

## **Governmental Affairs Society of Indiana Code of Ethics**

### **PREAMBLE**

The Governmental Affairs Society of Indiana believes that lobbying activity has an important and positive role to play in the democratic process. The Society recognizes that effective Indiana government depends upon the greatest possible opportunity for fair representation of Indiana citizens. The profession of lobbying exists only because we have a system of representative government and constitutional provision for the right of petition. The Governmental Affairs Society of Indiana firmly believes that the very democratic institutions that enable lobbying and the need for public confidence in those institutions require the highest ethical standards for lobbyists.

Further, the Society believes that lobbying activity supports Indiana's system of representative government and the public interest. Because Indiana lobbyists maintain a professional relationship with lawmakers, the Society believes that, as they attempt to impact the state's public policy, lobbyists ought to be held to a high standard of morality in these relationships. The Society recognizes that the special force and emphasis of ethical guidelines for lobbyists derive from these two considerations. Lobbying activity that would undermine Indiana's representative system of government cannot be justified, particular professional relations may incur special ethical responsibilities.

Therefore, the Governmental Affairs Society of Indiana sets out the following ethical guidelines for its members. Lobbyists affirm their commitment to abide by these guidelines when joining the Society. As members of the Society, lobbyists further understand that their continued membership is dependent upon their willingness to abide by the guidelines at all times.

*Commentary: The notion of public interest used throughout this document refers to those interests all citizens of a representative democracy have, independent of their particular political or issue perspectives. (For example, it is in the public interest in this society to preserve and uphold the machinery of the democratic institutions of government) This document presumes the existence of the public interest even though reasonable persons may differ on whether particular policies or issues are in the public interest.*

### **ETHICAL GUIDELINES**

The central values of the profession include honesty, truthfulness, integrity, loyalty, respect for persons, confidentiality, competence and respect for our system of government. These values should guide the members of the Society in their relations with clients, employers, legislators and legislative staff, fellow lobbyists, the media and the citizens of Indiana. The values that are especially important in each type of lobbyist relationship are summarized below in the specific ethical guidelines for behavior expected of all members of the Governmental Affairs Society of Indiana

The values stated in this code are a public expression of the Governmental Affairs Society of Indiana's commitment to certain moral standards. The guidelines contain the goals toward which the members should aspire in their professional behavior.

#### **A. Ethical Relations with Clients \*\***

The ethical qualities of loyalty, confidentiality, forthrightness, honesty and obedience to the law especially characterize a lobbyist's relation to clients. The member lobbyist has:

1. An obligation to represent accurately and not to mislead potential clients with regard to the lobbyist's capacity to advocate effectively for those clients.
2. An obligation to disclose fully to the client any conflicts of interest, anticipated conflicts of interest or, in the judgment of the lobbyist, appearances of conflicts of interest and an obligation to rectify such conflicts when the lobbyist becomes aware of them. This obligation arises from a concern to avoid conflicts of interest or appearances of conflicts of interest that would impair the lobbyist's professional judgment or effectiveness in serving a client. This obligation is especially important for lobbyists serving multiple clients whose interests may conflict on particular occasions and with respect to particular issues.

3. An obligation not to disclose any confidential information acquired from a client in the course of the lobbying relation, subject to the dictates of the law.

4. An obligation of loyalty to clients. Lobbyists are expected to be the most effective advocates they can be on behalf of their clients, within the constraints of law, common morality and the public interest. Members of the Governmental Affairs Society of Indiana recognize that unethical behavior is not justified in the pursuit of the client's ends.

5. An obligation to be completely truthful and honest with clients and to provide them with the lobbyist's best judgment as to the most effective and ethical lobbying strategies to promote the client's best interests. Lobbyists have an obligation to keep the client reasonably informed of the progress of lobbying activity on behalf of the client.

\*\*In this document, "client" will refer to any entity that compensates lobbyists for services, including corporations, labor unions and associations that have employees serving as lobbyists as well as institutions with contract lobbyists.

## **B. Ethical Relations with Legislators, Legislative Staff and Other Policy Makers**

The ethical qualities of respect for persons, credibility, honesty, accuracy and civility should especially characterize the lobbyist's relations to policy makers. Respect for others implies that one does not manipulate their choices by presentations that one knows are untruthful or misleading. Members of the Governmental Affairs Society of Indiana recognize that in Indiana's citizen legislature, legislators must rely on lobbyists for relevant information in drafting laws and regulations. Lobbyists serve both an educational role and an advocacy role. Since the educational role enhances lobbyists' access to legislators and enables them to perform their advocacy role, lobbyists have an especially stringent obligation to handle information with integrity in order to preserve our system of government.

Governmental Affairs Society of Indiana members have:

1. An obligation to be accurate in information provided and representations made to policy makers and an obligation to refrain from misleading them by providing distorted information. If a lobbyist or a witness sponsored by the lobbyist provides false or misleading information, whether intentionally or in good faith, the lobbyist has an obligation to correct the record.

2. An obligation to avoid misrepresenting to policy makers the source and degree of the policy maker's constituent support for a position for which the lobbyist is advocating.

*Commentary: The intent here is to preclude 1) engagement in the recent phenomenon of "astroturf" or "fake" grassroots lobbying campaigns. This is an extremely deceptive practice that attempts to create an "artificial" grassroots movement (hence astroturf) in order to create the appearance of citizen support for a special (often unpopular) interest. Frequently this is done by misrepresenting to citizens or their legislative representatives the identity of supporters of a lobbying movement or misrepresenting to legislators the degree of citizen support for an issue and 2) lobbying efforts that use the names of citizens or of other entities without their knowledge or consent.*

3. An obligation, in at least some instances, to provide a policy maker with considerations that may weigh against the lobbyist's own position. Lobbyists may find themselves in a non adversarial situation and believe themselves to be the primary source of information for a policy maker. If the policy maker is unaware of important issues weighing against the lobbyists' position, the lobbyists should consider bringing them to the attention of the policy maker. This approach will ensure fair deliberation in the process of good government for the citizens of Indiana. It will also help the policy maker avoid being blindsided by future criticism of the oversight and will give lobbyists the opportunity to fully serve their clients by ensuring that the full force of the clients' case against the other point of view is fully appreciated.

4. An obligation to avoid the use of false claims, half truths, distortions and misrepresentations in advocating on behalf of a client and an obligation to refrain from unjustified attacks on the character of opponents.

*Commentary: Unethical advocacy poisons and polarizes the civic and legislative atmosphere, undermines the democratic process by making future policy deliberation and appropriate political compromise much more difficult and corrupts citizens' deliberative process by confusing voters with misinformation on legislative issues.*

*This obligation does not preclude a lobbyist's duty to be the strongest advocate for a client's position within the constraints of the law, morality and the public interest. It **does** not preclude pointing **out** the flaws in an opponent's case; it does not preclude responding to unfounded charges. It does remind lobbyists that advocacy for the client is not the highest obligation, **but** is subject to the constraints of the law, morality and the public interest. The obligation applies to lobbyists' efforts on behalf of a political campaign as well as in the legislative process. Unethical behavior as described above can have the same deleterious effects on the legislative process in whichever arena in which it occurs.*

5. An obligation to show respect for policy makers by not encouraging them to violate the law or their own professional standards of ethics.

### **C. Ethical Relations with Fellow Lobbyists**

Members of this Society recognize the need to maintain collegial relations with fellow lobbyists over extended periods of time. Adversaries may need to work together as allies in the future. Members also recognize that pressures in the lobbyist environment increasingly create a competitive and contentious atmosphere that can lead to perceptions of unethical treatment by a colleague and ruptured relations between members. Consequently, relations between fellow lobbyists should be especially characterized by mutual respect, truthfulness, civility and tolerance for opposing points of view. An atmosphere of mutual respect, civility, trust and collegiality among lobbyists enhances the quality of the legislative process and elevates the profession.

The member lobbyist has:

1. An obligation to respect all lobbyists' professional relations with their clients and an obligation not to attempt to undermine or interfere with that relationship or to solicit the business of a colleague's client. A lobbyist is free to respond to inquiries initiated by clients who may be seeking to change or increase their representation.
2. An obligation to be honest and truthful with lobbyist colleagues. This obligation does not imply an obligation to reveal appropriately confidential information regarding strategy or tactics of a lobbyist on behalf of a client
3. An obligation to treat fellow lobbyists, both allies and adversaries, with respect and civility during the sometimes heated lobbying process and an obligation to avoid contributing to an atmosphere of mean-spiritedness or uncollegial behavior. Lobbyists have an obligation to be truthful about colleagues and to avoid even the appearance of undermining a colleague.

*Commentary One manifestation of this respect for fellow lobbyists is that members will refrain from efforts to undermine a fellow lobbyist by criticizing legislative initiatives of that fellow lobbyist in matters unrelated to the members' lobbying responsibilities.*

4. An obligation to make a good faith effort to restore and maintain civil relations with colleagues if those relations have been ruptured. Members recognize that it is easier to avoid a rupture in collegial relations than to repair it. Consequently, members are urged to do all they can to resist elevating a conflict with a colleague but rather, to take measured steps to defuse a conflict. The ideal should be to reach a reconciliation that allows members to continue working together with mutual respect. The following procedures are recommended.

- a) Lobbyists who believe they have a conflict with a colleague should try to ascertain all the facts before acting. Mutual respect requires members approach the colleague to discuss the issue and try to resolve the issue immediately.
- b) If this approach does not resolve the issue or dispute, either member may request that the Society's ethics committee or members thereof serve as mediators.
- c) Alternatively, either member may request that a person outside the Society act as mediator.

*Commentary. When the issue in dispute is ethical, resolution can be difficult because both parties may feel they have been morally wronged. Traditional mediation techniques of seeking compromise from both sides may not be as effective in such situations. Consequently it may be important to have someone as mediator who can assist in thinking through the ethical issues involved.*

## **D. Ethical Relations with the Larger Indiana Community**

Citizens of Indiana have a right to expect that lobbyists recognize a general obligation to protect the integrity of the entire political system within which the profession is regulated and works. Accordingly, members have:

1. An obligation to avoid distorting policy makers' perceptions of citizen support for policies.
2. An obligation to avoid engaging in unlawful behavior or practices on behalf of positions advocated by the lobbyist.
3. An obligation to refrain from taking advantage of any relationship with policy makers to further legislation or regulation the lobbyist can reasonably be expected to believe will be injurious to the public.

*Commentary: Reasonable persons may differ on the effects of legislation in many instances. Nevertheless, there are sometimes clear cut instances in which the lobbyist may be asked to lobby for something in the client's interest that is not in the public interest, for example, if it clearly puts the public's safety at risk.*

4. An obligation to deal honestly and forthrightly with all other publics including the news media. The media are the prime source of information regarding legislative business for most citizens. Therefore, any intentional misrepresentation to the media could be construed as an unethical misrepresentation to the citizens of Indiana.

## **E. Ethical Relations with the Governmental Affairs Society of Indiana and the Profession.**

Members of the Society have an obligation to conduct themselves in such a way that they maintain public respect for the profession and the Society. Members recognize that respect is essential for them to be able to perform their professional functions and contribute to the public good. Members of the Society have:

1. An obligation to avoid wrongdoing and the appearance of wrongdoing in all professional activity. Members recognize that the public can sometimes judge only on the appearance of wrongdoing, and even the appearance of wrongdoing undermines the credibility of the Governmental Affairs Society of Indiana, the profession, lobbyists' clients and employers, legislators and the legislative and political process.
2. An obligation to consider carefully the ethical character and behavior of those who are invited to join the Society.
3. An obligation to take responsibility for the ethical integrity of the Society. This obligation includes abiding by and publicly supporting the ethical guidelines of the Society, participating in programming in ethics education for members and self-policing of the Society by its members.

## **Disciplinary Action**

The Society recognizes that all members have an obligation to protect the integrity of the Society, first and foremost by conducting themselves in an ethical manner and helping to inculcate ethical standards in fellow members of the Society. Unfortunately, occasions may arise that require a member be disciplined. In such instances, the following procedure will be observed:

1. If a member of the society (a) has been found guilty by a court of violating a law directly related to professional lobbying activity or (b) by the Indiana Lobby Registration Commission of violating a provision of lobby laws or a rule or regulation therein, then that event shall trigger a review of that member's status by the Board of Governors.
2. The member being reviewed will be given written notice of the review and an opportunity to appear before the Board and present a defense.
3. If the member's violations of the law or Indiana Lobby Registration Commission regulations are deemed sufficiently serious, the Board may determine that the member be expelled from the Society.
4. The Board's decision may be appealed to the membership.

5. An application for membership by any person convicted of a felony resulting from legal violations directly related to professional lobbying activity will be rejected.

## **Amendment**

The Code of Ethics of the Government Affairs Society of Indiana may be amended by (1) a majority vote of the Board of Governors and (2) a majority vote of the membership.

## **The Ethics Committee recommends to the Board of Governors for adoption, the following language and provisions in support of this code of ethics:**

### **SUPPORTING THE CODE**

Members of the Society recognize that support for the code can be maintained through recruitment, education and discipline.

### **Recruitment and Education**

The Society recognizes that “preventive” ethics is preferable to disciplinary action, and the Society’s primary emphasis will be placed on the former.

Consequently, every effort will be made to accept for Society membership, lobbyists who show evidence of supporting the ethical code of the Society.

A vigorous ethics education program for members will include

1) an orientation program of ethics education to provide new members with an understanding of the ethical expectations of the Society and its members.

2) continuing ethics education for all members of the Society, To emphasize the importance of this activity, all members will be expected to attend a continuing education session on ethics at least once every two years. (This session may be provided in conjunction with one of the Society’s regular meetings).

3) a request on the initial membership form that members provide a signed statement indicating their support and adherence to the Governmental Affairs Society of Indiana code of ethics.

4) The use of the ethics committee to play the following roles:

a) The ethics committee may provide support for members who think they are involved in a situation that may be ethically questionable or are confronted with a difficult ethical issue in their professional activity. Members may ask the committee for clarification regarding the ethical expectations of the Society or assistance in thinking through ethical alternatives in dealing with the problem. The aim is “preventive,”- to help members avoid getting into an ethical dilemma in the first place and to solve a problem without violating ethical standards in the second place.

b) Members may ask the ethics committee or its members to play a mediating role in resolving ethical conflicts with fellow members. The ethics committee may also recommend and assist members to find outside persons to mediate ethical disputes Any member who wishes guidance regarding such matters may request consultation with the ethics committee or members of the committee acting in their capacity as committee members, Such consultation will be held in strictest confidence. Specific information revealed cannot be used for any other purpose.

c) Each year, the ethics committee will compile generalized versions of issues brought before them and the informal opinions they have rendered. This compilation will serve as a basis for clarification and consistent interpretation of the code and for identification of areas that may need to be addressed by the code. If there are instances in which a generalized version of an issue cannot be formulated without violating the confidentiality of the member presenting the issue, the case will not be reported.

\*This code adopted by a vote of the membership of the Governmental Affairs Society of Indiana, May 14, 1996.