to moral behavior so long as the process is led by authentic leaders, and the resulting code content achieves validity.

Values clarification can reveal deeply held values previously unknown to the individual. Put another way, the process enables the unconscious to be made conscious, or the latent to become manifest. When a value is challenged, the individual is called upon to act. Participation in a code development process allows individuals to anticipate their response to ethical challenges that put the now conscious value to a test. The experience of participants in activities that enable them to engage in what Erikson (1980) refers to as anticipatory pre-working provides an opportunity to test their reactions in a safe environment. Work in organizational justice documents that when people believe that they have been given voice in a decision process, they are more likely to accept the final decision. Additionally, the concept of automatic thought (Beck et al., 1987) in the field of cognitive therapy, and Bem's (1967) self-perception theory are relevant here. Involvement in scenario-building in the code drafting process can stimulate participants to align their personal values with those of the organization. In addition, this "dress rehearsal" for managing ethical crises using the values in the code fosters ethical sensitivity by building *phronēsis* (Nyberg, 2008), and a behavioral repertoire that is more likely to become automatic. Therefore, when everyday ethical issues arise, participants are more likely to define the issue as an ethical one and to act in an ethically responsible manner consistent with the code. Participation of members (and other stakeholders, when possible)

augments trust in the organization because policies and codes of conduct are not supra-imposed by leadership or external “experts.”

The road beyond the code

NASMM’s leadership remains committed to ethics as a governing ethos of their industry; however, they recognize that rapid growth of the association to more than 500 members in 2009 and an economic downturn can challenge that commitment. In response, NASMM’s current leaders are continuing to collaborate with the authors in designing a research project to evaluate the use and effectiveness of its code at the national and local levels. Preliminary data gathered at the 2009 annual meeting serves as the starting point for a study that will examine the kinds of ethical problems NASMM members have encountered in their everyday business operations, how or if the code of ethics informed discussion about managing these situations, and to identify “ethical best practices” at the association and entrepreneurial levels.

Our future research plan is consistent with the most current thinking on code use (Kaptein and Schwartz, 2008; Nyberg, 2008; Paine, 1994). Petersen and Krings (2009) recommend that research on the influence of codes on behavior should “...pay attention to the extent that ethical codes are integrated into organizational every-day practice as well as to the extent that an organization promotes a climate for ethical behavior” (p. 511). These questions will guide the next phase of our research as we explore further the conditions under which an ethically valid code can be sustained over time, as new members join, old members leave, and the organization evolves.

Note

¹ In Table V, the draft statement of core principles suggests that senior move managers meet the needs of two markets. For the principle of responsibility, an obligation to serve “clients and their families” is made explicit. In contrast, the principle of advocacy focuses exclusively on “seniors in transition.” In the final Code of Ethics, NASMM takes a clear position that the first duty of the senior move manager is to the “individual in transition” (National Association of Senior Move

Managers 2009). This decision resulted from continuing debate within the association about who is the primary beneficiary of the senior move manager’s services irrespective of who is financing the relocation, the elder or their children. We thank an anonymous reviewer for suggesting that this tension is worth noting.

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