

Does an Ethics Code Make Sense for Your Organization?

Leaders of some membership organizations might blindly assume that an enforceable code of ethics would inevitably make the organization stronger. But an attorney who has worked with several associations advises more careful study, especially if it is one member's indiscretion that is driving the organization's interest in drafting an ethics code.

"If you're doing this as a reactive measure, you're probably not doing the analysis that's necessary," says Nisha Thakker, partner in the Washington, D.C.-based Tenenbaum Law Group PLLC.

Thakker highlights that it's also critical to distinguish between a code of ethics and a code of conduct. A code of conduct is used primarily to address actions of participants, both members and non-members, in association-sponsored, in-person and virtual events and activities.

Here are some questions Thakker advises organization leaders to consider as they weigh the benefits of developing a code of ethics:

- **Is your industry already highly regulated?** Professionals who already are subject to strict oversight might conclude that paying dues to another policing group isn't worth it. Conversely, Thakker says, she has represented realtors who see a marketing benefit in saying they live by ethical principles above and beyond what their state regulators require.
- **Are you capable of enforcing the code once it's in place?** Many organizations have to rely on volunteer support to investigate ethics complaints or recommend chang-

es to the code. Organizations must adopt an evenhanded approach to enforcement, Thakker says. "You need it to be objective and uniformly applied," she says. "It has to be a very transparent process."

- **How broadly do you want to regulate member conduct?** Thakker says organizations enter dangerous territory when they try to enforce member behaviors that aren't directly related to the profession. A plumber's technical expertise can be measured objectively, but does the person's activity on social media have anything to do with having the competency to perform the job?
- **Where will ethics complaints come from?** Thakker says most organizations that adopt a code of ethics agree that they will investigate complaints from any source, internal or external.

Essentially the first question always to ask when discussing a code of ethics is, "Why?" Thakker says. Some organizations might reasonably choose to avoid adopting an enforceable code, in favor of an aspirational code under which it's possible that only the most egregious behavior leads to a member's suspension or expulsion.

Thakker advises organizations to resist the temptation to review their code too often. "The code shouldn't be so situationally specific that it is revisited frequently over time," she says. ♦

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GROUP EXERCISES

Icebreakers Help Members Warm To One Another

Breaking the ice in a group setting can be an effective approach to getting a team or a new group to meld. Try these icebreakers to start your next member gathering off right:

1. **Brainstorm or Free Association** — Break into small groups. Offer each group a large tablet of paper, marker and topic relevant to your nonprofit. Give each team three minutes to brainstorm or free associate about the topic, writing down words or phrases that come to mind. The team with the longest list wins. This simple, non-taxing icebreaker will get the individuals in your audience working as a team immediately.
2. **True or False** — Break into small groups. Ask each small group member to write down two true and two false things about him/herself. Partner people to see if they can determine which of their partner's statements are true and which are false.
3. **Name That Member** — Prepare name tags for each attendee and place them in a bowl. Have each guest draw a name tag and mingle about the room to find its true owner. Have members introduce the person who found them to the person they've found. This simple process allows many members to mingle and meet. ♦