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Addressing Ethical Dilemmas in Doctoral-Level Counselor Education Supervision Programs

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Abstract

This paper examines the nature of ethics and the processes involved in ethical decision making. The ethical decision-making model created by Corey, Corey, and Callanan is applied to multiple ethical dilemmas present in a fictional case example. Principles of the ethical-decision making model are applied to matters of counselor aggression, the breach of confidential information, counselor role transitions, mishandling of supervisee training by counseling faculty, and provision of counseling by a counselor educator to a student. A brief summary recounts the complexity and reasoning involved in deconstructing the case example's ethical dilemmas.

Keywords: ethics, supervision, consultation, self-report

The Merriam-Webster online dictionary (Ethic, n.d.) defines the word “ethics” in the following manner: “an area of study that deals with ideas about what is good and bad behavior: a branch of philosophy dealing with what is morally right or wrong.” Despite the stark and dichotomous verbiage of this definition, real-world ethical decision making can be complex, fraught with delicate considerations, and comprised of contradictory imperatives (Guterman & Rudes, 2007; Levitt, Farry, & Mazzearella, 2015). Generations of scholars, philosophers, and lawmakers have endeavored to create codes and models for guiding humanity through ethical dilemmas (e.g., Levitt et al., 2015; Ponton & Duba, 2009). While the process of ethical decision making can be strenuous, the combined usage of ethical standards, ethical decision-making models, and measured reasoning can help to make multifarious dilemmas both sensible and soluble (e.g., D. Foster & Black, 2007; Guterman & Rudes, 2007; Hill, 2004; Levitt et al., 2015).

Selection of an Ethical Decision-Making Model

The American Counseling Association (ACA) has allowed its code of ethics to evolve by continually reexamining and revising its core tenets; this flexibility has provided a practical, comprehensive framework that is responsive to critique and honors social complexity (Kaplan et al., 2009). The need for flexible guidelines that are reflective of social complexity is apparent in the contest case example (see Appendix A).

Fredericka, Richard, Richard’s girlfriend, Richard’s instructors, and the staff at Richard’s counseling agency sit in a nexus of potentially harmful behaviors that could have long-lasting consequences for any and all involved. In order to best meet the multifaceted needs of the given scenario, the Doctoral Ethics Team has utilized the ethical decision-making model set forth by Corey, Corey, and Callanan (2011). The steps of the Corey, Corey, and Callanan model are as follows: 1) identify the problem, 2) identify the potential issues involved, 3) review the relevant ethics codes, 4) know the applicable laws and regulations, 5) obtain Consultation, 6) consider possible and probable courses of action, 7) enumerate the consequences of various decisions, and 8) choose what appears to be the best course of action. The Ethics Team will apply these steps to the following ethical issues present in the case example:

- The question as to whether or not Richard’s aggression generates the possibility of foreseeable harm to his clients or others.
- The question as to whether or not Richard’s counseling agency was justified in revealing privileged information to Fredericka without Richard’s consent, and whether or not Fredericka properly managed her role transition from a consultant to Richard’s counselor to Richard’s supervisor.
- The question as to whether or not Richard’s counseling professors are mismanaging his education by intentionally withholding feedback in the hopes of assuring his academic hardship and thereby his expulsion from the university
- The question as to whether or not Richard’s professor is justified in offering couple’s counseling to Richard and his girlfriend.

The Ethics Team chose the Corey, Corey, and Callanan model for two primary reasons. First, the model is more extensive and comprehensive than some alternatives; second, it places a premium on methodical and measured reasoning (Sheperis, Henning, & Kocet, 2007). These elements make the model an optimal fit for the current case example, which is entangled in multiple value and behavioral conflicts. Rationale behind this assertion was inspired by Hill (2004), who stated the following:

When professional counselors refer to ethics, it is my view that it is often not clear whether they are referring to codes of ethics, moral values, legal limitations on behavior, community standards, or to some general sense of the term that is meant to encompass any one or all of these. (p. 186)

Selection of the Corey, Corey, and Callanan model addresses the relevance of Hill's concerns to the case example. Utilizing a model that examines all of these related factors separately and methodically decreases the likelihood of committing errors by omission or through misunderstanding. With its ability to enumerate the related factors and potential consequences of many potential solutions, the Corey, Corey, and Callanan model provides an inclusive framework for processing complex and multifaceted dilemmas (Sheperis et al., 2007).

Application of the Ethical Decision-Making Model to Case Example

The Corey, Corey, and Callanan model will be applied to multiple dilemmas that have been identified in the case example. The individuals involved in the case example include Fredericka, Richard, Richard's counseling instructors, staff members at the counseling agency where Richard receives services, Richard's fiancée, and (indirectly) Richard's clients. In the case example (see Appendix A), Fredericka is supervising Richard, who is receiving counseling services through Fredericka's former place of employment. Fredericka has consulted with her former agency about his progress; they in turn have informed her that Richard is behaving in a violent and impulsive manner. Fredericka then learns that faculty members are intentionally withholding feedback from Richard due to his belligerence in class; furthermore, they are hoping to secure his ejection from the university. Finally, Fredericka learns that a sympathetic faculty member has offered to counsel Richard and his fiancée on an informal basis.

This section will apply the Corey, Corey, and Callanan model to the following dilemmas related to the case example: a) Richard's aggression and its potential for harm, b) the counseling agency's disclosure of privileged information coupled with Richard and Fredericka's role transition, c) the mismanagement of Richard's remediation by the counseling faculty, and d) the dual relationship between Richard and his professor. For each dilemma, the decision-making process will be organized under two general subheadings: Planning, which subsumes the research and exploratory phase of the Corey, Corey, and Callanan (2011) model (steps 1–5), and Execution, which subsumes the identification and implementation of potential solutions (steps 6–8).

Richard's Aggression

Planning. If Richard remains violent and aggressive, he might present a serious risk to the welfare of his clients, his instructors, his peers, and his fiancée. Issues related

to this problem include the welfare of these individuals and the chance that any poorly executed intervention might exacerbate the chances of Richard harming any of them.

Multiple ethical codes reveal Fredericka and her colleagues' strong obligation to prevent Richard's clients from harm. These mandates include the *ACA Code of Ethics* (2014), which states that counselor educators must view the welfare of their supervisees' clients as a "primary obligation" (Standard F.1.a). Additionally, counselors are ethically required to terminate and transfer services if their performance is potentially harmful to clients (ACA, 2014, Standards A.11.a and A.11.c). Supervisees are also required to monitor themselves for potential signs of impairment and to let supervisors know if their impairment might lead to client harm (ACA, 2014, Standard F.5.b). Thus, if Richard's ongoing violent outbursts could lead to client harm, his supervisor is responsible for taking action if he is unwilling to do so.

The idea that any potentially injurious behavior in supervisees must be intercepted is further fortified by the Association for Counselor Education and Supervision's (ACES) *Best Practices in Clinical Supervision* (2010) guidelines, which maintain that supervisors are required to protect their supervisees' clients from harm and uphold client welfare (Standards 7.A.ix and 7.C). Fredericka and her colleagues must take responsibility for ensuring that Richard's behavior is fairly and transparently evaluated for risk of violence against clients; furthermore, remedial options should be put in place to rectify his behavior (ACA, 2014, Standards F.6.a and F.6.b). Care must be taken in order to ensure knowledge of the state laws regarding any potential course of action; for instance, the state of Virginia dictates that mental health professionals have a duty to protect third parties only in instances in which clear and specific threats have been made to identifiable persons (Mental Health Service Providers; Duty to Protect Third Parties; Immunity, 1994). In such an instance, ACA's (2014) admonition for counselors to "make known their commitment to the *ACA Code of Ethics*" should apply if Fredericka feels that the threat of harm to one of Richard's clients supersedes legal limitations (Standard I.1.c).

As multiple members of Richard's counseling faculty have made coordinated attempts to sabotage his education, the prospect of informal resolution amongst the faculty is tenuous (ACA, 2014, Standard D.1.d). If the issue of violence is brought to certain faculty members, it could be used as ammunition to assure Richard's dismissal from the program, potentially resulting in legal consequences given the faculty's negligence in Richard's education (V. A. Foster & McAdams, 2009). Fredericka could seek informal resolution from a senior faculty member, but due to the aforementioned issues, she should also seek assistance from ACA's Director of Ethics (ACA, 2014, Standards I.2.b and I.2.c).

Execution. As Richard has already given an account which is not congruent with reports from his counseling agency or his counseling faculty, further informal confrontation on an individual level would not yield positive results (in fact, such a course might put Fredericka at risk for harm if Richard feels angered or threatened). Richard's continued acts of violence illustrate a serious and foreseeable risk of client harm, and the *ACA Code of Ethics* suggests that action should be taken to prevent Richard from continuing to see clients in his current condition (ACA, 2014, Standards F.1.a and F.5.a). Fredericka should seek supervision from the ACA Director of Ethics before implementing an interception plan. Again, as the counseling faculty has committed multiple and coordinated attempts to sabotage Richard's education, Standard

I.2.a. (ACA, 2014), regarding informal resolution, is problematic in this situation. A brief review of the literature suggests that Fredericka should document her series of consultations and her decision-making process as a protective measure against potential legal action (V. A. Foster & McAdams, 2009; Mitchell, 2007).

If a plan is crafted to confront Richard as a result of Fredericka's consultation, representatives of the university should be present in order to ensure Fredericka's safety. Care must also be taken in maintaining the welfare of Richard's fiancée. As she is not a client and presumably not a minor, disabled, or a senior, options for ensuring her safety will be limited and contingent on state law. At the very least, however, Fredericka should be mindful of how any potential course of action might lead to Richard's fiancée being at risk of harm.

Fredericka's Role Transition and the Disclosure of Privileged Information

Planning. Fredericka recognized Richard as a client of her former place of employment and contacted that agency to gain insight into his treatment progress. Because she no longer works for the agency, she should not have access to that information (ACA, 2014, Standard B.1.c). As a counselor and counselor educator, Fredericka should be aware of the confidentiality requirements and the exceptions to confidentiality. In making a phone call to the agency without having Richard sign a consent to exchange confidential information, Fredericka placed herself in questionable ethical territory. Ultimately, the burden of confidentiality is on the counseling agency because they are responsible for providing Richard with counseling services. When they received the phone call from Fredericka, they neglected the *ACA Code of Ethics* requirement to request a release of information form before they divulged confidential information to Fredericka (ACA, 2014, Standard A.3).

Several ethical codes outline the requirement of client consent in order to exchange confidential information. The *ACA Code of Ethics* (2014) indicates that when a counselor changes roles with a client, they must obtain informed consent from that client (Standard A.6.d). The National Board for Certified Counselors (NBCC) *Code of Ethics* (2012) has a similar standard dissuading National Certified Counselors from engaging in multiple relationships with clients; furthermore, these standards state that in certain situations where multiple relationships are unavoidable, breaching the issue with the client is necessary. In Fredericka's case, she transitioned from the role of a consultant on Richard's case to his instructor and supervisor. Fredericka should have scheduled a meeting with Richard to discuss this transition and draw up an informed consent detailing the expectations and consequences of this role transition (ACA, 2014, Standard A.6.d). Furthermore, *ACES Best Practices in Clinical Supervision* Section 7.3.i discourages supervisors from engaging in multiple relationships with supervisees. Therefore, Fredericka might should not have made a phone call to her former place of employment. The phone call caused her to engage with Richard in a role other than his instructor and supervisor. *ACES* further outlines that a supervisor must discuss the limits of discussing personal issues in supervision with supervisees (*ACES*, Standard 7 D. iii.). During her meeting with Richard, Fredericka could have addressed Richard's treatment progress with him directly. He could have provided her with an update and she could have gotten his permission to contact his counselor to gather additional information as it relates to his treatment progress.

Exceptions to the previous mandates might be applicable to the situation. As Richard was mandated to counseling for violent behavior, there might have been exceptions to the confidential nature of his case. If the counseling agency has informed him of this fact, all parties involved in the disclosure may be absolved from liability (ACA, 2014, A.2.e). Additionally, Kaplan et al. (2009) have discussed the evolving language of the ACA ethical codes concerning exceptions to confidentiality. Previous ACA codes dictated that confidentiality could only be breached in instances of “clear and imminent danger” (Kaplan et al., 2009, p. 241). The contemporary code, however, allows limits to confidentiality in the case of “serious and foreseeable harm” (ACA, 2014, Standard B.2.a). Kaplan et al. (2009) have explained that the transition in language occurred in order to accommodate a broader but sensible category of conditions that might require immediate remediation. Richard’s ongoing violent behavior could foreseeably cause serious harm to a client, and the fact that he is behaving belligerently in a multitude of settings further fortifies this point. Fredericka, however, would be well advised to document her decision-making process in order to justify her decision as a counselor educator and supervisor (V. A. Foster & McAdams, 2009).

Execution. The first step in resolving this ethical dilemma would be to consult with other counselors to determine the seriousness of this violation (ACA, 2014, Standard I.2.c). Fredericka should seek supervision to ascertain whether her behavior violated ethical codes and perhaps develop a plan that would increase her awareness, knowledge, and practice of the *ACA Code of Ethics*. Furthermore, Fredericka should give the director of Richard’s counseling agency the option to report the breach of confidentiality to ensure that the employees of that agency are adhering to ethical practice (ACA, 2014, Standard I.2.a). If the director of the agency chooses not to self-report, Fredericka should report the breach of confidentiality herself. Furthermore, as competing values are at play and adherence to some codes is already in question, it is recommended that Fredericka consult with the ACA Director of Ethics in order to self-report the violation of confidentiality and her rationale for doing so. Fredericka should take whatever course of action the Director recommends regarding the release of confidential information.

The Offer of Counseling Services From a Faculty Member

Planning. At first, the offer from a faculty member to provide counseling seems beneficial, possibly even magnanimous. The benevolent faculty member may understand that Richard requires some extra assistance to facilitate professional growth. The faculty member may also desire to help Richard, knowing that he is struggling with personal difficulties. Unfortunately, potential benefits that may come from this benevolent gesture will likely be outweighed by the problems brought on by a dual-relationship. If Richard’s professor moves forward with his offer to counsel Richard, he will likely find himself in treacherous ethical waters.

Ethical codes clearly outline certain mandates for supervisors and counselor educators. The *ACA Code of Ethics* (2014) states that counselor educators should not provide counseling services to students currently enrolled in a counseling or related program over whom they have power and authority (Standard F.10.e). Ethics codes illustrate the potential pitfalls of a counselor educator taking on an enrolled student, or even a former student as a client (ACA, 2014, Standard A.6.a). The dual role may generate confusion regarding the counseling process. If Richard fails to understand the

implications of what he shares in session, he may harm his standing in the program by revealing a damaging piece of information to his professor/counselor. Adequate documentation may be of concern as the professor's informal counseling may lack adherence to documentation standards that appeal to local and national requirements (ACA, 2014, Standard A.1.b). Lack of proper documentation may also lead to failure to protect Richard's personal information. Exploitation may also be an issue as the professor's alliances are divided. Although the professor may "like" Richard, ultimately the professor will be in a position where academic requirements may influence the clinical process. For instance, the professor may intentionally push values and beliefs on Richard as a means of facilitating a particular professional outcome, rather than giving due consideration to Richard's needs as a client.

Ultimately, the dual role of the professor prevents adequate mental health care. This arrangement not only fails to meet Richard's needs, it could also make some of the professor's essential duties impossible to perform. This notion is in line with ACES *Best Practices in Clinical Supervision*, which cite the need for supervisors to avoid acting as a supervisee's counselor (Standard 11.b.iv). Consultation may benefit the situation, allowing for a review of relevant ethical codes before the professor engages in counseling. Consultation would also expand the options for potential recommendations for Richard, as the faculty considers an ethically sound way to remediate the issues that affect his potential as a counselor.

Execution. A few options exist regarding Richard's potential usage of a faculty member as a counselor. The professor could act as Richard's counselor; however, a variety of ethical codes and best practices would be violated that would diminish the professor's ability to act as a professional guide. As she is aware of the counseling offer, Fredericka should confront the professor on the issue and provide clear ethical reasoning for the dangers of providing counseling. The benefit of Fredericka confronting the professor would be to facilitate the professor's understanding of ethical behavior and to prevent what could be a difficult situation for both Richard and the professor. Fredericka should act as the point person to confront the professor, providing adequate opportunity for the professor to "course correct" and avoid a precarious situation with a student. Fredericka should also seek consultation outside the university should the professor prove adamant in going forth with the counseling offer.

Faculty's Management of Richard's Case

Planning. The faculty has discontinued providing feedback to Richard due to his adverse responses to criticism in hopes that his inadequate academic performance will result in his elimination from the program. Counselor educators have a significant responsibility to ensure the welfare of clients through careful assessment and preparation of students. In the case of Richard, the faculty failed to establish and maintain a constructive relationship that supports his learning. The relationship between faculty and student is of vital importance. Counselor educators are tasked with the responsibility of cultivating a meaningful, guiding relationship with students and providing timely and accurate feedback in order to adequately prepare them for clinical practice (ACA, 2014, Standard F.9.a). Transparency is an important aspect of a beneficial training program. Students need to be provided with standards of ethical behavior and expectations for their development as counselors at the outset of their training (V. A. Foster & McAdams, 2009;

McAdams & Foster, 2007; McAdams, Foster, & Ward, 2007). Educators function in the capacity as role models that set examples of professional practice. The faculty in this case is not providing an effective model for professional practice, nor are they meeting the ethical obligation of gatekeeping.

The *ACA Code of Ethics* (2014) specifically addresses the importance of gatekeeping within the counseling profession. The provision of ongoing evaluation of students' performance and provision of remedial assistance as to address concerns is a fundamental component of counselor preparation (ACA, 2014, Standard F.6.b). In order to provide adequate evaluation and remediation, the faculty needs to have specific, well-defined standards in place by which to evaluate all students' performance. *ACA Code of Ethics* Standard F.9.a notes that program standards and expectations for professional and academic performance must be provided to students at the outset of the program and throughout training. Additionally, faculty should have a plan for continual, timely feedback with additional intervention when a problem arises. When students fail to meet the professional competencies established, a plan for remediation should be put in action. Standard F.8.d states that remediation may include the requirement that students resolve any personal matters that may limit professional competencies.

Execution. In order to address the lack of attention and intervention to Richard's case, the faculty needs to consult with each other to determine a course of action, including the continual evaluation and provision of feedback to Richard. Further, program standards need to include remediation steps to address any problems with Richard's style of receiving feedback. His "unpleasant" responses may be indicative of his ability to perform his duties as a counselor and must be evaluated and addressed appropriately. Consultation should include a thorough examination of policies in place at the university to determine if the current program meets ethical standards. After determination of current standards, faculty should examine Richard's professional performance, behavior, and ability to meet the requirements of the program. As a matter of providing transparency and relevant feedback, Richard's supervisor should meet with him to discuss professional standards, discuss his progress to date, and provide Richard with a plan for remediation. Remediation should include the requirement that Richard address personal concerns that interfere with his professional performance. Fredericka should make these concerns known to the faculty, but given the durable and coordinated attempts by multiple professors to sabotage Richard's progress (and the legal ramifications of these efforts), she should also consult with the ACA Director of Ethics (ACA, 2014, I.2.b).

Summary

A brief explication of the nature of ethical codes, the nature of ethical decision-making models, and the social complexity involved in their application was stated. The complex and at times contradictory dilemmas regarding the case example were examined; relevant factors included the matter of Richard's ongoing violence, the breaching of client confidentiality, the matter of role transitions, and the counseling faculty's ethical obligations to Richard in spite of his aggressive behavior. Recommendations were made to ensure the welfare of Richard's clients, the reporting of multiple questionable behaviors to figures both inside and outside the counseling faculty,

and the transparent and fair management of Richard's training as a counselor. While this case example was fictional, it was highly representative of the convoluted and tortuous web that ethical conundrums can weave around real-world counselors. Applying this ethical decision-making process to this fictional situation illustrates how the most complex and confounding situations can be brought to sensible and equitable conclusions.

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Appendix A

2015–2016 Graduate Student Ethics Competition Doctoral-Level Scenario

Fredericka Hall is a new professor in a counselor education program at a small university; she is teaching several courses as well as providing supervision to master's students enrolled in practicum. At the beginning of her first semester, she is introduced to Richard, a student in her practicum class; Fredericka immediately recognizes Richard as a client of an agency where she worked briefly the previous year. The agency provides counseling services to court-mandated clients charged with domestic abuse; Fredericka didn't serve as Richard's counselor, but she was familiar with his case as she participated in staff-wide case reviews on a weekly basis. She contacts a counselor associated with the program to inquire about Richard's progress and discovers that the agency staff is very concerned about Richard's ongoing belligerent behavior in individual and group sessions and tendency to react with physical violence when frustrated. Richard recognizes Fredericka as well and asks to speak to her privately at a nearby coffee shop after class; during that meeting, Richard assures Fredericka that he is doing well and that he recently proposed to his girlfriend, a classmate he's been dating for over a year. He expresses a sincere desire to complete his education and become a licensed counselor. Fredericka knows that Richard's upcoming practicum placement is at a family wellness center, and she decides that his issues render him an inappropriate candidate for such placement; therefore, she approaches the department chair about having him immediately reassigned. When conferring with her colleagues, Fredericka discovers that several instructors in the department have concerns about Richard's clinical skills as demonstrated during class exercises; they've decided to stop providing feedback due to his unpleasant response to criticism and are hoping that his low GPA will result in his being removed from the university. Without knowing that Richard is already engaged in counseling in an outside agency, a sympathetic professor in the department has offered to counsel him and his girlfriend on an informal basis.