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To: U.S. Sentencing Commission
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Re: Issues Related to Formation of an Advisory Group on the Organizational Sentencing Guidelines

Date: October 30, 2001

I have been asked to provide input regarding the "scope, potential membership, and possible formation of an ad hoc advisory group on the organizational sentencing guidelines to consider any viable methods to improve the operation of these guidelines."

Based upon my work in this area for fifteen years, my interaction with ethics and compliance officers in corporations, and my own research, I would encourage the Commission to establish such an advisory group. Many knowledgeable people now have a decade of experience with the guidelines and their effects. Their input would be extremely valuable as the Commission considers any changes. Potential members could include seasoned corporate ethics/compliance officers, legal counsel, consultants, governmental regulatory agency representatives, and academics who have studied ethics/compliance program effectiveness. In addition, representatives from smaller organizations should be included because they tend to address these issues in a different and less formal manner.

My research has found that awareness of the guidelines' existence has clearly influenced the development of formal ethics/compliance programs in organizations. However, the extent to which those programs are values-based and integrated into the organization's daily operations is influenced more by senior executive commitment to ethics than by awareness of the guidelines. Further, ethics/compliance program effectiveness depends less on the formal characteristics of these programs (as guided by the Sentencing Commission Guidelines) and more on informal organizational culture characteristics such as executive and supervisory commitment to ethics, perceived fair treatment by employees, and management follow through when ethics problems are brought to its attention. Therefore, more attention to these informal organizational characteristics should be considered as the Commission considers changes.

Below, I have included a list of my publications that are relevant to ethics/compliance program management and effectiveness.

Articles

Treviño, L.K. & Weaver, G.R. Organizational justice and ethics program follow through: Influences on employees' helpful and harmful behavior. Business Ethics Quarterly, 11 (4): 651-671, 2001.

Weaver, G.R. & Treviño, L.K. The role of human resources in ethics/compliance management: a fairness perspective. Human Resource Management Review, 11: 1-22, 2001.

Treviño, L.K., Hartman, L.P., Brown, M. Moral person and moral manager: How executives develop a reputation for ethical leadership. California Management Review, 42(4): Summer, 2000, 128-142.

Butterfield, K., Treviño, L.K., & Weaver, G.R. Moral awareness in business organizations: Influences of issue-related and social context factors. Human Relations, 53(7): 981-1018, 2000.

Treviño, L.K., Webster, J., & Stein, E. Making connections: Complementary influences on communication media choices, attitudes, and use. Organization Science, 11 (2): 163-182, 2000.

Treviño, L.K. & Weaver, G. The stakeholder research tradition: Converging theorists, not convergent theory. Academy of Management Review, 24 (2): 222-227, 1999.

Weaver, G.R., Treviño, L.K. & Cochran, P. Integrated and decoupled corporate social performance: Management commitments, external pressures, and corporate ethics practices. Academy of Management Journal, 42: 539-552, 1999.

Weaver, G.R. & Treviño, L.K. Compliance and values oriented ethics programs: Influences on employees' attitudes and behavior. Business Ethics Quarterly, 9 (2): 325-345, 1999.

Weaver, G., Treviño, L.K., & Cochran, P. Corporate ethics practices in the mid-1990s: An empirical study of the Fortune 1000, Journal of Business Ethics, 18 (3), 283-294, 1999.

Weaver, G.R., Treviño, L.K., & Cochran, P. 1999. Corporate ethics programs as control systems: Influences of executive commitment and environmental factors, Academy of Management Journal, 42(1): 41-57, 1999.

Treviño, L.K., Weaver, G., Gibson, D., & Toffler, B. Managing ethics and legal compliance: What works and what hurts. California Management Review, 41 (2): 131-151, 1999, reprinted in L.P. Hartman. Perspectives in business ethics. 2nd Ed. NY: McGraw-Hill.

Treviño, L.K., Butterfield, K. & McCabe, D. The ethical context in organizations: Influences on employee attitudes and behaviors, Business Ethics Quarterly, 8 (3): 447-476, 1998, reprinted with permission in J.A. Worthley. Organizational Ethics in the Compliance Context. Chicago, Illinois: Health Administration Press, 1999; reprinted with permission in J. Dienhart. The Next Phase of Business Ethics, Elsevier, 2001, pgs. 301-337.

McCabe, D., Treviño, L.K. & Butterfield, K. The influence of collegiate and corporate codes of conduct on ethics-related behavior in the workplace, Business Ethics Quarterly, 6: 441-460, 1996.

Books

Treviño, L.K. & Nelson, K. Managing business ethics: straight talk about how to do it right. 2nd ed. NY: John Wiley & Sons, Inc. 1999.