

**Assignment # 2: Analysis of an Ethical Dilemma Using the CPA Decision Making Model
Accompanied with Research Support**

An Intimate Partner Violence Dilemma and the CPA Decision Making Model

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CAAP 6603: Professional Ethics and Conduct

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Master of Counselling Program

Date Submitted To Moodle: July 13, 2015

Assignment Deadline: July 13, 2015

Introduction

In this paper, I apply the CPA Ethical Decision Making Model to a dilemma involving intimate partner violence (see Appendix A for full case description) to demonstrate the recommended process for navigating complex problems that arise in therapy. This example highlights several difficulties that arise when ethical obligations and legal obligations conflict, and proposes that a counsellor's primary obligation is to do everything he or she can to uphold the ethical standards of the profession.

Step 1. Individuals and Groups Potentially Affected by the Decision

The individuals who will be most affected by my decision are Marisol and Benito. However, Marisol and Benito's families, the university counselling organization, and the discipline itself (*re* public trust) may also be affected. Finally, I must consider the potential legal and professional ramifications of my actions and how I will be affected mentally and emotionally.

Step 2. Identification of Ethically Relevant Issues and Practices

I can identify 16 ethical values that are key to my current dilemma: five under Respect for the Dignity of Persons, five under Responsible Caring, four under Integrity in Relationships, and two under Responsibility to Society.

Principle/Value

PRINCIPLE I: RESPECT FOR THE DIGNITY OF PERSONS

Value: General Respect

I.1 Demonstrate appropriate respect for the knowledge, insight, experience, and areas of expertise of others.

Value: Fair Treatment/Due Process

I.12 Work and act in a spirit of fair treatment of others.

My Thoughts

I must thoughtfully consider and show respect towards the client, any professionals I consult with, and those who may be indirectly affected by my decision.

If I maintain confidentiality, I could be contributing to the unfair treatment of an innocent man, Benito.

**The Four Ethical Principles with Their
Respective Values and Standards – Second Ethical Dilemma**

I. Respect for the Dignity of Persons	II. Responsible Caring	III. Integrity in Relationships	IV. Responsibility to Society
1. General Respect (I.1-I.4)	1. General Caring (II.1-II.5)	1. Accuracy/Honesty (III.1-III.9)	1. Development of Knowledge (IV.1-IV.3)
2. General Rights (I.5-I.8)	2. Competence & Self-Knowledge (II.6-II.12)	2. Objectivity/Lack of Bias (III.10-III.13)	2. Beneficial Activities (IV.4-IV.14)
3. Non-discrimination (I.9-I.11)	3. Risk/Benefit Analysis (II.13-II.17)	3. Straightforwardness /Openness (III.14-III.22)	3. Respect for Society (IV.15-IV.18)
4. Fair Treatment/ Due Process (I.12-I.15)	4. Maximize Benefit (II.18-II.26)	4. Avoidance of Incomplete Disclosure (III.23-III.30)	4. Development of Society (IV.19-IV.29)
5. Informed Consent (I.16-I.26)	5. Minimize Harm (II.27-II.36)	5. Avoidance of Conflict of Interest (III.31-III.38)	5. Extended Responsibility (IV.30-IV.31)
6. Freedom of Consent (I.27-I.30)	6. Offset/Correct Harm (II.37-II.44)	6. Reliance on the Discipline (III.36-III.38)	
7. Protection for Vulnerable Persons (I.31-I.36)	7. Care of Animals (II.45-II.48)	7. Extended Responsibility (III.39-III.40)	
8. Privacy (I.37-I.42)	8. Extended Responsibility (II.49-II.50)		
9. Confidentiality (I.43-I.45)			
10. Extended Responsibility (I.46-I.47)			

Value: Freedom of Consent

1.27 Take all reasonable steps to ensure that consent is not given under conditions of coercion, under pressure or undue reward.

Value: Privacy

I.39 Record only that private information necessary for the provision of continuous, coordinated service, or for the goals of the particular research study being conducted or that is required or justified by law (Also see Standards IV.17 and IV.18)

Value: Confidentiality

I.45 Share confidential information with others only with the informed consent of those involved, or in a manner that the persons involved cannot be identified, except as required or justified by law, or in circumstances of actual or possible serious physical harm or death.

PRINCIPLE II: RESPONSIBLE CARING

Value: General Caring

II.1 Protect and promote the welfare of clients, research participants, employees, supervisees, students, trainees, colleagues, and others.

II.2 Avoid doing harm to clients, research participants, employees, supervisees, students, trainees, colleagues, and others.

II.3 Accept responsibility for the consequences of their actions.

Value: Competence & Self-Knowledge

II.8 Take immediate steps to obtain consultation or to refer a client to a colleague or other appropriate professional, whichever is more likely to result in providing the client with competent service, if it becomes apparent that a client's problems are beyond their competence.

II.10 Evaluate how their own experiences, attitudes, culture, beliefs, values, social context, individual difference, specific training, and stresses influence their interactions with

I must be careful not to manipulate, threaten, or coerce Marisol to disclose. Failing to respecting her autonomy would reiterate that she is not in control of her choices.

I will record only factual information in Marisol's file and ensure I do not embellish or alter the facts of this case when consulting with others.

I will work collaboratively with Marisol to analyze the risks and benefits of her decision. I will encourage her to disclose but if she still refuses to come forward with the truth I will work to uphold ethical principles as best I can within her wishes and inform her of limits to confidentiality if her file is subpoenaed.

I need to do my best to protect the needs and wellbeing of Marisol, Benito, the university, and myself. Can I meet the needs of everyone?

Both Benito and Marisol are at risk and I need to find a solution that results in the least amount of harm for the fewest number of people.

Regardless of my decision, I will take responsibility for the outcome.

I will consult with an uncompromised lawyer to improve my existing understanding of how Marisol, Benito, the university, my supervisors and I might be legally affected as a result of my decision.

I must acknowledge my limited experience in dealing with intimate partner violence and my lack of understanding of Marisol's culture. It is my duty to manage my values, attitudes and beliefs, especially regarding my belief that

others, and integrate this awareness into all efforts to benefit and not harm others.

Value: Risk/Benefit Analysis

II.14 Be sufficiently sensitive to and knowledgeable about individual, group, community, and cultural differences and vulnerabilities to discern what will benefit and not harm persons involved in their activities.

Value: Minimize Harm

II.30 Be acutely aware of the need for discretion in the recording and communication of information, in order that the information not be misinterpreted or misused to the detriment of others. This includes, but is not limited to: not recording information that could lead to misinterpretation and misuse; avoiding conjecture; clearly labelling opinion; and, communicating information in language that can be understood clearly by the recipient of the information.

Value: Offset/Correct Harm

II.39 Do everything reasonably possible to stop or offset the consequences of actions by others when these actions are likely to cause serious physical harm or death. This may include reporting to appropriate authorities (e.g., the police), an intended victim, or a family member, or other support person who can intervene, and would be done even when a confidential relationship is involved.

PRINCIPLE III: INTEGRITY IN RELATIONSHIPS

Value: Accuracy/Honesty

III.1 Not knowingly participate in, condone, or be associated with dishonesty, fraud, or misrepresentation.

Value: Objectivity/Lack of Bias

III.10 Evaluate how their personal experience, attitudes, values, social context, individual difference, stresses, specific training influence their activities and thinking, integrating this awareness into all attempts to be objective and unbiased in their research, service, and other activities.

Marisol's false accusation is unjust.

I must consider how Marisol's culture contributes to her values and beliefs and the pressure she feels from her family. I must consider how her level of resilience will mitigate her ability to cope with potential outcomes.

In the situation that Marisol's file is subpoenaed, I will ensure my records are accurate, honest, unbiased, and include the only information pertinent to this dilemma. As I consult with other professionals, I will ensure not to disclose unnecessary information.

I am limited in my ability to prevent harm for all persons involved in this case. If I tell Benito's lawyer that Marisol was dishonest, I will certainly be causing harm to my client with no guarantee that Benito will be unharmed. On the other hand, if I do not disclose, I am doing all I can to protect my client but risk causing severe harm to Benito. I will work within my role to offset resulting harm.

Withholding the truth may result in public distrust, professional reprimand and legal prosecution.

Due to the controversial nature of this case, I must intentionally "bracket" (Corey, Corey, Corey, & Callanan, 2015) my values when communicating with Marisol to ensure I do not inadvertently disclose my opinions.

Value: Straightforwardness/Openness

III.14 Be clear and straightforward about all information needed to establish informed consent or any other valid written or unwritten agreement (for example: fees, including any limitations imposed by third-party payers; relevant business policies and practices; mutual concerns; mutual responsibilities; ethical responsibilities of psychologists; purpose and nature of the relationship, including research participation; alternatives; likely experiences; possible conflicts; possible outcomes; and, expectations for processing, using, and sharing any information generated).

Value: Reliance on the Discipline

III.38 Seek consultation from colleagues and / or appropriate groups and committees, and give due regard to their advice in arriving at a responsible decision, if faced with difficult situations.

PRINCIPLE IV: RESPONSIBILITY TO SOCIETY

Value: Beneficial Activities

IV.6 Participate in the process of critical self-evaluation of the discipline's place in society, and in the development and implementation of structures and procedures that help the discipline to contribute to beneficial societal functional and changes.

Value: Respect for Society

IV.17 Familiarize themselves with the laws and regulations of the societies in which they work, especially those that are related to those activities as psychologists, and abide by them. If those laws or regulations seriously conflict with the ethical principles contained herein, psychologists would do whatever they could to uphold the ethical principles. If upholding the ethical principles could result in serious personal consequences (e.g., jail or physical harm), decision for final action would be considered a matter of personal conscience.

Although Marisol gave consent for me to consult with other professionals at the beginning of our therapeutic relationship, I believe I am ethically and morally obligated to share with her any noteworthy advice or recommendations I gain during consultation to help Marisol make an informed decision on whether or not to disclose. If Marisol asks me to disclose on her behalf, I will discuss with her the specific information that will be shared, who it will be shared with, and when.

Throughout this process I will seek the appropriate supervision and support necessary to ensure I have considered all relevant aspects and factors in order to make the most responsible and ethical decision.

What takes precedent in this specific dilemma: confidentiality or justice? As I explore my social role as a counsellor (Cram & Dobson, 1993) I ask myself, is it possible to find a solution that is both ethically sound and can withstand the test of publicity?

In my opinion there are a variety of justifiable and logical ways to proceed and this principle is key in helping determine the best course of action. Releasing confidential information is not justified in this case; however, I risk legal prosecution if I do not disclose. Due to the conflict between my legal and ethical obligations, my decision will be significantly influenced by personal conscience.

Step 3: Personal Influence on the Development of or Chosen Course of Action

Being a novice counsellor, I felt scared, doubtful and incapable of successfully navigating this dilemma (Thériault, Gazzola, & Richardson, 2009). I felt worried about my career and angry with Marisol for sacrificing the safety and wellbeing of Benito in order protect her own self-interest. I felt suspicious of her ability to be honest with me in future sessions, however I am not an investigator and I must accept her account as true unless proven otherwise (Berliner & Loftus, 1992). I also felt judgmental towards Marisol's family and culture for failing to create an environment where she felt supported to be honest and authentic. My lack of multicultural competence (Ahmed, Wilson, Henriksen Jr., & Jones, 2011) caused me to question the severity of Marisol's situation and the rationality behind her actions.

Step 4: Development of Alternative Courses of Action

I have ruled out: a) to do nothing and hope that Marisol will decide to disclose on her own or b) to refer Marisol to a more experienced psychologist. I have generated the following potential courses of action:

Alternative 1

I will consult with my lawyer and supervisor about the potential courses of action. I will be open and honest in delivering all the relevant case information in order to obtain comprehensive advice. During consultations I will consider what personal characteristics and values the consultant brings to this case and how the consultants personal characteristics influence me (Hill, Glaser & Harden, 1995). After obtaining various recommendations I will reassess my options to arrive at a conclusion.

Alternative 2

I will continue to monitor Marisol's risk of self-harm. Also, In order to determine Marisol's level of risk (Roberts & Ottens, 2005) should she be charged and deported, I will gather more information from Marisol about the likely reactions her family, friends, and society will have if they learn she committed perjury. My decision of whether or not to breach confidentiality will be significantly influenced by Marisol's level of risk for serious harm, for example being stoned to death, upon returning to her home country.

Alternative 3

I will encourage Marisol to disclose the truth about her consensual sexual interaction with Benito. I have reason to believe that Marisol's decision to remain silent is rooted in fear and shame and I feel obligated to ensure she has rationally considered the consequences of withholding the truth or disclosing. I will initiate a collaborative discussion regarding the risks and benefits of disclosure and support Marisol in arriving at an informed decision. I will be honest and transparent about the likelihood that her file will be subpoenaed, and the limits of confidentiality. I will work to address beliefs and behaviours that prohibit disclosure.

Alternative 4

I will contact Benito's lawyer and disclose the false accusations. It is pointless to discuss the legal ramifications of Marisol's decisions with her, as that is the responsibility of her lawyer and not within my competency as a counsellor. I will recommend to Marisol that we continue to work together in counselling to focus on her emotional distress and strategies for managing the results of this case. I will be reducing harm for Benito and mitigating the potential for Marisol to be harmed by my limited knowledge of law. I may be at risk of prosecution for breaching confidentiality however the Doctrine of Qualified Immunity may protect me (Schulz, Sheppard,

Lehr, & Shepard, 2006).

Step 5: Risk/ Benefit Analysis

Possible Positive Consequences

Alternative 1

Consulting allows me to consider other perspectives and understand of my personal biases and values that may inadvertently influence my decision.

The consultant may have personal experiences in a similar situation and be able to shed light on how to proceed.

Alternative 2

By disclosing the truth I avoid being associated with dishonesty and misrepresentation.

Ensures the most competent professional is overseeing this case.

I am upholding my civil responsibility to ensure justice is served.

Alternative 3

Respects the dignity of persons, promote autonomy and honours the collaborative nature of counselling. Encourages Marisol to critically evaluate her situation.

Safeguards me from a potential malpractice suit.

Alternative 4

Obtaining more information will increase my ability to make an informed and ethical decision. I ensure due diligence to consider both self-inflicted harm and potential harm by others.

Possible Negative Consequences

Considering I am inexperienced and nervous, my thought processes are susceptible to persuasion from those who possess greater experience and knowledge in dealing with ethical dilemmas. Also, the consultant's advice could be misleading.

Marisol could sue me for breaking confidentiality and file a formal complaint to the ethics board. Marisol will be convicted of perjury, deported, and likely feel a lack of control. I will also potentially damage the reputation of the profession.

Benito may be wrongly convicted and sentenced to harsh prison time. If Benito learns that I knew the truth and did not disclose, he could sue me.

I risk damaging the therapeutic relationship if the file is subpoenaed.

Discussing the reality of her cultural consequences, Marisol may feel more scared and therefore less likely to come forward with the truth.

Step 6: Choice of Course of Action

Alternatives one and two are necessary steps for making an ethical decision. Alternative three more clearly supports the values included in Principle I (Respect for the Dignity of Persons), whereas alternative four more clearly upholds the values under Principles II (Responsible

Caring) and IV (Responsibility to Society). Both alternatives three and four can be considered reasonably ethical; however, alternative three is preferable. Placing myself in Marisol's position leads me to believe I must maintain confidentiality and fulfil my role as her therapist by acting in her best interest. I feel I am doing all I can to uphold my professional obligations and promote trust in the counselling profession. I have considered possible legal consequences and the relevant ethical principles in this case, however this case does not yet require me to violate ethical responsibilities in order to uphold the law, so I have ruled out alternative four.

Step 7: Action with a Commitment to Assume Responsibility for the Consequences

I will carry out the first, second and third alternatives and monitor the results.

Step 8: Evaluation of the Results of the Course of Action

Regardless of which alternative(s) I choose, my action plans require ongoing evaluation and will be significantly influenced by Marisol's choices.

Step 9: Assumption of Responsibility for the Consequences of Action

Despite my best efforts to balance the competing demands of ethics and law, I may have misjudged the likely outcomes. If the truth is not revealed either by Marisol personally or via subpoena, I will engage in another ethical decision-making process to determine my legal and ethical responsibilities.

Step 10: Action to Prevent Future Occurrences of the Dilemma

To prevent future occurrences I will self reflect on my contribution to the client feeling safe to be honest. As a novice counsellor I will participate in professional development to increase my competency of intimate partner violence.

Conclusion

Going through the ethical decision-making model helped me recognize the importance of knowing the code of ethics and laws relevant to counselling, especially when dealing with dilemmas that are time sensitive; I will not have time to search through numerous documents to help me formulate an answer. I am aware of my need to monitor various emotions that arise, such as guilt and self-doubt, from not being able to uphold all ethical standards and being forced to choose the best option.

I had a hard time putting aside my worries for Benito and accepting that my primary responsibilities were to Marisol. I had to frequently remind myself that Marisol told me truth because I am a professional, not a member of the lay public, obligating me to bracket my reactions and responses (Corey, Corey, Corey, & Callanan, 2015). Overall, I am responsible for operating within my roles and responsibilities as a counsellor, not an investigator, lawyer, authority figure, or member of the general public regardless of the dilemma.

In order to accelerate my learning, safeguard my counselling practice and make ethical choices, I will utilize the CPA Ethical Decision-Making Model throughout my education and career. My ability to make sound ethical decisions will only improve with practice.

References

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Appendix A

Vignette Option 2:

You are a newly registered counsellor working in a counselling centre at the local university. The centre is very busy, and the presenting issues are extensive and often trauma related, such as intimate partner violence (IPV). This is a new area for you, but you have taken the training offered by the centre and have used your own time to attend workshops on this issue. As a result of your success working with clients who have experienced IPV—in fact it turns out that you have a gift for working in this area—your case load is dominated by these clients. The other counsellors in the centre have very large case loads themselves and are happy that there is someone who, though new, is skilled in this area. They have approached the Head of the centre to suggest that you are the best qualified counsellor in the centre to work with IPV issues. You are proud of the work you have done so far and are enjoying the satisfaction of seeing students who thought their lives were ruined thriving after working with you.

Marisol is a 20-year-old international student who was assigned to you because she had been raped in her residence room on campus and appears to be suffering from PTSD. As per campus protocols, her identity has not been released to the public, but her attacker, Benito, has been identified and charged. Benito is a 22-year-old international student from Marisol's home country. Marisol and Benito were friends prior to arriving in Canada to attend this university. He has been held in custody since his arrest as it was ruled that he was a flight risk and might not appear for trial. If Benito is convicted, there are international agreements in place that will see him deported to his home country to serve out his sentence. Prison time there is very different and much harsher than that in Canada.

Marisol's parents are very traditional and are well connected in her homeland. Their public comments concerning their daughter's rape indicate that they are outraged by this situation as they raised their daughter to be a "proper" woman who would not willingly give her virginity to anyone but her future husband after their marriage. In fact, Marisol had already been promised to a much older man. After she finishes her degree, Marisol is expected to return to her country and marry this man. As a result of this assault, her family is now greatly concerned that she is no longer marriageable. They want the strongest possible punishment for Benito for this violation of their daughter.

You have been working with Marisol to address the psychological consequences that resulted from her being raped and having to testify at Benito's trial, which has been ongoing while you have been working with her. It is now in the final stages, and Marisol's psychological distress is increasing. You are exploring the possibility that once the trial is over, possibly in two or three weeks, Marisol will feel safe from any future threat from Benito and that her distress will lessen as a result. However, you are uncertain about saying this since public opinion is divided on the matter of Benito's guilt or innocence. There appears to be just as much of a chance that he will be found innocent as there is for him being found guilty. At this point, Marisol bursts into tears and says that

the rape never happened. Benito is innocent. Intercourse with him had been consensual. She'd had a nonsexual relationship with Benito prior to their arriving in Canada to attend university that her parents never knew about, and she had moved to the "next stage" willingly. She admits that she lied at his trial because she was terrified of her parents' reaction if she were to tell the truth. She says she cannot retract what she said because she would be convicted of perjury and of making a false accusation and would be deported. Being deported would dishonour her family even more than the rape, as they currently consider her to be the innocent victim of an outrageous act.

She begs you not to tell anyone and reminds you that you had assured her of the confidential nature of your relationship with her. You think back to the limits of confidentiality you explained to Marisol, which were the standard ones including duty to protect

Marisol's next appointment with you is in one week. Given your client's high level of distress, you do a detailed suicide risk assessment before the session is over and determine she is not suicidal (in addition, she said her strong religious belief prevents her considering suicide as an option). Regardless, your client is extremely distressed at realizing an innocent man may be severely punished because she never told the truth in court. Marisol is 100% determined not to confess her wrongdoing to anyone but you (her reasons not to disclose were provided above).

After this very stressful therapy session of Marisol's disclosure of perjury and the realization that an innocent young man might be convicted on her testimony, you accept that you are in the middle of a complex ethical dilemma: What is your responsibility to Marisol and to this innocent man now that you have learned this new information?

Appendix B

Steps from the Canadian Psychological Association's Ethical Decision Making Model

- Step 1. Identification of the Individuals and Groups Potentially Affected by the Decision
- Step 2. Identification of Ethically Relevant Issues and Practices, Including the Interest, Rights, and Any Relevant Characteristics of the Individuals and Groups Involved and of the System or Circumstances in Which the Ethical Problem Arose.
- Step 3: Consideration of How Personal Biases, Stresses, or Self-interest Might Influence the Development of or Choice Between Courses of Action
- Step 4: Development of Alternative Courses of Action
- Step 5: Analysis of Likely Short-term, Ongoing and Long-term Risks and Benefits of Each Course of Action on the Individual(s) / group(s) Involved or Likely to Be Affected (e.g., Client, Client's Family, or Employees, Employing Institution, Students, Research Participants, Colleagues, the Discipline, Society, Self).
- Step 6: Choice of Course of Action after Conscientious Application of Existing Principles, Values, and Standards
- Step 7: Action with a Commitment to Assume Responsibility for the Consequences of the Action
- Step 8: Evaluation of the Results of the Course of Action
- Step 9: Assumption of Responsibility for the Consequences of Action, Including Correction of Negative Consequences, If Any, or Re-engaging in the Decision-making Process If Ethical Issue Is Not Resolved
- Step 10: Appropriate Action, as Warranted and Feasible, to Prevent Future Occurrences of the Dilemma (e.g., Communication and Problem Solving with colleagues, Changes in Procedures and Practices)

Sinclair, C., & Pettifor, J. (Eds.). (2001). *Companion manual to the Canadian code of ethics for psychologists* (3rd ed.). Ottawa, Canada: Canadian Psychological Association.

Appendix C

CAAP 6603 with Professor Dawn McBride: July 2015
Assignment #2: ETHICAL DILEMMA

I. Submission Expectations (a bonus gift!).

- A. Mastery of expectations outlined in the course syllabus (spacing, title page, font size, headers, bold headings, organization, file name, etc.)
- B. Adhered to the expectations of the assignment (e.g., format, articles attached, etc.)

Maximum of Points to Earn: 1
Point Earned:

II. APA Writing and Reference Mastery. For each writing or reference error, 0.5 of a mark will be deducted (maximum 1 point deduction for the exact same error). Criteria to earn full marks: DF week 3 & 4 APA criteria.

Maximum of Points to Earn: 3
Point Earned:

III. Assignment Expectations. Competently and thoroughly described the process to arrive at a reasonable resolution of the dilemma. Full marks are awarded if the pair of students exceled at:

- A. following the CPA directions for resolving the ethical dilemma. And, adhering to the assignment directions including appropriately using the requested table (see assignment directions listed below the ethical dilemma)
- B. demonstrating comprehensive, accurate understanding of the relevant ethical and legal concepts and issues
- C. paying exceptional attention to promoting and reinforcing best ethical practice
- D. showing in-depth awareness and rigorous assessment of the different viewpoints
- E. showing thoughtful, in-depth, and critical analysis for each step
- F. actively integrated supportive material (e.g., codes, standards, and at least two peer reviewed articles).
- G. establishing a decision making process that is well thought-out and tightly argued
- H. making a decision that passes the test of justice, publicity and universality
- I. presenting the information in a logical and thoughtful sequence
- J. opening and closing paragraphs connect the ethical issues together.

Maximum of Points to Earn: 20

Point Earned:

Feedback code:

Yellow highlights → *what you did exceptionally well. Congratulations!*

Green highlights → *what you did that falls in the good/on track range 😊 and some more work is still needed.*

Blue highlights → *work that may be somewhat satisfactory, but a lot more work is needed.*

Red highlights → *work that was significantly lacking and/or not addressed.*

Total Earned Score out of 24: