Ethical Dilemmas in Counseling: A Case Study Examination

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Abstract

This paper analyzes an ethical dilemma that a counseling student encounters regarding her poor professional relationship with her supervisor and her client’s risky behavior. The counseling student’s supervisor recruited a client for her supervisee through her own existing counseling relationship, and then did not provide adequate supervision to the counseling student. The counseling student does not feel her supervisor can be impartial towards her client because her supervisor has an existing counseling relationship with the client’s mother. The client is a minor who, per his mother’s report, is exhibiting suicidal ideation and depressive symptoms. The counseling student, without the permission or knowledge of her client, accesses his social media account to gather more information about him, finds troubling content, and cannot decide how to proceed. The ethical issues were examined through the American Counseling Association Code of Ethics (2014) and the Association for Counseling Education and Supervision best practice guidelines. Relevant code violations were documented, and the Practitioner’s Guide to Ethical Decision Making was utilized to assess and implement the best course of action.
Ethical Dilemmas in Counseling: A Case Study Examination

The American Counseling Association (ACA) Code of Ethics was amended in 2014 to reflect the ever-changing social, political, and technological landscape which clinicians must navigate. Dr. Perry Francis, the chair of the Ethics Revision Task Force, states, “A code of ethics is a living document that is meant to change as the profession grows and develops over time” (Meyers 2014). This amendment provided counselors with a comprehensive framework regarding how to best practice with respect to technological advances, mentoring counselors-in-training, and counseling minors. This paper will explore the ethical considerations in the given case study by using the ACA Code of Ethics and the ACES Best Practice Guidelines to assess ethical code violations. The Forester-Miller and Davis practitioner's guide to ethical decision making will be used to evaluate and implement the best course of action.

**Identification of the Dilemma**

**Problem Statement**

The case study involves Stephanie, a counseling student, who is currently working through her first internship at a small community agency. Her clinical supervisor, Amber, recruits her client’s teenage son (Jeremy) to help Stephanie reach her required client hours quota. Carla, Amber’s client, consents to have Stephanie treat Jeremy and reports that he has had depressive symptoms and suicidal ideation. During the course of their sessions, Jeremy admits to Stephanie that he has been stealing from Carla and using illicit drugs - which he asks her not to reveal to his mother. In an effort to get more information about Jeremy, she views his Instagram account without his consent or knowledge, and finds several concerning posts which contradict what he has said in their sessions. Stephanie does not report any of this information to Amber.
and does not seek her supervision because she feels Amber’s relationship with Carla has compromised her judgement.

**Conflicting Factors, Variables, and Dimensions**

There are multiple conflicting factors within this case study which merit analysis. The quality of the therapeutic alliance with Jeremy, and the supervisory relationship between Amber and Stephanie are problematic and concerning. The foundational principles (autonomy, nonmaleficence, beneficence, justice, fidelity, and veracity) provided a lens through which to identify the conflicting factors, variables, and dimensions of this ethical dilemma.

**Autonomy**

Cottone and Tarvydas (2016) define autonomy as, “...a position that respects a client’s (and others’) rights to be free from controlling interference in decision making and choice” (p. 96). Jeremy has a right to autonomy, but because of his legal status as a minor there are limitations to confidentiality which Stephanie should have discussed as a part of informed consent from their first session. Corey and Corey (2016) assert that educating clients about informed consent is an essential component of establishing the therapeutic bond; without it there is a lack of balance, clarity of expectations, and trust. If Stephanie were more transparent with Jeremy, he would know that Stephanie was obligated to disclose information to her supervisor and his mother.

When working with clients who are minors, they may divulge risky behaviors that they do not share with their parents, and implore the counselor not to share this information with their parents. Similarly, Jeremy discloses his illicit drug use and stealing to Stephanie and requests that she keep this from Carla. In not disclosing this information, Stephanie may have been
misguided in her beliefs that she did not want to damage the rapport she had begun to build with Jeremy. In this regard, Remley and Herlihy (2016) suggest:

Counselors should understand that any time they decide to withhold information from a parent, they assume responsibility for harm caused if that information leads to injuries for the client. Examples of such potentially injurious information include minors disclosing that they are using controlled substances, engaging in sexual activity, breaking laws, or engaging in other risky behavior that their parents do not know about. (p. 268)

Stephanie was not successful in protecting Jeremy’s autonomy; she did not explain the limits of confidentiality and she did not review the informed consent with him throughout their sessions.

**Nonmaleficence**

According to Cottone and Tarvydas (2016), nonmaleficence is “...refraining from any action that might cause harm, in addition to not intentionally harming others” (p. 98). Stephanie and Amber both violated the principle of nonmaleficence. Stephanie was practicing beyond her scope of competence, as she was not receiving adequate supervision from Amber. Amber initiated the counseling relationship between Jeremy and Stephanie by recruiting through her own clients. Amber was not acting to intentionally cause harm, as her primary motivation was to help Stephanie accrue client hours. However, by doing this Amber did not account for the resulting multiple relationships.

Carla is Amber’s personal client and it is stated that her strained relationship with Jeremy has become the focus of her personal counseling. Stephanie does not trust Amber to be unbiased with regard to Jeremy as a result of Amber and Carla’s therapeutic bond. This causes Stephanie to stop herself from seeking guidance and supervision, which leads her to violate Jeremy’s virtual privacy by looking up his Instagram account. If Jeremy were a client who came through
the community agency without ties to Amber or Carla, Stephanie would have been more comfortable seeking advice and supervision from Amber. Jeremy is Stephanie’s client, but by extension he is also Amber’s client. As Levitt and Moorhead (2013) state, “Not only are supervisors legally and ethically responsible for their supervisees, but supervisors also are responsible for ensuring the welfare of the clients that their supervisees serve” (p. 175).

**Beneficence and Justice**

The ACA Code of Ethics (2014) defines beneficence as contributing to the well-being of others, and Cottone & Tarvydas (2016) expand this definition to include treating clients within their level of competency. Justice is when the counselor, “...determines that serious inequalities exist, they must determine what types of advocacy (both within and outside of the given system) are needed to address the injustice and undertake advocacy efforts to remedy the situation” (p. 99). Stephanie’s ability to treat a minor experiencing suicidal ideation in addition to substance use is a situation that she should be discussing with Amber. It is imperative that within this scope, she advocated for Jeremy to receive the best level of care given the co-occurring symptomatology. Her feelings of hesitation to consult with Amber have resulted in her having to work beyond her scope of competence. While she may be fit and competent to provide treatment to Jeremy, she holds the responsibility to advocate for both positive and constructive feedback to improve her counseling approach and to ensure that Jeremy receives quality care.

**Fidelity**

According to Cottone & Tarvydas (2016), fidelity is defined as, “...professional disclosure, informed consent, maintenance of confidentiality, and avoiding harmful relationships” (p. 100). Two of the tenants of fidelity are respecting privacy and keeping promises. Although Jeremy is a minor and has fewer legal rights than an adult would, he does
have the ethical right to privacy regarding his internet presence. Stephanie violated this understanding when she sought out his Instagram account outside of their sessions, without his consent. Jeremy also asks Stephanie to keep his drug use and stealing a secret from his mother and this is something she cannot and should not have promised him. Just as counselors are advised to discuss what clients would prefer should they encounter the therapist in public, counselors hold an ethical responsibility to ensure they are agreeing upon social interactions in conjunction with clients’ privacy and preference.

**Veracity**

Cottone & Tarvydas (2016) posit, “Counselors should not misrepresent information, withhold the truth, or lie to clients or others legitimately involved in the case” (p. 101). This speaks to the importance of veracity in the counseling relationship. In addition to communicating with honesty, it is imperative that Stephanie communicate with clarity. Stephanie is still early in her clinical training and must be mindful of the consequences of her silence. By withholding information from Amber, she puts herself and Jeremy at risk. If she were to approach Amber with her concerns, in a professional manner, and speak honestly about the facts of this case she would have been more likely to receive instruction on how to proceed.

**Applying Ethical Guidelines**

**ACA Code of Ethics**

The ACA Code of Ethics is a unique set of guidelines which outline the ethical obligations, considerations, responsibilities, and expectations of counselors. These ethical codes are meant to be used in tandem with the state laws in which counselors are practicing. Licensed professional counselors such as Amber, as well as counselors-in-training like Stephanie are bound by these guidelines.
Section A.1. Client Welfare

Codes A.1.a and A.1.d. state that counselors have the responsibility to protect their clients and acknowledge and utilize a client’s support system where appropriate. In this case study, Jeremy’s dignity was compromised because he was irresponsibly recruited by Amber, and Amber did not protect Jeremy by assuring supervised care through Stephanie.

Section A.2. Informed Consent in the Counseling Relationship

Codes A.2.a asserts that counselors must fully inform their clients about the counseling process at the beginning of treatment and throughout sessions, when appropriate. Code A.2.d states that when a counselor provides services to an individual who is unable to consent for themselves, they must still obtain assent. Though minors cannot consent, counselors must explain their rights within the counseling relationship, and explain the legal obligations to their parents or guardians. Stephanie did not successfully explain informed consent and confidentiality limitations to Jeremy.

Section A.7 Roles and Relationships at Individual, Group, Institutional, and Societal Levels

Code A.7.a. states that counselors must advocate for their own needs and their clients’ needs. Stephanie failed to advocate for herself and Jeremy when she did not confront Amber about the lack of supervision.

B.1. Respecting Client Rights

Code B.1.d. states that it is a counselor’s responsibility to explain to a client what they are legally and ethically required to disclose. Jeremy was not informed about the legal obligation Stephanie is bound by, which is likely why he asked her to conceal information from his mother.

B.2. Exceptions
Code B.2.a. states that counselors are required to breach confidentiality if a client is posing suicidal threat to themselves or homicidal threat to others. Although Jeremy does not report suicidal ideation to Stephanie, after she views his Instagram account and sees troubling posts she is obligated to breach confidentiality and report this to Amber.

**C.2. Professional Competence**

Code C.2.a. Counselors practice only within the boundaries of their competence. They do not try to counsel outside of their education, credentials or training. Stephanie needed to consult with Amber about how to proceed with Jeremy; since she did not do this, she is practicing beyond her scope of competence.

**C.3. Advertising and Soliciting Clients**

Code C.3.d. states that counselors should not use their places of employment to recruit clients. Amber used her own client to recruit Jeremy to help Stephanie with her client hours. This may lead to dual or multiple relationships which can impede upon therapeutic bonds.

**Section F.1. Counselor Supervision and Client Welfare and F.5. Supervision, Training, and Teaching**

Codes F.1.a., F.1.c., and F.5.a state that supervisors are responsible for monitoring the counseling practices of their supervisees. These codes will be further discussed in the ACES ethical guideline section.

**H.6. Social Media**

Codes H.6.b. and H.6.c. are part of the newest addition to the 2014 Code of Ethics. These codes advise counselors to discuss boundaries regarding social media during the informed consent process and require counselors to respect the client’s virtual privacy. Stephanie blatantly
violated this code by viewing Jeremy’s Instagram account without his consent and she did not discuss this boundary under informed consent.

ACES

The Association for Counselor Education and Supervision (ACES) is an ethical guideline which outlines counseling supervision best practices. As a supervisor, Amber is bound by the ACES best practices guidelines. The supervisory relationship between Amber and Stephanie is a major factor in this case study, so it is vital to review the ACES guidelines which Amber is obligated to enforce.

Section 1. Initiating Supervision

Codes a.vii., and c.i., state how it is the supervisor’s responsibility to develop and manage the supervisory relationship. They must not only clearly delineate their responsibilities and authority, but they must also engage in ongoing conversations to enhance and encourage a collaborative work alliance between themselves and their supervisee. Amber recruited Jeremy through her personal client, and did not provide any guidelines or guidance to Stephanie about how to proceed.

Section 3. Giving Feedback

Code a., and c.i., stipulate that a supervisor must provide regular and frequent feedback to help the supervisee learn how to obtain performance feedback through both formal and informal methods from multiple sources. There is no record of feedback between Amber and Stephanie. Amber’s relationship with Carla does not allow her to observe Stephanie’s interactions with Jeremy without introducing bias.

Section 4. Conducting Supervision
Codes b.i., b.ii., and b.iii., advise that counselors should provide supervision that is structured, purposeful and goal-oriented in an environment which allows for open communication. This supervision should be provided by addressing client welfare, and the supervisee’s characteristics, needs, developmental level, goals and demands within a supervisory context. Amber did not provide a safe environment for Stephanie to seek supervision, given how Stephanie feels that Amber is negatively prejudiced against Jeremy because of her relationship with Carla.

Section 5. The Supervisory Relationship

Codes a., b.iv., and b.viii., state how counselors provide supervision from the standpoint that the supervisory relationship is key for a supervisee. Counselors approach supervision with intentionality by addressing supervisee anxiety and by attending to and taking the responsibility for any conflicts that may occur. Amber did not take the necessary steps to foster a supervisory relationship where Stephanie would feel comfortable approaching her with concerns regarding her counseling relationship with Jeremy.

Section 7. Ethical Considerations

Codes a.iii., a.vi., a.vii., a.ix., c.i., e.ii., assert that the supervisor provides the foundational expectation regarding ethical considerations in the counseling process. The supervisor incorporates ethical guidelines from ACA and ACES. Additionally, the supervisor initiates and guides the supervisee’s ethical decision making throughout the supervisory experience. The supervisor is knowledgeable of ethical violations and works towards reducing their occurrence while at the same time avoiding behavior that may lead to liability. The supervisor understands that client welfare is their paramount responsibility by assigning clients to the supervisee appropriately and providing the supervisee with direct observation, and
continual and ongoing assessment and evaluation. Amber violated both ACA and ACES guidelines for best practice in several ways: she did not discuss ethical conduct with Stephanie, she did not facilitate ethical decision making, and she did not exhibit ethical behaviors for Stephanie to model.

**Course of Ethical Action**

After analyzing the various conflicting factors, dimensions, and variables under consideration for this case, there are two courses of actions that Stephanie could implement. One approach is to seek supervision from another supervisor within the agency. She has stated that she does not have confidence in Amber’s judgment, she and Amber do not have a good supervisor-supervisee relationship, and Amber has not conducted herself ethically thus far.

Stephanie is hesitant to approach Amber because she does not trust her, but she must find a way to approach Amber before she considers finding a new supervisor. She is also obligated to update Amber on the status of her sessions with Jeremy because Amber is ultimately responsible for Jeremy’s welfare. Corey & Corey (2016) posit that students who are dealing with conflict within the supervisory relationship can learn and grow from such circumstances by determining how to take action and resolve the issue in a professional fashion. Stephanie needs to view her supervisory relationship with Amber through a new lens, one which she takes the lessons learned from the experience and applies them in the future so as not to repeat unproductive behaviors. Stephanie may need to seek out a different supervisor, but this should not be her first recourse.

An alternative, more comprehensive recommended course of action is a three-step process: Stephanie must process her conflicting feelings, she must confront Amber, and finally she must speak with Jeremy to discuss the counseling process going forward. Stephanie is in her internship class and is processing her mixed feelings about the case. She should discuss this
situation with her classmates and professor for their input on how to best approach Amber. By doing so, she will receive supervision and consultation from her peers and professor about the case, and she can work through any hesitations which have precluded her from confronting and seeking supervision from Amber in the first place. It could be her opportunity to gain the confidence to advocate for herself and Jeremy, and prevent something like this from happening again.

Next, Stephanie should immediately make an appointment to meet with Amber. She should address her concerns about how she does not trust Amber’s judgement to help her with Jeremy and how there has been a lack of supervision as a result. She should also admit to Amber that she viewed Jeremy’s social media account without his knowledge or consent, and found information which counters what he has said in their sessions. They should also discuss the future of their supervisory relationship, talk about their informed consent, and the expectations that they have of one another.

Following her conversation with Amber, Stephanie’s biggest priority is Jeremy so she must discuss everything that has transpired with him. She is rightfully concerned about her therapeutic rapport with Jeremy. Schmit, Balkin, Hollenbaugh, and Oliver (2017) state how therapeutic relationship is a cornerstone in therapy, but it is especially true in the therapeutic relationship with minors – there is a correlation between positive outcomes with minors and the quality of the therapeutic bond. If she handles this situation with him well, rather than impede on the rapport they have established it has the potential to strengthen their counseling relationship.

Stephanie must communicate openly and honestly with Jeremy about the fact that she violated his privacy by looking up his Instagram account, and that she has seen content which concerns her. Meyers (2014) cautions counselors against asking about a client’s social media
activity, but counselors may recommend viewing a client’s social media accounts (with permission) in a session together to address any concerning posts. She must also bring up the confidentiality limitations and explain that because he is a minor, if she is concerned about his safety and well-being she must disclose certain information to his mother. Carla consented to treatment on Jeremy’s behalf – Remley and Herlihy (2016) assert that minors cannot enter into contracts, even a counseling contract, and therapists will always have a legal obligation to the parents or guardians. Although Jeremy requests Stephanie not to disclose his risky behavior to Carla, she will likely have to do so. Assuming Amber provides guidance, Stephanie could suggest to Jeremy that he invite Carla to come to a session so he may tell her about his behavior directly. Stephanie should then take time to discuss expectations she and Jeremy have of each other going forward.

After Stephanie takes these steps she should document everything, continue to work on her supervisory relationship with Amber, and her therapeutic alliance with Jeremy. If Amber does not respond well to this conversation or if Stephanie feels nothing has improved, then she may need to request a new supervisor. By going through these steps she can exhaust all viable options to resolve the conflict, and promote better communication in her relationships with Amber and Jeremy.

This course of action passes the three Forster-Miller and Davis (2016) tests of justice, publicity, and universality. The test of justice is meant to evaluate if all associated parties have been treated equally. With this plan, if Stephanie increases transparency regarding the counseling process with Jeremy and she improves her supervisory relationship with Amber it will result in justice being served. The second test, publicity, confirms that one’s actions are appropriate enough to report and, if necessary, could be duplicated by another clinician. If the details of this
case and Stephanie’s chosen path to remediate the situation were reported in the news, she could stand by her actions with confidence. Finally, the test of universality is whether a counselor could recommend their course of action to another counselor. This proposed course of action does not cause any new ethical concerns and could be recommended to another clinician, so Stephanie may implement it with confidence. This plan is the result of consulting several professional resources and guidelines, which ensures that is an ethical course.

**Conclusion**

The counseling profession is built on transparent, honest, and genuine communication for therapeutic benefit. Counseling students must learn to navigate the different ethical issues which may arise in the professional counseling setting with confidence and competence. They must also recognize the benefit of consulting with their peers and supervisors about best ethical practices when working with clients. Especially when working with minor clients, where there are discrepancies between best legal and ethical practices regarding the rights of parents and minors, consultation and supervision are vital (Remley & Herlihy, 2016). Furthermore, as the technological world continues to advance and younger clients use networking or social media platforms to share information about themselves, there is potential for therapeutic communication to become compromised if boundaries are not established. This case study presented an opportunity to examine the ACA Code of Ethics, ACES best practices guidelines to be implemented into the ethical decision making guide in order to resolve an ethical dilemma. It also demonstrated the responsibility counseling students have to learn how to be proactive and advocate for themselves and for their clients.
References


