Professionnal Ethics and Standards for the Evaluation Community in the Government of Canada

Canada

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Executive summary

Evaluators in Canada's federal Public Service face difficult and delicate ethical challenges involving decisions on both their own ethical conduct and that of the several stakeholders with whom they interact. This paper provides a basis for developing an ethics package for a new evaluation policy being developed by the Treasury Board of Canada Secretariat's Centre of Excellence for Evaluation (CEE). The purpose of the package is, in part, to enhance the professionalism of the evaluation community.

An ethics program is a common feature of occupational groups that have achieved, or are moving toward, professional status. This study rejects the static conception of professionalism that sets out criteria for determining a genuine profession. The focus here is on professionalization—a process of continuous movement toward a greater measure of various professional characteristics.

Ethics theories are the primary source of principles, values, standards, and rules bearing on the ethical behaviour of occupational groups, including evaluators. The two dominant theories are *deontology* and *teleology*. Deontologists believe that decisions are ethical if they are based on overriding moral principles dictated by reason. Teleologists judge the morality of an action by its consequences. Teleology is closely associated with the ethical theory of *consequentialism* that is, in turn, closely linked to *utilitarianism.* The utilitarian theory of ethics judges the morality of an action by the amount of good it achieves for society or for humanity in general.

Another ethical theory, *virtue ethics,* focusses on developing a person's good dispositions, traditionally called virtues, such as fairness and caring. Virtue ethics accords with our common experience that many people who act ethically do so not by referring to abstract moral principles or by calculating consequences but on the basis of their character. Many professional codes reflect the influence of *social contract* or *contractarian* theory, according to which a code of ethics can be conceptualized as an agreement among members of an occupational group who consent to obey certain rules for their mutual benefit.

Most codes of ethics reflect the influence of more than one ethical theory. The challenge is to ensure that ideas and insights from various theories are integrated into the code in a coherent fashion that best meets the needs of a particular profession.

In addition to ethical theories, evaluators are subject to the *Values and Ethics Code for the Public Service* (the Values and Ethics Code), which forms part of the terms and conditions of employment for federal employees in regular departments and that directs public service employees to observe conduct requirements set by their own departments and by their profession. The Values and Ethics Code contains a statement of public service values and ethics,

conflict of interest measures, post-employment measures, and avenues of resolution. Since evaluators are already covered by this Code, their own code can be briefer and tailored to their specific needs.

The ethics programs of most professional organizations contain several of the following eight components: a statement of values or principles related to or part of a code, a code of ethics or ethical guidelines, ethics training as a condition of membership, ethics training as part of continuous education or recertification, the availability of an ethics counsellor, dissemination of ethics information through a newsletter, a disclosure mechanism, and an enforcement mechanism. The most frequently cited values in the codes include integrity, honesty, competence, and confidentiality—all of which are important to the evaluation function.

The ethics programs of evaluation societies and of government evaluation communities in Australia, New Zealand, the United Kingdom, and the U.S. provide little beyond a code of ethics and, in some cases, ethics training. Federal evaluators in Canada could enhance their professionalism through a rigorous and comprehensive ethics program. The following recommendations are designed to achieve this objective:

1. A code of ethics for evaluators should be the centrepiece of a well-crafted ethics program.

2. Reference to the ethics program in general and to an evaluation ethics code in particular should be prominently featured in the main body of the new evaluation policy.

3. A separate section of the policy, under the heading "Evaluation Standards," should focus on ethical standards.

4. Consideration should be given to adopting a two-tier evaluation code with the first tier focussing on values or principles and the second tier on standards and rules.

5. The evaluation policy should set out the ethical obligations with respect to evaluation of deputy heads, departmental heads of evaluation, departmental managers, and the Treasury Board of Canada Secretariat.

6. The evaluation ethics code should refer to the fact that federal evaluators can be subject to two or more codes.

7. The code should be explicitly linked to the Values and Ethics Code (or the charter and code of conduct).

8. Consideration should be given to including the values of integrity, accountability, impartiality, fairness, and confidentiality (and possibly competence) in the evaluation ethics code.

9. There should be wide consultation with the evaluation community and relevant other persons and organizations on the content and format of the evaluation ethics code.

10. The CEE should develop a mandatory values and ethics program for evaluators that revolves around the code. The ethics-training component of the program should be developed in collaboration with the Canada School of Public Service (CSPS), the Canadian Evaluation Society (CES), the Office of Public Service Values and Ethics (OPSVE) and, possibly, universities.

11. All federal evaluators should be strongly encouraged to become members of the CES.

12. The CEE should consider an arrangement whereby contributions relating to the federal evaluation function could be included in a CES newsletter and in the Canadian Journal of Program Evaluation.

13. The CEE should collaborate with the OPSVE and departmental senior officials and senior officers to determine the best mechanism for evaluators to seek advice on ethics issues.

Introduction

This paper provides information, analysis, and recommendations regarding professional standards for the evaluation community in Canada's federal Public Service. While reference is necessarily made to evaluation standards in general, the major focus of the paper is on ethical standards. The paper is intended to provide a basis for developing an ethics package to be included in a new evaluation policy that is being developed under the auspices of the Treasury Board of Canada Secretariat's Centre of Excellence for Evaluation (CEE).

This first section of the paper explains the rationale for examining ethics and standards for the evaluation community and discusses the relationship of these ethics and standards to the professionalization of the community. This is followed in the second section by a review of philosophical foundations for understanding ethical behaviour in general and the role of ethics in the professions in particular. The third section provides an overview of the federal *Values and Ethics Code for the Public Service* and a discussion of its implications for the evaluation community in particular. The fourth section examines a spectrum of ethics models that have been developed for professional organizations, ranging from highly regulated professions to voluntary ones. This section also draws out best practices and identifies enduring challenges in ethics programs. The fifth section reviews current approaches to promoting high ethical performance in the evaluation community in Canada and elsewhere and identifies strengths and deficiencies in these approaches. Finally, the sixth section contains a discussion of options for an ethics program for the federal government's *Evaluation Policy* and suggests measures required to support the program.

Section 1—Professionalism, Ethics, and Evaluation

Scholarly writings contain a variety of views on the essential criteria constituting a profession. There is widespread agreement, however, that a central criterion is the existence of a code of ethics (or a code of conduct) and, more generally, of measures to enhance the ethical standards of an occupational group and the ethical performance of its members. The development, communication, and continuing improvement of an ethics program are essential to the work both of organizations representing well-established professions and those representing occupations seeking professional recognition.

Many occupational groups that are composed of well-educated specialists but are not generally recognized as professions have an understandable inclination to move toward professional status. Among the incentives are an enhanced reputation and, in some instances, higher compensation for group members, greater emphasis on education and training, and the adoption of stricter standards of performance. The federal evaluation community has additional reasons for wanting to move in this direction.

First, federal evaluators, like other occupational groups, often experience issues and dilemmas requiring careful and informed ethical reasoning. Second, new policies and practices in government have increased the importance of the evaluation function. For example, the *Management Accountability Framework*, adopted in 2003, requires that departments evaluate their performance on ten essential elements of good management, including public service values, results and performance, policies and programs, stewardship, and accountability. Parliamentary reporting and the ongoing expenditure review process also require the skills of evaluators. Third, the government announced in the 2004 budget that the activity and capacity of the evaluation community would be strengthened and, to that end, the Treasury Board of Canada Secretariat is rethinking its approach to evaluation. Fourth, evaluators have recently seen their internal audit colleagues, with the formal encouragement of the government, take measures to enhance their professional standing.

Some observers view the current heavy emphasis on the audit function as an over-reaction to recent events surrounding the audit of Human Resources Development Canada, the gun registration, and the sponsorship scandal investigated by the Gomery Commission. While the audit function needs to be effectively performed, so does the evaluation function, with its emphasis on ensuring "that the government has timely, strategically focused, objective, and

evidence-based information on the performance of its policies, programs and initiatives to produce better *results for Canadians*."[1]

Ethics issues for evaluators

Evaluators, including those who are federal public service employees, face difficult and delicate ethical challenges. These challenges involve decisions regarding their own ethical conduct as well that of persons with whom they interact. For federal evaluators, these persons include deputy ministers, program managers, heads of evaluation units, other evaluators, and a broad range of additional stakeholders, within and outside government, who are affected by evaluative activity. The following brief scenarios are illustrative of the kinds of ethics issues that evaluators may face.

‣ A government evaluator is offered, in confidence, information about possible illegal conduct by a stakeholder involved in the evaluator's current evaluation.

‣ A government evaluator learns that a program manager has been bragging about always using external consultants for evaluation because they will be looking toward the next job and, therefore, the content of their reports can be more easily influenced than those of internal evaluators.

‣ The head of a program being evaluated casually asks the evaluator whether she has any interest in applying for a position in the department at a higher classification level.

‣ After reading a draft evaluation report, a program manager complains to the evaluator, "You can't say that! The deputy will be furious!"

Each of these ethics issues is elaborated in Appendix B, in the form of a vignette, with points to ponder. Evaluators will be in a much better position to deal effectively with such issues if they have benefited from an ethics program that includes at least an ethics code and ethics training. An ethics program is a common feature of occupational groups that have achieved, or are moving toward, professional status.

Professionalization

The Gussman report entitled *Improving the Professionalism of Evaluation* notes that evaluation "is not strictly a profession"—that it involves something beyond professional skills and ethical standards. Evaluators need to have "a certain mindset and be able to draw on different skills and techniques, as they deem appropriate to any specific assignment. Evaluation in the policy context goes beyond research and analysis—it involves a blend of research, interpretation and critical

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1. Treasury Board of Canada Secretariat, *Evaluation Function in the Government of Canada*, July 6, 2004, version, p.14. Available at http://www.tbs-sct.gc.ca/eval/pubs/func-fonc/func-fonc_e.asp#app2. Emphasis added.

thinking."[2] The scope of this paper does not include an examination of the extent to which evaluation is, or is likely to become, a profession. It is important, however, for a discussion of evaluation ethics to explain the manner in which the term *profession* and related concepts are being used.

Whether an occupational group constitutes a profession or has a reasonable expectation of achieving that status depends on the criteria against which the group is being assessed. Harold Wilensky's frequently cited view on the essence of a profession features two main criteria: a profession is based on systematic knowledge or doctrine acquired through lengthy and prescribed training, and its members adhere to a set of professional norms that put devotion to the client's interests above personal or commercial benefit in the event of conflict.[3] The ethical content of the second criterion is evident, and Wilensky notes further that recognized professions must be able to offer their members such features as a code of ethics, formal training, membership in a supporting professional association, and licensing or certification requirements that control entrance to the profession and regulate behaviour within it.[4] Along with a code of ethics, formal training deserves special emphasis because, as argued later, training for evaluators should include a substantial ethics component.

Many of the early scholarly writings on professionalism typically outline the essential criteria of a genuine professional. These are the criteria normally associated with such traditional professions as medicine and law. Cyril Houle describes this as a static conception of a professional[5] and, like others before him,[6] he emphasizes the importance of taking a more dynamic approach, described here as the process approach. He "rejects the static, exclusive notion of professionalism and its cabalistic preoccupation with the question of which occupational groups are really professions." He opts, instead, for the "inclusivist position that is grounded in a dynamic understanding of the professions. The one unchanging feature of the professional is unceasing movement toward new levels of performance. In the achievement of

2. T. K. Gussman, *Improving the Professionalism of Evaluation, Final Report* (2), for Centre of Excellence for Evaluation, Treasury Board of Canada Secretariat, May 31, 2005, p. 8.
3. Wilensky H.L., "The Professionalization of Everyone?" *American Journal of Sociology*, 70 (September 1964), pp. 138, 140.
4. Ibid, pp. 142–46.
5. Houle, Cyril, *Continuing Learning in the Professions*, San Francisco: Jossey-Bass, 1980, p. 19.
6. See, for example, H.M. Vollmer and D.W.Mills, eds., *Professionalization* (Englewood Cliffs, N.J.: Prentice-Hall, 1966) where professionalization is used as the organizing framework for the book, and Wilbert E. Moore, *The Professions: Roles and Rules* (New York: Russell Sage Foundation, 1969).

these new levels, inadequacies of performance become clear and better levels of performance possible."[7]

The static approach is often used to distinguish an occupational group that is a profession from one that is not. Proceeding on the premise that there is a clear and rigid boundary between professions and non-professions, however, does not reflect the reality of varying degrees of professionalism, both from one occupation to another and within a single occupation over time.

What is required is greater emphasis on the concept of professionalization that is central to the process approach. Professionalization is a process of continuous movement toward a greater measure of various professional characteristics or standards. The principles of action to be included would be those that "seem most significant to the members of a vocation as they seek to elevate and dignify its work so that it can become accepted by society as a profession."[8] The focus should not be on whether a specific occupational group constitutes a genuine profession but on how professionalized the group is "in certain identifiable respects" at some point in time.[9]

This approach can be illustrated by reference to the federal government's announcement in 2004 of a comprehensive initiative that includes the new *Policy on Internal Audit*. This Policy is intended to lead to "[t]he strengthening and professionalizing of the internal audit function through the establishment of, and adherence to, stringent, professional attitudes, and the application of internationally-recognized internal auditing practices; the recruitment of additional skilled professionals; and the certification and/or accreditation of accounting and audit professionals."[10]

Professionalization is often depicted as a continuum along which occupational groups can be located depending on the extent to which they adhere to various principles of professionalism. A more refined analysis would show each major component of professionalism on a separate continuum. A continuum on professional ethics would show not only the existence of a formal code of ethics but also the extent to which a continuous effort is being made to use and improve the code and the extent to which the code is part of a larger ethics program. "A professionalizing

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7. Philip M. Nowlen, *A New Approach to Continuing Education for Business and the Professions* (London: Collier Macmillan, 1988), p. 11.
8. Houle, p. 27.
9. Vollmer and Mills, p. vii.
10. Treasury Board of Canada Secretariat, *Backgrounder: An Accountable Government that is Responsive and Innovative: Our Track Record*, March 24, 2004. http://www.tbs-sct.gc.ca/media/nr-cp/2005/1021d_e.asp

occupation should be concerned with the continuing refinement of the ethical standards that characterize its work."[11]

The process approach provides a much more inclusive framework for assessing the professionalism of all occupations, including those recognized as well-established professions, since most occupations are to a greater or lesser extent *professionalizing* ones. Unless otherwise specified, use of the term *professional* in this paper applies to both established and aspiring professions.

11. Houle, p. 27.

Section 2—Philosophical Foundations of Ethical Behaviour

Ideas and insights from moral philosophy have had enormous influence on ethical standards and practices in the public sector. The field of professional ethics applies these ideas and insights to ethical issues and dilemmas facing professionals in their daily work. Ethical theories are the major source of principles, values, standards, and rules bearing on the ethical behaviour of evaluators.

There are a considerable number and variety of ethical theories in the realm of moral philosophy. Scholarly discussions of reasoning about ethical decision making are, however, dominated by two major theories, namely the *deontological* and the *teleological* theories of ethical analysis. These complex theories are often described as normative ethical systems or as methodologies for the application of ethical insights to practical decision making. The account of the theories provided here is necessarily oversimplified and succinctly summarized. Both theories have been subjected to lengthy and intellectually sophisticated critiques.

Deontology

According to deontology, or deontological ethics, decisions are ethical, or morally right, if they are based on adherence to overriding moral duties or principles (e.g. promise keeping, truth telling) that are dictated by reason. This theory also emphasizes the importance of individual rights (e.g. the right to know, the right to give informed consent). Unlike teleological ethics, described below, deontology does not focus on the consequences of a decision. For deontologists, a decision can be ethical even if it has negative consequences.

The philosophers Immanuel Kant and John Locke are closely associated with deontological theory. Kant's "categorical imperative" requires that one should "[a]ct only on that maxim whereby thou canst at the same time will that it should become universal law." Thus, evaluators who are tempted to ignore established procedures so as to expedite an evaluation report should ask whether they would want everyone else in similar circumstances to violate set procedures. Kant's position is similar to the requirement of the "golden rule." According to John Locke, reason dictates that under natural law individuals have certain inviolable rights. Thus, evaluators should ask whether there are fundamental—or even universal—rights that should not be violated by their actions and decisions.

Among the criticisms of deontological theory is that it is difficult to get universal agreement on what principles should be considered fundamental. It is also difficult to prioritize and to apply such abstract principles as truth telling and the sanctity of life to specific cases that arise in one's day-to-day work. In addition, the application of certain principles, without reference to consequences, can have extremely negative results—for example, when telling the truth results

in penalties for well-intentioned actions. Moreover, it is often the case that one principle will come into conflict with another. A celebrated example is truth telling versus the sanctity of life when one is considering whether to lie to a prospective murderer about the location of the intended victim. It is also argued that if exceptions are made in the application of a principle, it cannot be considered a fundamental one. Many deontologists, however, would approve of exceptions when a greater moral principle is at stake. At a less dramatic level than life and death, one can envisage an evaluator having to choose between the public's right to know and a client's right to privacy.

Teleology and utilitarianism

A contemporary philosopher, John Rawls, used a distinction between what is *right* and what is *good* to differentiate deontological from teleological (or consequential) ethical theory. For deontologists, actions that are right and actions that are good are often independent of one another whereas for teleologists an action is only right if it maximizes the good. Deontology assesses the morality of an action by the reasons for it and teleology judges the morality of an action by its consequences.

The teleologist's emphasis on consequences has meant that teleology is often equated with, or closely associated with, the ethical theory known as *consequentialism*. The most familiar form of consequentialism is *utilitarianism.* The utilitarian theory of ethics, which judges the morality of an action by the amount of good it achieves for society or for humanity in general, is often defined in terms of "the greatest happiness for the greatest number of people." John Stuart Mill argued that "actions are in right proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By 'happiness' is intended pleasure and the absence of pain." Jeremy Bentham captured the importance in utilitarian ethical theory of the equality of those affected by a decision and the good of all—"everyone to count for one, nobody for more than one." For the utilitarian, there is no need to agree on overriding ethical principles because principles will always be weighed in light of the likely consequences of their application. Thus, an evaluator would weigh the consequences of making information available to the public or to government against protecting the confidentiality of an evaluation report.

Among the criticisms of utilitarian ethical theory is that it can permit individuals or minorities to be treated unfairly when the consequence of that unfairness is a more favourable outcome for the majority. Moreover, utilitarianism does not make clear whether a very favourable result for a few should trump a small irritation for many. Another concern is that emphasis on the ends of one's action can minimize unduly concern about the means by which those ends are attained. One of the provisions in the "Professional Values" section of Canada's *Values and Ethics Code for the Public Service* is that "[i]n the Public Service, how ends are achieved should be as important as the achievements themselves."

Virtue ethics

Another normative ethical theory, that of *virtue ethics*, has experienced a revival since the late 1970s. This theory is most closely associated with Aristotle, who emphasized such moral virtues as justice, temperance, and prudence, each as a mean between two vices. Virtue ethicists do not focus on applying the right principles or seeking good consequences. Rather, their focus is on developing a person's good dispositions, traditionally called virtues, such as fairness and caring. They want individuals to cultivate an intuitive understanding of what is right and wrong that can then be applied to everyday behaviour.[12] Decision makers would have a well-developed sense of what is required by such virtues as integrity and respect and would act on these in the workplace.

An attractive feature of virtue ethics is that it accords with our common experience that many people who act ethically do so not by referring to abstract moral principles or by calculating consequences but on the basis of their character. This has implications for the kind of people that governments hire and promote and the mechanisms they use for this purpose. A major objective of many job interviews is to discover not only how a candidate reasons about ethical issues but also the extent to which he or she already possesses certain virtues. Virtue ethical theory can inform the determination of evaluator competencies with respect to values and ethics.[13] A deficiency of virtue ethics theory is that, unlike the deontological and utilitarian theories, it does not provide principles for ethical decision making. Its focus is on the good person rather than on the right or good action.

As indicated, the deontological and utilitarian theories in particular have important implications for ethical decision making by public service employees. Many scholarly writings and most formal courses on professional ethics review the strengths and weaknesses of these competing ethical theories, and others, without specifying a preference or which theory should be applied in the diverse circumstances that arise in professional life. While several scholars have proposed theories combining two or more of the leading theories, no single theory has won general acclaim. It is common—and helpful—to suggest that decision makers should integrate insights from more than one theory in search of *a reflective equilibrium*. Many professional codes reflect the influence of both deontological and utilitarian theory.

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12. For a proposed unification of virtue theory with deontological and teleological theory, see Charles Garafalo and Dean Geuras, *Ethics in Public Service: The Moral Mind At Work* (Washington: Georgetown University Press, 1999).

13. See Treasury Board of Canada Secretariat, *Building Community Capacity—Competency Profile for Federal Public Service Evaluation Professionals*, January 2002. Available at www.tbs-sct.gc.ca/ia-vi/policies-politiques/ competency-competence/competency-competence03_e.asp.

Contractarian ethics

A final ethical theory examined here is *social contract* or *contractarian theory*. Thomas Hobbes, John Locke, and Jean-Jacques Rousseau all contributed to the development of social contract *political* theory. In essence, the argument is that people in a theoretical state of nature form a government for their mutual benefit by means of a social contract whereby they agree to take on certain rights and responsibilities. The conception of a social contract is relevant to *ethical*, as well as political, theory. John Rawls, following Immanuel Kant, postulated a hypothetical "original position" whereby people would design social and political institutions from behind a "veil of ignorance." In making their decisions, they would not know whether they personally were among the best off or the worst off in society. The practical implication of this argument is that when public service employees face an ethical dilemma they should ask themselves what decision they would make if they didn't know, for example, whether they were a deputy minister, a middle manager, an evaluator, or the head of a program being evaluated.

Social contract theory can usefully be applied to the analysis of professional codes of ethics. David McGraw contends that the social contract tradition in ethics is the best framework for analyzing professional codes of ethics. He conceptualizes a professional code in contractarian terms as, in essence, "an agreement made by members of a social group, who agree to obey the rules of the contract because of perceived mutual benefit."[14] He acknowledges that many professional codes of ethics show evidence of deontological or utilitarian theories, but he argues that, in general, professional codes are based more on social contract theory than on any other ethical system.

Three implications of this line of thought are noteworthy. First, the members of the profession or occupation in question should be involved in the development of the code and, if practicable, they should have the opportunity to consent to it formally. Second, since codes are usually developed by, or on behalf of, the members of the group, the legitimacy of applying the code to non-members is questionable. Third, in the event of conflict between a professional code and the laws of the state, the latter should take precedence. This is because the general public has consented to the laws whereas only the members of the profession have consented to the provisions of the code. McGraw notes that "professional codes of ethics should not be understood as moral absolutes, but merely as agreements existing in a domain that is subordinate to the legal system. . . . [W]here a mere rule in a professional code of ethics conflicts with a law of the state, the professional code of ethics should be pre-empted. Both are social agreements,

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14. David K. McGraw, "A Social Contract Theory Critique of Professional Codes of Ethics," p. 1. Available at http://www.ethicstechconference.org/papers/mcgraw.doc.

thus in almost all cases the more global should prevail."[15] The reasoning on this third point has especially important implications for the content and management of an ethics code for federal evaluators.

Most codes of ethics reflect the influence of more than one ethical theory. One can expect to find principles, standards, and rules based on such central values as truth telling and fairness, on respect for such individual rights as the right to know, on achieving the greatest good for the greatest number, and on the priority of the general interest over personal or client interests. The Tri-Council Policy Statement on ethical research, in its discussion of putting principles into practice, notes that "there are a variety of philosophical approaches to ethical problems, and that debate between various schools of thought both informs ethical decisions and ensures an evolving context for ethical approaches."[16] The challenge is to ensure that ideas and insights from various ethical theories are integrated into the code in a coherent fashion that best meets the needs of a particular profession. "Often, more than one principle will apply to a specific case. . . . If the application of principles yields conflicts, then such conflicts properly demand probing ethical reflection and difficult value choices. . . . In their best uses, principles serve as short-hand reminders of more complex and context-specific moral reflection."[17]

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15. Ibid, p. 10.

16. Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans.* 1998 (with 2000, 2002 and 2005 amendments), p. i.9. Available at http://pre.ethics.gc.ca/english/policystatement/policystatement.cfm.

17. Ibid.

Section 3—Values, Ethics, and the Federal Public Service

The ethical theories examined above are a major source of ethical principles for established and aspiring professions and, in particular, for inclusion in their codes of ethics. For federal public service evaluators, there are five other influences. The first is the values and ethics regime of the federal Public Service itself, especially the Values and Ethics Code, which is the focus of this section of the paper. The second influence is the ethics models provided by a range of established professions and professionalizing occupations, and the third is the general evaluation community in Canada, represented by the Canadian Evaluation Society (CES), which has members from governments as well as from corporate, consulting, and volunteer organizations. These latter two influences are examined, in turn, in sections 4 and 5. A fourth influence that could be significant in some circumstances is the ethics requirements established by individual departments and agencies to meet their particular needs. A possible fifth influence arises from the fact some members of the evaluation community have been educated as auditors or other professionals and may therefore be influenced by still another professional code.

Key terms

Before discussing these influences, it is essential to explain several key terms. The term *ethics* refers here to principles or standards of right conduct. *Principles* are "models of behavior and practice, providing and encompassing not only situational rules but also serving as guides for unspecified practice."[18] *Values* are similar to principles. They are enduring beliefs that influence the choices we make from among available means and ends. *Rules* are statements about specific acts that are either permissible or prohibited. *Standards* are "similar to rules but often suggest ideal behavior."[19] Finally, the form and content of codes of ethics (or conduct) can be depicted along a continuum running from very broad principles (the "Ten Commandments" approach) to very specific rules providing for every possible contingency (the Justinian Code approach).[20] Further elaboration on the meaning and relationship of these several terms is contained in Appendix C. An evaluation policy dealing with ethical standards will likely be obliged to use several of these terms and to use them carefully. The CES has avoided this issue of terminology by entitling its brief code *Guidelines for Ethical Conduct*, never using the terms principles, values, standards, or rules and listing what could be described as standards under three major values—competence, integrity, and accountability.

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18. Dianna L. Newman and Robert D. Brown. *Applied Ethics for Program Evaluation* (Thousand Oaks, Ca., Sage, 1996), p. 22.

19. Ibid, p. 23.

20. Kenneth Kernaghan, "Codes of Ethics and Administrative Responsibility," *Canadian Public Administration*, Vol. 17, No. 4 (Winter 1974), pp. 527–41.

The Values and Ethics Code

The need for a federal government evaluation policy to make reference to *values* arises from the fact that the Values and Ethics Code covers all federal employees working in the regular departments and agencies of government. This Code was adopted in 2003 after considerable consultation with public service employees at all levels of the government.

The Code's objectives are

- to articulate the values and ethics of public service to guide and support public servants in all their professional activities;
- to maintain and enhance public confidence in the integrity of the Public Service; and
- to strengthen respect for, and appreciation of, the role played by the Public Service within Canadian democracy.

The Code is divided into four chapters: a statement of public service values and ethics, conflict of interest measures, post-employment measures, and avenues of resolution.

Under the Code, public servants are to "be guided in their work and their professional conduct by a balanced framework of public service values." There are four categories or "families" of public service values, namely democratic, professional, people, and ethical values. (Ethical values are enduring beliefs that influence our decisions as to what is right and wrong.) The section of the Code on ethical values reads as follows:

> **Ethical Values:** *Acting at all times in such a way as to uphold the public trust.*

- Public servants shall perform their duties and arrange their private affairs so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced.
- Public servants shall act at all times in a manner that will bear the closest public scrutiny; an obligation that is not fully discharged by simply acting within the law.
- Public servants, in fulfilling their official duties and responsibilities, shall make decisions in the public interest.
- If a conflict should arise between the private interests and the official duties of a public servant, the conflict shall be resolved in favour of the public interest.

Among the provisions in the other three sections that are especially relevant to the appropriate conduct of evaluators are the following:

Professional Values: *Serving with competence, excellence, efficiency, objectivity and impartiality.*

- Public servants should also strive to ensure that the value of transparency in government is upheld while respecting their duties of confidentiality under the law.

People Values: *Demonstrating respect, fairness and courtesy in their dealings with both citizens and fellow public servants.*

- Respect for human dignity and the value of every person should always inspire the exercise of authority and responsibility.

Democratic Values: *Helping Ministers, under law, to serve the public interest.*

- Public servants shall give honest and impartial advice and make all information relevant to a decision available to Ministers.

The Code lists democratic values first, in recognition of their special importance for persons working in the public sector. This pride of place for democratic values suggests the need for functional communities in the Public Service to take careful account of the particular requirements of the government milieu in which they work. At the same time, it is important to recognize that public service employees rank ethical values more highly than those in the other categories. Empirical research on this point shows that the top five values espoused by public organizations in the federal and provincial spheres of Canadian government are integrity/ethics, accountability/responsibility, respect, service, and fairness/equity.[21] Accountability is commonly viewed as both an ethical value and a democratic one.

Chapter 1 of the Code contains two provisions of primary importance for the relationship between this Code and a code of ethics for evaluators. The first provision is that the Code "forms part of the conditions of employment in the Public Service of Canada" and that "[a]ll public servants are responsible for ensuring that they comply with this Code and that they exemplify, in all their actions and behaviours, the values of public service." The second provision is that "in addition to the stipulations outlined in this Code, public servants are also required to observe any specific conduct requirements contained in their particular department or organization and their *profession*, where applicable." The Code is established as the overriding values and ethics document in the federal government, but it does not provide specifically that, in the event of

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21. Kenneth Kernaghan, "The Emerging Public Service Culture: Values, Ethics and Reforms," *Canadian Public Administration*, Vol., 37, No. 4 (Winter 1994), pp. 61–30.

conflict between the Code and a departmental or professional code, the former will prevail. Since this is clearly the government's intention, it would be helpful to cover this point explicitly in the revised evaluation policy. It is also important to ensure that the values and ethics component of the policy is compatible with the public service–wide Values and Ethics Code.

Chapter 2 of the Values and Ethics Code deals with conflict of interest measures. While conflict of interest is an important component of ethical guidance for all evaluators, the focus in government is on conflict between private interests and public service duties. The relevant provision of the Code is the provision that "[i]f a conflict should arise between the private interests and the official duties of a public servant, the conflict shall be resolved in favour of the public interest." For greater specificity, Chapter 2 of the Code prescribes the following duties for public servants:

a. They should not have private interests, other than those permitted pursuant to these measures, that would be affected particularly or significantly by government actions in which they participate.

b. They should not solicit or accept transfers of economic benefit.

c. They should not step out of their official roles to assist private entities or persons in their dealings with the government where this would result in preferential treatment to the entities or persons

d. They should not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and that is not generally available to the public.

e. They should not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for anything other than officially approved activities.

Chapter 3 of the Code focusses on one type of conflict of interest, namely post-employment, which involves conflict between a public service employee's most recent position in government and employment in a subsequent non-governmental position.

The provisions in chapters 2 and 3 apply to all public service professionals, including evaluators. A code of ethics for evaluators should not only make reference to the existence of these provisions but should also elaborate on them by including conflict of interest standards tailored to the specific needs of the evaluation community. Chapter 4 of the Code deals with "avenues of

resolution" regarding interpretations of the Code, conflict of interest and post-employment, and disclosure of wrongdoing (whistleblowing).

The Office of Public Service Values and Ethics[22] of the Public Service Human Resources Management Agency of Canada is responsible for promoting values-based management in the federal Public Service. It is a source of comprehensive information on the content, management, and implementation of the Values and Ethics Code.[23]

The charter of public service values

Those who are developing codes of ethics for professional groups in the federal government should be mindful of recent changes affecting the management of the disclosure of wrongdoing and the format and content of the Values and Ethics Code. Bill C-11, the *Public Servants Disclosure Protection Act*, received Royal Assent on October 25, 2005. This Act replaces the government's policy on the internal disclosure of wrongdoing with statutory protection for disclosures, establishes a public service integrity commissioner to investigate allegations of wrongdoing, and specifies several types of serious wrongdoing that would justify the making of disclosures by public service employees. More important for the purpose of this paper is that the preamble to the Act commits the government to adopting a charter of public service values to "guide public servants in their work and professional conduct." In addition, section 4 of the Act requires that the Treasury Board establish a code of conduct applicable to the public sector. The Code is envisaged as providing more specific and rule-oriented guidance based on the general principles and values contained in the charter. While the charter and the code of conduct will doubtless draw some of their content from the Values and Ethics Code, the two documents have not yet been drafted.

If the new evaluation policy, with its ethics provisions, is adopted before the charter and the code have been adopted, it will probably be necessary to amend the policy to recognize the existence and content of these central public service–wide documents. In this circumstance, it might be beneficial to take a two-tier approach to the formulation of an ethics code for evaluators. The first tier could contain the core principles and values while the second tier could elaborate on these principles and values and would be more amenable to revision as needed.

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22. See http://www.hrma-agrh.gc.ca/veo-bve/index_e.asp.

23. Available at http://www.hrma-agrh.gc.ca/veo-bve/index_e.asp.

Other influences on evaluators

As explained at the beginning of this section, federal evaluators are subject not only to the Values and Ethics Code but also to other professional and ethical requirements. The Consulting and Audit Canada (CAC) *Code of Ethics and Professional Conduct* deals with this matter by stating that "since CAC is part of the Public Service, all its members bear the responsibilities of public servants" and recognizing that "in addition, many are professional auditors or consultants with specific responsibilities to clients." The Code is then divided into four sections outlining ethical and professional principles for management and staff as individuals, as members of the Public Service of Canada, as members of the CAC, and as professionals providing services to external clients. The conduct of CAC members "is bound, not only by the law, but also by the policies and values of the Public Service and of PWGSC" (Public Works and Government Services Canada).

A references section at the end of the CAC Code notes that the applicable codes include the *Conflict of Interest and Post-Employment Code for the Public Service* (sections 2 and 3 of the Values and Ethics Code) and the PWGSC Statement of Ethical Values, but no reference is made to the Values and Ethics Code as a whole. Moreover, no advice is given on how clashes between professional and other codes should be resolved. The Code does not reflect the social contract argument noted earlier that a law of the state should prevail over a professional code.

In the context of evaluation ethics, the great benefit of the Values and Ethics Code is that evaluators, as federal employees, are already covered by the Code's government-wide values and ethics requirements. This means that a code of ethics for evaluators, set within this broad values and ethics framework, can be briefer and geared to the specific needs of the evaluation community. Moreover, evaluators can seek advice and assistance on ethics issues from the Office of Public Service Values and Ethics and from departmental senior officials (on the Values and Ethics Code) and senior officers (on disclosure of wrongdoing). (See Appendix A of this paper.)

Section 4—Ethics Programs in the Professions

This section examines the ethics programs (or ethics regimes) of a cross-section of professional organizations[24] representing professions ranging from long-established, highly regulated ones (e.g. medicine) to relatively new and voluntary ones (e.g. human resource professionals). The following eight professions and their corresponding professional organization were selected for examination:

‣ doctors (Canadian Medical Association, CMA);

‣ lawyers (Law Society of Upper Canada, LSUC);

‣ chartered accountants (Institute of Chartered Accountants of Ontario, ICAO);

‣ certified general accountants (Certified General Accountants, CGA);

‣ internal auditors (Institute of Internal Auditors, IIA);

‣ management consultants (Canadian Association of Management Consultants, CAMC);

‣ social science researchers (Interagency Advisory Panel on Research Ethics, Tri-Council); and

‣ human resource professionals (Strategic Capability Network, SCNETWORK). [25]

Form and content of professional codes

As shown in Figure 1, the ethics program of most of these organizations contains several of the following eight components: a statement of values or principles related to or part of a code, a code of ethics or ethical guidelines, ethics training as a condition of membership, ethics training as part of continuous education or recertification, the availability of an ethics counsellor, dissemination of ethics information through a newsletter, a disclosure mechanism, and an enforcement mechanism. This section of the paper focusses on findings from a side-by-side comparison of the ethics programs for the eight professions.

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24. Data for this section were drawn from documentary evidence and from telephone interviews and e-mail exchanges with representatives of professional organizations.

25. For some of the organizations, the Ontario member association was used (Law Society of Upper Canada, Institute for Chartered Accountants of Ontario). The ethics package for internal auditors was drawn from the Institute for Internal Auditors (IIA), the headquarters for which is located in Altamonte Springs, Florida, U.S. Note that to obtain a Certified Internal Auditor (CIA) designation, members must first be a certified CA, then specialize in internal auditing and abide by IIA regulations.

Figure 1

Ethics Package Comparison—Canadian Professional Organizations

Name of Organization	Sector
Canadian Medical Association (CMA)	Health
Interagency Advisory Panel on Ethics Research (Tri-Council)	Social Science Research
Institute of Internal Auditors (IIA)	Internal Auditing
Institute of Chartered Accountants of Ontario (ICAO)	Chartered Accounting
Certified General Accountants (CGA)	General Accounting
Canadian Institute of Management Consultants (CAMC)	Management Consulting
Canadian Council of Human Resources Associations (CCHRA)	Hum an Resources
Upper Canada Law Society (LSUC)	Law

Organization	CMA	Tri-Council	IIA	ICAO	CGA	CAMC	CCHRA	LSUC
Values or principles	X	X	X	X	X	X	X	X
Codes of ethics or ethical guidelines	X	—	X	X	X	X	X	X
Ethics training	X	—	—	X	X	X	—	X
Continuing ethics training	O	O	O	O	O	O	—	O
Counsellor/advice line (web/telephone)	X	N/A	X	X	X	X	—	X
Ethics newsletter (electronic/paper)*	— **	N/A	O	0	O	O	—	O
Disclosure mechanism	X	—	X	X	X	X	—	X
Enforcement mechanism	X	—	X	X	X	O	—	X

* Ethics not the focus of newsletter but may be included.
** CMA said they had a newsletter in past and were trying to rebuild it.
LEGEND: X = Yes
        O = From time to time or members' option.
        — = No

All but one[26] of the eight organizations have a form of ethics code outlining the expected ethical performance of their members. The most frequently cited values in the codes include integrity, honesty, competence, and confidentiality, all of which are important to the evaluation function. There are significant differences in the values highlighted by the various professions, in large part because of the need to meet the requirements of their particular roles and responsibilities. Most of the codes are carefully structured in a logical and coherent fashion. The CCHRA National Code of Ethics, however, simply provides a list of "requirements," all lumped together under such diverse headings as "Competence," "Legal Requirements," "Dignity in the Workplace," and "Enforcement." The principles or values on which this code is based are not evident.

Figure 1 above shows whether each organization provides ethical principles or values as a foundation for more specific guidance in the form of standards or rules. Some codes are close to the Justinian Code approach in that they are extremely long and detailed. Consider, for example, the LSUC Code at 157 pages and the ICAO Code at 47 pages. The principles and values underpinning the lengthy list of rules in each code are not spelled out, and it is appropriate that both codes are entitled *Rules of Professional Conduct.* In comparison, other codes (e.g. the CMAC and CCHRA codes) are closer to the Ten Commandments approach in that they are relatively brief and expressed in broad terms. The CMA Code, while still lengthy at 19 pages, falls between these two models. It sets out 54 brief statements of "responsibilities," but these are said to be based "on the fundamental principles and values of medical ethics, especially compassion, beneficence, non-maleficence, respect for persons, justice, and accountability."

Another approach that is frequently used in the drafting of codes of ethics can be called the elaboration approach. Each principle or value is followed immediately by specific guidelines or prescriptions providing additional elaboration. There are several variations on this approach. The *CAMC Code of Professional Conduct: Statements of Interpretation* divides the code into four sections, headed "Responsibilities to the Public," "Responsibilities to the Profession," "Review of Members' Work," and "Responsibilities to the Client." Each of these four sections, except the one on review of members' work, contains several subsections composed of one or more "shall" or "shall not" statements, as illustrated below.

> 4.0   Responsibilities to the Client
>
> 4.01   Due Care

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26. The Tri-Council document mentioned earlier does not constitute a code of ethics in the traditional sense, but it does contain a list of guiding ethical principles and advice on how to put them into practice.

A member shall act in the best interests of the client, providing professional services with integrity, objectivity and independence. . . .

4.04   Informed Client

A member shall, before accepting an assignment, reach a mutual understanding with the client as to the assignment objectives, scope, work plan, and costs.

Each of these statements is followed by several "statements of interpretation." For example, subsection 4.04.1 provides that "[m]embers shall confirm in writing the terms of reference for an assignment."

Another popular approach to developing ethics codes is an explicit two-tier model in which a section containing a statement of ethical values or principles is followed immediately by a separate section setting out standards, guidelines, or rules of conduct. The IIA's *Code of Ethics* includes a section on principles and one on rules of conduct. The CGA Code, formally entitled *Code of Ethical Principles and Rules of Conduct,* notes that its most important part "is the *Code of Ethical Principles*. They provide the ethical standards in accordance with which accountants are to make their professional judgments. The Rules of Conduct provide clear statements of required or prohibited behaviour in specific situations."

As noted above, a major benefit of the two-tier approach is that the section on standards, guidelines, or rules can be amended over time whereas the section on principles is much less likely to require revision. The CGA Code "is structured so that the ethical principles are relatively general and only rarely subject to revision. As the profession and its environment change, it is anticipated that the rules of conduct will be amended occasionally, as warranted by addition, modification, and deletion." The CAMC has adopted a similar approach by complementing its *Uniform Code of Professional Conduct* with a separate document entitled *Code of Professional Conduct: Statements of Interpretation.* These are described as "guidelines to help Members of the CAMC in general and CMCs in particular understand the requirements of the Code. The Statements elaborate on, and are more specific than, the related Section of the Code."

As with codes of ethics, there are substantial differences among the organizations in the other components of their ethics package. In Figure 1, ethics training is divided into training as a condition of membership in the organization and training required or available after becoming a member. For most of the organizations, including the ICAO, the CGA, the LSUC, and the CAMC, some ethics training or education is a formal component of certification. The CAMC requires an examination following a course on best practices and professional standards that is

available to members in general but is required as part of the certification process.[27] While several of the organizations require or provide continuing training to promote professional development, there is little training dedicated to ethics issues. The IIA includes ethics training as part of its seminar and conference curriculum but does not require it.

Several of the organizations provide a form of counselling pertaining to ethics and other professional matters. Again, there is considerable variation among the organizations. The CMA has an ethics office; IIA members can seek advice from its ethics committee composed of volunteer practitioners at the level of chief audit executive; the ICAO provides practice and ethics advisory and counselling services; the LSUC has a practice advisory line; and provincial chapters of the CAMC have designated counsellors. None of the organizations has a dedicated ethics newsletter, but some of them include ethics items in their magazine sent to all members.

Some of the organizations take serious account of reports or allegations of non-compliance with their principles, values, standards, and rules and have established mechanisms to enforce compliance. The ICAO prides itself on its enforcement of exacting rules of professional conduct through a well-resourced complaints investigation and discipline process that employs experienced members of the profession and public representatives.[28] There is a professional conduct committee to investigate all written complaints about members, students, and firms; a discipline committee to hear charges; and an appeal committee to hear appeals against a decision to impose discipline. The CHRP is currently implementing a similar model for all member associations that will consist of two committees—a complaints and investigation committee to determine whether a violation of the CHRP code has occurred and, if so, the appropriate discipline to be levied, and an appeals committee. The CAMC requires that its members certify each year that they are respecting the organization's Code of Conduct.

Lessons learned

Among the learning points for evaluation ethics that can be drawn from the preceding analysis are these:

1. The Justinian Code model for an ethics code (e.g. the LSUC Code), involving a lengthy and rules-based approach, seems inappropriate for an evaluation ethics code. A code for evaluators should be positioned closer to the Ten Commandments model by setting out major principles or values. It should, however, supplement these principles or values with more specific standards of conduct and, where necessary, with specific rules.

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27. CAMC, http://www.camc.com/index.cfm?PID=12511&PIDLIST=12511.

28. ICAO, http://www.icao.on.ca/Public/ProtectingthePublic/page1397.aspx.

2.   This can be effectively accomplished by using either the elaboration or two-tier approach. As noted above, the current *Values and Ethics Code* for the Public Service as a whole is likely to be replaced in the near future by a two-tier approach consisting of two separate but related documents: a charter of public service values and a code of conduct. Some professional associations use the two-tier approach effectively in the form of a single document containing a section on ethical principles complemented by one on rules of conduct.

3.   An ethics code is an essential component of an ethics program, but it must be supplemented by additional measures to preserve and promote high ethical performance. While the professional organizations examined here seem to realize that a code is necessary but not sufficient to ensure high ethical performance, the ethics program of several of these organizations offers little of substance beyond a code.

4.   An ethics code for federal evaluators must take account of the fact that they are subject to more than one code. This can be dealt with in the introductory section of the code, or the code can be structured so as to specify the responsibilities of evaluators to such entities as the Public Service as a whole, their department, and other professions to which they belong.

5.   For some organizations, training programs, including ethics courses, are required as part of their certification process. If it were decided that federal evaluators should be certified, such training should be included. Ethics training, however, can also be required as a condition of membership in a professional organization or occupational group or made available on a voluntary basis. If the ethos and responsibilities of the federal evaluation community are sufficiently distinct from their private sector counterparts, then at least some of the ethics training of federal evaluators should be tailored to the specific requirements of the public sector. Mandatory ethics training for all federal evaluators is likely to enhance their professional standing.

6.   There is considerable overlap in the most frequently espoused values of public organizations in general and those values found in the codes of professional organizations. Among the primary values are integrity, impartiality, accountability, fairness, and confidentiality.

Section 5—Ethics Programs in the Evaluation Community

As a basis for determining the best ethics regime for evaluators in Canada's federal Public Service, it is helpful to examine the current federal *Evaluation Policy*, the ethics program of the CES, and ethics programs in other countries, both for evaluators in general and for those working in government.

The Government of Canada *Evaluation Policy*

As noted above, the CEE is developing a new evaluation policy. The main body of the current policy elaborates on the policy's objective, stated earlier, of supporting the assessment of government policies and programs to provide better results for Canadians. Appendix A defines key terms in the policy, and Appendix B sets out the evaluation standards for the Government of Canada. The main body of the policy does not mention the words *ethics*, *values,* or *rules*, and Appendix B contains only a single reference to *values* in its assertion that "[t]he government's management framework, Results for Canadians, commits managers . . . to applying sound public service values . . . ." The word *principles* is used in the document once (in the main body of the Policy) in connection with the Policy being based on three fundamental principles. The only principle with any ethical content states that "rigorous and *objective* evaluation is an important tool in helping managers to manage for results."

The ethical content of the document is captured almost entirely in Appendix B, where an introduction is followed by a discussion of evaluation standards. Each of the six sections under this heading is composed of a subheading, followed by a statement of a standard, which is followed, in turn, by guidance. The section most relevant to ethical conduct is as follows:

> Objectivity and Integrity
>
> Standard
>
> Individuals performing evaluation work must be free from impairments that hinder their objectivity and must act with integrity in their relationships with all stakeholders.
>
> Guidance
>
> Evaluators should:
>
> - accurately represent their level of skills and knowledge; and

- declare any matter that could compromise the objectivity of either evaluator or stakeholder before embarking on an evaluation project or at any point during the project.

- [E]valuators should be accountable for their performance and their products and be responsible for:

- ensuring that their work addresses the priority concerns and accountability requirements of departmental management and the government;

- conferring with stakeholders on decisions such as confidentiality, privacy, communications and ownership of findings and reports;

- ensuring sound fiscal decision-making so that expenditures are accounted for and clients receive good value for their dollars; and

▸ completing evaluation work within a reasonable time as agreed to with the clients.

The Canadian Evaluation Society

Many federal evaluators are members of the CES, an organization dedicated to the advancement of evaluation theory and practice. The CES has a relatively brief statement of *Guidelines for Ethical Conduct* that highlights three values: competence, integrity, and accountability. The manner in which each of these values is elaborated can be illustrated by the following section on integrity.

Evaluators are to act with integrity in their relationships with all stakeholders.

1. Evaluators should accurately represent their level of skills and knowledge.

2. Evaluators should declare any conflict of interest to clients before embarking on an evaluation project and at any point where such conflict occurs. This includes conflict of interest on the part of either evaluator or stakeholder.

3. Evaluators should be sensitive to the cultural and social environment of all stakeholders and conduct themselves in a manner appropriate to this environment.

4. Evaluators should confer with the client on contractual decisions such as: confidentiality; privacy; communication; and, ownership of findings and reports.

Much of the professional development of the CES is the responsibility of its regional chapters and takes the form of a series of seminars called the Essential Skills Series. One component of the Series, entitled "Understanding Program Evaluation," covers the topic of "making

evaluations ethical and fair." Federal evaluators who are members of CES can obtain some ethics training through this channel.

Comparative perspectives on evaluation ethics

This section examines the ethics programs of evaluation societies and government evaluation communities in Australia, New Zealand, the United Kingdom, and the U.S.

Non-governmental evaluation organizations

All four countries have evaluation organizations similar to the CES (Australia and New Zealand have a combined organization). As shown in Figure 2, each organization has a statement of values or principles, a code of ethics, or good practices guidelines, but none offers much in the way of ethics training or other components of an ethics package. Each organization has a journal or newsletter, or both, that deals with evaluation matters in general but may include ethics items.

The Australasian Evaluation Society (AES) is notable for its *Code of Ethics*, adopted in 2002, which contains a statement of values and principles. The AES affirms in the Code that it will promote the Code's use "as part of best practice in evaluation" and that members will receive education and support for handling ethics issues. The Code is composed of 18 provisions divided into two sections entitled "Responsibilities to the Field of Evaluation and to the Public" (e.g. public interest, truthfulness) and "Responsibilities to the Society and Fellow Members" (e.g. conflict of interest, corporate social responsibility). The first provision of the Code—on ethical conduct—advises members to adhere to the ethical principles and associated procedures in the *Guidelines for the Ethical Conduct of Evaluations* of the AES. These are contained in a separate lengthier document to be used when evaluators are commissioning, conducting, or reporting an evaluation. An especially notable feature of the Guidelines is that they contain the formal recognition of the AES that many evaluators belong to professions or organizations with their own codes and that these codes need to be balanced against the Guidelines when an evaluation is being conducted.

Figure 2

Non-governmental Evaluation Organizations Comparison

Name of organization
United Kingdom Evaluation Society (UKES)
American Evaluation Association (AEA)
Canadian Evaluation Society (CES)
Australasian Evaluation Society (AES)

Organization	UKES	AEA	CES	AES
Values or principles	X	X	X	X
Codes of ethics or ethical guidelines	X	X	X	X
Ethics training	—	—	O	—
Ethics counsellor or advice line (Web or telephone)	—	O	—	O
Newsletter:				
a) Electronic	X	X	X	X
b) Paper	X	X	X	X
Journal	X	X	X	X
Disclosure mechanism	—	—	—	
Enforcement mechanism	—	—	—	X

LEGEND: X = Yes
            O = From time to time or members' option.
            — = No

The AES does not provide ethics training for its members, and there is no formal ethics counsellor. If members need advice on ethical dilemmas, they are encouraged to consult the *Code of Ethics* and one another. Upholding the Code is a condition of membership in the AES. The Board of the AES will receive complaints about breaches of the Code and may convene a panel to examine the complaints. A breach may result in a request that the offending member(s) relinquish membership.

The U.S.—The American Evaluation Association (AEA) adopted a revised version of its *Guiding Principles for Evaluators* in July 2004. This statement recognizes the difficulty of drafting guiding principles suitable for every context in which evaluators work and asserts that the principles "are not intended to replace standards supported by evaluators or by the other disciplines in which evaluators participate." The five principles in the statement are as follows: "Systematic Inquiry," "Competence," "Integrity/Honesty," "Respect for People," and

"Responsibilities for General and Public Welfare." Each principle is elaborated by several provisions. The "Integrity/Honesty" section reads in part as follows:

> C. Integrity/Honesty: Evaluators display honesty and integrity in their own behavior, and attempt to ensure the honesty and integrity of the entire evaluation process.
>
> 5. Evaluators should not misrepresent their procedures, data or findings. Within reasonable limits, they should attempt to prevent or correct misuse of their work by others.

The AEA does not provide ethics training or counselling and does not enforce non-compliance with its Guiding Principles.

The United Kingdom—Among the non-governmental evaluation organizations examined in this section, the United Kingdom Evaluation Society (UKES) is the least developed. It has adopted *Guidelines for Good Practice in Evaluation* composed of guidelines for evaluators, commissioners, evaluation participants, and self-evaluation based on "what those engaged in the practical business of evaluation, from whatever perspective, have found to be both an honourable and effective way of interacting." The UKES Guidelines are not explicitly values-based, but a careful reading reveals reference to such values as integrity, transparency, and accountability.

Governmental evaluation organizations

There are no close equivalents to the CEE in the four countries under examination here, and the evaluation function is structured and managed differently from one country to another. Several important learning points can nevertheless be drawn from the experiences of these countries and the United Nations.

Australia—The Australian National Audit Office (ANAO) provides audit services to Parliament and about 300 government bodies. It assists the auditor general to provide an independent review of the performance and financial management of these bodies. The ANAO is notable in the context of this paper because of its integration of the public service–wide *APS Values* and *Code of Conduct* into its 2004 *Guide to Conduct in the ANAO*. The two public service–wide documents, both of which are contained in the *Public Service Act 1999*, are similar to the charter of public service values and code of conduct discussed earlier.

Part 1 of the ANAO Guide contains both the APS Values and Code of Conduct, and Part 2 elaborates on the Code's provisions as they relate to the particular purposes and duties of the ANAO. Part 3 explains the values and behaviours that should guide ANAO employees in their daily work "to capture the spirit of 'the way we do things around here.'" The core values are integrity, respect, and excellence, and among the seven behaviours are "Lead by Example," "Be

Mutually Supportive," and "Be Innovative and Creative." This Part contains guidance on such matters as relationships with clients, confidentiality of information, and gifts, benefits, and hospitality. Part 4, which focusses on the resolution of concerns about conduct, discusses internal fair treatment procedures, breaches of the APS *Code of Conduct*, and whistleblowing. Finally, Part 5 explains the legal obligations of ANAO employees under several statutes. While the ANAO is a public organization rather than a professional organization or occupational group, its approach suggests a means whereby a code for ethics evaluators in Canada could be integrated in the current Values and Ethics Code.

New Zealand—In New Zealand, evaluation policy is the responsibility of the Treasury.[29] The State Services Commission (roughly equivalent to the Public Service Commission of Canada) provides some guidance to government evaluators,[30] but evaluation is the responsibility of department and agency heads. A 2003 study reviewed the evaluation function and made several recommendations to improve it, but there is little reference to professionalism, ethics, or values. There is a passing reference under the heading of "Options to Improve the State of Evaluative Activity" suggesting that central agencies should encourage departments to "outline or refer to ethical standards that departments should apply when conducting evaluative activity."[31] The government has no separate ethics code or ethics program for evaluators. All public servants are subject to the *New Zealand Public Service Code of Conduct* and to a lengthy complementary document on values and principles entitled *Statement of Government Expectations of the State Sector and Commitment by the Government to the State Sector*.

The U.S.—The Government Accountability Office (GAO) is a government agency that is commonly described as the congressional watchdog and that supports Congress in improving the performance and accountability of the federal public service. The GAO's mission statement identifies its core values as accountability, integrity, and reliability. The GAO's responsibilities include evaluating government programs, auditing federal expenditures, and issuing legal opinions.[32] The General Counsel, who is also the department's ethics official, handles ethics issues. While all GAO employees are covered by the *Code of Ethics Including Employees*

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29. See New Zealand, Treasury Circular 2003/13, December 9, 2003—*Using Evaluative Activity to Improve Decision Making*. Available at http://www.treasury.govt.nz/circulars/tc-2—3-13.pdf.

30. See, for example, *Learning from Evaluative Activity – Enhancing Performance through Outcome-focussed Management*, November 2003. Available at http://www.ssc.govt.nz/display/document.asp?docid=3580.

31. State Services Secretariat, *Doing the Right Things and Doing Them Right: Improving Evaluative Activity in the New Zealand State Sector*, September 2003, p. 47. Available at http://www.ssc.govt.nz/display/document.asp?navid=177&docid=3506&pageno=1#P5_0.

32. Telephone interview with Ben Ross, External Liaison Officer, Government Accountability Office, October 25, 2005.

Responsibilities and Conduct[33] and by a policy on *Conflicts of Interest and Financial Disclosure*,[34] these documents reflect well the fact that employees performing audit and evaluation functions are central to the GAO's work. All federal employees are also subject to ethics rules established by the U.S. Office of Government Ethics. The deputy ethics counselor ensures that each new employee receives ethics training, and there is an annual training requirement regarding financial disclosure. Plans are under way to provide employees with self-paced desktop ethics training.[35]

United Kingdom—The United Kingdom Cabinet Office and HM Treasury perform some functions that resemble those of the CEE. The Government Social Research service, established by the Cabinet Office in 2002, provides strategic leadership to social research across the government. One of its responsibilities is to promote excellence in government policy research and evaluation. This service has produced the *Magenta Book*—a set of guidance notes for policy evaluators and analysts and for those who use and commission research. This document complements the HM Treasury *Green Book*, which covers both policy evaluation and "appraisal" (looking forward rather than back) but focusses on the latter. Chapter 1 of the *Magenta Book* notes that policy evaluation should include consideration of the philosophical and ethical dimensions of policy making and implementation and promises a discussion of these dimensions in a section of the book to be published at a later date. There is no code of ethics for evaluators, but all public servants in the United Kingdom are covered by the *Civil Service Code*, which forms part of their terms and conditions of employment.

The evaluation organizations in these four countries have been complemented recently by initiatives in the United Nations, which has adopted norms and standards for evaluation. The *Norms for Evaluation in the UN System*, adopted in April 2005, seeks to ensure that evaluation entities in the UN follow certain basic principles with a view to "strengthening, professionalizing and improving the quality of evaluation . . . ."[36] Section 11, Evaluation Ethics, is as follows:

> 11.1   Evaluators must have personal and professional integrity.
>
> 11.2   Evaluators must respect the right of institutions and individuals to provide information in confidence and ensure that sensitive data cannot be traced to its

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33. United States, Government Accountability Office, Order #2735-1, February 15, 2004.

34. United States, Government Accountability Office, Order #2735-2, March 15, 2005.

35. Telephone interview with James Lager, Deputy Ethics Counselor, Government Accountability Office, December 15, 2005.

36. United Nations Evaluation Group, *Norms for Evaluation in the UN System*, April 29, 2005. Available at http://www.uneval.org/index.cfm?fuseaction=UNEFDocuments.

source. Evaluators must take care that those involved in evaluations have a chance to examine the statements attributed to them.

11.3   Evaluators must be sensitive to beliefs, manners and customs of the social and cultural environments in which they work.

11.4   In light of the United Nations Universal Declaration of Human Rights, evaluators must be sensitive to and address issues of discrimination and gender inequality.

11.5   Evaluations sometimes uncover evidence of wrongdoing. Such cases must be reported discreetly to the appropriate investigative body. Also, the evaluators are not expected to evaluate the personal performance of individuals and must balance an evaluation of management functions with due consideration for this principle.

A second document, *Standards for Evaluation in the UN System*,[37] builds on the statement of norms. It makes several references to ethical considerations and contains a subsection on ethics under a major entitled "Competencies and Ethics." Each of the four standards shown below receives additional elaboration.

Standard 2.5: Evaluators should be sensitive to beliefs, manners and customs and act with integrity and honesty in their relationships with all stakeholders.

Standard 2.6: Evaluators should ensure that their contacts with individuals are characterized by respect.

Standard 2.7: Evaluators should protect the anonymity and confidentiality of individual informants.

Standard 2.8: Evaluators are responsible for their performance and their product(s).

The content of this lengthy statement was based on a wide variety of national and international policies and guidelines on evaluation. It is notable that the major values in the Norms statement include integrity, honesty, respect, and confidentiality.

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37. United Nations Evaluation Group, *Standards for Evaluation in the UN System*, April 29, 2005. Available at ibid.

The information in this section reinforces several of the learning points shown at the end of the previous section. These points are, in brief, that ethics codes for evaluators tend to set out values or principles that are elaborated with standards, guidelines, or rules; the ethics programs of evaluation organizations, whether inside or outside government, offer little beyond a code; evaluators have to take account of additional codes that may apply to their work; and the most frequently cited values in evaluation ethics codes are integrity, accountability, impartiality, fairness, confidentiality, and competence.

Section 6—An Ethics Package for the New Evaluation Policy

The professions and organizations examined in this study have little in the way of an ethics regime beyond a code of ethics and, in some cases, ethics training. One means by which federal evaluators could enhance their professionalism would be through a rigorous and comprehensive ethics program. Among the possible components of such a program are the following:

1. A statement of values or principles.

2. A code of ethics (or conduct) linked to this statement.

3. Elaboration on the code, usually as commentary under each principle, which explains more fully the meaning of the principle or provides illustrations of violations of the principle.

4. Reference to the existence of rules (statutes, regulations, etc.) related to the problem areas covered in the code.

5. Ethics training and learning.

6. An ethics counsellor to provide advice on ethics issues and rules.

7. The provision of a confidential hotline that public servants can use to discuss concerns about their personal ethical conduct or that of others.

8. The raising of ethical considerations in a deliberate and regular way at meetings and through such other means of communication as newsletters.

9. Provisions for administering the code, including publicity and penalties for violations.[38]

The first five components have already been discussed. Among the other components, ethics training (or learning) is so central to the process of professionalization that it deserves special attention in an ethics program. According to Houle:

> Every occupation that lays claim to the distinction conferred by the term *profession*
> seeks constantly to improve itself in certain distinctive ways. These characteristics—
> such as increased competence in solving problems, a capacity to use more complex
> knowledge, and a more sensitive awareness of ethical problems—are related to the

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38. Adapted from Kenneth Kernaghan, *The Ethics Era in Canadian Public Administration*, Research Paper Series, Canadian Centre for Management Development, Ottawa, 1996.

entire life career of the individual practitioner and to the entire stature of the occupational group to which he or she belongs. Therefore *a lifetime of learning is required* to establish, maintain, or elevate the level of accomplishment suggested by each of these characteristics.[39]

There are several possible sources of professional and ethical training for federal evaluators. The Canada School of Public Service, which already provides values and ethics courses, could provide courses geared specifically to the needs of evaluators and of executives and managers involved in supervising evaluators and using their reports. The CES, through its chapters across the country, could provide similar courses. Moreover, consideration could be given to a collaborative arrangement whereby the government provides some funding while the CES provides the training. This arrangement could be strengthened by requiring that all federal evaluators, and perhaps external evaluation consultants as well, be members of the CES. Still another possibility is to accredit universities to offer an evaluation program that would include ethics courses. Many government departments provide learning opportunities on values and ethics—as does the Office of Public Service Values and Ethics itself—but these would have to be tailored to the needs of evaluators. Systematic examination of the meaning and application of the evaluation code would be central to the content of ethics programs and courses. The CEE is well positioned to design an ethics training curriculum, including methods and materials related to the use of case studies, simulations, and other interactive learning techniques.

Initially, measures to promote the professionalism of evaluators could focus on developing a high-quality ethics code and vigorous ethics training. Consideration could then be given to the desirability of adding other components to the ethics package. Each department and agency already has a senior official and/or a senior officer to provide advice to employees on ethical issues, including concerns about possible wrongdoing. If these officials cannot credibly and effectively serve as ethics counsellors for evaluators, a separate office, perhaps in the Treasury Board of Canada Secretariat, may have to be created. All public servants, including evaluators, have access to the current federal mechanisms for dealing with the disclosure of wrongdoing. Because these mechanisms have been considerably strengthened by the new *Public Servants Disclosure Protection Act*, there may be less need for a confidential hotline for public servants who wish to discuss or complain about unethical conduct.

The new evaluation policy could formally encourage deputy heads, program heads, and evaluation heads to provide ethical leadership on evaluation issues, in part by raising these issues in meetings and departmental newsletters. In addition, organizations like the CEE and the CES

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39. Houle, *Continuing Education in the Professions*, p. 10. Emphasis added.

could highlight values and issues in newsletters and other means of communication. The Public Service already has a sophisticated system of discipline whereby deputy heads and managers can enforce compliance; this system includes specific provisions for breaches of the Values and Ethics Code.

Proposals and possibilities

This section draws on lessons learned from the foregoing analysis of ethical theories, the Values and Ethics Code, and ethics programs for several professions and for the evaluation community within and outside government, in Canada and elsewhere. With reference to the format and content of a code of ethics in particular, the challenge is to take account of a wide range of good practices while avoiding the Justinian Code approach of a lengthy, highly rules-based document.

1. A code of ethics for evaluators should be the centrepiece of a well-crafted ethics program.

2. Reference to the ethics program in general and to an evaluation ethics code in particular should be prominently featured in the main body of the new evaluation policy. A principle emphasizing the critical importance of ethical conduct in the performance of the evaluation function could be added to the current three fundamental principles outlined in the preface.

3. If the new policy retains the current Appendix B, "Evaluation Standards for the Government of Canada," one of the sections on standards should focus on ethical standards. This section could simply be entitled "Ethical and Professional Conduct" and an attached code could be given the same title. This section on ethical standards could either come first to signal the central importance of ethical standards or it could come last to permit a smooth transition to the associated and attached code of ethics. If the ethical standards section were positioned at the end of the statement of standards, it might be unnecessary to provide guidance items since these could be provided in the code that would follow immediately.

4. This consideration suggests the desirability of a two-tier evaluation code. The first tier could take the form of a statement of values or principles that would be less likely to require revision over time than a second tier that would contain more specific provisions, be more subject to change, and be easier to revise.

5. In the "Policy Requirements" section of the current policy (or in an equivalent section in the new policy), at least one sentence on the importance of the ethics program should be included in each of the sections dealing with the responsibilities of deputy heads, departmental heads of evaluation, departmental managers, and the Treasury Board of Canada Secretariat.

6. The code should refer, perhaps in its preamble, to the fact that federal evaluators can be subject to a number of codes and that the Values and Ethics Code provides the broad values and ethics framework within which other codes must be set.

7. In this respect, the ANAO code, described above, suggests one possible approach. The first section of the evaluation ethics code could include all or part of the first section of the Values and Ethics Code, which outlines the four categories of values. Alternatively, all or part of the Values and Ethics Code could simply be incorporated by reference. A second section of the code could include principles or standards related to those components of the Values and Ethics Code that speak most directly to values and ethics issues facing evaluators. Alternatively, for the sake of brevity, the relevant components of the Values and Ethics Code could be integrated into the wording of the formal provisions of the evaluation code.

8. Analysis of the values content of public service, professional, and evaluation codes suggests that careful consideration should be given to including in the federal evaluation code the values of integrity, accountability, impartiality, fairness, and confidentiality (and possibly competence—see note below). Given the desirability of linkage between the federal evaluation community and the CES, account should be taken of the focus in the CES *Guidelines for Ethical Conduct* on the values of integrity, accountability, and competence. Use of the term *values* in the evaluation policy will help tie the policy and the evaluation code to the Values and Ethics Code (and subsequently to the charter and code of conduct). Moreover, setting the evaluation ethics code squarely within the framework of the Values and Ethics Code for Canada's Public Service as a whole will highlight its *public* nature and thereby distinguish it from private sector or general codes for evaluators.

> *Note on competence*: Many professional codes, including those for evaluators, highlight competence as a central value. While competence is usually described as a professional value (as it is in the Values and Ethics Code), it can be argued that professionals have an ethical duty to be competent in the theory and practice of evaluation. Nick L. Smith, in a discussion of ethical challenges for evaluators notes that
>
> > Not knowing what constitutes best practice is incompetence.
> >
> > Knowing what best practice is, but not knowing how to achieve it, may be inexperience.
> >
> > Knowingly not following best practice, when one knows how to achieve it, is unethical.[40]

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40. Nick L. Smith, "An Analysis of Ethical Challenges in Evaluation," *American Journal of Evaluation*, Vol. 23, No. 2, 2002, p. 205.

Competence could either be included as a core value in the ethics code or this value could head up a separate subsection of the "Evaluation Standards" section (as it does in the current *Evaluation Policy* under the heading "Competency").

9. If possible, there should be wide and vigorous consultation with the evaluation community and other relevant persons and organizations on the content and format of the evaluation ethics code. This will help to ensure that the code meets the needs of the evaluation community and that evaluators have a greater sense of commitment to, and ownership of, the code. If timing issues make this proposal difficult to implement, consideration could be given to committing to the inclusion of an ethics code in the evaluation policy and then taking more time to draft the code itself.

10. The CEE should develop a mandatory values and ethics program for evaluators that revolves around the code. The ethics-training component of the program should be developed in collaboration with the Canada School of Public Service, the CES, the Office of Public Service Values and Ethics and, possibly, universities.

11. To promote collaboration for ethics training and other professional relationships between the CEE and the CES, all federal evaluators should be strongly encouraged to become members of the CES.

12. While the CEE could facilitate discussion of values and ethics issues in a newsletter for federal evaluators, it should also consider an arrangement whereby contributions relating to the federal evaluation function could be included in a CES newsletter and in the *Canadian Journal of Program Evaluation*.

13. The CEE should collaborate with the Office of Public Service Values and Ethics and departmental senior officials and senior officers to determine the best mechanism for evaluators to seek advice on ethics issues.

The implementation of the recommendations in this chapter is likely to enhance the ethical standards and performance of the federal evaluation community and to move the community toward a more professional standing. The manner in which these proposals may be applied to the current *Evaluation Policy* is spelled out in Appendix A.

Appendix A—The Evaluation Policy

In this section, the proposals and possibilities outlined above are applied to the revision of the current Evaluation Policy.

Preface: Add a fundamental principle regarding the importance of ethical conduct in the performance of the evaluation function.

Policy requirements: Add a clause regarding ethical conduct to each of the subsections—for deputy heads, departmental heads of evaluation, departmental managers, and the Treasury Board of Canada Secretariat. Among the emphases here should be the need for these officials to support an ethics program for evaluators.

Appendix B—Evaluation Standards for the Government of Canada: The first sentence in the introduction already makes reference to public service values. The words "and ethics" or "and ethical standards" could be added here.

The section on "Objectivity and Integrity" should be replaced by a section entitled "Ethics and Professional Conduct" (preferably as the last section under "Evaluation Standards").

The section on "Ethics and Professional Conduct" should begin with a sentence on the need for individuals performing evaluation work to base their actions and decisions on value and ethical considerations. This sentence could be followed by several guidance provisions, as it is in the current policy. Alternatively, the "Guidance for the Ethics and Professional Conduct" section could consist of a single sentence along the following lines: "Evaluators should uphold the values and standards of conduct contained in the attached Code of Ethics and Professional Conduct."

This Code should have three parts: a preamble; a section on values and ethics; and a section containing a list of relevant statutes and policies, an explanation of avenues of resolution, and other important considerations not already covered.

The **preamble** should contain, among other things, reference to the considerations that

1. the Values and Ethics Code is a condition of employment for all federal public servants and provides a values and ethics framework within which the more specific set of requirements for evaluators is set;

2. evaluators may be subject to other codes of values and ethics (e.g. professional, departmental), and they will need to balance the requirements of these various codes;

3. statutes related to values and ethics issues to which federal evaluators are subject (e.g. the *Access to Information Act*) and avenues of resolution are contained in separate section of the code; and

4. the code is only part of a broader, related ethics program.

The **values and ethics** section should contain a subsection on each of five values:

▸ integrity;
▸ accountability;
▸ impartiality;
▸ fairness; and
▸ confidentiality.

Each subsection headed by one of these values should contain principles or standards that relate the value specifically to the practice of evaluation. For example, the subsection on integrity could be worded along the following lines:[41]

Integrity

Evaluators display honesty and integrity in their own behaviour and attempt to ensure the honesty and integrity of the entire evaluation process.

1. Evaluators should negotiate honestly with clients and relevant stakeholders concerning the costs, tasks to be undertaken, limitations of methodology, scope of results likely to be obtained, and uses of data resulting from a specific evaluation.

2. Before accepting an evaluation assignment, evaluators should disclose any roles or relationships they have that might pose a conflict of interest (or appearance of a conflict) with their role as an evaluator.

3. Evaluators should record all changes made in the originally negotiated project plans as well as the reasons why the changes were made.

4. Evaluators should be explicit about their own, their clients', and other stakeholders' interests and values concerning the conduct and outcomes of an evaluation.

5. Evaluators should not misrepresent their procedures, data, or findings. Within reasonable limits, they should attempt to prevent or correct misuse of their work by others.

6. If evaluators determine that certain procedures or activities are likely to produce misleading evaluative information or conclusions, they have the responsibility to communicate their concerns and the reasons for them.

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41. Drawn from American Evaluation Association, *Guiding Principles for Evaluators*, section C, "Integrity/Honesty."

7. Evaluators should disclose all sources of financial support for an evaluation as well as the source of the request for the evaluation.

The section on legislation and avenues of resolution would read in part as follows:

Legislation

The *Values and Ethics Code for the Public Service* stipulates that public servants must observe any specific conduct requirements contained in the statutes governing their particular department or organization and their profession, where applicable. They are also required to observe relevant provisions of more general application, including several statutes and Treasury Board policies. The statutes and policies of particular importance to the evaluation community include the following:

> *Public Servants Disclosure Protection Act*
> *Access to Information Act*
> *Privacy Act*
> *Criminal Code of Canada*

Avenues of resolution

This subsection should describe the avenues available to public servants who wish to discuss or report possible wrongdoing, together with any mechanisms for this purpose that may be available or designed to meet the specific needs of evaluators who are concerned about breaches of their code or of other codes to which they are subject.

Appendix B—Vignettes Of Evaluation Ethics Issues

Vignette 1

The man who knew too much

Adam Brown is evaluating a program in his department. During an interview with Mary Johnson, an employee involved in the program, Mary offers Adam information "in confidence" about possible illegal activity by another employee involved in the same program. Adam thinks for a moment and then asks whether the questionable activity has any direct connection with the program being evaluated. Mary says that she thinks it does in that it relates to program delivery in general and how results were being reported to the deputy minister. After reflecting on the matter overnight, Adam encourages Mary to report the activity herself. She replies, "There's no way I'm going to do that. If this person finds out I reported him, I'll be in serious trouble. I can give you the names of other employees who are also concerned about this situation." When Adam asks for a little more information on the nature of the activity, Mary says, "It involves Gerry's awarding contracts to a relative whose firm is not identified in our performance reports as a program delivery partner." In other words, the program was reporting on results achievement but not being transparent as to how the results were being achieved.

1. What are the values and ethics issues in this case? Are there conflicting values?

2. Does Adam have any responsibility, in his role as evaluator, to pursue this matter further? What about his responsibility as an employee of the department? Do evaluators have a special responsibility to report wrongdoing that comes to their attention?

3. Which of the major values in the Values and Ethics Code are especially relevant to this case? Does the Code provide helpful advice to Adam?

4. Is there any point consulting the *Public Servants Protected Disclosures Act*?

Vignette 2

Internal evaluation or not?

Pierre Lapointe is the head of his department's evaluation unit, made up of several evaluators with many years of experience working in evaluation and who have developed strong working relationships with programs throughout the department. Two evaluators in his unit came to him separately to report their concern about the attitude of Jimmy Smith, a program manager who just started working in the department. Jimmy is reported to have said that he uses external evaluators rather than internal evaluators whenever possible. His rationale for this approach is that he finds it easier to control, or at least influence, the reports of external evaluators. He was overheard to say, "those external consultants are always looking toward the next job." Pierre consulted the "Integrity" section of the brief *CES Guidelines for Ethical Conduct* of the Canadian Evaluation Society, to which many external evaluators belong, but was unable to find any provision that applied directly to this issue. The only possible guidance came under the "Accountability" section, which stated that evaluators "should be responsible for the clear, accurate, and fair . . . presentation of study findings . . . ." Pierre knew that the Treasury Board's *Evaluation Policy* spelled out the ethical obligations of deputy heads and program managers in regard to the evaluation function. Moreover, the government's Values and Ethics Code for its (internal) evaluators stressed the importance of a complete and fair evaluation. Pierre remembered also that a recent survey of deputy heads had shown that most of them preferred that internal evaluators be used.

1. What are the values and ethics issues in this case?

2. Which of the major values in the Values and Ethics Code are especially relevant to this case? Does the Code provide helpful advice?

3. Who in the federal government should decide whether internal or external evaluators are to be used for departmental program evaluations?

4. How should Pierre handle this situation?

Vignette 3

Evaluating promotion prospects

The focus of Judy Marson's university education had been public policy, but she had been happy to get her foot in the door of the federal Public Service by taking a position as a program evaluator. She hadn't known much about program evaluation when she entered government, but she discovered that she was very good at evaluation work; she enjoyed the job and ended up spending several years working in evaluation. Carol Smithers, the head of her evaluation unit, assigned her to evaluate a program in the department that was the responsibility of a program manager named Roy Cassidy, whom Judy knew by sight. A few days later, Judy ran into Roy in the hall outside her office door. During their brief informal discussion, Roy mentioned that his division was looking for a policy analyst and wondered if she might be interested in the position. Judy was excited about both the prospect of a promotion and doing the kind of work for which she had been formally educated. She heard nothing more from Roy until a week later when she met him for a formal interview to discuss the key issues of the evaluation. During the interview, Roy made a number of suggestions as to how the evaluation might be conducted and, at one point, discouraged her from examining a particular part of the program. He also made passing reference to the policy job in his division. As Judy left Roy's office, she wondered if there was a connection between his suggested changes in what questions the evaluation would cover and their earlier conversation about the policy position available in the group. She was concerned that she might be involved in a conflict of interest or some other kind of ethical problem.

1. What are the values and ethics issues in this case?

2. Which of the major values in the Values and Ethics Code are especially relevant to this case? Does the Code provide helpful advice?

3. Is Judy involved in a conflict of interest situation? Is it a real, apparent, or potential conflict?

4. How should Judy handle this situation?

Vignette 4

The deputy will be furious!

George Wilson, a program manager in the federal government, told John Anderson, the head of the department's evaluation unit, that the deputy head wanted an evaluation of the department's subsidy program for which he was responsible for managing. John assigned an evaluation team, headed by Shirley Wade, to perform the evaluation. Shirley submitted the first draft of her team's evaluation report to George for his formal comments. After reading the report, George suggested the deletion of some negative findings that indicated the program was not making an impact and was actually doing harm in the operating environment in terms of how it was responding to subsidy applications. Shirley's response was that this would result in a distorted picture of the program's effectiveness, and that the deputy is responsible for knowing this about the program. George became increasingly agitated by Shirley's reluctance to accede to his request and finally resorted to shouting, "You can't say that! The deputy will be furious—it's a program that he specifically requested be implemented." Shirley handled this outburst diplomatically and said that she would have to get back to George on this point. As she left George's office, she asked herself, "Furious about what? Furious with whom?" She wondered also about George's comment that he personally would pass along the final draft of the report to the deputy head.

1.   What are the values and ethics issues in this case?

2.   Which of the major values in the Values and Ethics Code are especially relevant to this case? Does the Code provide helpful advice?

3.   How much effort should be made in the original project plan to anticipate values and ethics issues that might arise? Are some issues intrinsically more important in this respect than others? Who owns the evaluation report?

4.   What should Shirley's next steps be?

Appendix C—Discussion and Definition of Key Terms

As noted in section 3 of this study, ethics is used here to refer to principles or standards of right conduct. Ethical theories are usually described as giving rise to ethical principles, and principles are, therefore, widely viewed as the broadest of the key terms. Principles are "models of behavior and practice, providing and encompassing not only situational rules but also serving as guides for unspecified practice."[42] The terms *values* and *principles*, however, are often used interchangeably. The concept of values, in the sense of enduring beliefs that influence our decisions and actions, has become central to public service ethical discourse in Canada and around the world. A one-sentence statement on a particular value, as opposed to a single-word reference to it, has a lot in common with the statement of a principle. For example, the "Ethical Values" section of the Values and Ethics Code asserts that "[p]ublic servants, in fulfilling their official duties and responsibilities, shall make decisions in the public interest." This wording is very similar to what are called principles in some of the codes of ethics for evaluators that are discussed in Section 5 of this paper.

In addition, the term *principle* is sometimes used interchangeably with the term *standard*. For example, in *The Program Evaluation Standards*, an evaluation standard is defined "*as a principle* mutually agreed to by people engaged in the professional practice of evaluation that if met, will enhance the quality and fairness of an evaluation."[43] And the *Code of Ethics and Professional Conduct* for Consulting and Audit Canada (CAC), a federal special operating agency, states that its first set of principles "establishes general *standards* for conduct in the workplace." In general, a standard is usually viewed as a narrower term than a principle. Standards are "similar to rules but often suggest ideal behavior."[44] To complicate the matter further, the terms *standards* and *rules* are sometimes used synonymously. Usually, however, the term *standards* is viewed as a broader term than *rules*, which commonly refers to specific acts that are either permissible or prohibited. Finally, the form and content of codes of ethics (or conduct) can be depicted along a continuum running from very broad principles (the Ten Commandments approach) to very specific rules providing for every possible contingency (the Justinian Code approach).[45]

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42. Dianna L. Newman and Robert D. Brown. *Applied Ethics for Program Evaluation* (Thousand Oaks, Ca., Sage, 1996), p. 22.

43. Joint Committee on Standards for Educational Evaluation, *The Program Evaluation Standards* (Thousand Oaks, Calif., Sage Publications, 2nd ed., 1994, p. 2. Emphasis added.

44. Ibid, p. 23.

45. Kenneth Kernaghan, "Codes of Ethics and Administrative Responsibility," *Canadian Public Administration*, Vol. 17, No. 4 (Winter 1974), pp. 527–41.

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List of telephone and e-mail communications

Name	Position	Organization/ Government	Date Contacted	Contact
Melody Islinger	Public Relations/Liaison	CMA	November 3 and 7, 2005	1-800-457-4205
Angie Woodward	Director, Certification	IIA	November 3, 2005	AWoodward@theiia.org
Brenda Lovell	VP, Knowledge Management	IIA	November 7, 2005	BLovell@theiia.org
Lana Tom	Government Relations Department	CGA	November 3 and 7, 2005	ltom@cga-ontario.org/ 416-322-6520
Diane Wilson	Ethics	ICAO	November 3 and 7	416-962-1841
Robert Gagnon	Education	ICAO	November 3 and 7	416-962-1841
Sue Griffith	Certification and Professional Development Coordinator	CMAC	November 3 and 7, 2005	416-860-1515 or 1-800-268-1148
Irma Pettalana	Administration Coordinator	CCHRA	October 31, 2005	416-323-0031
Heather MacDonnell	Public Relations/Liaison	LSUC	November 3 and 7, 2005	1-800-668-7380
Frank Marks	Strategy, Analysis and Reform Team, Green Book Contact	UK Treasury	November 17, 2005	Mark.Franks@hm-treasury.x.gsi.gov.uk
Catherine Atkins	Treasury	NZ Treasury	December 1, 2005	Catherine.Atkins@treasury.govt.nz
Benjamin Ross	GAO Office Liaison	U.S. GAO	November 16, 2005, December 6, 2005	RossBC@gao.gov 202-512-7260
James Lager	Deputy Ethics Counselor	U.S. GAO	December 15, 2005	LagerJ@gao.gov

Selected URLs of organizations examined

Professional organizations

Canadian Association of Management Consultants
http://www.camc.com/site/CAMS_21/pdf/statements_interp_082102.PDF

Canadian Council of Human Resource Professionals
http://www.cchra-ccarh.ca/parc/en/section_2/ss23e.asp

Canadian Medical Association
http://www.cma.ca/index.cfm/ci_id/2419/la_id/1

Certified General Accountants
http://www.cga-online.org/servlet/custom/workspace

Institute of Chartered Accountants of Ontario
http://www.icao.on.ca/Resources/Membershandbook/rules_web.pdf

Institute of Internal Auditors
http://www.theiia.org/index.cfm?doc_id=604

Interagency Advisory Panel on Research Ethics
http://pre.ethics.gc.ca

Law Society of Upper Canada
http://wwwlsuc.on.ca/media/rpc.pdf

Evaluation organizations

Non-governmental

American Evaluation Association
http://www.eval.org

Australasian Evaluation Society
http://www.aes.asn.au

Canadian Evaluation Society
http://www.evaluationcanada.ca

United Kingdom Evaluation Society
http://www.evaluation.org.uk/index.htm

Governmental

Australian National Audit Office
http://www.anao.gov.au

Canadian Centre for Excellence in Evaluation
http://www.tbs-sct.gc.ca/eval/common/us-nous_e.asp

New Zealand, State Services Commission
http://www.ssc.govt.nz/display/document.asp?navid=177&docid=3506&pageno=1 - P5_0

United States Government Accountability Office
http://www.gao.gov/policy/guidance.htm

United Kingdom, Cabinet Office
http://www.policyhub.gov.uk/magenta_book/index.asp