Current Ethical Issues for School Counselors and Psychologists

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Overview of Presentation

- Ethical Traditions in Philosophy
- Contemporary Models Ethics Education
- Ethics Codes (APA, ASCA)
- Ethical Decision-Making Models
- Ten Common Ethical Principles for Professionals
- Summary & Resources

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Ethical Traditions

- Ethics or the study of our Moral values or obligations has long been a part of philosophy dating back to the Greeks
- It remains one of the Live Issues or Big Questions and is commonly a course in Philosophy Depts. The need for greater ethical awareness and courage is increasingly recognized throughout society (e.g. business, politics…)
- Professions are concerned Codes & Guidelines for ethical practice including specific conduct as well as the moral principles that underlie our work with clients (e.g. being respectful, integrity, doing good).
- We might start by briefly examining the various philosophical traditions that have addressed the question of what it means to be ethical. Are moral principles objective and universal or subjective and changing? Where do they come from? Are they discovered or created? How do we best know when we are being ethical?
- These philosophical traditions provide insights into how to think about professional ethics

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Ethics

Ethics = seeks to determine how human actions may be judged (right or wrong)

Ethics ≠ Religious Belief ≠ Law

Ethical Traditions

1. Deontological
2. Consequential (Utilitarian)
3. Virtue Ethics

Deontological

1. Universal ethical principles determine right vs wrong
2. Independent of consequences
3. Duty
4. Respect for Individual's Autonomy
5. Justice
6. Weakness: Consequences of ethical behavior may be harmful – principles may conflict

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Utilitarian (Consequential)

1. **Ethical behavior defined by consequences**

2. **Utilitarian – greatest good for greatest number**

3. **Aggregate of pleasures & pains determine action**

4. **Weakness: Presumes complete knowledge of all consequences**

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Virtue Ethics

1. Emphasis on "character" – what makes human behavior praiseworthy or blameworthy

2. Not "what to do," but "kind of person should be"

3. Integration of virtues with practical wisdom (reason)

4. "Practical Wisdom" = all *reasonably* known proximate and remote consequences

Integrating Ethics into Professionalism

- **Contemporary models of ethics training view take a broader view of ethics as part of professional development & identity. Integrated throughout training curriculum and one's professional life.**

- **" Integration occurs best when ethics is viewed not only as a set of prohibitions but also as a way to actualize students' visions of what it means to be a psychologist ". (Handelsman, Gottlieb, & Knapp, 2005)**

- **Influential article in Professional Psych -Acculturation model as context for thinking about teaching of ethics These authors emphasize positive, aspirational principles vs. ethics floor.**

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Acculturation Model
Analogy to Berry's model person moving to a new culture-planet psychology

Identification psych ethics
vs. personal ethics of origin

LL marginalization	HL separation
HL assimilation	HH integration

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Integration into Professional Culture

- Acculturation model raises interesting questions
- what set of values, influences, expectations did you bring to ethical culture entering?
- what seemed counterintuitive? have to unlearn?
- what personal strengths bring profession? Is there anyway they can be a concern?
- Ethics Autobiography
- Importance of Environmental Context (i.e., openness, support for exploring ethical questions)

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Rest's Four Components Model

I. Four Components
  – Ethical Sensitivity or Awareness
  – Moral Reasoning (type of reflective thinking; King & Kitchener, 1994)
  – Ethical / Professional Commitment (relevance research findings (e.g. Bernard et al, 1987)
  – Implementation
II. Can a good person behave unethically?
  bad guy vs. careless mistakes
  field changes, distress/ impairment issues
  Does CE Help?
III. Fuzzy distinction Personal vs. Professional

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APA Ethics Code

- History 1953 Growth of psychology after WWII as a profession. Revisions reflecting changes in profession & society (e.g., sexual intimacies unethical 1977, FTC agreement 1989, 1992 code of conduct).
- 2002 Revision 7 drafts. Informed Consent; Distinction test data vs. stimuli (HIPAA); Multicultural issues in assessment; Multiple relationships reevaluated.
- Many functions: Uphold integrity of profession and protect public welfare, educational document, help practitioners maintain competence, set of rules or standard for adjudication
- Applicability and relationship to law

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Structure of APA Code

I. Preamble- commitment to scientific knowledge & profession
II. Five Aspirational Principles
- Beneficence & Nonmaleficence
- Fidelity & Responsibility
- Integrity
- Justice
- Respect for Rights & Dignity
III. Code of Conduct
  89 enforceable standards organized in 10 domains

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Enforceable Standards

Ten categories, 89 enforceable standards
- Resolving ethical issues (8)
- Competence (6)
- Human relations (12)
- Privacy & Confidentiality (7)
- Advertising (6)
- Record Keeping and Fees (7)
- Education & Training (7)
- Research & Publications (15)
- Assessment (11)
- Therapy (10)

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Ethical Standards for School Counselors (ASCA)

- Preamble
- A. Responsibilities to students (11)
- B. Responsibilities to parents/guardians (2)
- C. Responsibilities to colleagues (2)
- D. Responsibilities to school and community (2)
- E. Responsibilities to self (2)
- F. Responsibilities to profession (2)
- G. Maintenance of standards

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Ethical Decision-Making
(Koocher & Keith-Spiegel)

1. Determine that the matter *is* an ethical one
2. Consult guidelines already available
3. Consider sources that might influence decision
4. Consult with trusted colleague
5. Evaluate rights, responsibilities, and vulnerability of all affected parties

Ethical Decision-Making
(Koocher & Keith-Spiegel)

6. Generate alternative decisions
7. Enumerate consequences of making each decision
8. Make the decision
9. Implement the decision

Process of Ethics Decision-Making: *Concerns*

Validity: absolute, relative, or prima facie

Interpretation of ethical codes depends on context of power (race, gender, class)

Over rely on cognitive rationale:

> "… clinicians experience ethical dilemmas with immediacy and personal involvement that cannot be completely separated out from their decision-making process"
> (Hill et al., 1998, p.107)

Process of Ethics Decision-Making: *Concerns About APA Code*

Canadian critique of APA Code:

1. Lacks guide to individual professionals

2. Lacks guidance when professional responsibilities in conflict

3. Statement of moral principle upon which professionals base their statements

Alternative Models / Approaches

1. **Canadian Psychological Association**

2. **Hermeneutic Model**

3. **Feminist Model**

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Canadian Psychological Association
(Seitz & O'Neill, 1996)

1. **Four fundamental principles**

2. **Expect that all relevant principles considered & balanced when selecting action**

3. **Ranked according to relative weight**

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CPA Principles

1. **Respect for the Dignity of Persons**

2. **Responsible Caring**

3. **Integrity in Relationships**

4. **Responsibility to Society**

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Hermeneutic Process
(Betan, 1997)

1. Historical emphasis on rational analysis rather than intuition

2. Assumption of epistemological truth unaffected by context, person, or both

3. Process of inquiry is affected by & affects the person seeking knowledge

4. Hermeneutic approach
   a. questions assumptions about truth
   b. emphasizes subjectivity & contextualism

Hermeneutic Model
(Betan, 1997)

1. Supplements models based on rational application of rules and principles
2. Consider therapist's "ethical self," which is based partly on:
   a. Sense of self as a professional
   b. Self in relation to client (active participant)
   c. Power, influence, need & dependency, loyalty, & autonomy

Hermeneutic Process
(Betan, 1997)

"The profession cannot expect its members to regulate conduct simply by imposing a standard without also attending to the situational pulls that, at times, lead a therapist to abdicate ethical responsibility"
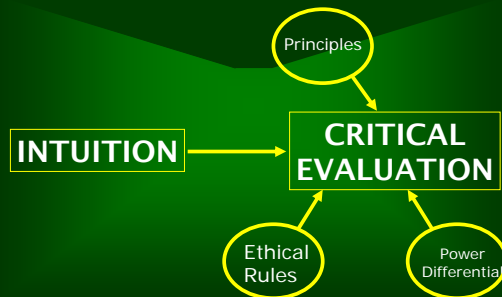
Feminist Ethics

Moral Reasoning = intuition + critical evaluation

Therefore, it's a *Process* that takes into account:

1. Emotional-intuitive responses of the therapist
2. Social context of the therapist & client
3. Includes client in process – appreciate power differential between therapist & undervalued groups

Feminist Ethics

Feminist Ethics Model

1. Recognize Problem
2. Define Problem
3. Develop Solutions
4. Choose Solution
5. Review Process
6. Implement & Evaluate Decision
7. Continue Reflection

Common Ethical Principles

- Competence
- Informed Consent
- Confidentiality & Privacy
- Duties to Report
- Multiple Relationships
- Assessment Concerns
- Ethical Issues in Therapy
- Multicultural Issues
- Public Statements and Behavior
- Relationships with Colleagues

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Competence

- Intellectual vs. Emotional Competence
- Basis for Ethical Practice
- National Shift -Professional Competencies
- Licensing/ Credentialing Issues
- Importance of Self-Assessment
- Keeping up with scientific/ professional literature (CE)- Evidence-based
- Compassionate exemption

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Informed Consent

- Historically, origins in Nuremberg Trials
- Applicable to research, assessment activities as well as therapy
- Evolved body of Medical Case law
- Conversation, process not the form
- What is adequate consent information?
- Challenges to informed consent

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Confidentiality & Privacy

- Keeping information learn in professional work confidential is critical in helping
- Definitions Confidentiality vs. Privilege
- Health Care Settings HIPAA
- Regardless specific statutes apply consider "need to know basis" vs. gossip
- Release: 1) client's authorization 2) legal permiss/requirement or 3) court directive
- Issues related to minors

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Duties to Report

- Although society recognizes need for confidentiality- not absolute
- Mandatory Reporting laws (e.g., abuse)
- Famous Tarasoff case
- Pts need to know our obligations to larger society that might limit their confidentiality
- (e.g. crimes, school violence)
- Minors need to know the kinds of issues that we would disclose to parents

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Multiple Relationships

- More than one professional relationship and some other intended role
- Intimate behavior with patient is crime ID
- Prohibited multiple roles potential impact objectivity, lead to exploitation and harm
- Risky beh- services family/friends, enter business, befriend getting own needs met
- Small world hazards, entanglements

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Assessment Concerns

- Competence including selection of reliable, valid instruments for purpose
- Limit conclusions to individuals assessed & data obtained
- Diagnostic Issues
- Standardization vs. ADA issues
- HIPAA test stimuli vs. responses (security)
- Interpretative feedback

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Ethical Issues in Counseling and Therapy

- Informed consent and assent
- Confidentiality
- Evidence-based practice
- Respect for individual, culture, values
- Use of technology, telehealth
- Responding to emergencies
- Appropriate documentation
- Ongoing evaluation, open to consultation, second opinions, & referral

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Multicultural Issues

- Multicultural competence is increasingly linked to ethical practice (KSA)
- ADDRESSING Framework
- Ethical Issues
  Possible bias in assessment, tests
  Difficulties in therapeutic alliance
  Need consider context in conceptualization
  Dilemmas related to culture conflicts

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Public Statements & Behavior

- Ethical duty to only make responsible public statements
- Prepared and cautious talking to media
- Separate your opinions from professional identity, place of work
- Recognize fuzzy boundary between professional and personal life

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Relationships with Colleagues

- Respectful & cooperative relationships with colleagues and other professionals
- Timely response to professional requests
- Respect for ongoing professional relationships
- Requirement for Peer monitoring
  seeking informal resolution when appropriate and not violating confidentiality
- If ever, confronted, be grateful

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Summary

- Being ethical involves aspirational sensitivity to moral concerns (e.g., avoid unnecessary harm, respecting rights, acting with integrity)
- Code of conduct can never be sufficient because being ethical involves judgment, and application of ethical principles to specific contexts
- Being ethical changes & evolves with profession and society

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Ethical Resources

- Koocher. G. & Keith-Spiegel(2008). *Ethics in psychology and mental health professions.*
- APA Ethics Office www.apa.org/ethics/
- Ken Pope's Website http://kspope.com/
- Diversity Resources
http://teachpsych.org/diversity/ptde/index.ph
http://www.papsy.org/home/multic.html
- Institute for Global Ethics www.globalethics.org/
- Read/ Listen to "The Ethicist" RANDY COHEN NYT Columnist, NPR All Things Considered

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