Plan of Awareness

I want to be able to do the following as a result of today’s learning:
Venn Diagram
Objectives

Participants will

1. Review the basics
2. Discuss a compare/contrast analysis of the Codes of Ethics for Rehabilitation Counselors and Vocational Evaluators
3. Identify critical codes that apply to their respective settings.
4. Relate the critical codes to participants practice and develop a plan of awareness to address these codes on a regular basis upon return to work.
“We need to draw the line on unethical behavior. But let’s draw it with an Etch-a-Sketch and don’t be afraid to shake it a little.”
What is Ethics?

- Philosophical – theories about what is good, right, or worthy
- Professional – agreed-on rules or standards established by a profession
- Mandatory – basic level of professional ethical guidance focusing on compliance with laws and dictates of professional code (enforceable)
- Aspirational – level of ethical guidance above mandatory ethics that involves consideration of the welfare of clients and effects of actions (not enforceable)

Why Worry About Ethics?

• Because “all moral and ethical choices involve values and beliefs that are culturally sensitive, contextually defined, and dependent on a network of sociocultural relationships that provide meaning and significance (Wells & Black, 2000, p. 46).”

• Because we encounter challenging and difficult situations daily

• Profession’s Code of Ethics (CRCC, PVE, CVE, others)
  • Goal is protection of health, safety, and welfare
  • Input from public and professionals
From Where do Ethics Come?

• Personal Values?
  • What are your values and where do they come from?
  • Lottery exercise

• Professional Values?
  • What are your profession’s values and where did they come from?
  • Budget surprise
Morals versus Ethics

• Morals
  An individual’s code of behavior based on religious or philosophical principles. Morals define right and wrong in ways that may or may not be rational.

• Ethics
  A rational way of deciding what is good for individuals or society. A way to choose between competing moral principles or when there is not a clear right or wrong answer.
Difference between Morals & Ethics

• Morals define personal character,
• Ethics stress a social system in which those morals are applied.
• Ethics point to standards or codes of behaviors expected by the group to which the individual belongs. This could include national ethics, social ethics, company ethics, professional ethics, or even family ethics. So while a person’s moral code is usually unchanging, the ethics he or she practices can be other-dependent.
Example

• A rehabilitation counselor who is culturally Deaf prefers ASL for all people who are deaf.
• The ethics of a rehabilitation counselor require respect for all modes of communication.
• Counseling ethics must override personal morals for the greater good of persons served.
Principles of Ethical Behavior

“…objectively applying a system of ethical principles to determine the right decision when a counselor is faced with an ethical dilemma (Cottone & Tarvydas, 2007, p. 26).”

- Autonomy-To respect the rights of the client to be self-governing
- Beneficence-To do good to others; promote the well being of clients
- Fidelity-To be faithful; keep promises and honor the trust placed in us
- Justice-To be fair in the treatment of all clients
- Nonmaleficence-Do no harm
- Veracity-To be honest

(CRCC 2010)
Kant on Morality

• Autonomous will
  • entirely self-legislating

• Heteronomous will
  • obedience to rules of action that have been legislated externally to it.
A VRC or VE example

Autonomous
• *I do not discuss Robert’s (consumer) disability because I respect his privacy and do not want to breach confidentiality.*

Heteronomous
• *I do not discuss Robert’s (consumer) disability because that is a breach of the code of ethics (or policy) related to confidentiality.*
If moral behavior were simply following rules, we could program a computer to be moral.

Samuel P. Ginder
Case Study 1

Carl is a counselor. The client, Will, is ready for job placement. In the process of working with Will, Carl has developed a potential job placement. However, the employer wishes to learn more about Will.

Carl sends the employer an article about head injury that first appeared in *Counseling Today* over 10 years ago. Although Carl realizes that the article is outdated and that there has been more recent research, he has not had time to keep up with this current publications.

Further, Carl, against agency policy, forwards to the employer his case notes about Will believing that the notes will not only be helpful to the employer, but may lead to Will’s employment. When asked about the case notes, Carl tells his supervisor he doesn’t remember if he sent them to the employer.
Case Study 1 Implications

• Carl’s behavior may be in conflict with two or more ethical principles. Which are they?

✓ Autonomy
✓ Beneficence
✓ Fidelity
✓ Justice
✓ Nonmaleficence
✓ Veracity
What could Carl do differently?
Role of the Professional Counselor/Evaluator

What is the professional's role in the implementation of ethical codes?

• Know your code(s). Have it on hand for reference!

• Seek guidance
  • CRCC 2010 Code of Professional Ethics
  • CVE 2009 Code of Ethics
  • PVE 2011 Code of Ethics
  • Four-level model of ethical practice (Tarvydas & Cottone, 1990)
  • Ethical decision-making models (Cottone & Tarvydas, 2007)
  • Consultation with colleagues and supervisors
  • Literature on empowerment and choice (Kosciulek, 1999).
  • Professional associations
What should a code of ethics contain?
# Comparison of Codes/Guideline Sections

<table>
<thead>
<tr>
<th>CRCC Code&lt;sup&gt;a&lt;/sup&gt;</th>
<th>PVE Guidelines&lt;sup&gt;b&lt;/sup&gt;</th>
<th>CVE-Maintenance Mode&lt;sup&gt;c&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble, Ethical Principles</td>
<td>No Preamble or Ethical Principles outlined</td>
<td>Preamble, Ethical Principles</td>
</tr>
<tr>
<td>The Counseling Relationship</td>
<td>Evaluator-Client Relationships</td>
<td>Professional-Client Relationships</td>
</tr>
<tr>
<td>Confidentiality, Privileged Communication &amp; Privacy</td>
<td>Confidentiality</td>
<td>Confidentiality</td>
</tr>
<tr>
<td>Advocacy &amp; Accessibility</td>
<td>No Section</td>
<td>No Section</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>Evaluator Responsibility &amp; Competence</td>
<td>Professional Responsibility &amp; Competence</td>
</tr>
<tr>
<td>Relationships with Other Professionals</td>
<td>Evaluator Relationships</td>
<td>Professional Relationships</td>
</tr>
<tr>
<td>Forensic &amp; Indirect Services</td>
<td>Forensic Applications</td>
<td>Forensic Applications</td>
</tr>
</tbody>
</table>
## Comparison of Codes/Guideline Sections

<table>
<thead>
<tr>
<th>CRCC Code&lt;sup&gt;a&lt;/sup&gt;</th>
<th>PVE Guidelines&lt;sup&gt;b&lt;/sup&gt;</th>
<th>CVE-Maintenance Mode&lt;sup&gt;c&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation, Assessment, &amp; Interpretation</strong></td>
<td>Interpretation of Evaluation Information</td>
<td>Evaluation, Assessment, &amp; Interpretation</td>
</tr>
<tr>
<td>Teaching, Supervision &amp; Training</td>
<td>No Section</td>
<td>No Section</td>
</tr>
<tr>
<td>Research &amp; Publication</td>
<td>Research &amp; Publication</td>
<td>Research &amp; Publication</td>
</tr>
<tr>
<td>Technology &amp; Distance Counseling</td>
<td>No Section</td>
<td>No Section</td>
</tr>
<tr>
<td>Resolving Ethical Issues</td>
<td>Resolution of Ethical Dilemmas</td>
<td>No Section</td>
</tr>
</tbody>
</table>

<sup>a</sup>(CRCC, 2009a).<sup>b</sup>(RPVE, 2011).<sup>c</sup>(CRCC, 2009b).
Plan of Awareness

What have you learned so far that you can use when you are back in the office?
How is a Dilemma Defined?

Where two or more courses of action are possible that result in a conflict between moral principles

Cottone & Tarvydas, 2007
Basic Rubric for Dealing with Ethical Dilemmas

1. Do you believe/perceive/think that there could be an ethical problem?
2. If "Yes," determine if there is a conflict between two ethical principles.
3. Gather information: Consult the applicable Code(s) of Ethics (CRCC, ACA, CVE, PVE); discuss with colleagues, supervisor, legal counsel, and/or CRCC or ACA as appropriate (not available for CVE or PVE).
4. Determine what other questions need to be answered; address contextual issues (bias).
5. Decide on the best course of action.
6. Implement the plan.
7. Monitor/measure the result(s).
8. Continue plan or adapt the plan as necessary.  

(Nystul, 2006)
Case Studies

• Consider the following case studies, use the basic rubric and the applicable Code(s) of Ethics.

• Note: You can use other ethical decision-making models too.
Sally is providing rehabilitation (VRC or VE) services to Joe. Using background and interview information, Sally learned that Joe was an ex-offender who served eight years in a maximum-security prison for a sexual and physical offense. Joe rarely spoke of the incident and there was no indication that Joe had continued this type of behavior following his incarceration.

While at home one evening, Sally was watching a program about the FBI’s 10 most-wanted people. Sally was stunned when she realized that client “Joe” was one of the 10 most-wanted. Later that night, Sally posted a private message on Facebook to one of her colleagues, Matt, about Joe and asked for advice.

To Sally’s dismay, the next day she saw that Matt posted information about Joe on Matt’s Facebook page.
Case Study 2 Discussion

• Sally’s dilemma, client confidentiality, is one that can appear in many different situations. Several factors must be considered when determining the appropriate action.

• The situation is very serious. Whether the information was learned in a counseling session or through the public domain is not relevant. The issue of duty to warn/duty to protect comes into play.

• Laws differ by state about duty to warn. If in doubt, counselors should seek immediate consultation. The counselor may seek advice from another professional that has more expertise in this area or consult supervisor or an attorney, and review related agency policies. Regardless, action must be taken immediately not only to determine client services but also to take the proper approach to report a potentially dangerous situation.

• Sally’s use of Facebook for client related communication is wrong.

• Would your answers have been any different if Sally was an evaluator and find out the information during a Vocational Evaluation?
Today's Water Cooler-Social Media

• You are always under color of office
  • Any actions you take or anything you post on social media are public – similar to being on the front page of the local newspaper.

• Ask yourself: Would I be okay with everyone seeing this?

• Consider that many forms of electronic communication are permanent and retrievable.
Case Study 3

Mary works as a counselor for the State. She refers Roger, client, for a vocational evaluation at the local CRP. Roger is Deaf and needs interpreter services. The CRP Director states that the CRP does not have the financial resources to provide an interpreter for Roger, and does not wish to utilize its limited financial resources to provide interpreter services. Therefore, Mary decides not to refer Roger for a vocational evaluation.

What should Mary, the VRC, have done?
What should the evaluator, working for the CRP have done?
Advocacy is one of the most important canons of our profession.

VRCs and VEs shall serve as advocates for clients.

Mary, as the VRC, has a responsibility to obtain the service and to attempt to secure funding from whatever source possible, including her own employer, so as not to delay client services. To do less may be a serious violation of the Code.

The counselor’s job is to insure that the client receives the most appropriate services to reach his/her goals.

What is the Evaluator’s role in assuring appropriate services are provided?
Resolving Ethical Issue
All parts of the code, including the preamble, are enforceable

<table>
<thead>
<tr>
<th>CRCC Code of Ethics</th>
<th>CVE Code of Ethics</th>
<th>PVE Code of Ethics</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.1 Knowledge of CRCC Standards</td>
<td>G.1 Knowledge of Standards</td>
<td>Professional Evaluators will make every effort to learn and understand the Code of Professional Conduct and specific Standards of Practice prescribed in the jurisdiction where they practice.</td>
</tr>
<tr>
<td>L.2 Application of Standards</td>
<td>G.2 Conflicts Between Ethical</td>
<td>Professional Vocational Evaluators will behave in a legal, ethical and moral manner and incorporate ethical practice into their daily professional work.</td>
</tr>
<tr>
<td>L.3 Suspected Violations</td>
<td>G.3 Suspected Violations</td>
<td>PVE’s will strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with others knowledgeable about ethics such as colleagues, supervisors, and/or with appropriate authorities, such as credentialing bodies, state licensure boards, and/or legal counsel when necessary.</td>
</tr>
<tr>
<td>L.4 Cooperation with Ethics Committee</td>
<td>G. 4 Cooperation with the Ethics Committees</td>
<td></td>
</tr>
</tbody>
</table>
Ethics Committee Responsibilities

- Ensuring Currency of Code
- Adjudicating Complaints
- Issuing Advisory Opinions
CRCC Patterns in Advisory Opinions

• Disclosure
• Informed Consent
• Confidentiality
• Dual Roles
• Legal Issues
• Employer Relations


Quantity of Actions by Category FY 1994 to 2015

• Letters of Instruction 15
• Reprimand 10
• Probation 06
• Suspension 07
• Revocation 22

Topics That Arise Most Frequently in Conjunction with Ethics Cases
• Competence and Conduct with Client
• Business Practices
• Professional Practice

2015 CRCC Website: http://www.crccertification.com/pages/actions_taken/41.php
CRCC 2015 Code Revision Process

- Ethics Committee
  - Code Revision Taskforce
  - CRCC Board of Directors

- Need for revision identified based on:
  - Committee discussion of complaints and requests for advisory opinions
  - Noted changes in practice since 2010 Code came into effect
  - Ethics Survey

- Task Force > Ethics Committee > Executive Committee > BOD

- New Code effective January 1, 2017
Implications

• Codes are dynamic not static

• Codes respond to issues that arise from practice

• Citizenship, civil rights, human rights, and social justice issues create a breeding ground for ethical issues

• Social media is here to stay
  • New forum for social and political change
  • Counseling Professionals must be tech savvy
Plan of Awareness

What have you learned today that you can use when you are back in the office?
Think once before you act, twice before you speak, and three times before you post on Facebook.

-Paul Carrick Brunson
Thank you!
Contact Information

• Dr. Susan G. Sherman
  • shermans15@ecu.edu
  • 252-744-6294
• Dr. Steven R. Sligar
  • sligars@ecu.edu
  • 252-744-6293

East Carolina University
College of Allied Health Sciences
Department of Addictions and Rehabilitation Studies
Health Sciences Building-Mail Stop 668
Greenville, NC 27858-4353
Values inform Ethics

What do you value?

✓ Where were your values acquired from?
✓ How do values influence ethical decision making?

• On Saturdays, I like to...
• What I want most in life....
• I spend most of my time...
• Everyone has a right to...
• I would spend inheritance on...
• I have never liked...
• I am most concerned about...
• Laws should be followed if....