

Foundations of ETHICAL COUNSELING

Donald Biggs
Donald Blocher



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*with a Contribution by
Garth Sorenson and Lisa V. Kassoy*



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Foundations of Ethical Counseling

Donald A. Biggs, Ed.D., is Professor of Counseling Psychology and Student Development at the State University of New York at Albany. He received his doctoral degree from the University of California at Los Angeles. Dr. Biggs was formerly Professor of Educational Psychology and Assistant to the Vice President for Student Affairs at the University of Minnesota. He has also served as Fulbright Visiting Professor at the University of Aston, Birmingham, England. Dr. Biggs has authored or co-authored a number of articles, chapters, and books.

Donald H. Blocher, Ph.D., is Professor of Counseling Psychology at the State University of New York at Albany. He has held professorships at the University of Minnesota and the University of Western Ontario, and has been visiting professor at Utah State University, the University of Colorado, the University of British Columbia, and the University of Keele in the United Kingdom. He received his doctoral degree from the University of Minnesota. Dr. Blocher is past president of the Division of Counseling Psychology of the American Psychological Association. He has authored or co-authored several books, including *Developmental Counseling*. He is also the author of numerous journal articles and is a Fellow of the American Psychological Association.

Preface

This book deals with thinking and acting in the face of ethical problems and dilemmas. It examines the process of ethical growth and development. This process is an essential part of the preparation of every professional counselor.

This is a process that is not limited merely to reading textbooks, learning about ethical codes, or taking formal courses. Rather, ethical development is a deeply personal and totally involving process of confronting one's own values, commitments, and ways of thinking and feeling.

We, the authors, sincerely hope that this book will help to set in motion a set of ideas, values, and commitments that will start the reader on an exciting path of self-discovery and cognitive growth that can continue throughout a professional career.

To ensure that this growth pattern continues throughout the entire period of professional preparation and beyond, we urge readers to form "ethical development groups" in order to share the ethical challenges and confrontations that are found in practice, internships, and other preparation experiences.

To the extent that counselors are able to share perspectives, commitments, and values in a genuinely open and supportive way they are able to help each other grow and advance professionally and personally.

We see ethical counseling as a function of the clinician's quality of thinking and judging. Such thinking reflects an understanding of ethical codes, an examination of one's values, a consideration of one's philosophical beliefs, and most important, a willingness to explore and examine one's own cognitive processes.

We believe that the most important concept with which to begin the journey into ethical development is the notion of the dialectic, or constant interchange of ideas, perspectives, and values. The path of ethical development is not a quest for certainty but a road that leads

to greater and greater appreciation of the complexity and diversity of human thinking and action.

When starting down the path, we encourage you to reflect on Nevitt Sanford's (1964) sage advice about the appropriate goals for higher education as you read this text:

Higher education may be assigned other goals besides that of individual development, and it is possible to debate the relative importance of these goals. I put individual development first because in my view it is the most important goal in its own right. If you were to say it is more important that the individual be adjusted to his society, I would reply that it is more important that he be able to transcend and help to transform society. But I also argue that individual development should have first attention because it is favorable to the achievement of all other legitimate goals. Is it our aim to preserve culture? This can best be done by individuals who have been developed to a point where they can appreciate it. Do we wish to create culture? This is mainly done by highly developed individuals, although there are some important exceptions. Is it our desire to train people for vocations that require technical skills? If this can be done at all in college, it is through the development of qualities that are valuable in a great variety of jobs. Preparation for a high-level profession? Good performance in any profession depends heavily on qualities found only in highly developed individuals. Ask professors of engineering to characterize a good engineer, and they will list such qualities as leadership, capacity to make wise decisions, flexibility of thinking and so on. They ask how such characteristics are to be produced, and, receiving no answer, they go back to teaching mechanics and thermodynamics. (pp. 288–289)

This book focuses on the role of cognition in ethical counseling. Our approach is to encourage readers to examine the cognitive factors that can influence ethical counseling. The first section of this book primarily describes the cognitive components in the first two psychological processes in ethical counseling: (a) the interpretation and identification of ethical issues, and (b) the moral/ethical judgment process. In discussing the cognitive foundations of ethical counseling, we make a distinction between the cognitive content components in thinking, such as beliefs, and the cognitive structural components of thinking, such as "rules for thinking." Cognitive content variables represent the counselor's beliefs about professional ethics, such as knowledge of professional codes and standards, knowledge about various philosophical arguments for and against specific ethical criteria, and content of the counselor's values.

The second section of the book is entitled "Ethical Counseling: Professional Issues" and includes Chapter 5, which considers the ethical issues in clinical practice, and Chapter 6, which deals with ethical issues in assessment and research. The final section of the book is entitled "Cases in Ethical Counseling" and describes an approach to case analysis as well as a number of cases involving dilemmas in ethical counseling.

Over the years, counseling psychologists and counselors have grappled with questions regarding their professional identities. For a time, some of us even used the terms *counselor* and *counseling psychologist* interchangeably. However, with the growth of licensure and accreditation in psychology, there are increasing attempts to differentiate clearly the professional roles of counselors and counseling psychologists. Some of this activity has been helpful and has probably improved the quality of counseling services to clients. Still, the movement of counseling psychology away from the "Brethren in Counseling" and closer to the "Brethren in Psychology" sometimes appears to smack of elitism and discrimination. Counselors and counseling psychologists share a common heritage, and even today their roles in many agencies overlap. Thus, in this book we will refer to both counseling psychologists and counselors in discussing ethical counseling because we assume they share many common professional concerns, not because we necessarily consider them to play the same professional roles in all settings.

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I

Cognitive Foundations of Ethical Counseling

The ultimate test of ethical prescriptions is not, however, conducted in the court of experience (even utilitarians think otherwise). Had Hitler's genocidal program been totally successful it would not thereby come to be judged as right. Nor would it have been right had all surviving non-Jews become somehow happier, or even if the victims had volunteered to be executed so that survivors would be happier. The ultimate test of ethical prescriptions is, alas, propositional, not empirical. The major premises of a moral argument are always subject to debate, which is why the discipline of moral philosophy is still alive. But once a given premise is granted (e.g., it is never right to take the life of an innocent, nonthreatening person), the balance of the argument unfolds with the certainty of a syllogism—because it is a syllogism. We need only supply the fact that Smith or Jones is, in fact, a nonthreatening and innocent person in order to conclude that *necessarily* it is not right to kill him.

—D. N. Robinson, *Ethics and Advocacy*

Chapter One

Introduction and Overview

ETHICS AND THE PROFESSIONAL ROLE

Ethical principles and ethical problems are an inevitable part of the professional life of counselors and counseling psychologists. They arise from the very nature of a profession itself. The term *professional* is hard to define. Definitions can be framed around criteria such as the number of years of preparation required, whether or not the professional engages in private or institutional practice, whether or not the profession is represented by formal groups or associations, and other similarly superficial considerations.

Professions arise out of a *public trust*. This trust defines the profession and permits the members of the professional group to function in professional ways. The public trust that creates and sustains any profession stems from three sets of beliefs that are widely held about the profession and its members.

Competence

Public trust begins with a perception of competence. Professionals are seen to have special expertise and competence not readily found in the general public. This competence is usually seen to arise out of specialized education and requirements for high levels of general and special abilities in order to complete that education. Usually,

competence is formally attested to by both completion of formal preparation and by passing special examinations before entering professional practice. In some situations professionals may have to demonstrate continuing competence through periodic reexamination, continuing professional education, or other means.

Maintenance of Standards

The second perception that sustains public trust in a professional group is the belief that such groups both regulate themselves and are further regulated by society in the public interest. An important part of this perception is a faith in the codification of professional behavior. By codification of behavior we mean the existence of fairly clear and public standards and principles governing the professional's behavior. Members of the public can expect these standards to be observed and enforced. Further, it is expected that these standards and principles are clearly designed to protect the *public welfare*, not simply to enrich or enhance the professionals themselves.

Another aspect of this perception is the belief that members of the profession will organize and work to uphold prescribed standards of professional conduct. In other words, it is the belief that professionals will accept responsibility for policing themselves. An important characteristic of any profession is that it has two major mechanisms of self-regulation: the first is its self-generated code of ethics, and the second is its standards of practice (Jacobs, 1976).

Altruistic Values

The final perception from which a public trust is given is that members of a profession are motivated to serve the people with whom they work. This belief is perhaps the most fragile of the public perceptions on which trust is given. It is the faith that the professional is committed to values that transcend his or her own personal or monetary interests and that professional behavior will be guided by such values. These perceptions will be discussed in Chapter 5.

Ethical questions are rooted in the public trust that defines any profession, and that is the major reason that they are of central concern to *all* of the members of a professional group. Whenever the perceptions of the public are changed by the unethical, unprofessional, or irresponsible behavior of a member of the profes-

sion, all other members are harmed, and indeed their ability to function in professional ways is diminished or impaired.

Professionals who deliver counseling services must be especially concerned with ethical problems because their clients are often very vulnerable to manipulation and exploitation. Clients disclose very intimate issues in their lives and should be assured that such risk-taking will be respected and dealt with in a professional manner. We believe that ethical counseling should involve an awareness of and a commitment to maintain this important responsibility to protect client trust. The ethical counselor must be keenly aware of the possible impact of his or her actions on a client's present and future status and must be able to make complex moral/ethical judgments. Welfel and Lipsitz (1984), in a review of research about ethical behavior of psychologists, identified incidences of unethical behavior and practitioner characteristics associated with unethical behavior. They found that in general 5% to 10% of practitioners appear fairly insensitive to the ethical aspects of their work. However, they warn that the literature probably underrepresents the extent of the problem. We think that professionals who deliver counseling services need to be better prepared to analyze and make ethical judgments about the complex issues and dilemmas that will confront them in their professional lives.

PROFESSIONAL CODES OF ETHICAL STANDARDS

Two major professional organizations that affect counselors and counseling psychologists are the American Psychological Association (APA), in particular Division 17 (Counseling Psychology), and the American Association for Counseling and Human Development (AACD), formerly the American Personnel and Guidance Association. Both of these organizations have developed fairly elaborate ethical codes that they use as self-regulatory mechanisms. The value of these codes is that they can protect a profession from government interference, prevent internal disagreements within a profession, and protect practitioners in cases of alleged malpractice (Van Hoose & Kottler, 1985).

These professional codes of ethics are important knowledge variables and can influence the ethical judgments of counselors. The codes provide guidance regarding the ethical parameters of the profession.

APA ETHICS AND STANDARDS

The APA began largely as a scientific society focusing heavily on the advancement of psychology as a scientific discipline. After World War II the APA expanded its concerns to include the professional applications of psychology. Its more than 40 divisions now represent psychologists with very wide-ranging interests. The Division of Counseling Psychology represents counseling psychologists in a variety of professional matters. All members of the APA are bound by its ethical code.

The APA developed a comprehensive code of ethics in 1953. In 1959, they derived from the original code a set of 19 general principles that were adopted as the APA code in 1962. A revised code was adopted in 1979 that distilled these to nine principles.

The current ethical code of the APA, adopted in 1981, is the "Ethical Principles of Psychologists." The new statement included a tenth principle entitled "Care and Use of Animals" (the 1981 code can be found in Appendix A).

The 1981 ethical code involves the following ten principles:

1. Psychologists should maintain the highest standards of their profession, accept responsibility for the consequences of their acts, and ensure that their services are used appropriately.

2. Psychologists should provide only those services and use only those techniques for which they are qualified by training and experience.

3. Psychologists should be sensitive to the prevailing community standards, the possible impact of their public behavior on the quality of their performance as psychologists, and the impact such public behavior may have on their professional colleagues.

4. Psychologists should represent accurately and objectively their professional qualifications, affiliations, and functions as well as those of the institution with which they or their statements may be associated.

5. The fifth principle deals with the need to protect the confidentiality of information obtained from persons during the course of psychological treatment. This principle states that psychologists can reveal information obtained from a client only in cases where there is clear danger to the person or to others.

6. Psychologists should fully inform consumers as to the purpose and nature of an evaluation, treatment, or educational and training procedure, and they freely acknowledge that clients, students, or

participants in research have freedom of choice with regard to participation. Psychologists are neither to give nor to receive remuneration for referring clients for professional services.

7. Psychologists should understand and respect the areas of competence of related professions. For instance, psychologists do not directly offer their services to persons receiving similar services from another professional. Psychologists do not condone or engage in sexual harassment. Psychologists are cautioned about obtaining authorizations for doing research and assigning publication credit in proportion to professional contributions. Finally, a psychologist is to take responsible action if aware of any ethical violations by another psychologist.

8. In the development, publication, and utilization of psychological assessment techniques, psychologists should make every effort to promote the welfare and best interests of the client. They respect the client's right to know the results, interpretations, and bases for any conclusions.

9. Psychologists have the responsibility to make a careful evaluation of any research they undertake. The investigator must respect the individual's freedom to decline to participate in or to withdraw from a research project at any time. Except in minimal-risk research, the investigator should establish a clear and fair agreement with research subjects, prior to their participation, that clarifies the obligations and responsibilities of each.

10. Investigators will ensure the welfare of animals and treat them humanely. They are to make every effort to minimize the discomfort, illness, and pain of animals.

We will elaborate further on several of these principles in Chapter 5.

PROFESSIONAL STANDARDS FOR PROVIDERS OF PSYCHOLOGICAL SERVICES

In 1974, the APA first issued a policy statement entitled "Standards for Providers of Psychological Services." These standards give specific content to the profession's concept of ethical practice.

In 1977, the Standards were revised, and these represent the present standards for delivery of psychological services (the statement of these Standards can be found in Appendix B). The original Statement as well as the 1977 Statement reflect the following assumptions: