

**THE CODE OF ETHICS OF THE FEDERAL PUBLIC SERVER:
PERCEPTIONS AND INFLUENCE ON THE MANAGEMENT OF A PUBLIC UNIVERSITY**

**O CÓDIGO DE ÉTICA DO SERVIDOR PÚBLICO FEDERAL:
PERCEPÇÕES E INFLUÊNCIAS NA GESTÃO DE UMA UNIVERSIDADE PÚBLICA**

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ABSTRACT

Purpose: describe the perception of professors and technical-administrative staff of an Institution of Higher Education on the practice of the Code of Ethics of the Federal Public Server and its influence in public management.

Method / approach: descriptive case study. A quanti-qualitative questionnaire was applied to the staff of the institution studied based on the Code of Professional Ethics of Civil Servant of the Federal Executive Authorities.

Main findings: the low use/application of the code of ethics was perceived as a guiding element in institutional actions; the code as a formal system is losing space for other formal systems, such authority structures and systems of reward; but mainly for informal systems, such as the behavior of pairs or unwritten rules.

Methodological / social / managerial contributions: the contributions of this paper focus on the debate and administrative reflection of the code of ethics as a guiding system for good practices aimed at the common good, as well as in the construction of moral responsibility for ethical deliberations in the public service.

Originality / relevance: a previous study on the code of ethics in public universities indicated that little importance has been given to raising awareness about ethics in the public service. This identification reinforces the need to continue studies on the topic, specifically on its importance and influence on management processes, transparency and good practices aimed at moral action and public interest.

Keywords: Code of Ethics. Ethics. Public Administration.

RESUMO

Objetivo: descrever a percepção dos servidores docentes e técnico-administrativos de uma Instituição de Ensino Superior sobre a prática do Código de Ética do Servidor Público Federal e sua influência na gestão pública.

Método / abordagem: estudo de caso descritivo. Um questionário quanti-qualitativo foi aplicado aos servidores públicos da instituição analisada (universidade pública federal), elaborado com base no Código de Ética Profissional do Servidor Público Civil do Poder Executivo Federal.

Principais resultados: percebeu-se a baixa utilização/aplicação do código de ética como elemento orientador das ações institucionais; o código foi considerado um sistema formal cujo papel está perdendo espaço para outros sistemas formais, como estruturas de autoridade e sistemas de recompensa; mas, principalmente, para sistemas informais, como o comportamento dos pares ou normas não escritas.

Contribuições metodológicas / sociais / gerenciais: as contribuições deste artigo enfocam o debate e reflexão administrativa do código de ética como um sistema balizador de boas práticas voltadas para o bem comum, bem como na construção da responsabilidade moral para as deliberações éticas no serviço público.

Originalidade / relevância: estudo anterior sobre código de ética nas universidades públicas indicou que pouca importância tem sido dada à conscientização sobre a ética no serviço público. Essa identificação reforça a necessidade de continuidade dos estudos sobre o tema, especificamente sobre sua importância e influência nos processos de gestão, transparência e boas práticas voltadas à ação moral e interesse público.

Palavras-chave: Código de Ética. Ética. Administração Pública.

1 INTRODUCTION

The Public Administration conducts its management, usually in an unstable environment and susceptible to various complexities of a technical and human nature. Among the recent phenomena experienced by public organizations, it is possible to emphasize: moral harassment, corruption, conflict of values and objectives (Santos, Serafim, & Lorenzi, 2020) and other phenomena that may have ethical implications and civil responsibility of the manager who is ahead of his or her management, but also in his or her mode of operation and relationship between organization and citizens who use their services (Bilhim, 2014). Given this context, public management can be directly or indirectly influenced by moral dilemmas and ethical issues experienced by its members (Santos et al., 2020).

Many times, these conflicting issues are associated with the democratic process, transparency and confidence-building and organizational stability (Van Wart, 2003). However, despite potential limitations, the instrument known as the "code of ethics" seeks to standardize and standardize behavior, can be a useful tool in the prevention and resolution of the dilemmas. Weaver (1993) defines the code of ethics as a formal document that specifies conscious ethical obligations to the organizational conduct, and it only exists if it is formulated with the sole purpose of being guided by moral standards for ethical conduct. Thus, it is an instrumental document that can be used in traditional solution of conflicts from professional standards and standards that help policy makers and managers to make the right decisions.

However, there are discussions between professionals and scholars about the real impact of this type of instrument in the behavior of individuals in an organization (Pugh, 1991, Bergue, 2021). Among the arguments about its weak usefulness is the fact they are usually too generic and abstract, and thus reveal themselves irrelevant as a guide for action in specific contexts (Morris, 1998).

Cortina and Martinez (2005) and Villoria and Cruz (2021) understand that even when ethic codes exist, conflicts are possible. Bergue (2021) argues that, in some cases, the ethic codes are, in fact, codes of moral conduct, which dictate patterns of behavior and do not lead to critical reflection on action. Despite these limitations, Morris (1998) considers that the conduct based on rules might serve to express, at least, the main parameters of the behavior that is expected from the people, defining an acceptable basis for behavior. Thus, this type of instrument can be extremely important.

In relation to the study of the code of ethics, as proposed in this article, Plant (2001) identified that researchers and scholars in the field of Public Administration began to examine codes of ethics from empirical approaches, arguing not only by their merits or by its relevance from a theoretical point of view, but as the codes actually are seen by the people to whom they are intended, their real significance, applicability and influence on the management and moral action. Corroborating the perception of Plant (2001) and seeking to contribute to the better use, knowledge and evaluation of this type of instrument, the objective of this theoretical and empirical article is “describe the perception of professors and technical-administrative staff of an Institution of Higher Education (Federal University) on the practice of the Code of Ethics of the Federal Public Server and its influence in public management”.

In a previous study also dedicated to the debate about the code of ethics in public universities, Moura, Vanni and Azeredo (2020) concluded that little importance has been given to raising public awareness about ethics in public service. The authors perceive this fact as very negative in view of that the “society's cry for transparency and optimization of public services” (Moura et al., 2020, p. 75). This identification reinforces the need to continue studies and debates on ethics in the public service, its importance and influence on management processes, transparency and best practices that assist in moral action aimed at the public interest.

2 THEORETICAL FRAMEWORK

The moral element lies in the phenomenological level of organizational culture, focusing on the observable behavior by means of structures, systems and organizational practices. Thus, the ethics in organizations can be studied as a subset of organizational culture, representing various formal systems (code of ethics, leadership, authority structures, systems of reward, training) and informal (behavior of peers, ethical standards, conflicts) (Treviño, Butterfield, & McCabe, 1998).

It is observed in the organizational environment and in their interpersonal relations that some norms and behaviors are practiced in one or another way depending on who is on the other side or the group to which he or she belongs (Nunes, 2022; Tolfo & Nunes, 2017). Although previously we emphasize on the “ambiguity” or non-standard of individual behavior at work, many times, this is influenced and/or guided by external aspects, such as the own Brazilian culture of “isms”.

The Brazilian culture is marked by a series of “isms”, as the personalism (the most important thing is to which group an individual belongs to his or her own characteristics), paternalism (power relations where the belonging to a certain group opens paths and

rewards), formalism (tacit acceptance of standards and rules, but the practices are distorted), corporativism, loyalty, and other people who guide the ways in which, for example, rules and standards are applied or not (Prates & Barros, 1997; Carbone, 2000; Alcadipani & Crubellate, 2003; Pires & Macêdo, 2006; Nunes, Tolfo, & Pellegrini, 2021). Such elements are also found in public management (Carbone, 2000).

In addition, these traits of Brazilian culture feed and guarantee impunity (Alcadipani & Crubellate, 2003), especially when there is a transgression of the formal regulatory measures imposed. Although there is an entire internal and external influence, in addition to the “isms” present in the culture, is a function of the public agent following and act as establishes its own code of professional ethics of public server, instituted by Decree no. 1.171, dated from 22nd of June 1994 (Brazil, 1994). However, there is a problem with what is written in the Decree and what is practiced in organizations, as will be observed in the analysis section.

2.1 CODE OF ETHICS AND PUBLIC MANAGEMENT

In consultation with the Webster's dictionary, Plant (2001) clarifies that the term “code” derives from Latin and means “tree trunk”, because on polished tree trunks old systems of law were written. Since its ethical adjectivation is related to the questions of standards, principles, commands and prohibitions, values and ideas of a society (Cortina & Martinez, 2005). Therefore, codes of ethics can be defined as systematic efforts to define an acceptable behavior; also seen by authors who advocate its use as a means on how to do good and avoid evil (Plant, 2001). Van Wart (2003) clarifies the existence of different types of codes, among which seeks to define the characteristics of three - code of ethics, code of conduct and code of rules and regulations, as described below.

Table 1
Types of Codes

TYPE OF CODE	LEVEL OF ABSTRACTION	ETHICAL ELEMENT
Code of Ethics	Very abstract	Principles
Code of Conduct	Moderately abstract to moderately concrete	Values (precepts of medium level): aspirated values and values of expectation
Code of Rules and Regulations	Very concrete	Behavioral Expectations and consequences

Source: adapted from Van Wart (2003).

These three types can be associated with the three principal meanings for “code” described by Webster's dictionary: 1) a written collection of laws; 2) a collection or system of rules that are not laws, but morally binding; and 3) a system of symbols for a significant communication. What is realized, however, is that the “confusion” about the three possible meanings of a code of ethics - as the legal system, moral system or symbolic means of communication - is at the heart of the discussion about its existence and application in public management (Plant, 2001).

According to Cressey and Moore (1983), the practice of codes of ethics has its origin in the United States as an aspect of legal order, disciplinary and of punitive character. Ten years after the publication of the work of Cressey and Moore (1983), Weaver (1993) discuss again the possible goals and intentions of their deployment, namely: (a) in favor of the ethical attitude, as an end in itself; b) in response to a request for a specific stakeholder; c) in the context of social environment or as an action of social responsibility; d) to direct the ethics to internal organizational dynamics. Lewis (1991) also identifies three realistic goals of a code: encouraging high standards of behavior; increase public confidence in the government; and assist the taking of individual decision. Thus, they can also provide guidance to decision

makers who deal with situations in which the values may be in conflict. Despite this, Menzel (2010, p. 119) suggests that “unethical employees tend to be unethical, irrespective of existing or not a code”.

Plant (2001) draws attention to possible differences between codes of ethics in the public area and codes of companies and trade associations, once, when dealing with matters of public interest, the codes of Public Administration are related to a higher standard than others in society. However, for any one of the areas, challenges might emerge in its construction to seek answers to the following questions: “How abstract and aspirational *versus* how specific? How much accountability, in concrete terms, should a code contain, if any? What length should the code be? Who is the proper audience? What is the best structure? What is the proper type of language to use?” (Van Mart, 2003, p. 335).

As a guideline for this type of issues, Plant (2001) suggests keeping in mind that codes of ethics in Public Administration may not have its value measured only by its effectiveness in guiding the good behavior and avoid evil, but also by the fact that they exist as political statements that the matters of public interest are being conducted in a fair, honest and competent way. Therefore, its value is not in identifying “cheating” or guiding the behavior of public agents, but rather to exalt the values of democracy and increase the level of public confidence in the government, public organizations and those that respond to them.

On its formalization and dissemination, codes can be written or not written. The focus in this article will be on the discussion on the codes of ethics formal, written and publicly disclosed, such as the code of professional ethics of public server (Brazil, 1994). Chandler (1989) highlights that are, mainly, the codes written and applied that provide a measure of responsibility for the public - public interest. In this sense, the written code may be promulgated by a jurisdiction or level of government, for a profession by an organization, or by an association representing a class of organizations or professionals. The written codes, according to Menzel (2007), can be a list of “rules of thumb” to put in a prominent place or may be part of a system of education and training in ethics or even supervision of actions.

Thus, when considering the written code, it can be defined as a formal document that specifies conscious ethical obligations to the organizational behavior. Its existence is conditional to the existence of the intention to be guided by moral standards for ethical conduct (Weaver, 1993). This definition seeks to eliminate the bias found in some documents that express the values of the organization - such as annual reports, organizational mission and manual of procedures - that such values are erroneously interpreted as a code of ethics or code of conduct among employees (Cherman & Tomei, 2005). Despite a “written document” or formal, Van Wart (2003) emphasizes the importance of making of it also a “living document”, i.e., an instrument that is constantly under debate to ensure a vital and useful to organizational processes in opposition to their existence as something that is little used or considered.

Regarding the academic debate about the codes of ethics, with a focus on Public Administration, Plant (2001) adds that it focuses on several issues, such as: a) the *locus*: if the public organization or profession is responsible for the promulgation of the Code; b) philosophical support: if it must be founded on moral philosophy, law and constitutional theory, in faith in science or in professional responsibility; (c) Specificity: if must be detailed and highly specific for the work performed or broad and subject to interpretation; and (d) Applicability: there should be a declaration of ideals or a set of restrictions which may result in penalties for non-compliance.

Within this debate, there are those who have arguments for and against others favor on the subject of codes and their influence on the management. Among the arguments to the contrary, Chandler (1983) highlights: 1) that we must resist to moralization and be practical about accepting immoral conduct in life; 2) that the procedures to develop consensus and discuss issues are hampered by rigid coding about what is right and wrong; 3) that the tradition of bureaucratic neutrality (impartiality) guides to avoid moral judgments and see the public governance as a technical exercise. On the other hand, as an argument in favor of codes, the author points out: 1) The objectivism, which recognizes the existence of transcendent values and an ultimate foundation based on human being; 2) the argument of the community, which postulates that the judgments about right and wrong are community decisions; and 3) that the code brings an element of courage, positive value on decisions and ethical deliberation.

To enhance the use of codes of ethics in Public Administration, Bilhim (2014) recommends that: the ethical standards of public service are clear and coated by legal form; the ethics training is made available to employees who must know their rights and obligations with regard to situations of ethical risk; the decision-making process is transparent and open to public scrutiny; there are clear guidelines for relations between the public sector and the private sector; the public managers promote ethical conduct, as well as management policies, procedures, practices and the management of human resources; procedures and sanctions to be put in place to correct incorrect behavior. As suggested in the recommendations of Bilhim (2014), to change the ethical behavior, it is also necessary to change the organizational culture, once alone the code of ethics is not capable of constructing an ethical and legal environment that is possible to the internationalization of values for ethical culture (Cherman & Tomei, 2005). Thus, “codes should be regarded as living documents that are integrated into the fabric of the organizational culture” (Menzel, 2007, p. 69).

In the Brazilian Public Administration, ethic codes began to take up space from the first half of the 1990s, in a context of transformation of the State organizational structures and its administrative apparatus. Thus, by configuring as the instrumental application in the space of professions and organizations, the coding of subjects' expected conduct gained prominence by aligning with a collectively shared expectation of good and justified action (Bergue, 2021).

The Decree no. 1,171 from 1994 establishes the code of Civil Servant of the Brazilian Federal Executive Power with rules, principles, duties and prohibitions that must be observed in the exercise of public career. Its text is essentially deontological, that is, with rules that deal with duties and morals in a Kantian perspective (Da Graça & Sauerbronn, 2020). Its purpose is to guide relations between public servants, relations with public and private entities and relations with citizens. Furthermore, this code of ethics also states that personal interests do not interfere in matters of public interest or in relations with what is public.

Catafesta (2017) points out that, in a deeper analysis of the Civil Servant of the Federal Executive Power, it seeks to instigate society's trust in public institutions and the federal government system. In this sense, if well publicized, understood, assimilated and incorporated by public servants, conduct and ethical commitment can be an alternative to the “Brazilian way” and for small day-to-day corruptions that are sometimes not noticed as wrong and immoral by practitioners. On the other hand, Bergue (2021) argues that, in the Brazilian Public Administration, there are no codes of ethics, but codes of moral conduct. In the same line, Cortina and Martinez (2005) claim that what is coded are moral patterns of conduct, not the critical and reflective effort on these norms in regard to concrete situations in a plural and dynamic context.

3 METHODOLOGICAL PROCEDURES

To achieve the objective proposed in this article, a research was carried out characterized as descriptive case study, by means of a mixed approach. In the quantitative approach it was aimed to provide data that would enable a more comprehensive view of the phenomenon studied, thus allowing higher accuracy of the results presented. In turn, a qualitative approach is justified by enabling a greater depth of understanding of the behavior of individuals within a given context, which allows the analysis of the interaction of certain variables. It should be emphasized that, although it has been used an instrument sometimes seen as quantitative (questionnaire), it was composed of open and closed questions, which led us to perform a quantitative and qualitative analysis, justifying the characterization of mixed research.

The research is inserted in the interpretative paradigm, which seeks to understand the phenomenon by means of individual and subjective awareness of the participant. It should be emphasized that this paradigm is present in great part of the Brazilian organizational studies, when working with themes such as culture, identity, power, and other.

The study is part of a larger project that is aimed at characterizing the organizational culture of a Federal Public University located in the southern region of Brazil. The article was focused on one of the analysis categories, the code of ethics, in which it is important to understand the behavior and organizational discourses and practices. Therefore, the participants were composed by professors and technical-administrative staff of the institution.

Until the data collect period, the institution had approximately 5.710 workers: 3.170 technical-administrative staff and 2.540 faculty members. The disclosure of the study took place by an e-mail that was sent to all workers in two moments, with an interval of three weeks, in addition to an e-mail that was sent by the institutional communication department and by some other departments and workers individually. Given the size of the population and the form of the instrument of research, a previous sample was not defined, since the researchers had the means to disseminate and send the research to the entire population. Therefore, the study can be considered as a census, as it covers all the components of the universe (Marconi & Lakatos, 2009).

Data were collected by the application of an online questionnaire, with open and closed questions. The closed questions had as objective to have a more comprehensive view of reality of the institution on the subject researched, and the open questions sought a better understanding of the experience lived by the participants and the meaning they attribute to the subject researched. In total, the questionnaire was answered by 214 participants, among professors and technical-administrative staff.

The instrument had questions about the participants' profile (sociodemographic data and related to the position at the University) and on the institutional norms, in particular the code of ethics and its consequences - which includes aspects such as knowledge, practice and implications of noncompliance with the code. Being this last topic based mostly on own professional code of ethics of the Civil Servant of the Federal Executive Power (Decree no. 1.171/1994), in addition to authors who work with the theme and themes that relate, as presented in the theoretical basis of this article.

The interpretation of the data obtained was performed by the method of analysis of frequency of repeated patterns of response, in the case of quantitative data, using the Statistical Package for Social Sciences (SPSS). It was also used the method of content analysis, which, according to Bardin (2016), includes techniques for analysis of communications that

aims to obtain indicators by means of systematic procedures and objectives of description of the content of the messages for the inference of knowledge related to the conditions of the generation of these messages. Therefore, it was followed by the three stages proposed by the author: pre-analysis, material exploration and treatment of results, and the inference and interpretation. Thus, from the data obtained matrices tables were drawn up to analyze the information.

Finally, all the precepts and ethical norms were followed for protection and anonymity of the survey participants. Therefore, the respondents of the questionnaire were appointed with the letter "P" from 1 to 214.

4 RESULTS AND DISCUSSION

In this section the information derived from the research participants is exposed about the practice of the code of ethics of the public server at the university examined. That is, on the knowledge, use/application of the code, examples of best practice in the opposite direction of the code and the existence or not of punishment as the duties of the federal public server.

It is started, first, presenting some of the characteristics of the study participants for a better understanding of the public examination. The questionnaire - data collection instrument used - had greater participation of women (53.3%). The average age of participants was 40 years, however, the range between 25 to 35 years had an incidence of 41.1% of the answers. As to the last majoring, 82.4% of the participants had some Graduate majoring (specialization, master's, doctoral or post-doctoral studies).

Regarding the information about the category of work to which servers belong in the institution, 54.2% of the participants are technical-administrative servers, and others, are professors. The servants' working time, considering the two categories analyzed, the institution is relatively small, between 1 to 5 years, to approximately 49.5%. The majority is linked to the central campus/headquarters (91.1%) - this is a multi-campus university - having the staff within this campus headquarters mainly located in educational centers (61.2%). Finally, only 19.2% of the participants have position in the Board or gratified function, i.e., are in charge of management and decision-making. It's observed that there is little difference between the category to which the participants are linked (technical-administrative or professors). However, 49.5% are employees who have been in the institution for a short time (from 1 to 5 years), which may imply a still limited knowledge of written and unwritten regulations - including the code of ethics, and with those possible difficulties in understanding about their rights and prohibitions (Nunes, 2018).

In the next sections the main results obtained through analysis of the questionnaires will be presented.

4.1 CODE OF ETHICS: NORMATIVE DIMENSION

When thinking on the norms governing representing formal systems of organizational culture, the code of ethics is pointed out in the literature as an important and observable element, either by means of structures, systems, or practices. However, although it constitutes as a normative, formal and official element, its knowledge and domain may not evenly happen by all those who by the code are "hit" or "guided". Recently the federal university where this research was conducted began to adopt the knowledge and content of the professional code of ethics of the Federal Public Servant in its written tests of a public

contest for the category of technical-administrative staff in education. In addition, the questions addressed in the selection tests are instrumental and deontological, that is, based only on the legislation of the Code of Ethics. No dilemmas, conflicts and values are treated, for example. However, this practice still does not occur in public contests for the faculty category. This situation is in line with what Catafesta (2017) affirms when he recognizes the need for expansion in public institutions on topics such as the code of ethics, moral action and ethical behavior.

Faced with this situation, it was verified the knowledge and use of the rights and duties described in the code of ethics in the University, in other words, if the professors and technical-administrative staff have knowledge about the rules, rights and duties present in the document, and if these are used in day-to-day in the institution. Therefore, first was asked if the surveyee had already read or had knowledge about the professional code of ethics of the Federal Public Server.

The majority of respondents (60.3% - 129 participants) has already done some reading of the code of ethics. It does not mean that they have full knowledge of their content, but that, at some point, they have been knowledgeable on the subject. Such knowledge is seen by authors such as Kernaghan (1974) and Lewis (1991) as essential for the exercise of a public function, since it helps in the definition of their conducts, especially in situations in which the values are in conflict or there are different, but correct, course of action for a same ethical deliberation. Although most of the participants have already read about the code of ethics, it is emphasized that this doesn't imply their understanding or in-depth knowledge of the elements present - especially in relation to their practice, in which, according to Nunes (2018), many of the written rules aren't strictly followed in the university environment.

Although having knowledge about the code of ethics is a function of the public server, this does not necessarily imply in their practice during the exercise of work. Thus, from the statement about the reading/knowledge of the Code, was asked to participants who answered "yes" if the code is applied and used by the institution in the performance of their duties. The answers were: Never (7 respondents, 5.4%); Rarely (29 respondents, 22.5%); Sometimes (50 respondents, 38.8%); Frequently (33 respondents, 25.6%); Always (10 respondents, 7.8%).

The data presented allow the questioning about what standards are used by servers to guide their conduct in the work environment, since a little more than 30% often or always uses/applies the rules present in the code of ethics. In a more in-depth perspective, one can also question based on what principles or moral theories are made the moral judgments in the face of conflicting decision-making processes or those who face moral dilemmas. Another type of questioning refers to informal systems of organizational culture that can influence in the decision-making process. If the formal code should be the beacon of this aspect, the possibility of the existence of unwritten norms could justify the low incidence of responses presented. This aspect can be confirmed in a research conducted by Nunes (2018), who also identified that unwritten norms guide the behavior of workers in a university institution, being likewise "obliged" to identify/learn these norms - since fail to do so, they may not be able to perform their work activities.

As a way to avoid any unethical action and behavior that does not follow the established standards, public managers should promote actions for the disclosure and use of what was defined in the code of ethics as allowed and communication of what is not allowed. However, what is observed is the lack of guidance regarding organizational norms, in which the worker does not know whether to follow written norms (instructions to do the work, code of ethics, for example) or unwritten norms.

4.2 CODE OF ETHICS: PROHIBITIONS TO THE PUBLIC SERVER

Section III, Chapter I, of the Code of Ethics of the Federal Public Server, provides some prohibitions to the public server regarding their professional practice, but also while public agent. Having these prohibitions in view, in this subsection situations are presented reported by survey participants in the open answers in the questionnaire. Thus, the first column of Table 2 contains items of prohibitions listed in the Code of Ethics, while the second column contains reports of participants themselves who exemplify the real context of the prohibition.

Table 2
Code of Ethics: prohibitions to the public server and its examples

PROHIBITIONS	SITUATIONS
a) the use of position or function, facilities, friendships, time, position and influence to gain any favor, for himself/herself or for others	[Context: Some unwritten rules govern the behavior within the institution]: <i>"Rules of power of a group, which manages relations with booking of the market, the kind you care for me and give me facilities and I reciprocate you"</i> (P37).
b) deliberate harm the reputation of other servers or citizens that depend on them	[Context: Situations of moral harassment suffered by the interviewees]: <i>"I have classes that I taught r with him and it was like that, it was this situation as well in the classroom to make clear, at various times [...]. And the discussion always came from the level of the healthy and when it goes lower, type swearwords and such thing. But not kidding you know, swearwords and whatsoever. And it is kind of, we are discussing an idea, concept, and then it goes 'because I have been teaching since 199X' or it disqualifies my profession"</i> (P29).
c) being, in function of its spirit of solidarity, colluding with error or the breach of this Code of Ethics or the Code of Ethics of their profession	[Context: Why not complain about the harassment]: <i>"Because it doesn't work. There is so much corporativism. All help to hide the dirt"</i> (P133). [Context: Because there is no punishment as a violation of the code of ethics]: <i>"Because there is a lot of corporatism and complicity among the servers"</i> (P35).
d) use of ruses to procrastinate or hamper the regular exercise of law by any person, causing him or her moral or material damage	[Context: the managers when confronted by his or her subordinates, for X reason, often do not accept the criticism]. <i>"In our sector, generally there is dialog, but there are cases of moral violence, as delegate tasks unwanted or ignore the subordinate"</i> (P70).
f) allow persecution, sympathies and antipathies, quirks, passions or personal interests interfere in dealing with the public, with those under the administrative jurisdiction or with colleagues hierarchically superior or inferior	[Context: Different ways of thinking, makes some people to have extreme behaviors and actions with those who opposed]: <i>"With punishment, coercion, control, imposing their own will on the will of others. Overlook sectors responsible for certain activities to meet their particular interests"</i> (P30).
g) plead, request, cause, suggest or receive any kind of financial aid, gratification, prize, commission, gift or benefit of any kind, for themselves, family members or any other person, for the fulfilment of a mission or to influence another server for the same purpose	[Context: Forms of "relationship" in the University]: <i>"It Seems common to exchange of 'favors' among individuals from different sectors, and perhaps on a smaller scale within the same sector. In that these 'favors' are truly the proper functions and inherent borne by the public server in question"</i> (P129). [Context: Criteria occupying positions of leadership and direction]: <i>"The relations of friendship, the exchange of favors, favoritism, protectionism and the interplay of interests"</i> (P165).

Although the Code of Ethics expresses the moral concern with the public function to serve the public interest, in several reports presented in Table 2 it is possible to identify the presence of two dimensions: firstly the practice geared both to individualism and collectivism, where actions are carried out with our own interests and in detriment to the group in which the domain of individuals or groups who use their position and power for their own interests

and for those belonging to this group are not in line with the institutional objectives. Whereas those outside the group or detractors often suffer deliberately and have their rights diminished or evaded. In turn, the second dimension comprises the predominance of a male society, oriented to the individual achievements, for the satisfaction of their needs and interests (Hofstede, Hofstede, & Minkov, 2010). In the vision of Schein (2009), these dimensions follow an instrumental logic in which the ends justify the means to achieve what is desired by the individual or by the group of which he or she is part. The speeches illustrate several prohibitions of the Code of ethics practiced constantly in the institution according to the participants, ranging from hostile behaviors to workplace bullying. Nunes, Tolfo & Pellegrini (2021) point out that the existence of workplace bullying within the public environment, especially in universities, can originate due to the refusal of the difference, abuse of power, and cultural traits present that favor its occurrence.

Furthermore, the examples presented in Table 2 demonstrate practices that are not in line with what is also not advised in the constitutional principles of Public Administration. However, according to authors such as Alcadipani and Crubellate (2003), Carbone (2000) Prates and Barros (1997) and Tolfo and Nunes (2017), these examples can be identified characteristic of their own national culture and the Brazilian public service.

So, from the identification of deviation from the defined ethical norms, the following path is (or should be) the verification of the acts and behaviors and their punishment. However, this is a stage in which is little observe within the public environment in general, what is observed is corporatism and other “isms” as mentioned. As a result, certain unethical behaviors and actions end up becoming natural towards the public service and society.

4.3 CODE OF ETHICS: THE PUNISHMENTS AND IMPUNITY

From the context previously submitted, it was found that the existence of punishment as the prohibition norms present in the code of ethics. So, if there is transgression, there should be the server’s penalization regarding his or her action and/or behavior. There is no process of critical reflection of improper behavior or search for the moral development of the public servant corroborating the argument of Bergue (2021) and Villoria and Cruz (2021) when they claim that ethic codes are, in fact, codes that only dictate patterns of conduct and behavior.

The possible action of the institution in relation to breaches of the code of ethics was identified in one of the questions on the same, more specifically on whether, when there is a violation, whether the duties of the code of ethics of the public server or the boundaries of acceptable behavior, there are forms of punishment applied in the institution. The answers were: Blank (4 respondents, 1.9%); Never (37 respondents, 17.3%); Rarely (102 respondents, 47.7%); Sometimes (53 respondents, 24.8%); Frequently (13 respondents, 6.1%); Always (5 respondents, 2.3%).

The previous data come to confirm that rarely (47.7%) or never (17.3%) there is some kind of punishment for violation of the duties of public server in the exercise of their activities or the boundaries of acceptable behavior. This finding and possible lack of ethical education makes it difficult to break cultural behavior patterns, such as the “Brazilian way” and small daily corruptions that are sometimes not perceived as wrong and immoral by public servants (Catafesta, 2017; Tolfo & Nunes, 2017). Continuing, from these answers, participants were asked how the punishment occurs (for those who answered sometimes, often or always) and the reason for not to occur (for those who responded rarely or never).

Among the situations presented are the administrative procedures (4 respondents) and, primarily, the warnings (7 respondents), in addition to the existence of the commission of ethics that clears the facts and draw the end of adjustment of conduct when necessary (P188, P189). Nonetheless, the punishment, according to the respondents, often depends on who the “offender” is. Some verbalizations identified were: “There is the corporativism, unless very severe punishment will occur. The code of ethics of the server we consult in parts to learn how to act in certain situations” (P22); “Depending on 'who' commits any act offenses or not, have a conversation with the direction (punishment is the reproach)” (P54); “It depends on the person who commits a violation. Some, for political issues, they do not suffer the punishment measures” (P145);

Disciplinary proceedings - often the family ties (nepotism) that permeate the University prevent the punishment from occurring. Corporativism among the professors, usually the processes are archived or put into the drawers. And for those who follow the rigor of the law and of good conduct, is marked for ever, when cases come to a verdict (P71).

The situations previously transcribed go in opposition to that contained in section III of the code of ethics about prohibitions, which one of the items explains about it “[...] The use of position or function, facilities, friendships, time, position and influence, for obtaining any favoring to themselves or others” (Brazil, 1994, p. 3). That is, those who should judge the offense, eventually break it in the same way.

Nevertheless, there are also consequences for one who “complains”, as one of the participants reported: “I feel that anyone who complains is punished by exposure and pejorative judgment of colleagues, it is better not to complain and try to maintain a minimum of real estrangement, because the veiled situation continues” (P119). That is, you cannot change the *status quo* of the work environment or practices and behaviors of those workmates, these being incorrect or not consistent with organizational objectives and the code of professional ethics.

In this perspective, another comment reflects a possible lack of position and/or interest in the resolution of these situations that hurt the code of ethics, which, according to the respondents, rarely occurs “punishment” by means of administrative procedures, as well as is not talked with the worker to enlighten, guide and suggest assistance when necessary. According to him,

It is expected that the problem has spread, tangled, degrading enough relations, burst all bounds, become untenable, where now there is no way to restore the person and the evil that was done throughout the process. I find this situation inhuman/dehumanizing and unworthy of a strong institution of research and education (P96).

It is evident in previews data about the existence of “punishment” as a violation of the duties and in previous reports a high impunity in relation to violations and inappropriate behaviors. Considering this aspect, the participants were asked the reasons for not punishments occur when there are violations of the code of ethics. The answers are mainly related to the corporativism existing within the institution (28 respondents), to the neglect on the part of managers of the sectors and the management of the university (14 respondents), do not want to bother or “disaffect” with others (8 respondents), to a matter culturally accepted of non-punishment (8 respondents) and the fear of retaliation (7 respondents).

Some verbalizations identified were: “For corporatism, for reasons of 'politics' and placing personal interest above the collective and the correct” (P63); “The facts are rarely reported, which is also a violation of the code. The frequent reasons are the corporativism and

the personal affection” (P70); “The University does not have an administrative and management standard. The occupants of positions of leadership have limited knowledge of these guidelines, in their majority are more leaders of associations, rather than managers” (P47); “Because it is cultural of the Brazilian. The rules and laws exist, but when they are ignored there is rarely any, or direct application provided for in rule/law” (P110); “People do not denounce for fear of retaliation and by discrediting the process of verification of complaints” (P109);

Culture of not solving the problems correctly, because in order to solve one it is necessary to solve all and, usually, the problem was generated because of the “finding a way”. Then, if you decide to punish, when one wants to explain how things work, then we all prefer to put the dirt under the rug and settle in another way, for example, transferring those who erred in the sector as if nothing had happened (P19).

Again, the corporatism was reported as one of the main reasons not to occur the punishment. Being that, many times, to occur the punishment “*depends on who broke the rules*” (P60), and also “if you are 'friend of the king', nothing happens” (P40). That is, “apply double standards!” (P67) on the aspect of punishment, as already explained in different moments.

There are also cases of negligence on the part of managers, who abstain from taking any action and make “blind eye” (P131), “concealing the situations” (P133). Sometimes moved by the fact of not wanting to “bother themselves” in the future, once that today they are heads, and do not know what the future holds. That is the “punished person today, can be the leader of tomorrow, and we see that people are not willing to create this type of animosity” (P16). There is also the “fear of retaliation and persecution” (P206), so the servers prefer to forget “uncomfortable” situations upon coping with consequences that may suffer in the future.

From the violation of the code of ethics, conduct would be of corrective actions. However, from the reports, these are infrequent within the institution, the occurrence of attitudes guided by the code of ethics for such cases. There seems to be, therefore, a culture of impunity or “blind eye”, especially for those who are friends or relatives of individuals with power or belonging to the dominant group.

This situation goes hand in hand with what Alcadipani and Crubellate (2003) identified, upon affirming that the formalism, flexibility, loyalty to the people and the paternalism are critical points of the Brazilian culture, which has the impunity as the element that ensures the functioning of the system. According to the authors, the change of this model necessarily occurs by change and rupture of these cultural aspects mentioned. That is, the Brazilian culture is marked by an aspect of impunity, which is present within the institution, in the city, in the state, in Brazilian politics in general (Nunes, 2022).

Upon breaking the system of impunity, the barriers to changes in the culture tend to decrease. The people’s paternalism and loyalty, characteristics of the Brazilian culture, lead our society to have high tolerance when someone from your group commits something wrong (Prates & Barros, 1997; Tolfo & Nunes, 2017; Nunes, 2022). Thus, it was observed the impunity as a cultural element very frequent and not compatible with the one recommended by the code of ethics.

Despite the existence of rules, norms and the ethic codes, the behavior and actions of workers sometimes go against them, as they are driven by their own or group interests, and nothing and no one can subvert these violations. And this can lead the most serious and committed workers to not denounce or believe in the judgment process, since they know that

possibly nothing will happen and that they may possibly be harmed by exposing “schemes” and contradictory behaviors to those that are established.

4.4 GENERAL ASPECTS ABOUT THE CODE OF ETHICS IN THE SURVEYED INSTITUTION

From data found through the application of the questionnaire and the discursive reports provided by the respondents, as well as inferences that were possible to be performed in this section, we present some general aspects about the vision of the code of ethics.

Due to this work being characterized as a case study, we restricted our considerations regarding the aspects of culture and practice of the surveyed institution. However, even without having the intention to extend this analysis to other institutions, it is important to consider that the Code of Ethics in discussion is not exclusive to a single institution, since it covers all federal public servers, i.e., thousands of servers and hundreds of federal institutions of direct and indirect public administration. Thus, although a unique case has been studied, results resemble previous research and articles on the criticism, limits and possibilities of the ethic codes in the public sector.

An important aspect to be highlighted is regarding the type of code, as performed by Van Wart (2003) categorization - Table 1 presented in the theoretical framework of this work. The author distinguished three types of codes- ethics, conduct and rules and regulations. Although the instrument here in discussion is titled as code of ethics, upon presenting behavioral expectations and consequences of action, the document can be classified as a code of conduct and code of rules and regulations. Section I of Chapter I, which features on the ethical rules is the part of the code that approximates the definition and categorization of Van Wart (2003) for a code of ethics. This is because, in this section, the principles, in a more abstract way are presented, which sustain the ethical element of the document.

This observation is in line with the perception of Plant (2001) when he argues about a “confusion” among the three possible meanings of a code of ethics (legal system, moral system and/or symbolic means of communication). It very probably lies in this meeting of systems, the difficulty recognizing the legitimacy and implementation of codes of ethics, such as it occurs in the surveyed institution.

Regarding the identification of low knowledge of the code of ethics and its application, it is interesting to consider that they do not necessarily exist for the identification of “cheating”, but, above it, the codes of ethics in Public Administration exists to exalt the values of democracy and increase the level of public trust (social capital) in the government (Plant, 2001). In this aspect, perhaps the “real use” of the code of ethics in the institution under study is not in its application as a “managerial tool” or decision-making. Its greater relevance can be in the propagation of ethical principles of public administration across organizational community, which goes beyond having access and reading the code, but rather incorporate into the culture and organizational dynamics practices based on their public values. In this sense, the code of ethics will act to increase society's trust in public institutions and the federal government system (Catafesta, 2017). Thus, more than a formal written document, the code of ethics can become a “living document”, as defended by Van Wart (2003).

5 FINAL CONSIDERATIONS

The inquiries made to participants were based on the Code of Ethics established by Decree no. 1.171/1994, which presents the rules, duties and obligations of the public server (Brazil, 1994). This formal instrument, written and promulgated by the federal government is

(or should be) a guiding instrument of behaviors and actions of public agents, in addition to presenting their ethical standards, i.e., duty (Section I of Chapter 1). However, it is when the public agent incorporates and identifies with values of a post-conventional public ethics that they become a virtuous moral agent in the Public Administration.

Thus, in the case of a public and of public interest action, the decision must consider that the means, i.e., the ways adopted to achieve an ethical end be as ethical as its result. To be ethical, action requires from agents a moral judgment on their ends, means, values and consequences. However, what was perceived through the conducted case study is that there is no reflective analysis of these issues in the behavior of the public agent. The ethics code and its use was rather instrumental than analytical and reflective.

Upon trying to understand if the code of ethics is constituted as one of the factors for ethical deliberation in the institution, what was realized was its low use/application as a guiding element. Upon being considered a formal system that represents the organizational culture, its role seems to lose space for other formal systems, such authority structures and systems of reward, but also, and perhaps above all, to informal systems, such as the behavior of pairs or unwritten rules.

It is important to emphasize that this fact is not just to workers in the public sector, but to the society in general. Thus, the importance of this article and of other theoretical and empirical studies of themes related to administrative ethics generally focuses on the essential debate on the discussion and ethical reflection as a beacon system of good practices geared to the common good, as well as in the construction of moral responsibility for ethical deliberations in public service. It is understood that moral issues are an invitation to development of our Public Administration. Understanding the ethical context in which public actions arise can give clues to the development of best management practices, as well as the development of morally competent public agents. Thus, research such as the one presented in this paper helps to understand this context and point to theoretical alternatives and practices of ethical management development. As stated by Bishop (2013, p. 635), "ethics must function as more than a guide [...] It must teach and serve as a qualitative standard." and, thus, it should give support for people and organizations working for the benefit of the public interest.

Finally, from the research performed, it is recommended that further investigations be carried out to identify whether there are other "codes", formal or informal, which guide the actions of workers, both in public and private organizations. As well as how the external and cultural environment influence in these organizational norms.

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