2019 ACA Ethics Competition: Doctoral Prompt

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Author Note

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Abstract

A scenario involving multiple potential ethical issues is reviewed and discussed. Research surrounding the relevant concepts is presented and the Transcultural Integrative Model of Ethical Decision Making is utilized to process through the scenario.

*Keywords*: ethics, ethical decision making, multiculturalism, supervision, counselor education
There are multiple relevant issues which intertwine in the given scenario. The current authors have determined that the primary ethical issues as presented are (a) those surrounding boundaries in supervision and (b) those around appropriate presentation in public forums. We will address primarily the relationships between Enrique, Madeline, and Farah while also exploring multicultural issues relevant to social justice.

**Relevant Literature**

Advocacy, social justice, and multicultural competence are necessary themes for counseling immigrant populations because of the high potential for trauma. Immigrants often experience trauma in their home country and en route to their new destination (war, mistreatment, poverty, etc.); they often encounter hostility and/or stress related to acclimating to their new home (Torres, Santiago, Walts, & Richards, 2018; Foster, 2001). The Association for Multicultural Counseling and Development (AMCD) has outlined counselor competencies that require counselors to actively engage in: (a) self-awareness or their own values and biases; (b) the worldview of their clients; and (c) culturally appropriate interventions for their clients (Arredondo et al., 1996). Because of the need for sensitivity of the various multicultural themes the Transcultural Integrative Model for Ethical Decision Making (TIDM) is relevant for remediation of the ethical dilemmas presented in this scenario (Garcia, Cartwright, Winston, & Borzuchowska, 2003).

The American Counseling Association (2014) has established clear ethical guidelines for supervision, including the importance of a clearly defined supervision relationship with established boundaries. Professional boundaries are defined by clinical relevance, conformity to
established profession standards, and the trainees’ supervisory needs. The nature of the relationship should not impede objectivity or judgment (Barnett & Molzon, 2014).

**Identification of the Dilemma**

Central to the given scenario are the professional roles and relationships between Enrique, Madeline, and Farah. In this case Enrique, a third year doctoral student, is supervising Madeline and Farah, who are both Master’s level school counseling students. Initially, there are some concerns regarding the emerging closeness of the relationship between Enrique and Madeline. Enrique and his senior faculty supervisor, Dr. Smith, have discussed the relationship and considered implications and alternatives, with Enrique expressing that he believes he can maintain professional boundaries. Enrique has become “friends” with both supervisees via online social media and has determined not to mention potentially problematic behaviors on their part to his supervisor in order to protect them from potential negative consequences.

Another ethical concern in this scenario revolves around the behaviors of Madeline and Farah. Both students speak out at a rally being held at their placement site related to issues around immigration. It should be noted that Madeline is a DACA recipient, Farah is an international student who has been outspoken regarding immigrant issues, and Enrique is the child of immigrants. In their roles as speakers Farah is encouraging members of the school community toward specific response behaviors to the situation around immigration, and Madeline is engaging in strongly opinionated language around political leaders while also utilizing specific diagnostic language and citing her training at State University.
Transcultural Integrative Model of Ethical Decision Making

The Transcultural Integrative Model for Ethical Decision Making (TIDM) uses a four stage process to resolve ethical dilemmas incorporating principle ethics, virtue ethics, and cultural sensitivity. Professionals use reflection, awareness, consultation, and consideration of the context when making ethical decisions. Steps included in the process are: (a) awareness of facts and events; (b) decision formulating through deliberation; (c) weighing completing values; and (d) executing the decision plan. The integrative process encourages the intersection of the cultural values of the students with the values of the profession (Garcia et al, 2003).

Stage I: Interpreting the Situation Through Awareness and Fact Finding

Before fully engaging in an ethical decision making model the TIDM encourages exploration of the situation(s) to first determine whether or not there is an ethical issue, what the facts around the situation are, and who is involved (Garcia et al., 2003).

Enhancement of sensitivity and awareness. The TIDM model calls for a recognition of virtue ethics and cultural sensitivity, and this could be done through a variety of intentional approaches. After communicating his concerns with the involved parties Dr. Smith will listen to their perspectives and reasons behind their actions. He will validate their intentions and seek to help them integrate their goals and values of advocacy into actions that are congruent with ACA ethical codes and legal codes. With this in mind, it is important that Enrique remain part of the remediation team as both a learning process for himself and a support process for the students, limiting perceptions that he is inadequate for the task. It appears that Madeline and Farah sincerely desire to advocate for immigrants from a very personal perspective, and this sincerity should be respected and redirected into actions that avoid harm to all parties. Also, it should be
noted that both supervisors are male. The addition of a female supervisor during remediation may be beneficial to help the students perceive a more equitable balance of power.

**Reflection to analyze whether a dilemma is involved.** Reflection around the dilemmas presented in the scenario includes using the preamble to the ACA code of ethics as a guide. The values of honoring diversity and promoting social justice reflect the behaviors of Madeline and Farah in the context of advocating for a marginalized population with which they work. Given this, Enrique would need to exercise caution before curtailing or discouraging their actions. However, these behaviors must also be looked at in the light of the value of practicing in a competent and ethical manner. As Madeline and Farah are potentially acting outside their scope of competence and practice, these behaviors must be explored and addressed. Further, Enrique must take into account the value of creating ethical counselor/client (and supervisor/supervisee) relationships. His growing feelings for Madeline and the potential transference and countertransference related to his feelings regarding issues around immigration may be creating blind spots in his provision of supervision.

This scenario also describes ethical concerns with the advocacy and counseling efforts of the students. Certainly Madeline and Farah have a right to autonomy as they advocate for immigrants and other issues of importance to them. However, their actions should be in promoting the autonomy of their client population, not in serving as their decision makers or saviours. They should not define their clients’ experiences as immigrants nor should they recommend illegal courses of action at any time.

Central to any discussion of ethical behavior in counseling is the principle of nonmaleficence. Advocacy efforts are geared at improving the environments and lives of
marginalized populations. However, harm may be caused through inappropriate diagnosis (in public without assessment). Also, Enrique could potentially cause harm to his supervisees through emerging romantic feelings for Madeline, and through underreporting potentially problematic behaviors of his supervisees to his own supervisor.

The concept of beneficence encourages both Enrique and his supervisees to work toward improved lives for their client community. It also encourages Enrique to consider whether protecting his supervisees without consequences is actually in their best interest. Additionally, Madeline’s use of specific diagnostic language in reference to individuals who she has never met or directly assessed compromises the goals of nonmaleficence and beneficence of counseling professionals.

Justice encourages counselors to treat their clients equitably while also engaging in advocacy to promote an equitable environment for those with whom they work. Madeline and Farah are advocating for an improved environment for their client population but must do so without encouraging illegal activity. Enrique, on the other hand, is hiding potentially problematic behaviors on the part of his supervisees from his supervisor, demonstrating favoritism potentially based on his personal feelings of connection with them and with Madeline in particular.

Fidelity is defined as honoring commitments. Enrique may be committed to the appropriate growth and development of his supervisees, but he is not honoring his commitment to his school or program when he declines to share concerns for Madeline and Farah with Dr. Smith and is not complying with ethical practice standards of supervision. Madeline and Farah should also honor their commitment to both the school and the profession by complying with the
ethical codes of her profession. The ideal of veracity (truthfulness) is also compromised with Enrique through withholding information from Dr. Smith and with Madeline by touting a diagnosis for individuals who she has not assessed.

**Determination of major stakeholders.** Relevant stakeholders in this situation are Enrique, Madeline and Farah, Madeline and Farah’s clients who may be in the audience, the community members related to Madeline and Farah’s placement site, and Dr. Smith. The university, counseling program, and instructors in the program also have a stake in the successful performance of the students and could potentially benefit or suffer from outcomes of student performance.

**Engagement in fact finding process.** There are only a few definitive facts currently known in this case. Enrique has expressed emerging romantic feelings for Madeline. Enrique, Madeline, and Farah have become friends on Facebook. Madeline and Farah have engaged in behaviors within their professional placement which potentially go beyond their boundaries of competence and certainly go beyond their scope of practice. Finally, Enrique is concealing behaviors of his supervisees from his supervisor, who holds ultimate responsibility for the behaviors of all parties. It would be important to this process that we go beyond these points in order to determine the impact of Madeline’s diagnostic statements on her client community and Farah’s recommendations for action on that same population. Further, we would need to explore in more depth the nature and depth of the emerging romantic relationship between Enrique and Madaline.
Stage II: Formulating an Ethical Decision

When ethical dilemmas are identified and defined it is necessary to enter into a formal ethical decision making process consisting of reviewing the dilemma and determining relevant ethical codes/principles, laws, and institutional policies.

Relevant ethical codes, laws, ethical principles, institution policies, and procedures. There are several ethical codes in the ACA code of ethics (2014) that can be applied to the current scenario. The authors have attempted to be parsimonious and concise in which are most pertinent.

○ A.7.a. - Advocacy - The two Master’s students are actively engaged societal level advocacy aimed at removing barriers and clearing the way for client growth and this needs to be taken into account.

○ C.3.a. - Accurate Advertising - In connecting her commentary, particularly around diagnostic language, to her training at State University, Madeline is potentially being misleading regarding her credentials and the veracity of what she is saying.

○ C.6.c - Media Presentations - Madeline’s diagnostic statements through the Facebook page for the rally at their placement site are not based on appropriate counseling practice and are not consistent with the ACA code of ethics.

○ C.8.a. - Personal Public Statements - In making her public statements, Madeline is citing her training at State University and not clarifying that her statements are
from her personal perspective and not necessarily in line with industry perspectives.

○ **E.5.a - Proper Diagnosis** - Madeline’s diagnostic language is not tied to any appropriate assessment or even direct clinical interaction with a client.

○ **F.2.b - Multicultural Issues/Diversity in Supervision** - Given the circumstances, it is likely important for Enrique, Madeline, and Farah to explicitly acknowledge their commonalities around immigration issues.

○ **F.3.a - Extending Conventional Supervisory Relationship** - Enrique does not seem to be taking effective precautions in extension of appropriate professional boundaries in that he has connected with his supervisees via online social media.

○ **F.3.b. - Sexual Relationships** - Enrique has emerging romantic feelings toward Madeline. At the least, this needs to be addressed in his supervision, at most it likely means he should transfer Madeline’s supervision to Dr. Smith.

○ **F.6.b - Gatekeeping and Remediation** - Dr. Smith has chosen not to pursue his concerns regarding the relationship between Enrique and Madeline despite having noted it and expressed concern. This should be an ongoing discussion and evaluative process.

○ **F.7.b - Counselor Educator Competence** - Enrique is mandated to maintain an appropriate supervisory relationship with his supervisees and we have to question if that is the case in this scenario. Further, it falls to Dr. Smith to assure that the Master’s students are getting appropriate supervision in this case so that they do not endanger their professional path.
Consider potential positive and negative consequences for each course of action.

Protection of the clients and of the public is the greatest priority of remediation. Every course of action must insure that these protections are in place. Also, the nature of remediation, implies correction and improvement of the performances of Enrique, Madeline, and Farah. Potential negative consequences include discouraged students, or even removal from the program if remediation efforts are not effective. Mentoring can promote personal and development growth, as well, contribute to the building of social and communication skills for Enrique, Madeline, and Farah.

Consultation. It would be appropriate, and strongly recommended, for Enrique to be actively consulting with Dr. Smith throughout the entirety of his process around the situation with both of his supervisees and with Madeline in particular. Dr. Smith should also continue to consult with the remediation team to insure the best ethical course of action.

Stage III: Weighing Competing, Nonmoral Values and Affirming the Course of Action

Generate courses of action. Dr. Smith is the senior faculty advisor and must assume responsibility for ensuring effective and ethical treatment of both clients and public safety. In this role he is accountable in maintaining the fundamental principles of professional ethical behaviors within the counseling profession. His response to the delminmas created by the actions of a supervisor and two counselors in training include a combination of consultation, remediation, and mentoring. As is consistent with Stage III of the TIDM model Dr Smith will consult with his department head and other colleagues who have an understanding of the cultural implications of this case. The consultative process includes listing all possible courses of action,
the potential consequences of these actions, and the best course of action within the contexts of
the ACA Code of Ethics, the university's policies, and legal standards. Within this process Dr.
Smith will review his own personal blind spots and assumption pertaining to his potential
complacency within this scenario. He must closely monitor this situation and move quickly
towards transparency and intervention.

Stage IV: Planning and Executing the Selected Course of Action

**Develop a reasonable sequence of concrete actions.** A reasonable sequence of interventions includes reviewing concerns with all parties, assessing their reactions and attitudes, and noting potential barriers through active listening. The next step is developing a remediation plan of integrating the cultural values of the students with those of the counseling profession (Handelsman, Gottlieb, & Knapp, 2005). The remediation plan will be a formal written document reviewed and agreed upon by the department chair, Dr. Smith, the female professor, Enrique, Farah, and Madeline. A separate remediation plan will be developed for Enrique as applied to supervision. Included in the remediation plan is the understanding that refusal to adhere to the plan results in dismissal from their programs. The remediation team must act quickly because Farah and Madeline have seriously compromised ethical boundaries. Dr. Smith and Enrique will review ethical codes and behaviors with the students while supporting the students’ passion for advocacy.

Remediations for Enrique’s role of supervisor include: 1). Review of appropriate boundaries between supervisors and students, 2). exploration of his developing relationship with his supervisees (particularly Madeline) and whether professional boundaries can be maintained. 3). exploration of Enrique’s hesitation in including Dr. Smith in the supervision process and his
protectiveness of the supervisees. Through this process Enrique, Dr. Smith, and the department chair will discuss if Enrique should be assigned to other supervisees or if he can remain with his current students. Enrique must agree to remove all social and personal communication with supervisees, explaining to them that this is a professional expectation.

The students are respectfully given the choice of adhering to codes of the counseling profession or choosing another profession. If they choose to stay they must agree, in writing to: (a) stop encouraging illegal or covert actions or any resistance to the law; (b) stop diagnosis of political leaders, or anyone they have not assessed; and (c) refrain from personal, public, or social media rhetoric that has the potential to harm individuals, the public, and the university.

Mentoring is also included in the course of action. This process includes discussion of ways the students can advocate ethically (promotion of justice). This could include continuing to write letters to political representatives, attending and coordinating rallies that communicate concerns, and treating mental health needs of immigrants (beneficence). Dr. Smith and Enrique can work alongside Madeline and Farah in their efforts at advocacy and social justice, modeling ways this can be accomplished within ethical and legal guidelines of the counseling profession.

**Anticipate personal and contextual barriers and countermeasures.** Barriers and countermeasures could present in the form of resistance and non-compliance, particularly if the students believe that their efforts of advocacy are minimized due to ethical requirements of the counseling profession. If they believe their strong personal values must be compromised in order to comply with ACA ethical guides there is potential to react with frustration and resistance. It is important to acknowledge student values and convictions to advocate for immigrants with emphasis that the students can be helpful through ethical and legal means.
Implementation, documentation, and evaluation of the course of action. Dr. Smith will closely monitor compliance to remediation and will frequently document evidence of such. Dr. Smith will consider extending the training and supervision of Enrique, Farah, or Madeline to an additional semester if they continue to have difficulties in ethical decision making.
References


