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“Living the ACA Code of Ethics” Project: Integrating Ethics in Counselors’ Personal Lives

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Introduction

Ethics and the Counselor

Counseling is fraught with ethical dilemmas and the counselor’s ability to navigate successfully the inherent ethical issues depends on the counselor’s ethical decision making experiences in both their professional and personal lives. With an ethical dilemma, the counselor must weigh the inherent risks and benefits of multiple potential courses of action where clear consensus on the right path is often absent.

Neukrug, Milliken, and Walden's (2001) survey of ethical complaints against counselors received by state licensing boards found that inappropriate dual relationships (24%) and malpractice (17%) were the most common ethical complaints. Both of these common ethical complaints against counselors require counselors to manage professional ethical dilemmas. In the case of dual relationships, counselors cannot simply avoid their clients but now must consider "potentially beneficial interactions" (ACA Code of Ethics, 2005) in deciding their extent of involvement with clients outside of the counseling relationship. In regards to malpractice, although the ACA code of ethics is clear about "not practicing outside the boundaries of competency," though the code of ethics also strongly encourages counselors to expand their boundaries of competency in regards to the needs of diverse clients (ACA ethical standard C.2.a). Ethical dilemmas occur related to professional competency when counselors take on clients that they are not competent to handle though are reluctant to decline the case because of myriad of reasons (for example, not wanting the client in need to have to wait for referral to another counselor; worrying that acknowledging a gap in clinical competency may jeopardize the counselor's job status; and simply having difficulty informing clients that we are not competency to handle certain issues).

Mascari and Webber (2006) made several recommendations to counselors, supervisors, and counselor educators on how ethical violations could be prevented. Counselors were encouraged to regularly read and consult their professional codes of ethics (ACA, NBCC) and participate in continuing education whereby ethical issues are presented and

discussed so that counselors can learn the “standard of care” in the comparison of their own professional behavior to those of their counseling peers. Dansby-Giles, Giles, Frazier, Crockett, and Clark (2006) emphasize the importance of ethics circles for counselors whereby counselors debate how to handle ethical dilemmas is precisely what Mascari and Webber (2006) recommend for counselors to participate in on a regular basis.

As for counselor educators, Mascari and Webber (2006) stress that understanding the ACA code of ethics needs to be a consistent integrated theme throughout all counseling courses. I think that Mascari and Webber’s recommendation would be further strengthened by making ethics a core required course for counseling students. Diversity used to be addressed in counseling curriculums through integration though evolved to become a core course and hopefully ethics will follow a similar path.

Mascari and Webber (2006) also encourage counselor educators to teach counseling students about ethical decision making models and apply them to case studies of ethical dilemmas across various counseling work settings. However, although Mascari and Webber highlight the importance of learning professional ethical codes and ethical decision making models through application to ethical dilemmas in professional contexts, they overlook the importance of application to personal ethical dilemmas of counselors. Another way to underscore the importance of applying ethical decision making to personal ethical dilemmas of counselors is to consider the issue of counselor impairment. Lawson and Venart (2005) presented the Governing Council of the American Counseling

Association's Task Force on Impaired Counselors definition of therapeutic impairment to be potentially due to personal or life crisis that if managed poorly will significantly impede counselors' clinical work with clients. A counselors' personal or life crisis requires ethical decision making in managing the personal ethical dilemmas inherent within any life crisis so to afford the counselor the ability to live with their decisions long after the crisis has passed.

“Living the ACA Code of Ethics” Project

Counselor education students in a “ Legal and Ethical Issues in Counseling” course were assigned a “Living the ACA Code of Ethics” project for a semester. Each student was to document and describe in their journal: (1) three personal ethical dilemmas that they encountered during the semester; (2) cite relevant ethical standards and moral principles in the explanation of the ethical dilemma; (3) describe their ethical decision-making model process that they utilized to resolve their ethical dilemmas as well as explain the outcome.

Instructor Example

Personal Ethical Dilemma. My wife's colleague, our friend, recently had been experiencing chronic health problems and had to take a medical leave of absence from work. She was having considerable financial problems partly because she did not carry short-term/long-term disability insurance and partly due to her savings having been depleted through a recent child custody battle. She had asked her parents, who had considerable means, for financial help though they had declined to help her. The ethical

dilemma was whether to loan her the \$2500 she needed.

Relevant moral principles/ethical standards . I must admit that I was more conflicted about loaning such a large amount of money to a friend than my wife but to help my wife and I make a decision, we considered Kitchener's (1984) moral principles in our ethical decision-making process.

Autonomy . Would loaning the money enhance or hinder our friend's ability to make choices in her life? We thought that loaning her the money would definitely enhance her ability to make choices as she would be able to pay her current bills and it would help her to not file personal bankruptcy. The loan would also allow her to live independently (at least temporarily) and avoid losing her house and needing to move in with family or friends. The loan also would give our friend the choice to stay off work longer so that she could focus her energies on getting healthy again rather than prematurely returning to work and remaining chronically ill. Would loaning our friend the money enhance or hinder our ability to make choices in our life? Even though \$2500 is a significant amount of money, we thought that loaning the money to our friend would not constrict our current lifestyle.

Nonmaleficence . What risks are associated with loaning a friend a large amount of money? The obvious risk is that our friend may not pay back the loan. Another potential risk is that loaning our friend the money could negatively impact our friendship and my wife's working relationship with her colleague. However, we also need to consider risks

inherent in choosing not to loan our friend the money. There is the potential possibility that our friendship would be negatively impacted by refusing to help our friend. She may learn that we are friends that cannot be counted on in times of need and we had to consider if that is the kind of relationship that we wanted to have with her. Additionally, our friend could lose her house, be forced to file personal bankruptcy, and lose her job (by returning to work prematurely and being fired for being unable to do the job). What is the potential for exploitation, on all parties, when a significant amount of money is loaned between friends? There is the risk that our friend could take the loan, not repay it, and then ask for more money next time she is tight for money (beginning of a pattern). Additionally, there is a risk of us exploiting her because she owes us a significant amount of money. For example, we may ask her to help us with some project and she may not feel she can say no because of her outstanding debt to us (limits her autonomy).

Beneficence . What are the potential benefits in loaning a large amount of money to our friend? Ideally, our friend will use the money to pay off her current outstanding debts, have time to take care of her health issues, learn to manage her money better, and return to work in a month healthier and able repay the loan in the near future. Although, the main benefit would probably be to our friendship, whereby the willingness to loan money to a friend redefines our friendship to a relationship whereby friends can depend on each other in times of need. What are the potential benefits in declining to loan a significant amount of money to a friend? The potential benefit would be more long-term in the sense that our friend may need to personally experience some short-term hardship in order to

learn how to prevent a similar financial crisis in the future. It is possible that by not loaning our friend the money, that we would be doing her more good in the long-term rather than just helping her in the short-term only to have the financial pattern continue.

Justice . Would it be fair to loan the money to this friend and not to another friend?

Justice is about fairness and equality and as a couple we need to be consistent in how we manage the issue of loaning money to all of our friends. If we are willing to loan a significant amount of money to one friend, it would be unfair or arbitrary of us to deny another friend in need of money. If we loan the money, are we setting a precedent and encouraging a pattern? It is one issue to be fair to all of our friends when it comes to loaning them money, but it is another issue to consider whether loaning the money to a friend is fair to us. When we originally saved the money, it was meant to serve as an emergency fund for us as a couple, and that it may not be fair that we are asked to utilize that money for our friends' emergencies.

Fidelity . Are we being honest about our feelings and thoughts about the matter to each other and to our friend? It is important as a couple that the ethical decision-making process is transparent and overtly, as opposed to covertly, communicated. My initial response to my wife indicating that she wanted to loan a friend of ours \$2500 was caution and reluctance. It would be easy to jump to the conclusion that I was just being stingy with our money but my wife understood how I arrived at my initial reluctance when I explained the inherent issues that made me cautious to loan such a large amount of money to a friend. Does our friend understand not only our decision about whether to

lend the money (outcome) but more importantly how we arrived at the decision (transparency in the ethical decision-making process)? This last step in the ethical decision-making model is often overlooked but critically important because our friend needs to know, regardless of whether we loan the money or not, how we decided what we decided (process). We did decide to loan our friend the money though need to communicate our reservations (potentially jeopardizing our friendship), expectations (this loan being a one-time loan that is expected to be repaid), and hopes for potential benefit (loan will help friend get out of debt and stay out of debt in the future – learning financial responsibility and strengthen further the level of trust within our friendship).

Student Example I

Personal Ethical Dilemma. “My best friend had called to tell me that she and her boyfriend of five years had broken up. This was very shocking because she and he had discussed becoming engaged in the future. My friend had initiated the breakup and wanted to know if I thought she had done the right thing.”

ACA Ethical Standard A.1.a Primary Responsibility. “This code calls for counselors to respect the dignity of clients, which includes their autonomy. I felt if I offered my friend advice, it may influence her future actions such as getting back together with her boyfriend or remaining broken up with him.”

ACA Ethical Standard B.1.b Respect for Privacy. “Rather than asking all the questions I normally would have asked in such a situation, I only asked questions that pertained to

my friend's feelings and state of mind. This was a challenge for me; I found it difficult to not ask situational questions and questions that would have satisfied my curiosity."

ACA Ethical Standard A.1.d Support Network Involvement. "I asked my friend if she had talked with her parents about what had happened. Although I was not actually providing counseling and would not be calling her mother myself to get involved, I believed by asking this question my friend may consider the advantages of involving family in this emotionally challenging time."

ACA Ethical Standard B.1.d Respect for Confidentiality. "Under normal circumstances, I would have told my husband that my friend has broken up with her boyfriend but, because I was following the ethical codes, I did not. It was extremely hard for me to keep such a significant piece of information to myself, but I was able to resist the urge to tell my husband what I had learned. The next time we saw my friend, I let her tell my husband about the breakup herself. She expressed great surprise that I had not told him about our conversation."

Student Example II

Personal Ethical Dilemma. "Another situation I encountered was the sudden death of a relative's husband. He passed away from a massive heart attack on his 34 th birthday as she was observing him coming out of a store. This relative is having a hard time dealing with the grief because of the unexpectedness of his death. She called to discuss her grief and asked for techniques in handling the loss she is feeling."

ACA Ethical Standard C.2.a Boundaries of Competence. “If the issue is more than you could handle competently, then you should refer the case to someone that is better equipped to handle the situation. The issue is getting the individual the help and guidance that he or she might need to overcome their grief.”

Ethical Thinking Process. “By going with my belief to offer the best solution, I realized that she needed me to be the person holding her hand and not trying to counsel her through her bereavement. Although many people are hesitant about the counseling process, I discovered that it helped my relative in dealing with her current problem. She was able to reveal the situation to a person that was not there to judge, but to offer counsel.”

Variations on the Assignment

There are several variations on the “living the ACA Code of Ethics” class assignment. The first variation is that for school counselors, the assignment could be “living the ASCA Code of ethics.” This change in the assignment would help school counselors become more familiar with their professional association’s code of ethics.

The second variation on the “living the ACA Code of Ethics” project is to instruct counseling students and practicing counselors to compare the ethical decision-making process required in the assignment to how counselors would typically handle personal ethical dilemmas. This variation would raise counselors’ awareness of how their personal ethical decision-making (counselor’s personal morals and values) compares to the

professional ethical decision-making process (ACA Code of Ethics and professional moral principles) as it is applied to personal ethical dilemmas. Counselors may learn that their personal and professional ethical decision-making process (how counselors decide what they decide) and/or outcome (final decision on action to handle personal ethical dilemmas) are significantly different and this may encourage further self-exploration and self-growth.

Another variation on the “living the ACA Code of Ethics” project is for counselors to compare how they would manage the same personal ethical dilemma if it had occurred in a professional counseling setting. For example, deciding to loan money to a friend (personal ethical dilemma) or client (professional ethical dilemma).

Potential Risks and Benefits of the Assignment

One of the potential primary risks in counselors participating in the “living the ACA Code of Ethics” assignment is the increased awareness of how previous decisions in regards to personal ethical dilemmas may have been handled too quickly without sufficient consideration of the inherent ethical issues. It can be hard for counselors to accept that sometimes we act in an unethical manner in our personal lives. However, the potential benefit of the “living the ACA Code of ethics” assignment outweighs the primary risk. Counseling students and counselors will get repeated practice in applying an ethical decision-making model to their personal ethical dilemmas which will hopefully enhance their ethical decision-making skills when counselors are faced with professional

ethical dilemmas in practice.

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