

ACA Graduate Student Ethics Competition Paper

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The relationship between counselor and client must be built on an ethical foundation (Glosoff, Herlihy, & Spence, 2000). As professional counselors and counseling students, the onus of establishing an ethical relationship falls on us. Ethical behavior must extend outside of the counseling room as well, in order to protect the rights of clients and maintain ethical working conditions for clinicians. The importance of the supervisory relationship is crucial for the development of emerging counselor; modeling ethical behavior as well as clinical and administrative supervision assist in the molding of adept and ethical practitioners.

Ethical Decision-Making Model

We are evaluating the current case using Forester-Miller & Davis (1996) A Practitioner's Guide to Ethical Decision Making. This model has seven steps to assist practitioners in ethical decision making (1. Identify the problem, 2. Apply the ACA Code of Ethics, 3. Determine the nature and dimensions of the dilemma, 4. Generate potential courses of action, 5. Consider the potential consequences of all options, choose a course of action, 6. Evaluate the selected course of action, and 7. Implement the course of action). We believe that this model the most succinct approach while also being comprehensive for our conceptualization of this quandary. We see the dilemma having three main areas that must be addressed:

- Documentation
- Confidentiality
- Boundaries

Each of these problem areas will be addressed using the steps from our chosen ethical decision making model. From the seven steps we created three sections:

1. Problem statement, Code application, and Dimensions-containing steps 1, 2, &3

2. Actions & Consequences-containing steps 4&5
3. Section and Implementation of Action-containing steps 6&7

We see both Jordan and her supervisor as professionals who are responsible for ethical behavior. Because of this, we will evaluate the behavior and ethical follies of both Jordan and her supervisor.

Documentation

Problem statement, Code application, and Dimensions:

In the provided case scenario, Toni was not a client of Jordan's and Jordan did not formally refer Toni to the advocacy group as part of a counseling plan. As a result there was a complete and total absence of documentation of Jordan's interactions with Toni which would constitute a violation of the *ACA Code of Ethics* (ACA, 2014). Standards A.1.b. and B.6.a. of the *Code of Ethics* clearly speak to counselors' need to document client interaction (ACA, 2014). Specifically, counselors are responsible for creating, safeguarding, and maintaining documentation and records necessary for rendering professional services.

According to ACA's (2014) Standard A.1.b, counselors are responsible for taking steps to ensure "that documentation accurately reflects client progress and services provided". In failing to document her interactions with Toni, Jordan was not respecting and promoting the welfare of Toni; a primary responsibility of counselors. Additionally, without documentation, Jordan's site supervisor had no knowledge of their interaction or of Toni's involvement with the advocacy group.

There are three primary interactions with Toni where Jordan had an ethical responsibility to maintain documentation but failed to do so: 1. Jordan's initial outreach to Toni on Facebook

and invitation to Toni to join the advocacy group; 2. Jordan and Toni's interaction at the community center and; 3. Toni's contact with Jordan expressing an intent to "kill herself".

Although Jordan's initial outreach to Toni on Facebook was a clear extension of the counseling relationship (ACA, 2014, Standard A.6.b.), following the interaction Jordan had an ethical obligation to document the rationale, potential benefit, and anticipated consequence (ACA, 2014, Standard A.6.c.) of extending said boundaries.

Jordan also had a responsibility to document any interaction with Toni that occurred outside of the office, including the interaction that took place at the advocacy center. As a supervisee, Jordan would be required to provide Toni with professional disclosure information and inform her of how the supervision process influences the limits of confidentiality (ACA, 2014, Standard F.1.c.) and required to document the discussion of exceptions to confidentiality (B.2.a) and informed consent (A.2.a) with Toni, under the advisement of the site supervisor.

Jordan's failure to notify or document Toni's report of suicidal ideation would have dire consequences for all parties involved if Toni made an attempt, or succeeded, in completing the suicide. Jobes & Berman (1993) posit that thorough, detailed, and contemporaneous written documentation of assessments and treatments must be consistently maintained. When considering the fundamental principles of professional ethical behavior (ACA, 2014) the principle of beneficence best applies to Jordan's failure to document and record her interactions with Toni. Although Jordan may have believed that she was working in Toni's best interest, documentation and record keeping provides a means of reviewing a client's history in order to be proactive about situations and prevent possible harm. Jordan's failure to act in Toni's best interest is reflected in her decision to engage in a counselor-client relationship without taking the appropriate steps to document their interactions.

Actions & Consequences:

Had Jordan documented her interactions with Toni, the site supervisor would have been aware of potential confidentiality and boundary dilemmas. The site supervisor could have counseled Jordan on how to maintain professional boundaries and they could have reviewed the code of ethics and developed an appropriate course of action. Additionally, the site supervisor would have been aware of Toni's decision to participate with the advocacy group and could have explored this decision in an appropriate manner in subsequent counseling sessions with Toni.

Another option that Jordan could have explored was to consult with a peer to assist her in generating possible courses of action to take upon overhearing the supervisor's prejudicial comments (ACA, 2014, Standard C.2.e.). Although there would be potential for a peer to have dismissed Jordan's concerns and/or not encourage her to document the consultation, thus leading to a potential violation of the code, the consultation would likely have resulted in a peer encouraging to discuss her concerns with the site supervisor and document accordingly. The consultation could have been documented as well as the intended plan of action.

The failure of Jordan to document her text conversation with Toni after Toni expressed intent to kill herself would be yet another clear violation of the *ACA Code of Ethics* (ACA, 2014). It is not known whether or not Jordan had been trained as a supervisee on the agency's policies and procedures for working with clients who express suicidal ideology, which would likely have covered documentation of events. Novice supervisees may not know how to conduct a suicide assessment or agency procedures and therefore, supervisors have a responsibility to provide instruction to the supervisee to ensure client safety (McGlothlin, Rainey, & Kindsvatter, 2005). If Jordan had not been trained in proper record keeping and documentation policies and procedures of suicide assessments she would be in violation of Standard C.2.a, which requires

counselors to practice within the boundaries of their competence (ACA, 2014). In terms of liability and malpractice risk management when working with suicidal clients, documentation can help to decrease professional liability while enhancing the quality of clinical practice and saving lives (Jobes & Berman, 1993). Again, failing to document would be a violation of Standard A.1.b. and B.6.a. of the *Code of Ethics* (ACA, 2014).

Section and Implementation of Action:

The selected course of action pertaining to documentation would commence following a report of Toni's suicide attempt to police and contact with both Jordan's university and site supervisors. Immediately after placing these calls, Jordan will record and document the text message exchange with Toni including the times in which the texts were sent and received. Then, Jordan will begin the process of documenting her interactions with Toni prior to the suicide attempt, under the watch of her supervisor. In accordance with Standards A.1.b. and A.6.c. (ACA, 2014) Jordan will document the times in which she interacted with Toni, her rationale for extending boundaries, and any evidence of her attempts to remedy the harmful situation she unintentionally placed Toni in. Jordan's records will be reviewed and discussed with her site supervisor to ensure that they are as accurate as possible and the documentation will include that Jordan completed it after her interaction with Toni.

Confidentiality

Problem statement, Code application, & Dimensions:

A breach of confidentiality occurred for both Jordan and her site supervisor. First, we will address the behavior of the supervisor. The antecedent to Jordan's behavior is when she hears the supervisor making prejudicial comments about Toni in the hall. This is a violation of Fidelity, Justice, and the ACA (2014) standard B.1.a Multicultural/Diversity Considerations. A

key aspect of this code is that counselors are responsible for continual discussing how personal information will be shared and who it will be shared with. Prejudges comments have no therapeutic value and have no reason to be shared (ACA, 2014 C.5 Nondiscrimination), even if the client gave permission to discuss her case with other clinicians. The second ACA (2014) standard that was violated by the supervisor is B.3.c Confidential Settings. Jordan was able to hear her supervisor openly discussing Toni, meaning that even if the comments were appropriate they were not shared in a manner that could protect this client's confidentiality. These are both serious violations of Toni's client rights and Fidelity, because clients expect personal information to remain confidential (Glossoff, Garcia, Herlihy, & Remley, 1999).

The next breach of confidentiality occurs when Jordan looks through Toni's medical records then contacts Toni on Facebook. The first violation involves ACA (2014) standard B.1.b Respect for Privacy and B.6.d Permission to observe. Jordan did not request this information from the client for counseling purposes or get obtain consent to observe the confidential records. Jordan instead took it upon herself to rifle through Toni's records to obtain personal information for non-therapeutic use. Contacting Toni on Facebook to invite her to the advocacy group run by Jordan violates Toni's Autonomy, ACA (2014) standard H.6.c Client Virtual Presence and C.3.f. Jordan did not respect Toni's right as a client to have private presence on Facebook; Jordan instead used Facebook as a means to contact Toni and invite her to the advocacy group Jordan runs.

Actions & Consequences:

First, we will address the ethical violations of the supervisor and the potential courses of action. Two major options arise from this situation: first the supervisor could realize his ethical violations and lack of multicultural sensitivity (ACA, 2014, standards C.2.d & C.2.f) and seek

out consultation (ACA, 2014, standard I.2.c.) with his supervisor to create a remediation plan as well as additional training to increase his competence. A potential consequence of this course of action is being a remediation plan that includes suspension or even potential termination depending on company policy. A positive consequence of this could be changing the culture of the agency to one where prejudicial language is not accepted because of the supervisor's position of power. The second course of action places the responsibility upon Jordan or the other clinicians that were involved in this conversation who are also held to the same ethical expectations (ACA, 2014, standard F.5.a); for the purposes for this document, we will focus on Jordan. The first step that Jordan will need to take will be consultation with her university supervisor to determine if she or her university supervisor attempt Informal Resolution as stated in (ACA, 2014) standard I.2.a or if a separate course of action will occur such as the university not allowing internships at the agency. Some of the potential consequences of this course of action could be a direct negative impact on Jordan; she could be met with discrimination herself by the onsite supervisor, she could be asked to leave the site, or she could be removed from the site by the university supervisor.

The potential action plans that Jordan can take have two levels: immediate actions and future actions. First the immediate action Jordan must take after Toni discloses to Jordan that she wants to kill herself is part of being a mandated reporter; because there is foreseeable harm, Jordan must disclose this information to the police to protect Toni in accordance with (ACA, 2014) standard B.2.a Serious and Foreseeable Harm and Legal Requirements (Glossoff, Herlihy, & Spence, 2000). Jordan should then immediately disclose this event and the other breaches in confidentiality to her university and onsite supervisor. The consequences of this course of action for Jordan could be severe including removal from her site, remediation by her program, removal

from her program, and held liable for her actions legally or by the ethics committee. The long term action plan Jordan will need to implement will be gaining competence of the ethical code and abiding by the guidelines within in accordance with (ACA,2014) standard I.1.a.Knowledge.

Selection & Implementation of Action:

First the selected course of action for the onsite supervisor; considering the above we have decided that Jordan will consult with her university supervisor about the prejudicial comments. Because of the existing levels of ethical violations on Jordan's part, the university supervisor will attempt a formal resolution with the onsite supervisor. If a suitable conclusion cannot be achieved through this conversation, then the university supervisor will remove the site for practicum and internship students due to unethical behavior.

The course of action for Jordan will be very similar to was outlined above. Jordan will first contact the police and alert them that Toni has stated she will kill herself. She will then contact both her university and onsite supervisor and make them aware of Toni's suicide threat. Jordan will also disclose the course of actions that brought her to this point to both supervisors. Jordan will be removed from the site and remediated by the program. Jordan will continue to gain competence in the ACA code of ethics (2014), professional behavior, and appropriate client advocacy.

Boundaries

Boundary Violation-Problem statement, Code application, & Dimensions:

Understanding the differences between boundary crossing and boundary violation is important. Boundary crossing takes place when the counselor departs from commonly accepted clinical practice that may or may not benefit the client (Smith & Fitzpatrick, 1995). Boundary violation takes place when the counselor departs from accepted practice that places the client or

the therapeutic process at serious risk (Smith & Fitzpatrick, 1995). In the provided case scenario, it is assumed that Jordan believes that Toni needs further support after overhearing her site supervisor's prejudicial comments. After referring to Toni's mental health record, Jordan feels she can relate to Toni because she struggled with similar issues in her past. Jordan violated the principle of autonomy and the ACA Code of Ethics when she imposed her own beliefs and did not seek training. Standard A.4.b. addresses counselors' responsibility to be aware of and avoid imposing their own values, attitudes, beliefs and behaviors (ACA, 2014). Specifically, counselors are encouraged to seek training in areas in which they are at risk of imposing their own values onto clients.

Jordan violated the principles of justice and nonmaleficence when she invites Toni to be friends on Facebook. Although Toni was not Jordan's direct client and they had no previous dealings, Toni was Jordan's site supervisor's client. The way that Jordan discovered Toni and the steps she took afterwards to contact Toni were inappropriate. Jordan's desire to build a relationship was based on a need Jordan considered to be therapeutic. Jordan's actions are also in question because she invited Toni to join an advocacy group that she led. It is not appropriate for Jordan to form outside relationships with group members. What happens in the group should stay in group. Both situations are examples of Jordan violating a second boundary. Standard A.5.e. of the ACA code of Ethics prohibits counselors from engaging in a personal virtual relationship.

Jordan violated the principle of fidelity and the third boundary when she told Toni she could contact her at any time, and provided Toni with her cell phone number and personal email address. When Toni joined the advocacy group Jordan had the responsibility to consider the risks and benefits of extending their relationship beyond the group (ACA, 2014). When counselors

choose to extend the relationship they are instructed to take the appropriate professional precautions to ensure that judgment is not impaired and no harm occurs (ACA, 2014).

Actions & Consequences:

Jordan had the responsible to seek supervision, training or therapy to become aware of and avoid imposing her own values, attitudes, beliefs and behaviors. Had Jordan sought supervision with her university supervisor, she could have addressed the discomfort she experienced when she overheard the prejudicial comments from her site supervisor. Training could have given Jordan the tools she needed to practice confronting and addressing unethical situations. In therapy Jordan could have processed her desires to support Toni because she is a strong advocate for the lesbian, gay, bisexual and transgender (LGBT) community. In therapy she could have also explored the rejection she experienced in her past and the impact it had on her as a developing counselor.

Jordan should not have referenced Toni's mental health records. Jordan could have addressed her supervisor's ignorance and offered him useful resources. She could have identified her advocacy group as a resource, offered it to her site supervisor and suggested he give it to Toni. Jordan could have provided her supervisor with educational literature to help him to better understand the LGBT community. Jordan could have also provided her supervisor with a list of community resources and websites that could be beneficial for Toni.

Jordan should not have provided Toni with her personal information. Jordan put herself and Toni's well-being at risk when she provided her personal contact information. It would have been better if Jordan encouraged Toni to contact her therapist or 911 in the case of an emergency. Jordan could have also provided Toni with the number to her 24 hour local crisis line if she needed someone to talk to when no one else was available.

Selection & Implementation of Action:

The selected course of action for Jordan would be to seek supervision with her university supervisor to address emotional reactivity she experience when overhearing her site supervisor's prejudicial comments. This would give Jordan a chance to explore the concern she has for Toni. The second course of action would involve Jordan confronting her site supervisor. This would give Jordan the chance to remind her supervisor the importance of confidentiality. The third course of action would be for Jordan to provide her site supervisor with resources for the LBGT community. This would give Jordan the chance to educate her supervisor on the struggles the LBGT community is often faced with. The fourth course of action would involve Jordan seeking therapy to address the rejection she experienced in the past concerning her sexual orientation. This would give Jordan the chance to discuss the impact her past has had on her as a developing counselor.

Boundary Crossing-Problem statement, Code application, & Dimensions:

One of the most crucial pieces of a therapeutic relationship is the establishment of therapeutic boundaries. In fact, establishing safe, useful, and reliable boundaries is the primary responsibility of the therapist (Martin, 1997). In the provided case scenario, Jordan crosses a professional boundary when she reaches out to Toni on Facebook, giving out her personal phone number, and not documenting or following up with her supervisor. Jordan may be acting in good faith, reaching out to someone who she strongly identifies with, however she lacks the supervision and documentation to support her decision to contact Toni and cross their professional boundary. Jordan violates the principles of fidelity and nonmaleficence when she reaches out to Toni on Facebook without consulting her supervisor, and failing to document her encounter in an ethical way. Section A.6.b. addresses counselors extending the therapeutic

relationship outside of set boundaries in an unconventional way (ACA, 2014). A counselor extending the therapeutic relationship is followed up with section A.6.c., which suggests counselors' efforts to document encounters or interactions that could potentially cause unintentional harm (ACA, 2014). Specifically, counselors are urged to document all potential and actual encounters and boundary extensions with individuals significantly involved in their professional lives.

Jordan had not only crossed a boundary and entered into a virtual relationship with Toni; she also entered into a nonprofessional relationship by giving out her personal phone number. Jordan violates the principle of fidelity when she knowingly reached out to Toni, breaking her trust in the professional relationship. Jordan can also blur the lines of the professional relationship, which could be confusing for Toni, as she may have seen this as an initiation of friendship. Section A.6.e. prohibits the counselor from entering into a nonprofessional relationships with anyone associated with a potential or current client in any way (ACA, 2014).

Supervision is designed to facilitate and encourage the development of therapeutic confidence (Smith & Fitzpatrick, 1995). Section C.2.a. addresses counselors' boundaries of competence when interacting with potential or current clientele, not venturing out of the counselors realm of professional experience, and gaining insight into their own multicultural competency (ACA, 2014). Jordan violates the principle of beneficence by not obtaining adequate supervision regarding her ability to interact with Toni in a way that is beneficial to her mental health. Jordan's relationship with her supervisor is lacking trust and depth in a way that can foster growth and confidence. Jordan was practicing beyond her scope of reference at her internship site when interacting with Toni as well as over identifying with her as an LGBT ally.

Lastly, Jordan's relationship with her supervisor is not only detrimental to their clients mental health, but to Jordan's professional successes at her internship site as well as personal successes like understanding who her true self can be. Section D.1.b. suggests counselors develop and strengthen relationships with coworkers and colleagues to ensure all clients are cared for in the best way possible (ACA, 2014). Jordan violates the principles of both autonomy and fidelity by not committing to nurture the professional relationship with her supervisor and making it a priority. Jordan is lacking the confidence and ability to understand the importance of this relationship with her supervisor to promote growth in her professional and personal life, but instead missing an opportunity to aide not only herself, but also his client (ACA, 2014).

Actions & Consequences:

Jordan had the responsibility to maintain a professional boundary when interacting with Toni both in and outside of her internship site. Knowing Toni was a client of the site, Jordan provided Toni with her personal phone number and email address anyway, and without documenting the boundary extension. With more appropriate supervision and professional experience, Jordan would have been aware that extending professional boundaries requires an understanding of possible harm caused to the other person and documentation to provide a clear and exact description to support the reason for extending the professional boundary.

Jordan should not have acted on her bond felt with Toni, who identifies as lesbian in the LGBT community. Jordan could have sought supervision to explore her feelings towards Toni and participated in personal counseling for herself to recognize the impact of how she views her gender role and how it could be affecting her professional identity. Jordan may have unknowingly entered into a situation, which she realized was outside of her professional hat as a

counselor, but made the mistake of not seeking supervision to understand and correct her misunderstandings with Toni.

Jordan's strained relationship with her supervisor and her feelings of discomfort to disclose her sexual orientation with her supervisor could have resulted in harm to Toni. Jordan could have initiated a professional conversation with her supervisor regarding overheard comments of Toni's sexual orientation as well as her feelings regarding said comments. If nothing is accomplished after speaking with her supervisor, Jordan should seek supervision from another source at her internship site, as it is a critical piece of understanding all interactions with current or potential clients.

Selection & Implementation of Action:

The positive course of action for Jordan would be to seek personal counseling surrounding her own sexual orientation and the influence it has on not only her personal relationships, but also professional relationships with both supervisors and potential clients. Jordan would also benefit from understanding her impact on the LGBT community and reorganizing her efforts to reach out to those who align with her in a more positive and effective manner.

Conclusion

Ethical violations in the areas of documentation, confidentiality, and boundaries can have myriad of negative consequences for all parties involved in professional counseling relationships. In the case scenario evaluated, each of the violations of the *ACA Code of Ethics* (ACA, 2014) could have been easily avoided had specific steps been taken to ensure that ethical principles were being applied. Professional counselors, including students, should be mindful that the consequences of their actions are directly connected to their clients' well-being. By following the ACA standards related to documentation, confidentiality, and boundaries, as well as the others,

counselors' maintain actions and behaviors that are in accordance with our professional responsibilities.

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