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To: Senator Mathern

From: Rebecca Binstock, Executive Director

Date: April 24, 2025

Re: Information for Education FTE

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The Commission's responsibility to offer educational instruction regarding state ethics laws is critical to efficient and fair functioning of government operations in North Dakota. Creating awareness of ethical governance for public officials and employees reminds those in public service of the potential for conflicts of interest to public decision-making and in spending public money. Direct interactive and practical training and informational efforts assist public officials, lobbyists, candidates for office, and others in understanding and complying with the state ethics laws.

North Dakota's Ethics Commission is relatively new as it was created in late 2018 and implemented in late 2019. Many state ethics commissions have been in existence for decades, with the first state ethics commission established by Hawaii in 1978. Discussions with individuals serving these state ethics commissions and a review of their history demonstrate many were initiated as enforcement agencies with minimal prevention initiatives.

As these entities matured, many shifted their efforts to prevention through education, training, and communication in conjunction with enforcement. The rationale for this is straightforward: the public ultimately benefits when ethical decision-making and the fair functioning of state government happens, instead of addressing an issue after the decision-making has occurred.

In December 2022, Albany Law School's *Report on Independent Ethics Commission in the United States and U.S. Territories* demonstrates 39 independent ethics commissions (including some city and municipal ethics commissions) across the country provided training and/or educational materials as of 2022. North Dakota was not listed as a jurisdiction to provide education or training. However, the de facto national standard for independent ethics commission is an expectation to provide guidance, training, and education to public officials, candidates for office, lobbyists, and citizens.

Public officials who face an ethics-related crisis can feel isolated, with nowhere to turn. A sense of isolation, in fact, is a primary reason why they don't speak up at all. It is of vital importance public officials learn they are not alone and have someone to turn to for help. While most public officials act lawfully and want to do the right thing, ethics commissions observe public officials and employees often do not immediately recognize their own potential conflicts of interest and often need assistance in identifying the correct course of action.

In our conversations and interactions with other state ethics commissions, the question is not whether we should educate and train, but instead how to implement best practices to ensure understanding of ethical principles. This often relies on pedagogy – the method and practice of teaching. In 2023, I attended the Annual COGEL (Conference on Governmental Ethics Laws) conference. Many of the seminars offered at the conference focused on how to better train and educate employees and public officials. In fact, many ethics commissions were discussing how they implemented or were looking to implement training platforms to reach all stakeholders and how their team of educators could make a bigger impact by using these platforms.

After attending this conference, it became clear ethics commissions across the country were just as focused on preventative education/training as they were on enforcement. Our research supported that same conclusion – preventative education is more productive than retrospective enforcement. Ultimately, preventative education saves time and resources, provides education, Instead of policing behavior, ethics education fosters a culture where ethical decision-making becomes the norm and can result in a reduced need for enforcement. Education helps individuals navigate complex or ambiguous situations where rules might not apply directly, and empowers an open dialogue about ethics, instead of fostering defensiveness.