

Ethical Case Analysis Part I, II & III

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Introduction

The ethical codes are the core values of any practitioner. On a personal level, it reflects the objectivity asked for in this field and acknowledges the virtues a proficient counselor/practitioner must account for to do a proper job. I assume that in every circumstance a client needs or seeks help, I will have to understand what is the case and how I am going to follow through. In certain words, the ethical codes will guide my course of action and shape it in the best way possible, providing the best outcome for all parties.

The readings I have made so far have helped me understand ethical issues much better, and I have been able to understand how the guidelines can help us recognize dilemmas. This will help me daily on my work on sport and performance fields and how to approach different situations.

This case presents several confidentiality issues, among conflicts in multiple relationships, poor proceedings on informed consents, third party's involvement, and supervision. I will be using the ACA model, the "Practitioner's Guide to Ethical Decision Making," by Forester-Miller, H., & Davis, T. E. (2016), to untangle the dilemma presented as third-party organizational conflict.

Model Description

This model accounts for 7 steps:

1. *Identify the problem:* On my first step, I have to acknowledge the problem. In this case, the concern is the organization Elliot is working for will be requesting services that go against the ethic codes.

2. *Apply the ACA Code of Ethics:* once the problem is identified, I will check on what the ACA ethics codes have addressed this issue. If the ACA offers an answer, then I should consider it. On the other hand, if the ACA has not helped me, I will have to continue with the model's following steps.

In Elliot's case, two sections should be revised and considered. The first one is Section D.1.e related to confidentiality while working with other professionals. According to this rule, Elliot should emphasize his job's role expectations and confidentiality towards the client's welfare. The second one is Section I.2.d, dedicated to Organizational conflicts. This section is the one that characterizes this dilemma the most and states that if the demands of an organization with which counselors are affiliated pose a conflict with the ACA Code of Ethics, counselors specify the nature of such conflicts and express their commitment to the ACA Code of Ethics.

3. *Determine the nature and dimensions of the dilemma.* On this step, it is suggested to revise the 5 foundational principles: autonomy, justice, beneficence, nonmaleficence, and fidelity. As well as researching for more information about the dilemma, consult experienced professionals who follow the ACA Code of ethics, and consult state or national professionals for more insight over the dilemma. After this step, I should have a better understanding of the dilemma and have colleagues sharing similar past experiences to help organize the dilemma's thoughts.

While Elliot's ultimate goal might be to bring beneficence to his workplace, the overwhelming event jeopardizes his fidelity as confidentiality and competence are hanging off a loose thread.

4. *Generate potential courses of action:* Once I have gathered as much information as possible, I will be able to start brainstorming about different ways to solve this dilemma. In this case, the ethical codes brought on step 2 recommend that Elliot clarify the ethical conflicts that multiple relationships can bring, along with codes of privacy and confidentiality, and make clear the commitment to the ACA ethics code overall.

5. *Consider the potential consequences of all options and determine a course of action:* Every option that provides a solution may bring side consequences. This step helps narrow down the options, leaving behind those solutions that could potentially bring harmful consequences, and enables to see which of the options left is the most suited for determining a course of action.

Elliot is in a situation where he will eventually have to deny certain requests from the employee, in this case, the school. Because a third party pays, Elliot could be putting his job in danger if the employer continues to press. Elliot will have to proceed carefully and wisely to make sure the third-party understand their limits.

6. *Evaluate the selected course of action:* Once I have selected a course of action, I will evaluate if this action presents any new ethical considerations. This step suggests doing three simple tests to see if the course of action is the correct one. The first test is to use Justice to measure if I am treating the case as I would treat others. The second is Publicity, which asks if the action taken would put me in an uncomfortable situation if it goes public. And the third test is Universality as if the course of action could apply to the same situations.

If, upon this step, I happen to have ethical conflicts, then I will have to get started with

the model again. If I found no problem with applying such a course of action, I will be ready to execute the model's last step.

In this case, Elliot decides this course of action, and he would be certain that he will be compromising with these three aspects. He would be doing Justice since he would not accept doing any favors by breaking the oath to the ACA Ethics code. He would be not only comfortable about this action but also proud. It is a very tough spot to sacrifice his current job if his boss doesn't like it. And the course of action is universal since it is a dilemma that ethical codes have covered.

7. *Implement the course of action:* The authors suggest staying strong when implementing the course of action and taking note following up on the situation.

I believe this will help Elliot make the right decision.

Code Application

Ethical Issue One: *"Elliott is assigned his own administrative assistant because of the amount of coordination required to provide services considering the athletes' travel, educational, practice, and athletic training demands. The Center also allows Elliott to direct two student workers who are studying athletic training."*

- AASP Code: 13. Delegation to and Supervision of Subordinates
- Case Study/Code Analysis

Elliot will be assigned assistants to delegate duties. The AASP code 13.a expresses that the AASP member should delegate only those responsibilities that such persons can reasonably be expected to perform competently. If Elliot finds incompetence, the 13.b encourages the AASP

members to provide proper training and supervision, so his assistants perform services responsibly, competently, and ethically.

- ACA code: F.1. Counselor Supervision and Client Welfare, F.2. Counselor Supervision Competence
- Case Study/Code Analysis

Elliot will have three individuals working for him. There are two concepts to have in mind to proceed working ethically. First making sure all parties understand their role and the importance of their confidentiality within the work-frame. Secondly, the competence of the counselor to delegate duties or to measure the competence of his assistant.

Ethical Issue 2: *“he developed some key protocols for distance counseling via FaceTime or Skype to help with client access to services.”*

- AASP code: 26. The integration of Technology in Professional and Scientific Work within Sport, Exercise and Health Psychology
- Case Study/Code Analysis

Elliot has developed protocols for clients to have access to his service using technology. There are several aspects of confidentiality, privacy, competence, and so forth that need careful attention. If Elliot fails to provide proper informed consent, he may risk the welfare of his clients.

- ACA code: H.2 Informed Consent and Security
- Case Study/Code Analysis

Elliot will be engaging in phone calls or email exchanged. He will be working with people on the other side of the world. For this, the client has to acknowledge how this practice works and the

aspects of the consultation that require a commitment to privacy, confidence, and security. The informed consent should include every aspect discussed in section H.2.a. Elliot should also make sure he pays close attention to the ethical code H.2.d. Security.

Ethical Issue 3: *“Elliott designed mental health counseling groups for athletes in which members come from a variety of teams rather than from the same team.”*

- AASP code: 18.b Maintaining confidentiality
- Case Study/Code Analysis

Elliott's idea to implement group setting therapy may implicate a confidentiality mess. He will be working with student-athletes who have just left high-school. Their confidentiality is not something that Elliot should take for granted. For this, the AASP code states that the practitioner's duty to discuss all the confidentiality matters to the group.

- ACA code: B.4. Groups and Families
- Case Study/Code Analysis

Elliot is creating a platform for group work. Therefore, the ACA code B.4.a asks the practitioner to clearly explain the importance and parameters of confidentiality for the specific group.

* Elliot is also planning to make the group diverse; therefore, he will have to be careful and follow ACA code A.9. This explains that the counselor should screen all the participants and match them for group therapy concerning their needs goals.

Ethical Issue 4: *“Elliott spearheaded a fundraising event to provide money for community counseling and for outside certified consulting so he could refer students who needed both services.”*

- AASP Code: 11. Consultation and Referrals

- Case Study/Code Analysis

Elliot is planning to refer possible clients to other professionals who he believes are better fitted. To refer them to another professional, he would need appropriate consent and subject to other relevant considerations.

- ACA code: D.2.a. Consultant Competency
- Case Study/Code Analysis

Elliot is trying to refer clients to other mental consultants. It makes sense since he is in a situation where he would be entering the ethical dilemma of multiple relationships if he doesn't refer. This code assures the consultant that if the counselor doesn't have the resources or the competence, he should refer his client if he is granted the consent. If not, he should terminate the relationship.

Ethical Issue 5: *A coach asking for Elliot's client's performance.*

- AASP Code: 12. Third-Party Requests for Services
- Case Study/Code Analysis.

Elliot's client has shared that the client's coach and Elliot's secretary were found talking about the clients' performance. In this case, the coach has not been clarified the uses of the information obtained and its confidentiality.

- ACA Code. D.1.e
- Case Study/Code Analysis.

The fact the coach is asking for private information means that Elliot has not clarified role expectations and confidentiality parameters with their colleagues.

Ethical Issue 6: *“Elliott often collaborates with the medical staff as many referrals come directly from them. Though student-athletes express concern about this collaboration, most understand and experience its value after he explains it to them.”*

- AASP code: 18 Maintaining Confidentiality
- Case Study/Code Analysis

Elliot breaks the client’s privacy when he asks for further information from another person who has a relationship with his client. The code 18.a states that the AASP members have a primary obligation to uphold and take reasonable precautions to respect the confidentiality rights of those with whom they work.

- ACA code: B.1.b. Respect for Privacy, B.1.c. Respect for Confidentiality
- Case Study/Code Analysis

By Elliot asking for information, he is violating the client’s privacy and confidentiality. Both codes ask the counselor to respect both aspects.

Suggested Resolutions

Ethical Issue one resolution:

Elliot will have to provide informed consent to all supervisees, emphasizing ACA Code F.4.c Standards for Supervisees, which asks supervisors to make their supervisees aware of professional and ethical standards and legal responsibilities.

Ethical Issue two resolution:

Elliot will have to formulate proper informed consent to those clients who he will be assisting online. Revise AASP Code Section 26.

Ethical Issue three resolution:

Elliot should be screening all participants making sure he assigns group therapy accordingly. Thereafter, he should be discussing the limits of confidentiality group therapy has. And he should be handling an informed consent to all participants specifying the risks, practical matters, the goals, techniques, procedures, and so on. He must keep an active action towards reminding all participants about confidentiality in the group setting. Codes ACA A.9 and B.4. Groups and Families. AASP code 18.b Maintaining confidentiality.

Ethical Issue four resolution:

Elliot should explain to the client his intentions and strive to get the consent to be referred to. If the client does not accept, and Elliot still believes he is not competent to continue his services, he should terminate the relationship. Follow D.2.a. Consultant Competency and AASP Code: 11.

Consultation and Referrals

Ethical Issue 5 resolution:

Elliot should clarify the limits of access to information to third parties, sharing to the coach that he is violating the client's privacy and confidentiality. In this case, Elliot will be defending his integrity, fidelity towards his practice. AASP Code: 12. Third-Party Requests for Services and ACA Code. D.1.e.

Ethical issue six resolution:

Elliot's best way to handle this situation is to get consent from his clients to make use of that information. Even though Elliot's intentions might be the greatest ones, he needs to make sure he lets the client know how this would help the client's welfare and ultimately achieve a client's consent. If he is not granted consent, then he should refrain from asking for certain kinds of information he does not have a reach to. AASP code: 18 Maintaining Confidentiality, ACA code: B.1.b. Respect for Privacy, B.1.c. Respect for Confidentiality.

Summary

The Ethical Case Analysis produced several problem-solving situations linked with ethical inconveniences when taking over a new job. Elliot, the practitioner, had several services assigned that he had to coordinate. However, as he manages his duties, he begins stumbling with stones presented as ethical dilemmas.

The analysis's learning is based on how a practitioner could be proactive and anticipate any pitfalls in the longer term. Elliot's motivation and devotion to do the job can be perceived as he attempts to grow the counseling support by promoting group therapies and bringing more consultants. However, his impulse was bigger than his analysis of the actions brought him chaos rather than flow. He then encounters several questions from all the participants in the school.

There are two main concepts in Elliot's case shares. First, one can question if Elliot ever attempted to educate the student-athletes on how the counseling services work. If Elliot makes sure that he has the student-athlete understanding the purpose of counseling, then the individual will already be more familiar with it, therefore less skeptical. In the same fashion, he should make it clear and transparent the oath to the ACA codes. The second is to be analytical in management. It may be a simple characteristic, but the ethical codes help the consultant/practitioner solve ethical issues. If one can avoid them by hypothetical problem-solving situations run through the ethical codes, then the implementation of any action will most probably be the correct one.

Elliot's example teaches us that in this field, great intentions are great when the action is primed by proper analysis of the circumstances. Without analysis, chaos may happen.

References

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Case Study

Elliott is a licensed professional counselor and a certified mental performance coach working at a student health and counseling center at an NCAA Division I university. Because of Elliott's education, training, experiences, and certifications, the counseling center director assigned him to work only with student athletes. As such, Elliott's position is half funded by the athletic department. Elliott is assigned his own administrative assistant because of the amount of coordination required to provide services considering the athletes' travel, educational, practice, and athletic training demands. The Center also allows Elliott to direct two student workers who are studying athletic training. Because of the travel schedules and to maintain consistency in his counseling and consulting work, he developed some key protocols for distance counseling via FaceTime or Skype to help with client access to services.

In addition to individual counseling sessions with athletes who self-refer, Elliott works with athletes referred by coaches, trainers, medical providers, professors, and administrators. He has mandated clients as well – athletes who have been disciplined for academic or behavioral concerns and those with substance use disorders. Elliott designed mental health counseling groups for athletes in which members come from a variety of teams rather than from the same team. For example, one group includes one member each from the baseball, volleyball, swim, track and field, gymnastic, and football teams. These groups run all year, but can sometimes be coordinated to allow for participation with only off-season athletes. However, practice and training tends to occur year-around so scheduling can be problematic.

Elliott often collaborates with the medical staff as many referrals come directly from them. Though student-athletes express concern about this collaboration, most understand and experience its value after he explains it to them. Elliott finds great professional satisfaction in this collaboration because of the emphasis on holistic wellness and personally, he likes knowing what medical challenges exist for the clients so he can be available to help. He recognizes it can create distress for clients when he learns about private medical issues prior to the student-athlete being informed, such as when students have tested positive for drug use or sexually-transmitted infections and medical providers ask him to either break the news or be present when they do.

Included in Elliott's full-time responsibilities is .25 FTE for mental performance consulting. When negotiating the position, he made it clear that he would only engage in mental performance consulting with students who are not counseling clients so athletes had clarity about his professional roles. In fact, since being hired, Elliott spearheaded a fundraising event to provide money for community counseling and for outside certified consulting so he could refer students who needed both services. However, a number of coaches have pushed back on these outside referrals and expressed concern to the administration and the counseling center director such that they have implied they would pull their funding for Elliott's position if he does not agree to make consulting available to all student-athletes, including for those he is currently counseling. They are concerns that "outsiders" do not fully understand the needs of the student athletes.

Elliott is hearing from his student workers that there are rumblings among student-athletes in the training room about how they would stop utilizing counseling if there is any risk that their private content could become public via the consulting work he might do “in or on the field.” Indeed, a few students with strong therapeutic alliances directly challenged Elliott about the consulting rumors, having heard from coaches and others that he was going to provide this service to teams, small groups, and individuals in public settings. One vocal and passionate student stated, “How are you going to keep our work private when you know why I panic and freeze when the coach is yelling at me? My teammates don’t need to know my trauma history. How are you planning to provide consulting for my performance if this comes up when you know it is about my mental health diagnosis and not my athletic ability? I just don’t like this idea.” And, another student alerted Elliott that her confidentiality may already be at risk, when she explained, “I saw my coach in here talking with your secretary about my progress. She was asking for him to schedule you for a session on the court. Your secretary told her I was already seeing you twice a week. Isn’t that a violation of my privacy? I don’t want her in any part of this counseling process.” Even the students with whom Elliott provides consulting expressed concern. One noted, “I know people know you are a counselor. The more time you spend out on the field with me, the more likely they are to think you are counseling me. I don’t need counseling and I don’t want people to see you and think that way about me.”

Elliott was recently called to a meeting with the Athletic Director, Student Health and Counseling Center Director, and the Provost, who explained the intent was to come to agreement about the services he will provide to student-athletes. Elliott is concerned that the power the athletic department holds could potentially force him to choose between his job and the professional ethics of both fields.

Your grade on this **Ethical Case Analysis** assignment depends on the way you address each of the five sections in graduate-level fashion and according to the appropriate APA-style writing guidelines. Instructors will either use Track Changes to embed comments about your work in your paper or will add comments to the rubric. You are responsible to read these comments and learn from this feedback to improve your work over time.