

## **How to Solve Ethical Dilemmas**

### ***Planned Giving Mentor***

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Making ethical choices is part of life. Yet, few rules guide us in this daily challenge because ethical behavior is not about following the rules. Ethical behavior suggests behaving in the “right” way, but “right” is not easy to define. So how do we find our way through the ethical dilemmas that inevitably challenge us? Specifically, how do we do that in our professional life in planned giving?

#### **Is there such a thing as an ethical “solution”?**

Saying that we can “solve” ethical dilemmas implies that everyone will agree on the “rightness” of a specific a response to these dilemmas. Universal consensus is not, however, easy to find on ethical matters. Instead of looking for “solutions,” we should look for guidance and for the ability to examine ethical dilemmas from as broad a perspective as possible.

#### **What are the guideposts?**

First, we need to recognize when we are faced with an ethical dilemma, when the choices open to us have ethical implications, or when there may be a conflict between expediency or self-interest and the “right” decision in a broader sense. While we can seek guideposts to help us in the often foggy land of ethical decision-making, we must also recognize that those guideposts are not always easy to spot and that we must avoid the all too easy “false,” misleading or overly simplistic guideposts that offer themselves to us.

The most readily cited false guidepost is the law. Some people would argue that so long as we follow the law, we are on ethical solid ground. Not necessarily the case. One of the

major culprits in some of the corporate accounting scandals of the last few years has been the tendency to hide behind the shield of legal compliance and the argument that because the law allowed certain behaviors, those behaviors were indeed ethical.

For a development professional to accept compensation based on a percentage of funds raised is, for example, not illegal. Nor is a planned giving professional's seeking a "finder's fee" for delivering a gift vehicle to a specific charity. The law does not prohibit a planned giving professional from being named as a major beneficiary of a donor's estate. But the planned giving community has labeled all of these behaviors as questionable ethical choices.

Some people cite pragmatism as a good guide for ethical decision-making. They would argue that making choices that are practical and that result in the achievement of our fund-raising goals must be ethical. Pure pragmatism, however, avoids any focus on process, on how one gets to the goals.

So, even though pressuring donors to make decisions before they are ready or when they still seem uncomfortable with a gift plan may help meet the annual goals of the development office, most gift planners would consider that kind of pressure unethical. Likewise, promoting a gift plan that would add to the office totals but would deplete a donor's assets so much as to put her financial future in jeopardy would fall outside of ethical boundaries for most development officers.

So where can we look for guidance? One of the first places I would suggest is the NCPG Model Standards ([http://www.ncpg.org/ethics\\_standards/model\\_stds.asp?section=7](http://www.ncpg.org/ethics_standards/model_stds.asp?section=7)), a set of standards for the profession intended to serve precisely as guideposts for ethical decisions. In its early years, the NCPG board focused on developing these standards not as dictates to the profession but as a way of saying to those outside of the planned giving profession that these were the bases on which we would examine ethical concerns.

Finally, we can use the proverbial “smell test” as a guide. I often think of the advice one of my colleagues offered to me early in my planned giving career: “If you ever have any doubts about the “rightness” of your decisions, think about how you would feel if your decision were the front page story in the local paper.” If seeing our decision from that perspective would cause discomfort or embarrassment, maybe we should rethink our behavior.

### **Can we find a solution?**

Ethical decision-making is clearly a non-exact science. But ethical behavior is far more than doing what “feels right.” Our profession offers professional standards. Our communities underscore community standards. Most important, we need to follow common human standards. Seeing a situation from the point of view of the others involved or those who would be affected by our decisions is often the best guidepost of all.