



ACA 2019 Graduate Student Ethics Awards

The American Counseling Association Graduate Student Ethics Awards recognize exceptional, demonstrable understanding of the *ACA Code of Ethics*, which is the foundation of ethical practice in the counseling profession. This month's Ethics Update column features excerpts from the first-place doctoral team essay submitted by Lindsey Wilson College. Members of the winning doctoral team for 2019 are Connie Elkins, Jay Tift and Sherry Miller, along with their faculty adviser, Jeffrey Parsons.

About the awards

Counselor education programs were allowed to enter one team of master's-level students and one team of doctoral-level students. Teams were composed of three to four students and one faculty adviser, all of whom had to be active members of ACA.

The ACA Ethics Committee created two mock scenarios that addressed current ethical issues in the counseling profession. Teams were required to use the 2014 *ACA Code of Ethics* and information from relevant counseling literature for their case study responses. Team members were not allowed to consult with anyone outside of their teams, including their faculty contact or other members of their faculty.

In their case study responses, teams had to clearly identify the ethical dilemma, propose the action they would take in the case, justify their proposed actions and describe the decision-making model they used. The decision-making model needed to be one that had been discussed in the professional literature previously, and team members had to offer a rationale regarding why they chose to apply that model to the case study.

The top three master's-level teams and top three doctoral-level teams received monetary prizes. In addition, one master's-level team and one doctoral-level team received an honorable mention. All winning teams were recognized on

the ACA website and at the ACA 2019 Conference & Expo during the National Awards Ceremony. The top essays can be read on ACA's website at counseling.org/membership/awards/gradstudents/ethics-doctoral#awardees and counseling.org/membership/awards/gradstudents/ethics-masters#awardees, respectively.

Mock scenario

The ACA Ethics Committee created the following scenario for the 2019 doctoral-level teams:

Enrique Jimenez is a third-year doctoral student at State University. He is currently co-supervising, with a senior faculty member, two school counseling students while they complete their practicum at the local high school.

The school counseling trainees, Madeline and Farah, are considered stars in the counselor education program, and a few faculty have identified them as future doctoral students. Enrique has also witnessed these counseling students handle difficult cases involving parents and their children in the impoverished immigrant community where the school is located. In fact, he has grown quite close to Madeline, who has shared with him that she is a "Dreamer" (undocumented student) whose family is at risk of being deported. Enrique also feels that Madeline has signaled her interest in him, but neither has acted on these feelings.

Enrique's family also immigrated into the United States many years ago. He knows firsthand how hard it is to achieve citizenship and deeply resents the current federal government's stance on Dreamers and immigration. Farah, on the other hand, is from Turkey and is studying in the U.S. on a student visa. She is quite active in the international student organization, often speaking out about the plight of immigrants in the U.S.

Dr. Smith, the senior faculty member, has also noticed this growing closeness

between Enrique and Madeline. Dr. Smith has noted as much to Enrique, even to the point of suggesting that he, as the senior faculty member, take over primary supervision of Madeline. Enrique assures Dr. Smith that he will not act on his feelings and will maintain professional boundaries. Dr. Smith decides to trust Enrique to supervise both students and does nothing more.

One day, Madeline and Farah invite Enrique to a rally being held at the high school. The rally is being sponsored by several of the teachers and lots of families that either have relatives who are in the U.S. illegally or that are considered undocumented themselves. Madeline and Farah send Enrique the invitation via Facebook, on which they are all connected as friends. Enrique visits the Facebook page created by the sponsoring group and reads a detailed post authored by Madeline on the mental health of the current president, going so far as offering a preliminary diagnosis. At the rally, he hears Farah's speech on social justice and listens to her recommendations on how to legally fight deportation. She instructs the gathering how to write their representatives at both the state and federal levels and how to passively resist deportation. Madeline, on the other hand, gives a fiery speech on the evils of the current administration and labels many political leaders' behaviors in specific diagnostic terms. She states this with great confidence and speaks of her training at State University in counseling.

Enrique is impressed with the quality of their spoken words and the passion with which they are delivered. At the same time, he is troubled by Farah's instructions on how to "passively resist" any legal actions and Madeline's use of her limited knowledge of mental health issues in her speech. Enrique decides that he will address each of these issues in individual supervision and will not mention them to Dr. Smith because he does not want

to hurt Madeline's and Farah's chances of getting into the doctoral program.

Essay excerpts

Following are excerpts from the winning doctoral team's submission from Lindsey Wilson College.

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 [Deferred Action for Childhood Arrivals program] 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 competing 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



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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 saviors. 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 whom 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 that is 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 he 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 their 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 whom 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.

Only a few definitive facts are 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 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 Madeline.

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 in 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 Relationships:** 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 ensure 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 ensure 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 developmental growth, as well as 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 ensure 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 adviser and must assume responsibility for ensuring public safety and effective and ethical treatment of clients. In this role, he is accountable for maintaining the fundamental principles of professional ethical behaviors within the counseling profession. His response to the dilemmas 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 assumptions pertaining to his potential complacency within this scenario. He must closely monitor this situation and move quickly toward 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.

Remediation for Enrique's role of supervisor includes: 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, and 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 noncompliance, 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. ❖