

## Ethical Standards Advisory #15

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All PRSA members pledge adherence to the [Code of Ethics](#). As issues arise relating to the practice of communications, the PRSA Board of Ethics and Professional Standards (BEPS) provides guidance within the framework of the Code. The PRSA Board of Directors then announces these guidelines through an Ethical Standard Advisory (ESA). ESAs are for informational purposes only and not for the purpose of providing legal advice. Please consult an attorney to obtain legal advice regarding your specific situation.

### LOOKING THE OTHER WAY

**ISSUE:** Among all of the staff functions in an organization, it is the communicator and communications department that seem to be in just about everyone's backyard, everyone's meetings or plans, and everyone's strategic discussions — including those where ethical dilemmas arise. All too frequently, when questionable behaviors occur, those involved fail to sound the alarm at an early stage for reasons ranging from fear to self-consciousness, to wanting to keep the boss happy, to "it's just not my concern." This behavior is looking the other way and it can be unethical.

Wikipedia describes three common idioms in Western culture to describe this behavior:

- The idiom "turning a blind eye" is used to describe the process of ignoring unpopular orders or inconvenient acts or activities. The phrase is attributed to an incident in the life of Admiral Horatio Nelson, who was blinded in one eye early in his Royal Navy career. In 1801, during the Battle of Copenhagen, cautious Admiral Sir Hyde Parker, in overall command of the British forces, ordered Nelson's forces to withdraw. Naval orders were transmitted via a system of signal flags at that time. When this order was drawn to the more aggressive Nelson's attention, he lifted his telescope up to his blind eye, said he saw no signal, and ordered his forces to continue to press home the attack.
- The three wise monkeys (from a Japanese pictorial maxim): Together they embody the proverbial principle to "see no evil, hear no evil, speak no evil." In the Western world, the phrase is often used to refer to those who deal with impropriety by looking the other way, refusing to acknowledge it or feigning ignorance.
- "Willful blindness" (sometimes called "willful ignorance" or "contrived ignorance") is a term used in law to describe a situation in which an individual seeks to avoid civil or criminal liability for a wrongful act by intentionally putting himself in a position where he will be unaware of facts which would render him liable. A famous example of such a defense being denied occurred in the *Aimster Copyright Litigation*, 334 F.3d 643 (7Cir. 2003), in which the defendants argued that their file-swapping technology was designed in such a way that they had no way of monitoring the content of swapped files. As such, they suggested their inability to monitor the activities of users meant they could not be contributing to copyright infringement by the users. The court held that this was willful blindness on the defendant's part and would not constitute a defense to a claim of contributory infringement.

In some public relations firms and departments, certain practitioners are allowed to belong to professional organizations that have codes of conduct, some including penalties. These same firms and departments have other practitioners who intentionally do not belong to these professional associations. Work and assignments that may cross the line, in terms of conduct, can be conducted under the rubrics of "turning a blind eye," "three monkeys" or "willful blindness."

**BACKGROUND:** In many professions, “Codes of Silence” have developed. These are situations where – for reasons of custom, internal pressure, threat of external punishment, or fear of being shunned from professional camaraderie – unethical behaviors, decisions, actions and consequences are intentionally ignored.

For communicators, as in many staff functions, it is easier to talk about those areas of organizational activities where we have expertise, standing and authorization to speak. When it comes to communicating about operations or operational decision-making (or some other high-level staff function), we ask permission to speak, interpret or describe. We may be summarily shut out. Being shut out is a blatant indication that a Code of Silence is in place.

**The Gray Wall:** In public relations, “gray wall” involves intentionally ignoring actions, behaviors, decisions, strategies and advice that is inappropriate, unethical, unnecessary, potentially unlawful or just plain stupid. The primary purpose of staff functions is to help leaders and managers of organizations do a better job, stay on the correct pathways and, therefore, be better leaders and managers. There are as many walls as there are professions. Here are some examples of other walls that already exist and that affect communicators and communications:

- **The Blue Wall:** Four New York City police officers fired 41 bullets at an unarmed and innocent black man in the Bronx. Weeks passed while the mayor steadfastly defended the police chief and the officers. The blue wall of police silence only crumbled after enormous public pressure and demonstrations. Wherever there are police, there is a blue wall.
- **The White Wall:** When physicians and medical personnel make mistakes, the medical community often seems to unite to protect itself against mistaken patients, potential litigation and an “uninformed public” whipped up by a sensationalizing media. Medical professionals have enormous power to control information.
- **The Green Wall:** This is the code of silence among military professionals whose chosen profession is, when necessary and without reservation, to lay down their lives for the protection of their country and the deterrence of hostile forces. The tendency when mistakes such as friendly fire or bad decisions occur appears to be to look at civilians as unworthy of judging these events and unwelcome intruders, since they have not submitted themselves to the “tests of war.” The U.S. military has its own rules, the *Uniform Code of Military Justice* (UCMJ), and its own court system.
- **The Stone Wall:** This is the corporate communications practice of initially denying events to delay consequences, stalling when asked for information, delivering angry and emotion-driven counter attacks against those who criticize or who might criticize or simply remaining silent. It is the tendency to minimize any serious situation, put a good face or no face on something and hold off until forced to do something.
- **The “J” Wall:** This is the news media’s tendency to take offense and lash out at any criticism, suspicion or negative comments about reporters or the media. This is the practice of debating errors rather than correcting them, the overuse of anonymous sources, and hiding background information and details from story sources. The Code of Silence begins with the interview when the reporter deceives the source into thinking that the information provided will be treated fairly and objectively, whereas the reporter has completely different intentions from the start.

**RELEVANT SECTIONS OF THE PRSA CODE:** At least five Code provisions and six professional values relate to this issue.

### Code Provisions

- **Conflicts of Interest:** Revealing real, potential or perceived conflicts of interest builds the trust of clients, employers and the public.
- **Disclosure of Information:** Failure to expose or challenge bad behaviors, decisions or actions leads to information being hidden when it should be exposed.
- **Enhancing the Profession:** Looking the other way presents an extraordinary vulnerability to the profession, because clients and the public look to the professional communicator for sensible, useful, creative help and disclosure in adverse situations.
- **Free Flow of Information:** Withholding, embellishing, distorting or outright lying; attempting to interfere with the free flow of information.
- **Safeguarding Confidences:** Client trust requires appropriate protection of confidential and private information. The issue here is intentionally withholding counsel regarding information that should be exposed rather than remain confidential.

### Professional Values

- **Advocacy.** We serve the public interest by acting as responsible advocates for those we represent. We provide a voice in the marketplace of ideas, facts and viewpoints to aid informed public debate.
- **Honesty.** We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.
- **Independence.** We provide objective counsel to those we represent. We are accountable for our actions.
- **Fairness.** We deal fairly with clients, employers, competitors, peers, vendors, the media and the general public. We respect all opinions and support the right of free expression.

### EXAMPLES OF IMPROPER PRACTICES:

- It is unethical to look the other way or remain silent when you know that something illegal, unethical, improper or immoral is underway, being planned or about to happen.
- It is unprofessional to claim that stopping questionable operational behavior or bad decisions can only be done through operations. Intentional failure to see something inappropriate and challenge it is ethically questionable.
- Failure to promptly correct erroneous information delivered to news media by a CEO or senior management, even if that failure by the PR practitioner is to avoid embarrassing the executive, whose error may have been unintentional.
- Confronted by information that just doesn't add up but presenting it to the news media or the public without asking the hard questions that will ensure truthfulness and accuracy – or might stop the announcement altogether. (There are many examples of executives representing major companies and brands who knew suspicious activities were underway but did not or would not trust their instincts and ask tough questions of higher-ups).
- Releasing new product information as if the product was finished, but in reality the product is incomplete or nonexistent. This is an all-too-common practice in the software business and in the broader technology sector as companies determine that it's more important to appear to be ahead of a competitor to avoid losing potential sales. The practice is rationalized this way: "Everybody else does it, so it's okay and consumers seem to tolerate it." The practice of announcing products before they exist leads to the term "vaporware" to describe software that is only conceived and announced when a

competitor makes its announcement.

- Failure by a practitioner who knows the PRSA Code of Ethics but does not counsel a client to change bad practices or behaviors that conflict with the Code.
- Failure of a practitioner who observes a peer using practices in conflict with the PRSA Code to counsel the peer first, then higher management.

### **RECOMMENDED BEST PRACTICES:**

- Look for behaviors that could get organizations into trouble; when you see something, say something. Examples of troubling behavior include:
  - Lax control: No tough, appropriate, centralized compliance and regulatory administrative oversight.
  - Under-report or fail to report infractions: "They really were quite minor . . . isolated incidents . . ."
  - Leaders who encourage supervisors to overlook bad behavior.
  - Permit individuals to experiment with or "test unapproved new methods."
  - Encourage a "do whatever it takes" mentality.
  - Minimize oversight and compliance processes.
  - Pretend that they are an ethically driven, principled organization.
  - Avoid confrontation with managers operating "on the edge."
  - Know but ignore signs of rogue behavior.
  - Tolerate the incorrect behavior of individuals "critical to the mission."
  - Dismiss individuals who report bad or outright criminal behaviors.
  - Demean the internal credibility of whistleblowers.
- Ethical actions that can prevent, detect and deter unethical activity:
  - Establish compliance standards and procedures with which employees and other agents can reasonably comply.
  - Assign high-level personnel the overall responsibility to oversee compliance standards and procedures.
  - Resist delegating substantial discretionary authority to individuals' that management knows are weak or have a propensity to engage in unethical activities.
  - Take aggressive steps to communicate the standards and procedures effectively to all employees by requiring participation in training programs and disseminating information that explains, in practical terms, what is required to be ethical.
  - Take reasonable steps to achieve compliance by monitoring, auditing and designing management systems and structures to detect inappropriate behaviors.
  - Encourage the reporting of unethical conduct by others within an organization without fear of retribution.
  - Consistently enforce standards and procedures and apply appropriate disciplinary mechanisms.
  - Analyze unethical behaviors and activities to understand how to detect, prevent and deter future similar circumstances.
- Be prepared for ethical dilemmas that arise due to circumstances. For example, in a crisis, questions that deflect from the truth:
  - How rapidly do we respond?
  - How publicly do we respond?

- What is our response priority?
- Is there any good news potential?
- Who is watching? Why?
- What do we have to say?
- Others are worse than we are. Why do we have to be so open?
- Communicators have the affirmative obligation to look, listen and speak up.
- Ask morally relevant questions when morally questionable behaviors occur:
  - What did they know and when did they know it?
  - What did they say and when did they say it?
  - What did they do and when did they do it?
  - Has all the information been presented honestly and correctly?
  - What are the relevant facts of the situation?
  - What decisions were made?
  - Who was involved/affected?
  - What was sacrificed to benefit the victims?
  - Was there a serious attempt to find out?
  - What alternative actions are available?
  - Is the action or situation truly reflective of a responsive community citizen?
  - Whom does our behavior bother? Whom does our behavior affect?
  - What ethical principles or standards of conduct are involved or at issue?
  - Is it really our problem?
  - How would these principles be advanced or violated by each alternative action?
  - What was the fundamental cause—omission, commission, negligence, neglect, accident, arrogance, other?
  - How could this have been avoided?
  - Have all of the critical ethical questions been asked and answered?
  - Are our actions open, honest and truthful?
  - What affirmative action is being taken now to remedy or remediate the situation?
  - Did this happen because there is an institutional "code of silence" when morally questionable decisions or actions come to light?
  - How will future unethical behavior be disclosed? To whom? How fast?
  - What lessons can the organization learn as this dilemma is resolved
  - As an organization, are we prepared to combat behaviors that lead to ethical compromises?

**Created: 2010**

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