


# Why I Oughtta








# Learning Objectives

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1. Use an interactive learning process to provide new and reviewed information/knowledge about ethics, what they are, how they are developed, and guides for ethical decision making.
  2. Create a personal plan for solidifying ethical responses that includes action steps and accountability.
  3. Learn together.



# Plan of Development

- Discuss standard answers to why we practice ethically.
  - Discuss contemporary ethical violations and code guidelines
  - Introduce the concept of metaethics.
  - Evaluate our current practice level of ethical conduct.
  - Learn to recognize when we are contemplating potentially making a poor ethical decision.
  - Recognize ethical strengths.
  - Develop a personal plan to implement markers, highlight strengths, and reduce the probability of making an unethical decision.
  - Discuss principles and models for ethical decision making.
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## Guess Who Said It...

- “Ethics is knowing the difference between what you have a right to do and what is right to do.”
  - Mahatma Gandhi
  - Jennifer Lopez
  - Potter Stewart
  - Harry Potter



# Guess Who Said It...

- ➡ “Relativity applies to physics not ethics.”
  - ➡ Jon Bon Jovi
  - ➡ Isaac Newton
  - ➡ Albert Einstein
  - ➡ Harry Potter



# Guess Who Said It...

- “Research shows the presence of women raises the standards of ethical behavior and lowers corruption.”
  - Harry Potter
  - Billy Ray Cyrus
  - Beyonce
  - Hillary Clinton



## Guess Who Said It...

- “The final forming of a person’s character lies in their own hands.”
  - Anne Frank
  - Mother Theresa
  - Pope John Paul II
  - Harry Potter



# Why Ethical Practice

- Client/Worker
- Personal
- Professional
- Organizational
- Societal







# What does the data show?

- Idaho Division of Occupational and Professional Licenses (DOPL)
  - Idaho Board of Professional Counselors and Marriage and Family Therapists
    - 11 determinations made in '22 with over 20 findings
      - Failure to properly document X's 3
      - Improper termination of services X's 2
      - Failing to maintain confidentiality or obtain informed consent X's 2
      - Engaging in a sexual or romantic relationship with a former client
      - Engaging in inappropriate interactions with a former client
      - Sexual relationship with a client
      - Criminal complaint – sexual abuse of a minor under 16
      - Engaging in unprofessional behavior with colleagues
      - Practicing on an expired license



# American Counseling Association

## **A.1. Client Welfare**

### **A.1.a. Primary Responsibility**

The primary responsibility of counselors is to respect the dignity and promote the welfare of clients.

### **A.1.b. Records and Documentation**

Counselors create, safeguard, and maintain documentation necessary for rendering professional services. Regardless of the medium, counselors include sufficient and timely documentation to facilitate the delivery and continuity of services. Counselors take reasonable steps to ensure that documentation accurately reflects client progress and services provided. If amendments are made to records and documentation, counselors take steps to properly note the amendments according to agency or institutional policies.

### **A.11.c. Appropriate Termination**

Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is

being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client or by another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

### **A.11.d. Appropriate Transfer of Services**

When counselors transfer or refer clients to other practitioners, they ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.

## **A.12. Abandonment and Client Neglect**

Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.



# What does the data show?

- Idaho Board of Social Work Examiners
  - 8 determinations made in '22 with 8 findings
    - Engaged in a prohibited romantic or sexual relationship X's 3
    - Unethical dual relationship without proper assessment or documentation
    - Exploitation of a professional relationship
    - Engaging in the unlicensed practice of social work
    - Unprofessional conduct
    - Personal problems and harm to client; Practicing under a mental or physical condition that impairs the ability to practice safely





# National Association of Social Work

(a) Social workers should under no circumstances engage in sexual activities, inappropriate sexual communications through the use of technology or in person, or sexual contact with current clients, whether such contact is consensual or forced.

(c) Social workers should not engage in sexual activities or sexual contact with former clients because of the potential for harm to the client. If social workers engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is social workers—not their clients—who assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.



# 2 Things Most Therapists Do but Shouldn't ~ David J. Ley, PH.D

- Talking About Patients to Spouses and Partners
- Giving Professional Advice or Wisdom to Friends and Family Members



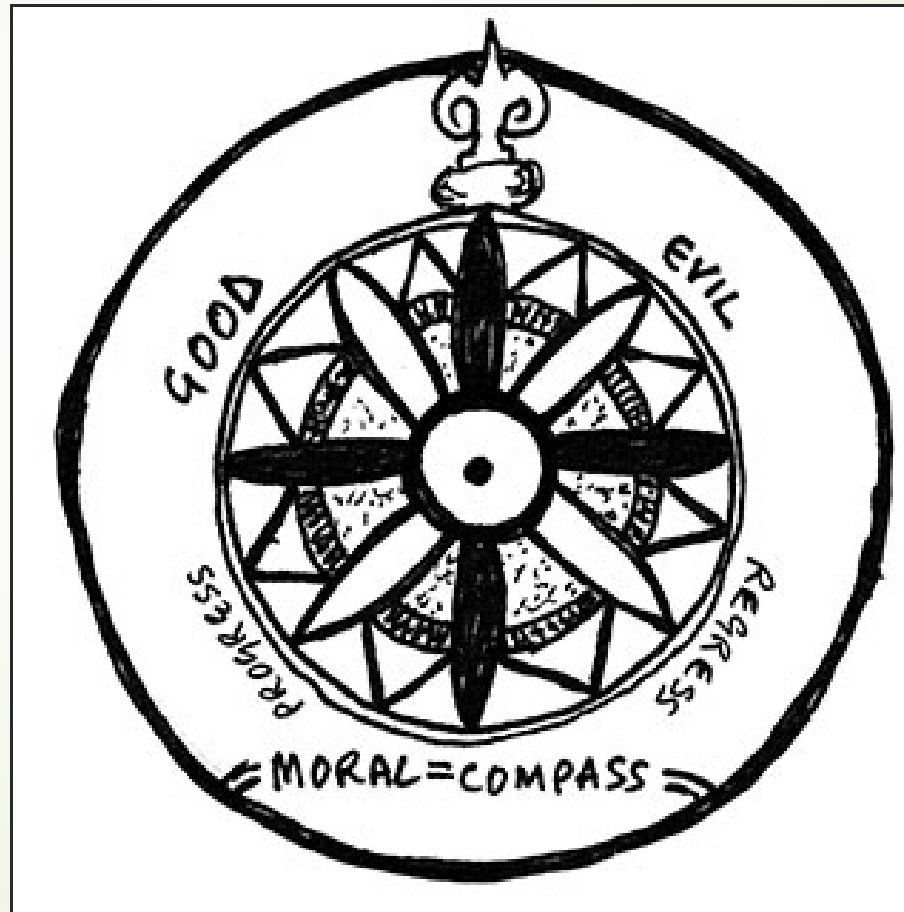
# Can Ethics Be Learned/Developed?

- “Let us then suppose the mind to be, as we say, white paper void of all characters, without any ideas. How comes it to be furnished? Whence comes it by that vast store which the busy and boundless fancy of man has painted on it with an almost endless variety? Whence has it all the materials of reason and knowledge?”

■ ~ John Locke



# What are Metaethics?



# Crash Course



# Moral Frameworks: Facts?

## ➤ Moral Realism

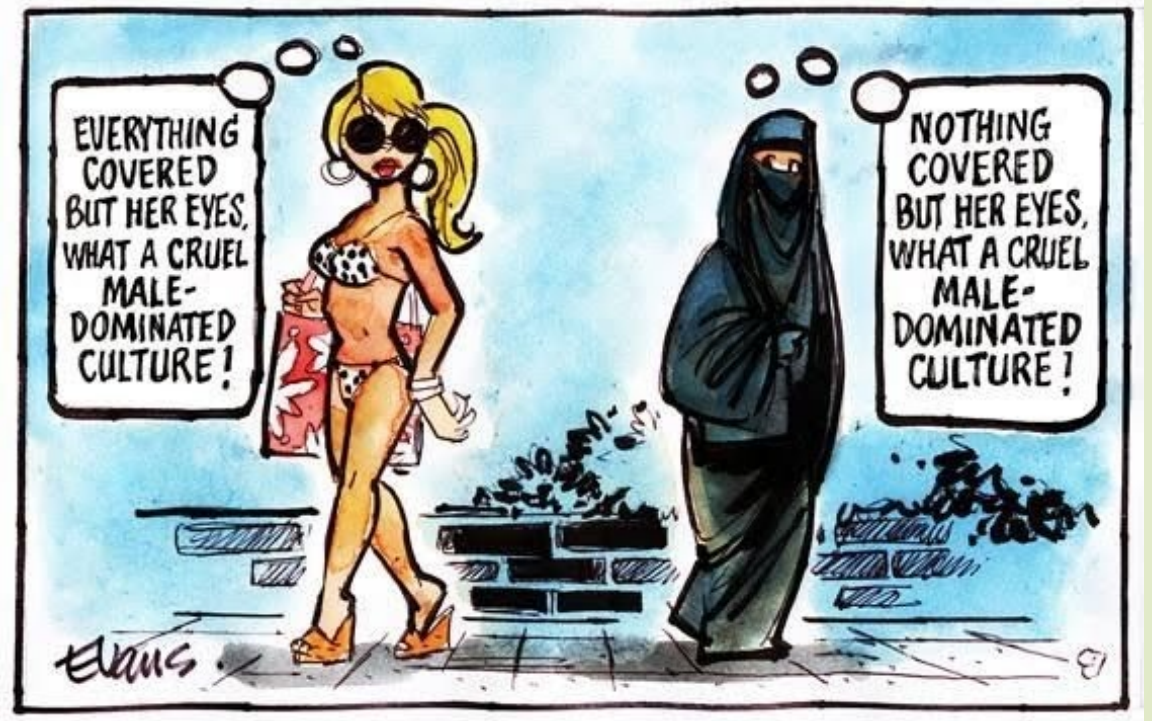
### ➤ There are moral FACTS

- Moral Absolutism – absolute, unalterable standards
- Moral Relativism – Descriptive or Normative varying from culture to culture

## ➤ Moral Antirealism

### ➤ Moral Subjectivism

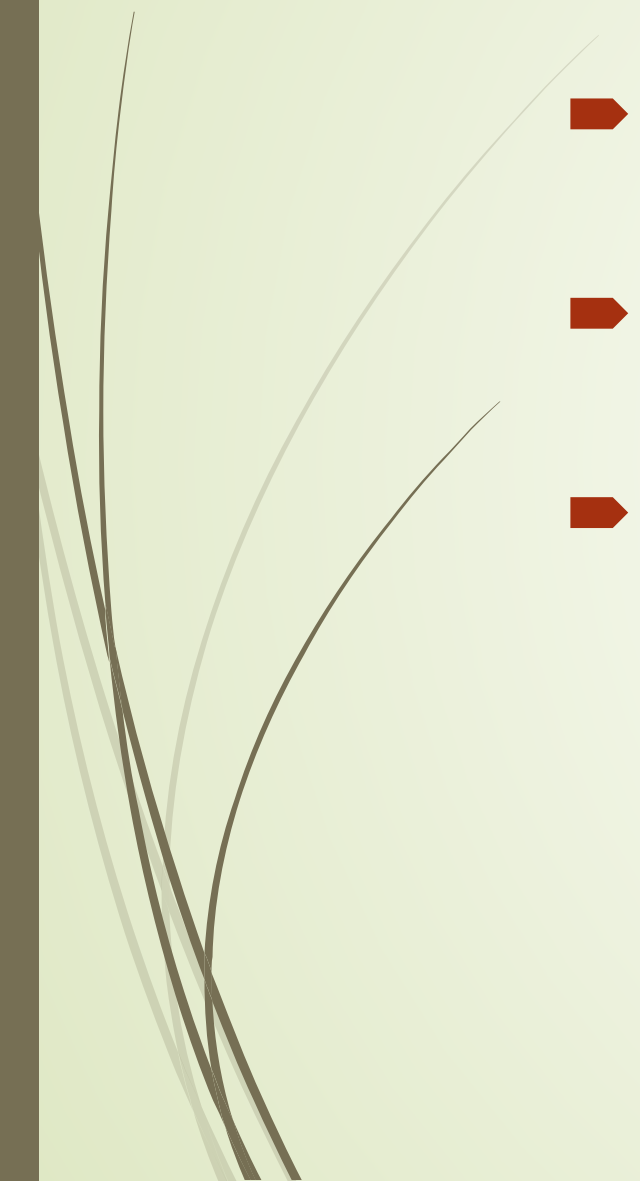
- It's all about perception/attitude







# Moral Frameworks: Ethical Theories

- Natural Law Theory – God created the universe according to a well ordered plan.
  - Utilitarianism – All people desire to seek pleasure and avoid pain.
  - Ethical Principles
    - Do no harm
    - Right to self-determination (with restrictions)
    - Conscience – What causes you to pause when making a decision?
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# How Ethical Are You?

- True or False: Most adults have solid, well-founded ethical beliefs that can be changed only by new evidence or reasoned arguments.
- True or False: I am more ethical than my peers.
- John is the captain of a submarine. An explosion has caused the sub to lose most of its oxygen supply and has injured a crewman who is bleeding badly and is going to die from his wound no matter what happens. The remaining oxygen is not sufficient for the entire crew to make it to the surface. The only way to save the other crew members is for John to shoot dead the injured crewman now. Then there will be just enough oxygen for the rest of the crew to survive. Is it morally acceptable for John to shoot the injured crewman?
- True or False: Sally is a tourist in New York City. Late at night she is confronted by a vicious mugger on a side street. Sally starts screaming for help. Sally is better off if there are 20 bystanders close by rather than only one?
- True or False: If you were in a job interview and an interviewer started asking you sexually inappropriate questions, you would stand up and walk out of the interview.



## The Point

- ➔ “The point of ethics is to become good, not just to know.”  
~Aristotle





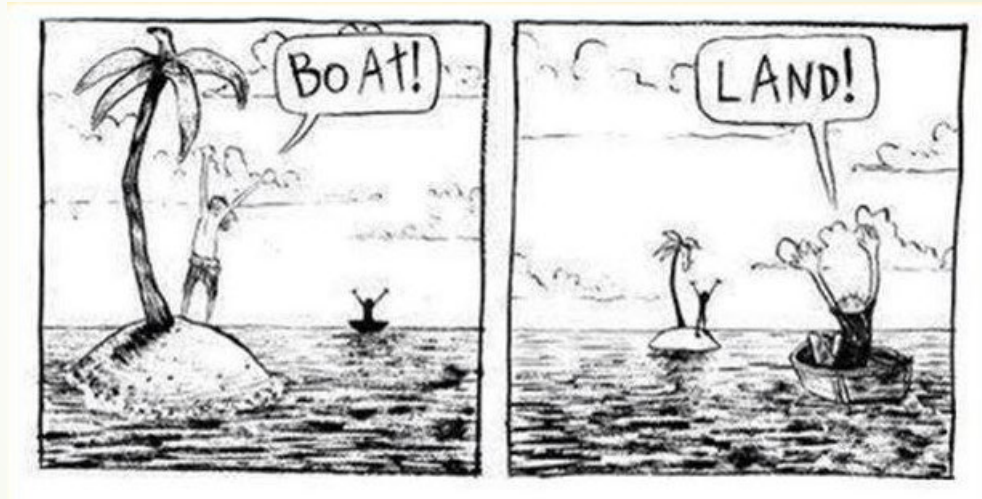
# Personal Development Plan

- Personal Position on Ethics
- Game Plan for Ethical Development

“It is curious – curious that physical courage should be so common in the world, and moral courage so rare.” ~ **Mark Twain (1835-1910), American Novelist and Journalist**

# Where to Start?

- Being grounded in YOU!



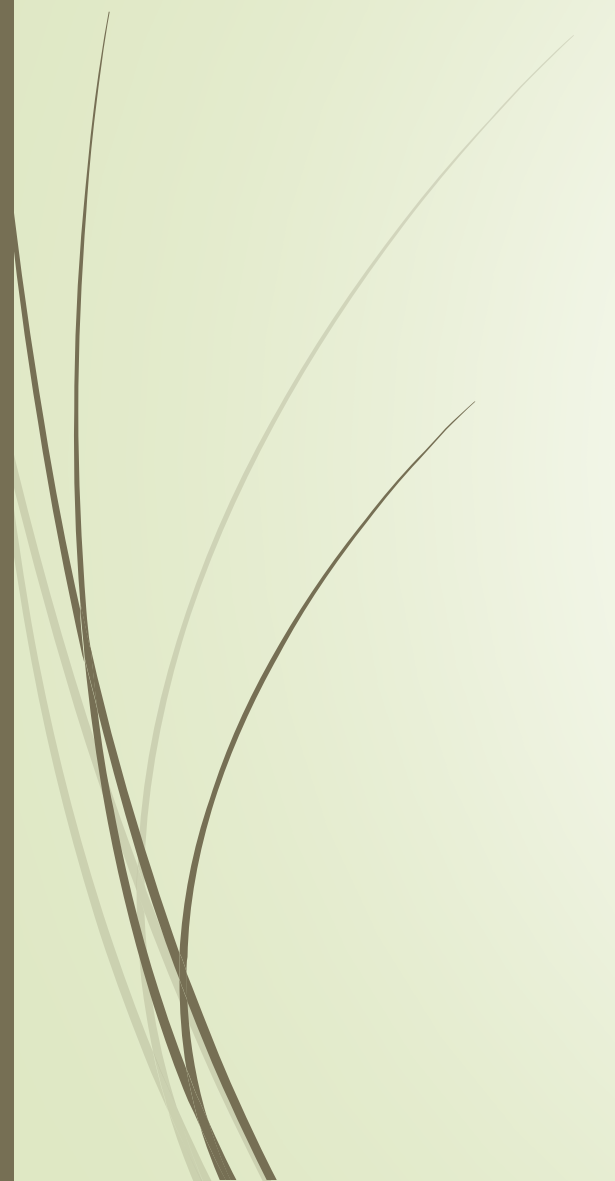
- Being outward focused!

# Game Plan for Development

- Using the attached worksheet create a game plan for your own personal ethical development. How are you going to enhance your capacity to pause when internally you are saying, “Why I oughtta...?”



# Ethics and Viewpoints





# The Story Spine (Spring Storm)

- Once upon a time...
- Everyday...
- But one day...
- Because of that...
- Because of that...
- Because of that...
- Ever since then...
- The moral of the story is...





# Ethical Decision Making Principles

## ACA Code of Ethics

The ACA's *Code of Ethics* is based on Kitchener's five moral principles:

- **Autonomy** refers to the concept of independence and the ability to make one's own decisions.
- **Justice** means treating each person fairly, but it does not mean treating each person in the same way.
- **Beneficence** refers to doing what is in the best interests of the client.
- **Nonmaleficence** means doing no harm to others.
- **Fidelity** involves the concepts of loyalty, faithfulness, and honoring commitments.

# Ethical Decision Making Model

## ACA 7 Steps to Decision Making

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

(Forester-Miller, & Davis, 1996)

## Vignettes – Information Access

- A former client in another region of the Department is involved in a shooting, injuring a community member. Employees throughout the Department hear of the shooting and their curiosity is peaked. Because of electronic records employees could access information that would appease their inquiring minds. What actions do you take given your current role?



## Vignettes – Mandates From Authority

- Agency resources are becoming more limited due to a number of factors including, but not limited to budget cuts. You have a client who is currently receiving a resource from the agency. However a person in authority has just told you that you have to discontinue providing that resource to your client. You believe this resource is essential to your clients continued well-being, stability, and functional wellness. What do you do?

## Vignettes – Legal Responsibilities versus Helping Relationship

- A family voluntarily initiates services with your agency. You have met with the family a few times and have begun to establish a therapeutic relationship. During an individual session with the child he/she discloses to you that one of the parents has abused them physically and shows you the bruising. The parent acknowledges that managing their anger is a problem and this is the reason they initiated services. You believe that if you report them to CPS the parents will no longer come in for the services the family really does need. What do you do?

## Vignettes – Dual Relationships & Confidentiality

- A counselor is working with a client who has been diagnosed with AIDS and reports to you that he is having unprotected sex. A year after treatment has been terminated he shows-up at the counselor's house to take the sister out on a date. What do you do?

## Vignettes – Agency Policy & Professional Codes

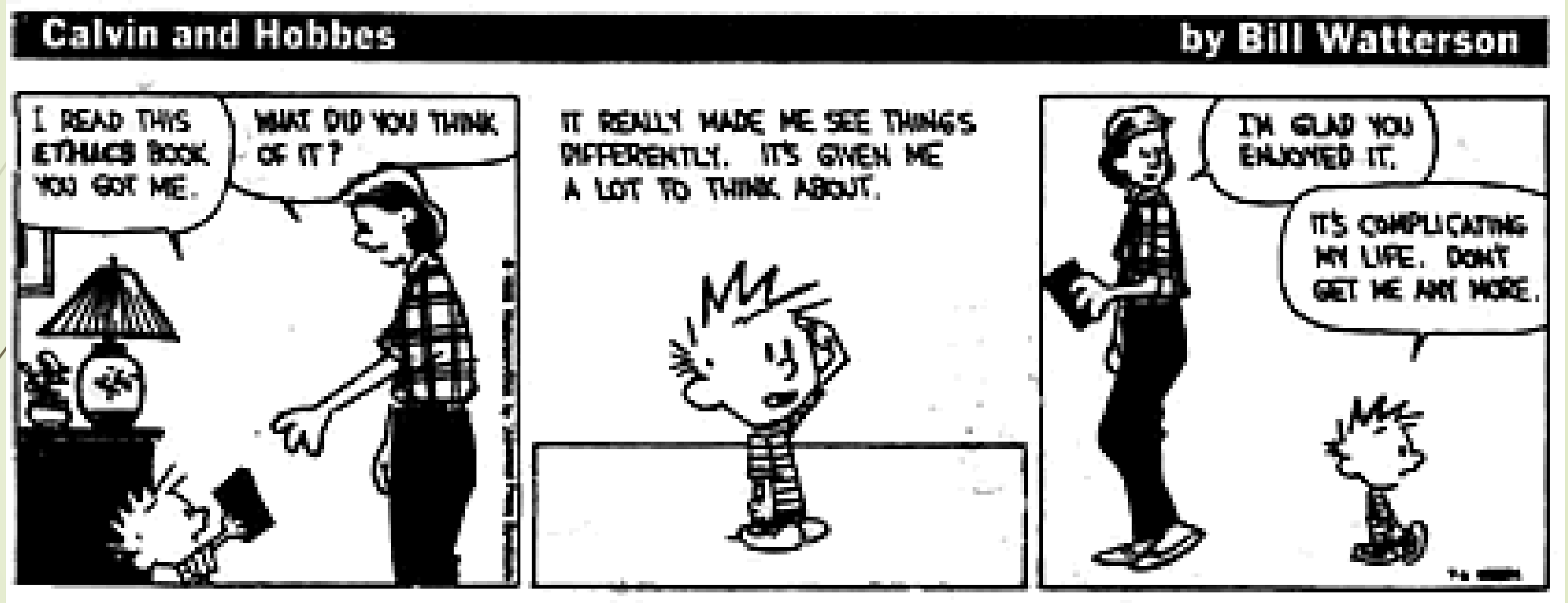
- You work for a religious funded private agency. A client comes in seeking your assistance with understanding the option of abortion. Your agency's policy prohibits you from discussing/counseling abortion as an option. Your professional code of ethics requires you to discuss all possible options a client may have available. What do you do?



## Vignettes – Clients Right to Self-Determination

- You are asked to complete a risk evaluation on an individual. The person you're evaluating reports that they have been diagnosed with a terminal illness and are refusing treatment that could prolong life. The medical staff believes the individual is at a high risk because this decision and are requesting you to do something about it. What do you do?

# Calvin and Hobbes



## Ethical Decision Making – Remember

- Codes are not intended to be a blueprint that removes all need for the use of judgment and ethical reasoning (Welfel & Lipsitz, 1984)
- Formal ethical principles can never be substituted for an active, deliberative, and creative approach to meeting ethical responsibilities (Corey, Corey, & Callanan, 1991)
- Keith-Spiegel & Koocher (1985) suggest that a final ethical judgment depends on the therapist's individual bias, experience, orientation with the discipline, personality, and personal values.