

Choosing Ethical Solutions to **RIM Problems**



All records and information management professionals are faced with routine decisions that have ethical implications. Therefore, it is important to understand the approaches to creating solutions to records-related ethical dilemmas.

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Enron, WorldCom, and other corporate debacles have generated a substantial interest in the role of ethics in business, and the fallout from these scandals touches every records manager. Records managers recognize that the compliance requirements of the Sarbanes-Oxley Act (SOX) are designed to provide documentation that an organization is, in fact, acting ethically and correctly documenting its financial integrity. Despite the fact that the SOX requirements strictly apply only to publicly traded businesses operating within the United States, in actual fact they have become the “golden standard” not only in the United States, but also in Europe and Asia. Increasingly, these requirements are also being applied by private companies and not-for-profit organizations to demonstrate that they are conducting their business ethically and in a financially sound manner.

Other events around the world further demonstrate the tight links between ethical actions and the appropriate management of information. In Australia, for example, the Heiner case (see www.caldeson.com/RIMOS/heiner.html) highlighted inappropriate destruction of documents by a government agency to avoid embarrassment and litigation. In Canada, records were hidden and later destroyed to prevent the discovery that supplies of blood had been tainted with the HIV virus.

One of the roles of ethics is to provide a framework for sound decision-making, whether in ordinary daily life or in specific business instances. Thus, it is important for records managers to have some basic knowledge about ethics and the different ethical approaches available to assist them in daily decision-making.

Ethics Defined

Ethics involves defining, evaluating, and understanding concepts of right and wrong behavior. Contrary to popular opinion, what is ethical and what is legal are not always the same thing. Ethics often outline conduct that exceeds what may be the legal requirements of society.

Ethics are usually divided into three aspects: metaethics, normative ethics, and applied ethics. *Metaethics* investigates where ethical principles have their source[s] and how they are explained. *Normative ethics* defines moral standards or guidelines that regulate right and wrong conduct. Finally, *applied ethics* involves examining specific controversial issues, such as animal rights, environmental concerns, or nuclear war. *Applied ethics* uses metaethics and normative ethics to help discern moral paths. This article focuses on *business ethics*, a specific type of applied ethics, and, more narrowly, how business ethics principles and approaches can be used by records managers in their professional lives.

At the Core This article

- ▶ Defines ethics
- ▶ Outlines four approaches to ethical decision-making
- ▶ Gives examples of ethical dilemmas arising from routine records management tasks
- ▶ Provides a method for applying these approaches to ethical dilemmas

Four Approaches to Ethical Decision-Making

Over the centuries, there have been many attempts to understand what ethical reasoning is and to provide a framework for understanding how to apply ethical reasoning in decision-making. Among the many approaches to ethical reasoning, four have become the most frequently used in relation to business ethics. Each focuses on a different approach to moral reasoning: rules, results, character, and stories.

Rules Approach

The rule-based approach, also known as *deontological ethics* (from the Greek word for duty), works to discover the rules or principles that guide moral actions. Once those rules have been uncovered or defined, a person has a duty to follow the rules in decision-making. Immanuel Kant is probably the most famous proponent of this approach. In the business ethics sphere, Ronald Green has developed a comprehensive and sophisticated approach to decision-making based on the deontological approach.

Results Approach

The result-based approach, also known as *utilitarianism*, analyzes moral actions from the viewpoint of the results that flow from ethical decisions. A key principle in the evaluation of

results is “the greatest good for the greatest number.” However, there has always been substantial discussion to define the “greatest good” and to determine who is included in the “greatest number.” The earliest proponents of utilitarianism were John Stuart Mill and Jeremy Bentham. In contemporary business ethics, social contract proponents such as John Rawls and Thomas Donaldson have provided a renewed emphasis on the utilitarian approach.

Character Approach

The character-based approach, unlike the first two, focuses not on rules or results, but on the person who is performing the actions. This approach, often called *virtue ethics*, reflects upon the habits that people have developed to direct their actions. Through repeated action, a person learns to act morally – for example, to be honest or to be trustworthy. Virtue ethics has its roots in ancient Greek culture with Plato and Aristotle. In current ethical thought, Alasdair MacIntyre has placed a renewed emphasis on the development of character as a key to a strong ethical stance.

Stories Approach

The last approach, story-based ethics, uses narratives to make a moral point and, thus, to instruct. Stories provide a witness to actions and their results as well as the circumstances surrounding them. Narratives require a story teller and a listener, and the directness of the communication can give the moral point a much greater impact. Many ancient writings, including the Bible, use stories to present an ethical problem and its resolution. Among the current proponents of narrative ethics is Stanley Hauerwas, who has revived interest in this approach.

Dilemmas for Records Managers

Records managers are constantly presented with problems to analyze and to solve. At times, these problems rise to the level of a dilemma – a situation that requires a difficult choice. Not only may the choice be difficult, but it frequently involves an ethical component. The often simple records management tasks of inventory, retrieval, and education may, at times, present complex problems that require serious ethical reflection and the development of a creative moral alternative to resolve. Each of the dilemmas below can uncover some of the ethical issues that arise during normal records management operations.

Retrieval

In this first dilemma, the records manager is in charge of a consolidated file operation for a government agency. A request has come from the director for several specific files in response to a Freedom of Information Act (FOIA) request. The records manager knows that there are other files that would also respond to the FOIA request that were not included in the director’s list, and he or she believes that these files may generate problems for the agency and the director in question if they are included. The

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records manager has had several previous episodes with the director where, he or she believes, the records management operation has been unreasonably criticized.

Education

The second event involves the corporate records manager of a major manufacturing firm that has just purchased a new division. In the review of their operations, the records manager discovers a seriously deficient records management situation. A full inventory and review of the division’s records – hard copy and digital – will be required to bring it up to the level of the other company divisions. Realizing that he or she has an ethical obligation to educate others about records-related risks, the records manager approaches the division’s general manager, who is resistant to the suggestions because all costs for this assistance must be covered in that division’s budget. Traditionally, divisions have operated relatively autonomously, and the decisions of a general manager have been supported by corporate headquarters. The records manager does not have any independent resources to resolve the division’s problems, and next year’s budget provides no relief. The records manager believes that the division’s problem, left unattended, could result in serious problems for the company.

Inventory

In the final dilemma, the records manager is inventorying the legal file room and accidentally drops a file folder, spilling

Code of Ethics

Certified Records Managers should maintain high professional standards of conduct in the performance of their duties. The Code of Ethics is provided as a guide to professional conduct.

1. Support the creation, maintenance, and use of authentic, reliable, usable information and support the development and use of information systems that place a high priority on accuracy and integrity, which requires that records be complete and unaltered (ISO 15489-1 Records Management).
2. Certified Records Managers have a professional responsibility to conduct themselves so that their good faith and integrity shall not be open to question. They will promote the highest possible records management standards.
3. Certified Records Managers shall conform to existing laws and regulations covering the creation, maintenance, and disposition of recorded information, and shall never knowingly be parties to any illegal or improper activities relative thereto.
4. Certified Records Managers shall be prudent in the use of information acquired in the course of their duties. They should protect confidential, proprietary and trade secret information obtained from others and use it only for the purposes approved by the party from whom it was obtained or for the benefit of that party, and not for the personal gain of anyone else.
5. Certified Records Managers shall not accept gifts or gratuities from clients, business associates, or suppliers as inducements to influence any procurements or decisions they may make.
6. Certified Records Managers shall use all reasonable care to obtain factual evidence to support their opinion.
7. Certified Records Managers shall strive for continuing proficiency and effectiveness in their profession and shall contribute to further research, development, and education. It is their professional responsibility to encourage those interested in records management and offer assistance whenever possible to those who enter the profession and to those already in the profession.

its contents on the floor. In gathering the papers, the records manager notices one document in particular. This document, almost 20 years old, seems to substantiate a license violation for one of the organization's subsidiaries. The records manager knows that this violation, if discovered, could result in the loss of the subsidiary – worth several hundred million dollars to the company.

Ethical Decision-Making Approaches

All of these dilemmas present issues for reflection and decision. One or several of the ethical approaches outlined above may provide guidance for their resolution. One of the best approaches to ethical reasoning is to employ imagination to define alternatives that will provide a solution. Ethical decisions are seldom of a black or white nature. Often there are circumstances and limitations that cloud the issue and prevent the identification of a single, “optimum” solution. The use of imagi-

nation often demonstrates that there are many ways to achieve an ethical outcome. Thus, the four-step method for analysis described below requires the identification of options that are supported by ethical reasoning.

1. State the Facts

When analyzing a dilemma, the first step is to make certain that you can state the facts of the dilemma. This requires care and an effort not to ignore items that may seem irrelevant or unimportant. In an ethical analysis, it is those seemingly irrelevant items that may provide a clue to the appropriate solution.

An integral part of discerning the facts of the dilemma is to identify the interested parties and the nature of their interest. For most records managers, this will include other employees, stockholders and/or owners for those organizations that are commercial in nature, or citizens (for governmental organizations). Often, a major step toward an ethical solution to a dilemma arises from the consideration of those involved or affected by the dilemma.

Once the facts have been defined successfully, the ethical dimensions of the dilemma can be stated. A clear statement of the ethical issues involved often provides a pathway through the different approaches toward a solution. At this point, the records manager may decide that one or more of the approaches described above [rule-, result-, character-, or story-based ethics] will be helpful in describing his or her options.

2. Describe Options

Imagination is a key to the description of creative alternatives to the problem or dilemma. The key question is to ask what the positive possibilities to ensure an ethical action and result are. This creative task must also consider those options that may be less than ideal. The “gray” area of decision-making can often contain ethical and adequate solutions to dilemmas. With this balanced approach, there is less chance of overlooking a possible solution that respects all interests.

3. Choose a Plan of Action

When the options are clear, choose a preferred, alternative plan of action. It often helps to rank the different options in accord with personal ethical principles. Once analyzed thoroughly and completely, the decision should be less conflicted and defensible.

4. State the Ethical Justification

Once the choice is made, give the reasons for the preferred choice and provide an ethical justification – personally, if not to colleagues or superiors. As professionals, records managers may wish to turn to a code of ethics (see sidebars) as one of the supporting reasons for their decisions.

For practice, records managers may wish to apply this four-step approach to the three dilemmas outlined above. In any case, it is often appropriate to ask whether it would be comfortable to see the decision publicized on the front page of the *Wall Street Journal* or in another public forum. If not, the decision may need to be reconsidered.

Code of Professional Responsibility

Purposes of the Code

The Code communicates our professional values to new practitioners, stakeholders, and the public. The Code is a guide to reflection, decision making, and action in two broad areas of ethical concern: society and the profession.

I: The Social Principles

Because of their responsibilities to society, records and information managers:

1. Support the creation, maintenance, and use of authentic, reliable, usable information and support the development and use of information systems that place a high priority on accuracy and integrity, which requires that records be complete and unaltered (ISO 15489-1 Records Management).
2. Affirm the legal, ethical, and moral use of information.
3. Affirm that the collection, maintenance, distribution, and use of information about individuals is a privilege in trust: the right to privacy of all individuals must be both promoted and upheld.
4. Support the free flow of publicly available information as a necessary condition for an informed and educated society.

II: The Professional Principles

Because of their responsibilities to their employers or clients as well as to their profession, records and information managers:

1. Strive to serve the client or employer at the highest level of their professional competence.
2. Recognize illegal or unethical RIM-related actions and inform the client or employer of possible adverse consequences.
3. Avoid conflict of interest or improper gain at the expense of clients, employers, or co-workers.
4. Maintain the confidentiality of privileged information.
5. Recognize the need for careful action to assure appropriate access to information without violation of the intellectual property rights of the owners of that information.
6. Pursue an appropriate program of ongoing education for the professional practice, which may include certification.
7. Accurately represent their education, competencies, certifications, and experience to superiors, clients, co-workers and colleagues in the profession.
8. Enrich the profession by endorsing the sharing of knowledge, experience, and research; encourage public discussion of the profession's values, services, and competencies.
9. Are actively committed to recruiting individuals to the profession on the basis of competence and educational qualifications without discrimination.
10. Embrace and practice an attitude of cooperation and mutual respect for the contributions of other RIM professionals and attempt to create an atmosphere in the best interests of clients or employers.

Codes of Ethics

All professions have a code of ethics that outlines expected conduct of their members. Records managers are no different. Both the Institute of Certified Records Managers (ICRM) and ARMA International offer statements of expected ethical conduct for those who provide records management services.

These codes or statements tend to be more rules-based because of their nature. However, the meaning of many of the statements is only fully illuminated when one or more of the other ethical approaches are taken into consideration.

For example, examine the fifth professional principle from the ARMA International Code of Professional Responsibility: "Recognize the need for careful action to assure appropriate access to information without violation of the intellectual property rights of the owners of that information."

One of the key roles of a records manager is to assure access to information. However, developing law – both in the United States and internationally – with respect to the ownership and dissemination of some information places complex obligations on the records manager because not all information may be freely copied and distributed. Records managers must, first of all, respect the copyrighted or proprietary information of their employers and protect it from unwarranted duplication. Second, records managers must be aware of the collection and distribution of external information within their organizations, educate their colleagues on their obligations to avoid possible violations of intellectual property rights, be prepared to report violations of intellectual property rights, and be able to suggest appropriate remedies.

At least two of the above approaches to ethics are active here. First, there is an underlying rule (which in this case parallels the law) that there are specific ownership rights that must be respected. Thus records managers have an ethical obligation to learn and to apply the appropriate legislation within the records management operations. They have a further obligation to change their habits or to form their character differently – both by self-education and by training their colleagues in the appropriate behavior toward all types of intellectual property.

As a further example, turn to the seventh item in the ICRM Code:

Certified Records Managers shall strive for continuing proficiency and effectiveness in their profession and shall contribute to further research, development, and education. It is their professional responsibility to encourage those interested in records management and offer assistance whenever possible to those who enter the profession and to those already in the profession.

Again multiple ethical approaches are in play. Throughout this statement, there is an implied expectation of specific results. Both in their own efforts to better themselves and in their efforts to encourage and to mentor those entering the

profession, there is an expected outcome of a “greater good” for a “greater number.” The statement presents an ethical obligation that a certified records manager (CRM) must work both to promote the profession and to increase its knowledge and effectiveness. As illustrated in the example from the ARMA Code of Professional Responsibility, CRMs have an ethical obligation to form their character in a manner that assures greater proficiency in their profession as well as to help to change the habits of those entering the profession to reflect good records management principles and procedures. Such ethical habits assure the integrity of their actions. ■

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