Ethical Conflict and Resolution Strategies

in Rehabilitation Counseling

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Topic Areas

- Basic principles and assumptions of conflict
- 5 main styles and stages of dealing with conflict
- Various theoretical perspectives on dealing with ethical conflict (decision making models)
- Causes and recognition of conflict
- Building competency and confidence in conflict resolution
- Informal and formal resolution methods used in RC
Basic Principles and Assumptions

1. Conflict is dynamic and abundant in human nature.
Basic Principles and Assumptions

Understanding that conflict exists is much more identifiable than identifying the causes of the conflict (Tidwell, 1998).
Conflicts may exist between individuals and/or groups and the conflict that arises can usually have a mixture of causes that may include independently or collectively structural, ideological, behavioral, and/or emotional influences and not all causes of conflict are based on facts or objective information (Stewart, 1998).
Given the diversity of clientele served by rehabilitation counselors and the multitude of settings in which rehabilitation counseling services are delivered, ethical conflict is virtually unavoidable.
Basic Principles and Assumptions

Rehabilitation counselors not only must be able to identify ethical conflict when it arises, but be capable of taking appropriate steps towards effectively resolving conflict.
5 Main Styles Of Dealing With Conflict

(Thomas and Killman, 1970)
Competitive
Collaborative
Compromising
Accommodating
Avoiding
Audience Survey

Which style of dealing with conflict best represents you?

- Competitive
- Collaborative
- Compromising
- Accommodating
- Avoiding
5 Main Stages of Conflict

(Collins, 1975)
5 Main Stages of Conflict

1. **Latent Stage** – a period when the potential for conflict exists, but it has not yet developed.

2. **Perceived Stage** – full awareness of those involved

3. **Felt Stage** – stress and anxiety set in

4. **Manifest Stage** – conflict becomes observable

5. **Aftermath Stage** – outcome(s) are assigned and assessed
5 Main Stages of Conflict

- Latent Conflict
- Perceived Stage
- Manifest Stage
- Felt Conflict
- Aftermath Stage
Theoretical Perspectives on Ethical Decision Making
In Rehabilitation Counseling
Various theoretical perspectives have been used to address these competencies, all of which have application in rehabilitation counseling:

- **Rational or Rules Model** (Forester-Miller & Davis, 1995)
- **Virtue Ethics Model** (Jordan & Meara, 1995)
- Social Constructivism model (Cottone, 2001)
- Collaborative Model (Davis, 1997),
- **Integrative Model** (Tarvydas, 1998).
Rational or Rules Based Model

- Emphasize **linear decision making**:

- (a) the rule(s) would amount to a decision procedure for determining what the right action was in any particular case;

  **AND**

- (b) the rule(s) would be stated in such terms that any non-virtuous person could understand and apply it (them) correctly.

\[ A + B - C = D \]

or

\[ A \text{ then } B \text{ then } C \ldots \]
Rational Model (Forester-Miller & Davis, 1995)

1. Identify the problem.
2. Apply the Code of Ethics.
3. Determine the nature and dimensions of the dilemma.
4. Generate potential courses of action.
5. Consider the potential consequences of all options, choose a course of action.
6. Evaluate the selected course of action.
7. Implement a course of action.

Pros and Cons for Rehabilitation Counselors?
Virtue Ethics
Meara (1995)

- Counselor’s personal virtues...integrity, prudence, discretion, humility, hope, and benevolence is a key element of ethical thinking vs. doing one’s duty or acting in order to bring about good consequences.

- Counselor’s wisdom and moral beliefs are the basis for reaching ethical decisions.

- Appraisal from perspective of the virtuous character of counselor

- Distinction between virtue and principle ethics, nonlinear

- What kind of person will I become if I do this? "Is this action consistent with my acting at my best?” “How should I live?” and “What is the good life?”

Pros and Cons for Rehabilitation Counselors?
Integrative and Transcultural Models

- Linear/stage model: Interpret and review dilemma, determine applicable ethical guidelines.

- Incorporates morals (ethics), beliefs, and experiences. Requires reflection, balance, attention to the context, and collaboration.

- Generate possible and probable actions and consequences

- Collaborate with colleagues and/or supervisor to select appropriate action

- Combination of principle (rational/rules) and virtue ethics
Integrative Model (Tarvydas, 1998)

- **Stage I**: Interpreting the situation through awareness and fact-finding
- **Stage II**: Formulating and ethical decision
- **Stage III**: Selecting and action by weighing competing non-moral values
- **Stage IV**: Planning and executing the selected course of action

Pros and Cons for Rehabilitation Counselors?
Causes and Recognition
Of Conflict
General Causes of Conflict

- **Structural Causes:**
  - Access to natural resources, food, territory, human rights and liberties, money or capital.

- **Ideological Causes:**
  - Different perspective on religion, cultural practices and traditions, politics, professional practice

- **Behavioral Causes:**
  - Actions or conduct of one towards another, or towards persons

- **Emotional Causes:**
  - State of mind deriving from some form of circumstance, mood or relationship with others

(Stewart, 1998)
Causes of Conflict in Rehabilitation Counseling

- What are some of the most common causes of conflict among rehabilitation counselors?

- What are some of the most prevalent causes of conflict between rehabilitation counselors and their clients?
Advisory Opinions

Since 1996, how many The CRCC Ethics Committee has authored 128 advisory opinions. How many have involved situations where individual or organizational conflict was overtly present?

- 59 (ethics and the law)
- 7 (reporting of ethical violations)
- 6 (consultation)
- 6 (informal resolution)
- 4 (conflicts among organizational settings)
- 1 (cooperation with the Ethics Committee)

= 83 or 65% of the advisory opinions
The preamble of the Code recognizes that:

“reasonable differences of opinion can and do exist among rehabilitation counselors with respect to the ways in which values, ethical principles, and ethical standards would be applied when they conflict”.

**Standard F.2.a.** addresses the issue of objectivity, recognizing that rehabilitation counselors are subject to competing demands placed upon them by their ethical code and the requirements of the legal system, “and [must] attempt to resolve these conflicts by making known their commitment to this Code and taking steps to resolve conflicts in a responsible manner.”
Addressing Conflict According to the CRCC Code

- **Standard H.3.a. Relationship Boundaries with Supervisees or Trainees**, states that if rehabilitation counselor supervisors or educators assume other roles (e.g., clinical and/or administrative supervisors, instructors) with supervisees or trainees, "they work to minimize potential conflicts and explain to supervisees or trainees the expectations and responsibilities associated with each role.”
Addressing Conflict According to the CRCC Code

- **Standards L.2.a. through f.** (e.g., decision making models, addressing unethical behavior, conflicts between ethics and laws, and organizational conflicts) which provide an outline of expected behavior and action(s) of a rehabilitation counselor should ethical conflicts exist.

- **L.2.b. ADDRESSING UNETHICAL BEHAVIOR**

  Rehabilitation counselors expect colleagues to adhere to the Code. When rehabilitation counselors possess knowledge that raises doubt as to whether another rehabilitation counselor is acting in an ethical manner, they take appropriate action.
Different work environments have a significant influence on the types of ethical dilemmas faced by rehabilitation counselors.

There are significant differences relative to frequency, perceived importance, and types of ethical dilemmas.

Further study is warranted to examine the underlying dynamics of the ethical decision-making process and differences between the two settings.
Building Competency and Confidence

In Resolving Conflict
What Influences Effective Communication?

LOS ANGELES TIMES

PEANUTS CLASSICS By Charles M. Schulz

SO WHAT DO YOU THINK?
WHAT DIFFERENCE DOES IT MAKE? YOU NEVER LISTEN ANYWAY...

I WAS JUST MAKING CONVERSATION
WHEN YOU MAKE CONVERSATION, YOU HAVE TO LISTEN, TOO!

YOU DO?
Communication and Conflict Resolution

- Conflict cannot exist without communication.
- Conflict resolution cannot take place without communication.
- A common misconception in conflict resolution is that communication will always lead to resolution.
- So it is the effectiveness of the communication that really matters in resolving conflict.
Counselors, mediators, therapists, and anyone else who is involved as a third party in the resolution of conflicts should possess four sets of skills according to Deutsch (1994). Be effective in:

1. establishing a working relationship with each of the conflicting parties.
2. establishing and maintaining a cooperative problem-solving attitude among the conflicting parties toward their conflict.
3. facilitating the group process and the teaching of decision making skills.
4. knowledge of issues surrounding conflict in general.
Building Competency and Confidence

- What is required to become individually and/or collectively effective in resolving ethical conflict?
  - Be able to identify the core issue or underlying problem.
  - Be able to critically examine various possibilities or alternatives.
  - Be willing to probe difficult ethical or moral issues.
  - Be able to identify the stakeholder’s and their needs/interests/responsibilities.
  - Be able to select the solution that achieves a reasonable balance among competing obligations.

Source: Achieving Ethical Clarity Through Dialogue (Ford, 2006)
Formal and Informal Methods of Conflict Resolution

In Rehabilitation Counseling
While there is a range of strategies that had been examined over the years, the main emphasis of today has been an alternative dispute resolution (ADR).

Is advocated as both an alternative to violence and an alternative to adversarial litigation (Stewart, 1998).

The purpose of ADR is to use constructive and creative strategies to reach resolution in a peaceful and nonviolent manner.
The Code and CRCC Ethics Committee recommend that rehabilitation counselors who are seeking formal opinions regarding an ethical dilemma or conflict seek out other rehabilitation counselors and colleague who may act as mediators or facilitators in reaching resolution to such problems (CRCC Code of Ethic, Preamble).

Mediation calls upon neutral outsiders to reduce difficulties that may obstruct agreement among the parties in conflict and hopefully increase the probability of parties reaching a mutually acceptable agreement.
Formal Resolutions

- Formal methods of conflict resolution may be sought out by an individual who fails to reach an agreement through the mediation or facilitation process.

- **CRCC Advisory Opinions**
  

- Advisory opinions are categorized/indexed based on the enforceable standards and subsections of the Code, thus serving as a useful reference for rehabilitation counselors to use when engaging in the conflict resolution process
Advisory Opinions

- Advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the Committee.
- Opinions should not be construed as direct advice regarding the unique or specific ethical or legal action recommendations that should be followed regarding the issues raised.
As outlined in **Standard L.3.b.**, when informal resolutions are not appropriate or feasible or if an apparent violation has substantially harmed or is likely to substantially harm persons or organizations.

Formal grievance or hearings process may occur resulting in mandatory cooperation of rehabilitation counselors in assessing the potential conflict and participation in subsequent proceedings similar to that of arbitration and adjudication.

**CRCC Guidelines and Procedures for Processing Complaints**
This process of conflict resolution is likely to become adversarial in nature and will likely leave most parties feeling dissatisfied with the total outcome and thus conflict remaining unresolved (Stewart, 1998).


