ACA 2017-2018 Graduate Student Ethics Competition

The American Counseling Association Ethics Committee holds the annual ACA Graduate Student Ethics Competition to give students an opportunity to work together while practicing ethical decision-making skills as applied to real-world scenarios.

This month's Ethics Update column features excerpts from the essay submitted by the 2017-2018 first-place master's team from Monmouth University. The members of the team were Helene Maliko-Abraham, Madison Lawn, Emily Ramos and Sunanda Sharma, along with their faculty adviser, Sarah I. Springer.

About the competition

Each counselor education program was allowed to enter one team of master's-level students and one team of doctoral-level students. Teams comprised three to four students and one faculty adviser, all of whom had to be active members of the American Counseling Association.

The Ethics Committee created two mock scenarios addressing 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. The graduate students were not allowed to consult with anyone outside of their team, including their faculty contact or other members of their faculty.

In their case study responses, the teams were required to clearly identify the dilemma, propose the actions they would take in the case (i.e., what team members believed were the most ethical actions), justify their proposed actions and describe the decision-making model they used. The decision-making model needed to be one that has been discussed in the professional literature, 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 teams and top three doctoral teams received monetary prizes. In addition, one master's team and one doctoral team received an honorable mention. All of the winning teams were recognized at the National Awards Ceremony at the ACA Conference & Expo.

Mock scenario

The ACA Ethics Committee created the following scenario for the master's-level teams in the 2017-2018 ethics competition:

Stephanie is in her first semester of internship and is working at a small community agency alongside Amber, her clinical supervisor. In an effort to help Stephanie meet her client hours, Amber has approached some of her own clients as recruitment sources. One of her long-standing clients is a woman, Carla, who has been dealing with relationship and parenting stressors, as well as anxiety and self-esteem issues. They have met weekly for the past six months.

Carla has a teenage son, Jeremy, whom she is concerned about. The mother and son have a strained relationship, and that has become a focus of Carla's own personal counseling. Carla consents to have Stephanie provide counseling services to Jeremy to help him process potential depression and suicidal ideation (by Carla's report).

After the third session, Jeremy reveals that he has been using marijuana with friends. In addition, he boasts that he found his mother's stash of emergency cash and has been stealing large amounts to support his drug use. Jeremy asks Stephanie not to tell his mother any of this information. Stephanie is concerned about Jeremy and manages to locate his Instagram account online. She sees several photos indicating underage drinking and notices that he has posted several dark and worrisome quotes that could indicate deepening depression, although Jeremy has denied depressive thoughts in their sessions.

Later, in her internship group class, Stephanie asks to process her mixed feelings about the situation. She reports that she does not trust Amber to be objective toward Jeremy because Amber's primary client is the mother. She states that she feels like Amber "had negative views" of Jeremy from the beginning. Stephanie says she does not feel that she can process the situation with Amber and, therefore, tries to avoid discussing the client. She also thinks that she is making some good progress with Jeremy and does not want to ruin the strong rapport she has built with him.

Essay excerpts from the first-place master's-level team

Following are excerpts from the winning submission from the master's-level team at Monmouth University. This essay can be read in its entirety (as can the

first-place essay from the doctoral-level team at the University of Tennessee) at *counseling.org/knowledge-center/ethics/aca-graduate-student-ethics-competition/ethics-competition-results*.

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 and 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 and 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.

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.

A.1. Client Welfare

[Standards] 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.

A.2. Informed Consent in the Counseling Relationship

[Standard] 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. [Standard] 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.

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

[Standard] 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

[Standard] 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

[Standard] 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

[Standard] 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

[Standard] 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.

F.1. Counselor Supervision and Client Welfare, and F.5. Student and Supervisee Responsibilities

[Standards] F.1.a., F.1.c. and F.5.a. state that supervisors are responsible for monitoring the counseling practices of their supervisees.

H.6. Social Media

[Standards] H.6.b. and H.6.c. are part of the newest addition to the [ACA] *Code of Ethics*. These [standards] 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.

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 and 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 judgment 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 [and] 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 [it] is an ethical course. ❖

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