Everyday Ethics II

Identifying and Working Through Ethical Considerations
What to Expect

- A review of our Code of Ethics.
- The resolution of an ethical dilemma
  - The importance of ‘identification’
- Areas of Ethical Considerations:
  - Communication
  - Professional Responsibility
  - Professional Relationships
  - Consultation
Why an Ethical Code

- To define the profession and accepted/acceptable behaviors
- To promote high standards of practice
- To provide a benchmark for members to use for self evaluation
- To establish a framework for professional behavior and responsibilities
What is on the Table

- **Ethics**: Standards of conduct for a specific profession that include how one should behave based on moral duties and virtues
- **Laws**: A rule or set of rules enforceable by the courts and legal system
- **Values**: Core beliefs or desires that guide or motivate attitudes and actions
- **Moral Behavior**: Obligation to act according to moral principles. Moral duties establish the *minimal* standards of ethical conduct
Codes, Rules, Policies, Standards of Conduct

- CRCC – Code of Professional Ethics for Rehabilitation Counselors
- Standards of Conduct for Public Officers and Employees (excerpt provided from State Board of Ethics
  http://www.michigan.gov/mdcs/0,4614,7-147-32705---,00.html)
- Agency Policies and Procedures
- State / Federal law
The basic objectives of the Code are to:

(1) Promote public welfare by specifying ethical behavior expected of rehabilitation counselors;

(2) Establish principles that define ethical behavior and best practices of rehabilitation counselors;

(3) Serve as an ethical guide designed to assist rehabilitation counselors in constructing a professional course of action that best serves those utilizing rehabilitation services; and,

(4) Serve as the basis for the processing of alleged Code violations by Certified Rehabilitation Counselors.
Organization of the Code:
Six Primary Values:

1. Respecting human rights and dignity;
2. Ensuring the integrity of all professional relationships;
3. Acting to alleviate personal distress and suffering;
4. Enhancing the quality of professional knowledge and its application to increase professional and personal effectiveness;
5. Appreciating the diversity of human experience and culture; and,
6. Advocating for the fair and adequate provision of services.
Six Principles (12 components and 272 standards)

**Autonomy:** To respect the rights of clients to be self-governing within their social and cultural framework.

**Beneficence:** To do good to others; to promote the well-being of clients.

**Fidelity:** To be faithful; to keep promises and honor the trust placed in rehabilitation counselors.

**Justice:** To be fair in the treatment of all clients; to provide appropriate services to all.

**Nonmaleficence:** To do no harm to others.

**Veracity:** To be honest.
We will begin with Section L of the ‘Code’

RESOLVING ETHICAL ISSUES

This always begins with Identification
Ethics as a Professional Responsibility and within Professional Relationships.

How can an ethical code of conduct, or a professional body serve to identify those who willingly ignore the ethical – moral guidelines of their practice?

What protocols are in place to identify misconduct and how effective are they?
SECTION L: RESOLVING ETHICAL ISSUES

L.1. Knowledge of CRCC Standards
L.2. Application of Standards
L.3. Suspected Violations
L.4. Cooperation with Ethics Committees
L.5. Unfair Discrimination Against Complainants and Respondents
Defining an Ethical Dilemma

- Where a choice must be made between two or more courses of action.
- There are significant consequences for taking each course of action.
- Each of the courses of action can be supported by one or more ethical principles.
- The ethical principles supporting the unchosen courses of action will be compromised.

As defined by Toriello & Benshoff (2003)
Resolving the Ethical Dilemma

Two perspectives

- **Positive Ethical Models** - Focus on pursuing the highest ideals

- **Defensive Ethical Models** - Focus on thinking through the worst case scenario / avoiding punishment
Model #1: Ethical Decision Making Model (Forensic Psychology)
Positive Ethical Model(s)

1. Identify the problem
2. Consider the significance of the context and setting
3. Identify and utilize ethical and legal resources
4. Consider personal beliefs and values
5. Develop possible solutions to the problem
6. Consider the potential consequences of various solutions
7. Choose and implement a course of action
8. Assess the outcome and implement changes as needed

Example Model #2


1. Determine whether the matter truly involves ethics.
2. Consult guidelines already available that might apply as a possible mechanism for resolution.
3. Pause to consider, as best as possible, all factors that might influence the decision you will make.
4. Consult with a trusted colleague.
5. Evaluate the rights, responsibilities, and vulnerability of all affected parties.
6. Generate alternative decisions.
7. Enumerate the consequences of making each decision.
8. Make the decision.
9. Implement the decision.
Five common steps within an Ethical Decision Making Models:

1. Identification of the problem
2. Development of alternatives
3. Evaluation of alternatives
4. Implementation of the best option
5. Evaluation of the results

Martin and Bush (2008),
LIMITATIONS OF ETHICAL DECISION-MAKING FRAMEWORKS

1. Portrayal of decision making as a linear progression.
2. They do not capture what professionals do.
3. The person making the decision is not a detached observer; rather, the individual is a part of the process.
Process for when a formal ethical complaint is filed:

1: An initial evaluation for a potential violation (then if accepted):

2: The accused certificate is asked to respond in writing to the allegation.

3: The Ethics Committee makes an initial ruling based on the information provided.

4: An option of a hearing, if the certificate disagrees with the ruling.

5: Ethics Committee re-evaluates the ruling as well as the associated sanctions.

6: A potential appeal may be filed with a second, independent three person panel appointed by the CRCC President.

7: final ruling
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b) one individual filed four complaints
c) one individual filed 8 complaints
• Over the 7 year period 71 complaints were filed.

6 (25.0%) letters of instruction,
2 (8.3%) reprimands,
3 (12.5%) probations,
3 (12.5%) suspensions, and
10 (41.6%) Revocations

Sections of the Code Violated.

A. The Counseling Relationship
D. Professional Responsibility
L. Resolving Issues (Section K 2002 Code)
F. Forensics and Indirect Services
G. Evaluation, Assessment, and Interpretation (Section F 2002 code)
J. Technology and Distance Counseling (Section I 2002 Code)
K. Business Practices (Section J 2002 Code)
B. Confidentiality
Six Themes Emerged From the Study

1. Role and relationship boundaries \( (n = 17) \)
2. Client rights and welfare \( (n = 14) \)
3. Honest and responsible conduct \( (n = 14) \)
4. Knowledge of ethics and the law \( (n = 10) \)
5. Forensic and evaluation practices \( (n = 7) \)
6. Secure and accurate record keeping \( (n = 5) \)
Areas of Ethical Issues

Communication – Confidentiality – Consent - Competency

We Begin with Section B. Confidentiality, Privileged Communication, and Privacy
1. Considerations of Confidentiality & Privilege Communication

- Maintaining confidentiality in larger institutions.
- Disclosing to the customer’s employer of potential issues/considerations.
- Discussing customer’s progress with family members.
- Working with vendors or third parties and sharing of information.

- We keep in mind that we are the customers advocate.
- We provide a clear explanation of limitations and obligations.
- We only share what is pertinent and necessary based on customers release.
2. Considerations of Informed Consent

- Capacity
- Comprehension
- Voluntariness

- To be certain that the client either has the capacity to give consent, or a legal authority (parent or bureaucratic appointed).
- A focused attempt to equalize the power differential between counselor and client is recommended.
3. Considerations of Client Counselor Relationship
   • Sexual relations with a client is illegal in all 50 States
   • New Code allows for client-counselor relations a min of 5 years after termination

4. Considerations of Counselor Competence
   • Practice within scope
We begin with Professional Responsibility

SECTION D: PROFESSIONAL RESPONSIBILITY

D.5. RESPONSIBILITY TO THE PUBLIC AND OTHER PROFESSIONALS

Specifically:

d. EXPLOITATION OF OTHERS.
e. CONFLICT OF INTEREST.
f. VERACITY.
Next we move to Professional Relationships

SECTION E: RELATIONSHIPS WITH OTHER PROFESSIONALS

E.1. RELATIONSHIPS WITH COLLEAGUES, EMPLOYERS, AND EMPLOYEES

b. QUESTIONABLE CONDITIONS.

Thoughts:

....Attempting to affect change
....Impacting/changing policy
....Whistleblowing
E.2. CONSULTATION

a. CONSULTATION AS AN OPTION
   (The responsibility for seeking professional consultation)

b. CONSULTANT COMPETENCY
   (The responsibility for being competent if serving as a consultant for another counselor)
Areas of Ethical Issues

E-MAIL, Text, Messaging
In 1942 Carl Rogers begins to make audio recordings of client sessions…..the birth of ethical conflicts and technology.

The Stand Alone Topic: Electronic Communication
E-mail offers a fast, economical method of communication that may serve as a positive adjunct to the counseling relationship.

Factors to consider:
- Counseling Relationship
- Confidentiality and Privacy
- Counseling vs. Administrative emails
- Checking emails
- Email Signature
The notion of Confidentiality and Privacy: Counselors Must:

1. Acknowledge that email correspondence is not confidential.
2. Ensure that the email platform used is encrypted and password protected.
3. Determine what information will be okay to disclose in an email.
4. Acknowledge that they will never forward a client’s email.
5. Determine the policy for recording the email in the client record or printing the email off.
6. Ask the client about the privacy of their email account and who has access.
Counseling vs. Administrative Email

• Administrative emails would include date, and time of next appointment, cancellation of appointments, rescheduling appointments, etc.

• Counseling emails include therapeutic material regarding clients’ problems and issues
‘Code’ for Communication

SECTION B: CONFIDENTIALITY, PRIVILEGED COMMUNICATION, AND PRIVACY

B.1. RESPECTING CLIENT RIGHTS:
B.2. EXCEPTIONS
B.3. INFORMATION SHARED WITH OTHERS
B.4. GROUPS AND FAMILIES
B.5. RESPONSIBILITY TO MINORS OR CLIENTS LACKING CAPACITY TO CONSENT
B.6. RECORDS
B.7. CONSULTATION
Section L: Resolving Ethical Issues

Some scenarios to Consider