Objectives

What are the Advantages of codes?
Why are Codes imperfect guidelines for our conduct?
When do codes apply?
What are differences/similarities with Ethics and the law?
What do you do when laws and ethics conflict?
What are the decision making model steps?
Ethics
A system of principles of conduct that guides the behavior of an individual

First basically a concern for
a) character of the individual
b) character of the general society
c) an understanding of social rules that govern and limit our behavior

Developed by a Profession
What is a profession?

• provides important and unique services to society that requires intellectual knowledge and skill

• fundamental commitment to service clients

• promotes a wide range of autonomy for the occupation as a group and as a practitioner

• has a comprehensive self-governing organization that establishes competency standards and ethics and guidelines for providing services to the public

Applied Professional Ethics
Goal of Applied Professional Ethics

- provides general principles and basic decision guidelines which minimal standards are to cover most situations encountered by psychologists.

- protects those with whom psychologists work and minimizes damage.

- educates professions how to conduct themselves and to act in ways that promote public confident in the profession.

- helps us use the power inherent in our role responsibly.

- demonstrates the seriousness we take our responsibility.
Ethical Codes verses Actual Ethical Conduct
If we have these codes why are there complaints files and lawsuits?

Two reasons why:

1. Ethic Codes are Imperfect
2. Due to dramatic moral value differences between psychologists

Additional consideration for why ethic may fail (Donald Bersoff)

Hollow symbols of our profession?
Too vague to be meaningless?
Courts are less tolerant of claims to autonomy and less willing to accept self-regulations by professional?
Changes in practice too fast that current codes may not address issue?
Ethical Codes versus Actual Ethical Conduct

1. Why are Codes imperfect guidelines for our conduct?

   Based on broad, abstract moral principle with few specifics
   Hence, vague and ambiguous

   Often competing principles given a ethical situation

   Often conflicts with federal and state law

   Frequently fail to address new and emerging ethical issues

2. Due to a differences in morals and values
Hence, ethical training to increase competencies

**class goals**

- become familiar with proper professional conduct and standards that guide our behavior when professional problems arise

- become aware that our actions have ethical consequences that can potentially harm as well as help others.

- learn to make reflective ethical choices rather than spontaneous decisions based on emotions, beliefs, attitudes, judgments.

- develop ethical reasoning skills to critically evaluate ethical and legal issues.

- learn potential consequences for unethical conduct and complaints as well as how to respond to unethical behaviors of fellow colleagues.
When do codes apply?

APA:

Ethics Code applies only to psychologists' work-related activities clinical or counseling practice of psychology, research, teaching, supervision of trainees, development of assessment instruments, conducting assessments, educational counseling, organizational consulting, social intervention, administration, and other activities as well.
What are differences/similarities with Ethics and the law?

Many the same but ethic codes cover a wider range of behaviors.

Laws deal with defined do’s and don’ts procedural resolutions while ethics written to inspire reflective conscience concern for the welfare of their client.

Laws may not be sufficient to meet needs of children.

Ethics have power only for those in their associations and most severe is expulsion from membership.

Law over ethics in court.
What do you do when laws and ethics conflict?
When “just following orders” are you sacrificing client welfare?

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority
If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.

1.03 Conflicts Between Ethics and Organizational Demands
If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.
More specifically….

In making decisions, must consider Ethics Code + laws.

If Ethics Code establishes a higher standard of conduct than law, psychologists must meet the higher ethical standard.

If the Ethics Code standard appears to conflict with law, then known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.

This is when you need a decision making model to follow
When laws and ethics conflict: Research

Survey on what laws broken in light of client’s welfare?
6% dual relationship
6% refusing to make legally mandated warning regarding dangerous clients
21% illegally divulging confidential information
21% refusing to report child abuse (others found 37% and 60%)

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<th>Why not for child abuse?</th>
<th>Is this a problem?</th>
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<td>22% concern over therapy disruption</td>
<td>Illegal</td>
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<td>39% level of evidence</td>
<td>Reduces public trust in psychologist</td>
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<td>18% lack of confidence in occurrence</td>
<td>Diminishes child rights to an investigation and potential prosecution of the perpetrator</td>
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Common problems working in schools:

value conflicts
confidentiality
labeling and categorizing
Influencing clients
institutional pressures
Who is the client?
Child verses children benefit
Ethics and law conflicts
Time
Common actions taken:

Tempted to seek and provide quick and easy answers

Avoidance of ethical reasoning
   *I’m doing my job*
   *I’ll just ask my supervisor*
   *My gut tells me what to do*

Intuitive verses Critical ethical judgements
Fortunately, a number of value-based guidelines are available to assist us in recognizing the complexity of the issues. There are also appropriate decision-making models available that can be of assistance. With sufficient practice, these decision-making processes can become "second nature".

Ethical Decision Making Models
So how do we make decisions?

Adapt a ethical decision making model using resources

• Research shows that few psychologist generally agree upon choice of action, experienced or inexperienced

• But ok since given the nature of moral reasoning (i.e., emotional with a cognitive thinking process), different people will get divergent alternatives

• Also shown to be influenced by personal values and practical considerations

using a decision making model + knowing ethic codes = effective decision makers
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<td>STEP 3e</td>
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<td>If needed search out relevant ethics literature</td>
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<td>Deliberate and decide on plan</td>
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<td>STEP 5</td>
<td>Inform supervisor, implement and document actions</td>
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<td>STEP 6</td>
<td>Reflect on the experience</td>
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STEP 1 | Develop ethical sensitivity and define ethical issue

Know codes and updates
Need to heighten your awareness on all cases
Use “Gut” principles”

“GUT PRINCIPLES” (Pope’s 7 principles across all ethics codes)

1. Do not harm
2. Do not exploit
3. Do practice with social equity and justice
4. Do treat people with dignity
5. Practice only with competence or supervision
6. Protect confidentiality
7. Act, except in extreme cases, only after obtaining informed consent

If you get a “gut” feeling that one or more of these applies to you, you can be fairly certain that you have an ethical dilemma.
STEP 2  Generate alternative courses of action

There are always at least two often representing the extremes. Nothing is ever either black or white, and this forces you to think in terms of compromise.
STEP 3  Evaluate alternatives by first…..

STEP 3a  Consider ethical codes

Consult guidelines that might apply to the resolution

- Standard is clear, provides useful guidelines
- Unclear, little guidance
- Standard is clear, but action is “wrong

STEP 3b  Examine relevant laws
STEP 3c  Consider ethical conflicts

Examine how the following influence decision:
Common sense or personal “Reality”
Values
External conflicts (supervisors, agency, society)

Consider how to minimize conflicts
STEP 3d | Evaluate applying ethical principles to situation

*If you have reached this point there will be no easy solutions.*

Ethical principles: Guide towards the highest ideals in psychology since more enforceable codes are not exhaustive

*(cases in Timms ch 1)*

- **DO NO HARM**
- **DO GOOD**
- **BE LOYAL AND RESPONSIBLE WITH CLIENT (FIDELITY)**
- **ACT FAIRLY and EQUITABLY (JUSTICE)**
- **MAINTAIN INTEGRITY**
- **RESPECT RIGHTS AND DIGNITY**
- **RESPECT CLIENT AUTONOMY**
APA’s principles:

**PRINCIPLE A: BENEFICENCE AND NONMALEFICENCE**

strive to benefit those with whom they work

take care to do no harm.

seek to safeguard the welfare and rights of those working with

When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm.

alert to factors that might lead to misuse of their influence.

strive to be aware of the possible effect of their own physical and mental health on their ability to help
APA’s principles:

**PRINCIPLE B: FIDELITY AND RESPONSIBILITY**

establish relationships of trust with those with whom they work.

uphold professional standards of conduct

clarify their professional roles and obligations

accept appropriate responsibility for their behavior.

concerned about the ethical compliance of their colleagues' scientific and professional conduct.

strive to contribute a portion of their professional time for little or no compensation or personal advantage.
APA’s principles:

**PRINCIPLE C: INTEGRITY**

seek to promote accuracy, honesty, and truthfulness in their work

strive to keep their promises and to avoid unwise or unclear commitments.

**PRINCIPLE D: JUSTICE**

recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the services being conducted by psychologists.

exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.
APA’s principles:

PRINCIPLE E: RESPECT FOR PEOPLE’S RIGHTS AND DIGNITY

respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination.

aware that special safeguards may be necessary to protect the rights and welfare of persons whose vulnerabilities impair autonomous decision making.

aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status

try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.
Client Autonomy: individuals are free to direct course of their lives as long as choices do not interfere with autonomy of others and understand implications of choice

Considerations:

• individual differences
• competency
• right to privacy
• informed consent
STEP 3e | Consult with supervisor and respected colleagues

1. Doesn’t this break confidentiality?

   No
   Discuss in private manner
   Take steps not to identify client

2. Who to call?
   Supervisor, another professional,
   ethics committee, associations, relevant organization

3. What to say?
   Use questions in Welfel pg. 41
STEP 3f | If needed search out relevant ethics literature

Problem here is time/availability

Helps to ...

- continue education
- Reading of professional journals
- Attend conferences
- Keep updated references around
- Internet?
Enumerate the consequences of making each decision

_Short term, ongoing, and long term at the psychological, social and economic costs with a risk-benefit analysis._

For each alternative, ask the following questions:

- What are the best- and worse-case scenarios if you choose this alternative?
- Will anyone be harmed if this alternative is chosen, and how will they be harmed?
- Would honoring any ideal/value (personal, professional, religious, or other) call any alternative into question?
- Are there any rules or principles (legal, professional, organizational, or other) that automatically invalidate this alternative?
- To what degree is your choice of alternatives based on your own or your organization's best interests?
ELIMINATE if

- inconsistent with client’s and significant others’ values and beliefs
- inconsistent with relevant guidelines
- there are no resources or support
- don’t pass ethical principle tests
- Can’t predict a consequence

RANK AND SELECT
Inform supervisor, implement and **document** actions

**STEP 5**

*Willingness to do the right thing even though sometimes by sacrificing one’s self-interest to risk being different or a “pioneer” of sorts*

In courts, if it is not written, it did not happen
STEP 6  Reflect on the experience

Welfel’s questions on pg. 44
May want to document for future use and referral to your line of thinking
What are potential ethic traps?

1. The “common sense, objectivity” trap

*Very difficult to achieve real objectivity*
*Tend to steer towards what works for YOU to meet needs*
*Generalizing from own experience*
*My gut tells me what to do*
*What everyone is doing*
Values
Ethics extends values into sets of action guidelines

• Any believe, attitude that is chosen and acted upon consistently
• Our priority system used to decide on what is and is not important
• Influenced by culture and society and our interpretation

• Human services values:
  Acceptance   tolerance   individuality
  Self-determination  competence  respect
  confidentiality    client self-responsibility
  Genuineness       pragmatism
Paul comes to a counselor with many difficulties and anxieties, one of which is his antipathy toward interracial marriage. He expresses disappointment in his daughter and himself as a father because of her engagement to a man of another race. Paul has gone as far as threatening to write her out of his will if she marries this man. What this client does not know is that the therapist herself is a partner in an interracial marriage. The therapist discloses this fact and lets him know of her difficulties with what she perceives as his prejudices.

How do you react to the disclosure? Ethical issues?
What about the timing of the disclosure?
Would a referral be in order?
How would the value conflict effect outcomes of the professional relationship?
3. The “circumstantially” trap

belief that there are no right or wrong answers because always depends on circumstances

Nor necessarily true- ethics are direct in some cases
Based on years of problem solving
Consequence also plays a role

4. The “Who will benefit” trap

If a winner and a loser, tend to put client first
but may need to consider short and long term consequences along with society benefit