

The Management of Ethics Inserted in the People Management Policy: A Proposal for Minimizing Ethical Conflicts in Federal Universities

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Abstract

This study of case aimed to analyze ethics management in two public universities in the North and South regions of Brazil upon the perspective of a people management policy for the prevention of ethical conflicts. The theoretical base addressed the university management and the management of ethics and people in the public service. The data were extracted from institutional documents, questionnaire and interview, applied to the Ethics Committee of the two universities, with content analysis oriented by elements that relate ethics management and people management in planning, execution and evaluation dimensions. The results has shown that, although present in terms of planning and execution focused on the correction, from the point of view of prevention there are feebleness in the management of ethics in the researched universities, in addition to a disconnection between areas responsible for ethics and people management.

Keywords: People Management Policy. University Management. Ethics Management. Commission of Ethics.

1 INTRODUCTION

The resulting pressures of an overpowering capitalist system make the environment increasingly competitive and impose on people and institutions changes in their behavior patterns as a way to adjust themselves to the new demands of a society increasingly demanding, however; not always aware of your role the dimensions of the development In the external perspective, facing the complexity of inter-organizational relationships, often aggravated by phenomena such as corruption, governing or managing organizations implies, among other things: cultivating transparency, informing, and respecting the various publics in which the organization interacts. In Universities is not different. Among the management challenges, from the internal perspective, we have to promote a more cooperative than competitive environment; to facilitate teamwork among people who are often physically separated from different cultures; and to promote flexibility and the exercise of tolerance among people used to other ways of acting. (TOURINHO, 2013; DUTRA, 2011).

However, even if it does not directly involve economic or financial issues, the ethical deviations seriously damage the economy and society as a whole. Consequently, it undermines the public confidence in institutions and democratic processes, for one simple reason: public services degrade when these deviations prevail and social needs are increasingly difficult to meet if only part of the resources is applied (POWER, TAYLOR, 2011). In addition, in this scenario, an effective Personnel Management Policy in the public service becomes vital, because besides the direct participation in the delineation of the guideline with the superior administration, to communicate them to people and to qualify them as real agents of transformation (ULRICH, 1998).

Thus, considering the eminent threat posed by ethical deviations as a limiting or unfeasible factor of effective responses to the complex variables of the current context of university management, it is essential to search for its antidote: integrating instruments of efforts that enable an environment based on ethics in relationships with all of its publics, at all levels and dimensions, especially regarding on the aspects of cultivating people and institutions. Hence the study aimed to analyze ethics management in two public universities in the North

and South of Brazil from the perspective of people management policy to prevent ethical conflicts.

The study justifies, since the phenomenon of corruption, in a worldwide escalation (OECD, 2011), requires for its minimization or combat the strengthening, cooperation, and integration among people, nations, and organizations. Thusly it is vital to study the phenomenon of ethical behavior on its management, dynamics and mechanisms that might help its implementation, especially in Brazilian Universities, since, as other organizations, these also have to meet the expectations of its various publics in fulfilling its mission of producing and disseminating knowledge (DUTRA, 2011).

2. THE UNIVERSITY AND THE MANAGEMENT OF ETHICS IN PUBLIC SERVICE

In the Perspective of Organizational Complexity, in a world in which knowledge, science and technology play first-rate roles, the development and strengthening of Higher Education are essential elements “of social advancement, the wealth generation, the strengthening of cultural identities, social cohesion, the fight against poverty and hunger, the prevention of climate change and the energy crisis as well as the promotion of a culture of peace” (CRES, 2008 p. 2). For mostly of the members of the academic community, Higher Education is positive for the social public, a human and universal right and a duty of the State, which is the conviction and the basis for the strategic role that must play in the countries’ sustainable development processes of Latin America and the Caribbean (CRES, 2008).

With such relevance, approaches to organizational management should recognize that universities are complex systems in which intuition is no longer sufficient and that any managerial action may provoke several unpredictable effects (HAMMER, 2001). In Brazil, universities make up the top of the pyramid of the education system, with a master degree as a locus for researchers and professionals, in which most of the *Stricto-Senso* programs are responsible for a considerable part of the research developed in the country. Composed of professionals with a high degree of specialization in their operational core (University professors and researchers) and also by the diverse ways in which work is divided and tasks coordinated, Universities may

be considered structural configurations of organizations, according to Mintzberg (2006). In this configuration, the patterns originate outside their structure, in self-governing associations (relationship networks, cooperative work, and multifunctional teams), in which their operators add themselves to colleagues in other professional bureaucracies generating universal standards taught by universities and used by all other professional bureaucracies. In Mintzberg (2006) view, the high degree of specialization gives to university professor and researcher as well considerable control over their own work, which enables them to act relatively independently of their peers and closer to the students.

As an example of the high degree of specialization of teaching professionals, data from the Curriculum Lattes registered in the platform had shown that in January 2015 there were 311,290 (three hundred eleven, two hundred and ninety) doctors (47%) and masters (53%) working professionally in Brazil. Of these, only 175,005 (one hundred and seventy-five thousand, and five) professors and researchers with master's degree (41.2%) and doctors (58.8%) worked in public higher education. It is a non-standard work.

The results are not easily measured, even with the improvement of control systems. For Dutra (2011) the evaluation tools are based on bases that are modified according to the pressures exerted by the environments and this basal instability makes the servers have difficulties in "locating" at organizations that do not make clear "their expectation regarding people" (DUTRA, 2011, 53). Thus, the difficulty of engagement between servers and organization, in turn, creates an environment conducive to practices that goes against ethics management.

Over time, ethics ceased to be viewed solely as a question of the individual facing moral dilemmas in their existence and acquiring an expanded dimension, becoming an object of study of organizational behavior, involving both public and private organizations (SIQUEIRA, 2008; ZYLBERSZTAJN, 2002). Thus, the management of ethics in the public service emerges as an important instrument capable of influencing and promoting an adequate work environment that fosters the improvement of interpersonal relations and finally, transcends the obstacles of an autocratic and dictatorial culture, contributing to democratic management. The virtue of a classic principle of democracy is evidenced by Bobbio, Matteucci, and Pasquino (2004), whose

discourse uses citizenship as a basis, which is associated with recognition and respect among individuals regarding civil rights. In this perspective, fair institutions tend to avoid the movement of privileges, either in public or private spheres, which contributes to the fact that interests become less veiled and private become common interest (BOBBIO; MATTEUCCI; PASQUINO, 2004), a shared value. On the other hand, ethical deviation, frauds and acts of corruption find conducive opportunities to propagate itself in environments in which public management does not have transparency as a principle, it does not allow citizens to participate in the elaboration of their policies and does not provide information by considering them inappropriate for generalized access (FIGUEIREDO; SANTOS, 2014). Hereupon, trustful and strong institutions are essential factors for the development and stability of economies, achievable through the conscious practice of good public management, with a primacy of principles such as transparency and access to information, equity, justice, accountability, compliance with laws and ethics (HYDEN; COURT, 2002).

In a democratic state of law, regarding public service a normative framework, usually arises as a reflection of the need to legitimize the popular will to guide the policies and actions of the State by principles, especially those constitutionally established, such as morality. Thus, in 1999, the Public Ethics Committee (CEP) was created, linked to the Presidency of the Republic as an advisory body to the President of the Republic and Ministers of State on Public Ethics (BRASIL, 1999). With the implementation of the CEP, a network of ethics was initiated in the federal public agencies in a decentralized manner with the purpose of instructing and supervising issues related to ethics.

2.1 Normative Instruments¹ that Discipline Ethics Management and its Relationship with People Management in Universities.

Among the main normative instruments that aim to limit the behavior of federal public servants are two broad devices: The Federal Constitution of 1988 and Law 8.112, of 1990 (BRASIL, 1988, 1990); In addition to the specific laws of each of the careers in the framework of the Universities – the technical-administrative servers (TAE) - Law 11.091 – PCCTAE (BRASIL, 2005) and those of the teaching staff, Law 12,772 (BRASIL, 2012). The Federal Constitution establishes on article 37 that “public administration [...] shall obey the principles of legality, impersonality, morality, publicity and efficiency [...]”. The principle of legality indicates that public servants will not act without legal motivation and, thus, public acts – the State’s action will be motivated by a law that precedes it. The Ethics Management System of the Federal Executive Branch (BRASIL, 2007), framed as the Public Administration Structuring System, indicates the institutional proposal to guide the conduct of public agents by values recognized by society. Therefore, the effectiveness of ethics management or public policy for the promotion of ethics (MENDES; BESSA; SILVA, 2015) may be trust in the behavior and attitudes of public servants in the exercise of their role, regarding ethical behavior.

Although necessary, this legal apparatus sometimes seems to be insufficient. If the exercise of professional activity requires excellence, as society expects from every public service rendered, “it is necessary to forge the *ethos*, the character of the activity, by means of value, principles, and virtues, not by the simple following of laws.” (MENDES; BESSA; SILVA, 2015, p.5). In this context, mechanisms are also created to comply with the Code of Conduct of the Federal High Public Administration, with the central objective of building respect through a consultation and conciliation perspective, in order to curb

¹ Regulatory Frameworks for the Management of Ethics in the Federal Public Service: Law no. 8,112, of December 11, 1990; Resolution no. 03, of November 23, 2000; Decree No. 4,334, of August 12, 2002; Resolution no. 08, of September 25, 2003; Resolution No. 10 of September 29, 2008 - Public Ethics Committee of the Presidency of the Republic. Approves, in the form of this Resolution, the operating and procedural rules, delimiting powers, attributions, procedures and other measures within the Ethics Commissions established by Decree No. 1,171, of June 22, 1994, with the changes established by Decree No. 6,029, of February 1, 2007; Law No. 12,813, of May 16, 2013.

explicit practices of misconduct in the public service. CEP's job, in this way, is considered to be relevant public services.

The principles that should guide the federal public administration exposed in the Brazilian Constitution show how the IFES people management must be attentive to the ethical deviations of its staff. The tools for correction of the possible unethical conduct of these servers are exposed in the Unique League Regime, Law 8112 of 1990. The Single Statute of Civil Servants of the Union establishes on its art.117, nineteen prohibitions for these servers. Notice the clause IX of the aforementioned article, which prohibits the servant from "asserting himself or herself in order to obtain personal or other benefits, to the detriment of the dignity of the public function". This law enforcement device is clearly an attempt to inhibit corrupt conduct within the federal public administration. In the same way, item XII prohibits the server from receiving "gratuity, commission, gift or advantage of any kind, because of its attributions". Finally, there is also the subsection XVI, which prevents the federal public servant from "using personnel or material resources of the distribution in particular services or activities". This is yet another normative attempt to extinguish patrimonialism and corrupt practices within the federal public administration. In addition to establishing prohibitions, Law 8112 also attempts to curb unethical acts by providing the public administration, especially managers, with tools for correcting such conduct. Article 127 of the RJU establishes disciplinary penalties that, among others, provide that the server may be punished with a warning, suspension and/or dismissal.

3. METHODOLOGY

Through a qualitative research for descriptive purposes (CRESWELL, 2010) this study is characterized as a study of case that aims at the detailed examination of a particular, complex or intriguing environment, subject or situation, whose relevance justifies the effort of understanding (YIN, 2010). The qualitative of this study of case is an investigation of a specific unit, located in its context, selected according to predetermined criteria, using multiple data sources (publications about the university, documents, questionnaires, interviews) that propose to offer a holistic view of the phenomenon studied. The data

collection was done in normative instruments, institutional documents and through a questionnaire composed of nine questions, sent to the Ethics Board of the two surveyed universities

In the documentary survey, searches were conducted in three of the most important documents produced by the Brazilian Universities, related to the macro, planning, evaluation and control process: The Institutional Development Plan (PDI), the Institutional Self-Assessment Report (RAI) and the Management Report RG). In order to organize and analyze data, the technique used was the analysis of content, since it is the most adequate, given its characteristic focused on the treatment of the information contained in the messages. As Bardin (2004, p. 41) proposes, "content analysis aims to manipulate messages (content and expression of this content) to evidence the indicators that allow us to infer about a reality other than that of the message."

4. RESULTS: THE MANAGEMENT OF ETHICS IN RESEARCHED UNIVERSITIES

Among the characteristics of the studied Universities (UF1 and UF2), the number of people directly involved in their activities, the volume of public resources they administer, and the number of courses and campuses they contain, that involves university management, the complex framework helps to shape that. ; While confirming the importance of ethics management inserted in people management policy with a view to minimizing ethical conflicts in federal universities, emphasizing this study, as shown in table 1.

Table 1 – Main Characteristics of the Researched Universities

FEATURES	SOUTH (UF1)	NORTH (UF2)
YEAR OF UNIVERSITY CREATION	1960	1982
NUMBER OF UNITS (Campi)	5	8
NUMBER OF GRADUATION COURSES	118	61
NUMBER OF MASTER DEGREE PROGRAMS	63	14
NUMBER OF PROFESSORS	2.398	771
N.º OF TECHNICALS	3.217	504
NUMBER OF STUDENTS	46.507	9.369
ANNUAL BUDGET	R\$ 943.524.769,55	R\$ 198.412.034,90
COST EQUIVALENT STUDENT	R\$ 33.683,41	R\$ 20.069,26

Source: Management Reports 2015

In the set of analyzed documents, the word Ethics was found 32 (thirty-two) times: fourteen in the PDI; three in RAI and fifteen in RG. The ethics mentions found in the PDI were related, for the most part, to the organizational guidelines, such as Objectives, Goals, Values, Foundations of academic practices, research and management, and responsibility (social and environmental). About the Ethics Committee, only a mention referring to research ethics. In RAI, the three events were identified only in UF2, with emphasis on the evaluation of professors and technicians on the main norms of the University, where the Server Code of Ethics was considered "little known" by 37% of the professors; and "very interesting" for 68% of professors and 76% of technicians. In the RGs the approaches on Ethics refer to the Ethics Committee, Code of Ethics and Conduct, Responsibilities and attributions; The majority of registrations in UF1 are directly related to the University Hospital - HU, since its certification as a teaching hospital entails the obligation to set up advisory committees (for Ethics, Medical Documentation, and Statistics).

Regarding the main characteristics of ethics management in universities, the responses obtained from the Ethics Commissions, created in 2009 (UF1) and 2012 (UF2), reveal an enriching scenario for the research. Despite still in the initial process, with no solid basis for an action to develop a culture that prioritizes ethics and its management, according to the answers obtained for the nine questions below, in general, either committees have been committed to the topic.

Code of Conduct for Servers (Question 3)

Neither of the universities has its own code of ethics. They take as their basis the Decree 1,171 or 1994, which establishes the Code of Professional Ethics of the Public Civil Servant of the Federal Executive Branch. Having a code of ethics of its own can assist in specific demands not listed in the Federal Decree.

Evaluation of Ethics Management as established by the CEP (Questions 1, 2, 4 and 5)

Q1 - UF1 evaluates ethics management as coordinated by the Public Ethics Committee since 2009; UF2 does not have any records of the evaluation. The justification for non-application is the lack of structure of the Ethics Committee and, as such, the Public Ethics Committee (CEP) has no data to analyze UF2's perception of ethical practice levels. Regarding UF1, it performs periodically the completion of the questionnaire, which may contribute to the proposal of corrections and adjustments by the CEP.

Q2 – The main indicators used by the University to evaluate ethical management were not informed. In UF1, the criteria and respective indicators are those established annually in the Ethics Assessment Questionnaire, by the CEP and available in the Ethics Management System. It is important to emphasize that universities need to establish indicators to measure their actions, including those concerning ethics management. Without established indicators, institutions do not produce knowledge for management, making it impossible to correct the course of action in the respective areas.

Q4 – In UF1 the results of the evaluation are sent to the rector's office annually, however, no records of its use are available. Since in UF2 the evaluation is not made, the committee itself and the institution's maximum director, the rector, are unaware of what is happening systemically in this process of ethics management, making it impossible to act for improvements. As established by the CCEP, the results should be sent jointly by the Ethics Committee and the institution's top manager, which presupposes elements to be worked by the management in order to work together, corrective or preventive, based on the resulting information. Also relevant, none of the institutions pointed out any involvement of the people management area in the process or even have projects to improve the treatment and analysis of these data.

Q5 – In UF1 the results of the evaluation are discussed by the Ethics Committee and compared with those of previous periods, yet there is no way to compare it with the performance of other universities because they do not have available data. They also discuss proposals for promoting the practice of ethics. Discussing and analyzing the results of the evaluation are important steps for the generation of knowledge in the management of ethics in the IFES, however; it is necessary to involve the servants of the most diverse areas of the Institution, especially in areas of people and ethics management, in these analyses and discussions. In addition, from the results obtained from the analyses and discussions, it is essential to prepare reports or other forms of records, so that, the data is available to the servers and the relevant public.

Ethics Management Reports (Questions 6 and 7)

Q6 – The Commission on Public Ethics (CEP) does not provide a report containing results of ethical management evaluation at the national level for the Ethics Commissions of federal public administration bodies, although it collects the data annually by the Ethics Management System of the Federal Executive. A national data survey is important, so that performance targets for the areas of ethics management are drawn. Without the publication of these data, the Institutions do not have a "north" (defined direction ??) to promote improvements in their practices and processes of ethics management.

Q7 - None of the universities provides local reports on ethics management for consultation by the servers or the public. The UF2 for not carrying out the evaluation, has no way of generating reports; The UF1 has strictly followed the evaluation instructions as established by the CEP.

Training the Commission of Ethics and Promoting the Culture of Ethics (Questions 8 and 9)

Q8 - The members of the UF1 Ethics Committee participated in training courses offered by the Public Ethics Committee, whereas those from UF2 did not participate due to the lack of financial resources due to the high cost to travel to Brasília; they keep negotiating with CEP for courses through video conference (UF2). It should be emphasized that the participation of the employees in training courses by the CEP is fundamental for the dissemination of the knowledge of the practice in ethics management within the IFES.

Q9 - The Ethics Commissions do not develop periodic actions to disseminate among the servants the importance of ethics in the public service. In UF1, although actions have not yet been implemented; there are projects being developed to work on the theme with all the Institution's servers. UF2, in addition to training incoming servers, studies a great event to promote the theme among all new and old servers as well.

With the analysis of the data, it is noticed that the researched universities have deficiencies in their ethics committees and these deficiencies have, as an important point, a lack of theoretical knowledge and broad practical knowledge on the subject. However, the CEP itself and the respective University Ethics Committees have in their annual evaluation reports the essential elements for the improvements needed in ethics management. Eventhough it is considered that the people from management area has the elements to promote a genuine ethical revolution within the IFES since the legislation is comprehensive and comprises many of the demands that could inhibit or extinguish certain unethical conduct of the servers. In order to work, the focus also should be on prevention, besides adopting exemplary corrective measures. In this scenario, the personnel management area, in partnership with the Ethics Committee and the internal and external controlling bodies, for instance could initiate a wide dissemination of prohibited practices and prohibitions expressed in legal provisions, and from the appropriation of this knowledge at all hierarchical levels, seek the feebleness of all involved for the importance of guiding ethics as a fundamental principle in all relations established with its public, whether internal or external.

5. FINAL CONSIDERATIONS

The present study aimed at discussion of the ethical conduct issue based on two cases of different geographic, demographic, social, cultural and structural dimensions, with the objective of analyzing

ethics management in two public universities in the North and South regions of Brazil from the perspective of a people management policy for the prevention of ethical conflicts.

The results had shown that, although they are committed to approaching ethics in formal planning terms, either universities has feebleness in ethical management by the respective Ethics Committees. From the point of view of prevention, they don't do much for the management of ethics in their staff, and there is no integration between the areas responsible for the management of ethics and people. None of them have programs to disseminate knowledge about ethical conduct or to promote the culture of ethics. The focus is on punctual correction, individual, without a systematic control of the effectiveness of corrective actions applied – which would enhance a continuous learning system on the subject for application inside and outside Universities. In one of the cases studied, the University is still incipient in complying with the legal framework that establishes and systematizes Ethics Management in the Federal Public Service, due to the lack of knowledge of its evaluation tools and main guidelines. Given the analyzed cases, the management of ethics seems not to be treated with the attention and seriousness that it demands, and therefore, still an incipient practice. How can the situation be changed?

Because it is a University, the assumption would be a management system that would generate continuous learning through the evaluated practices and the integration people management policy. In this case, based on the ethical issues dealt with individually within the Commissions, the causes of action were determined not only in the correction of this single case, but also in a broader perspective, with preventive measures applicable to the entire system. Therefore, because of its behavioral content, the People Management Policy and the People's Empowerment and Development Plan should have ethical aspects as a continuous theme. Like that, they would certainly show the ethical behavior of their technical and teaching staff as the main antidote to ethical deviations.

Finally, it was suggested to deepen the studies in this area in search of significant contributions both to the evolution of the theory of the field information – university management and for the improvement of the organizational practice, since the minimization of ethical conflicts. Besides that, it is essential for the effectiveness of any

organization, especially for universities that are on the pillars of teaching, research, extension and management.

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