

Ethical Case Analysis, part III

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Introduction

Sport & Performance Psychology provides an opportunity to help others through the avenue of sports and performance. Knowledge in this area is relatively new and becoming more relevant as people use sports, fitness, and performance in new ways. It is prudent to understand that the best intentions neither win championships nor ensure harm is not caused to others. It is therefore a professional's responsibility to develop their own standards, avenues of scholarship with others, and processes that identify issues, address them, and create solutions. Studies show that 33% of counselors failed to recognize ethical issues in taped simulations, and 25% failed to recognize issues event when prompted, Lindsey (1985) & Volker (1983). Professionals can develop best practices through education and graduate programs so they can build an *ethical identity*.

Model Description

The seven-step Forester-Miller, (Davis, 2016) model is concise, practical, and fluid for identifying the first two steps of situations and applying codes. However, the 10-step model in the textbook (Welfel, 2016), serves a newer professional well in initial applications of the codes.

1. Considerations of sensitivity, personal, and professional values.

As (Hill, 2004) notes, mental health professionals sometimes view ethics as a secondary concern. In reality, it should be the core of the professional's work and identity. It is not only the unscrupulous who become involved in cases. Practitioners need to recognize the commonness, complexity, and delicacies of ethical dilemmas. By establishing protocols for examining ethical issues early, they are better prepared for when they come up because they will.

2. Clarify facts; context, stockholders, social, cultural.

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Once an issue has been put on the table, a mental health professional should work with others to gather all facts. This could be done personally or carefully through others. It is important to identify all variables before making decisions. From the example in Chapter 2, Archie would discuss with his parents and the coach - if he is a trusted adult for Archie - and possibly the authorities to gather and surface information needed to address concerns and the retraction.

3. Central Issue

Boardy define the type of ethical dilemma and list the potential responses available. Study the issue further, talk it over with trusted colleagues, and keep a written record.

4. Apply professional standards, laws & regulations.

A practitioner should refer to the code of ethics for the professional association(s) of which they are a member. For example, with the Archie case, Annette will apply ACA B.1.c & d, to determine what consent she may need from Archie and what confidentiality she may have to breach to authorities.

5. Search for professional opinions – prepare your decision.

The next step is researching literature to get the perspectives of experts. In Archie's case, Annette finds that a 17-year-old's maturity level suggests he expects confidentiality, and Koocher & Keith (Spiegel, 1990) define the child's best interests and the criteria for determining maturity.

6. Apply Standards.

To bring "order and coherence" (Beauchamp & Childress, 1983), the professional must apply these principles: respect for autonomy, nonmaleficence, beneficence, justice, and fidelity. By running the compiled information through the principles, a practitioner starts to understand

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the positives and negatives of possible actions. In Annette's case, she can see the variables in each perspective which will help her determine the best possible paths for Archie, his family, and her. She now understands, if variables do not go towards an easier path, she will prepare for more difficult conversations and decisions.

7. Consult Supervisor – don't be the knower, be the learner.

At this point, a practitioner can become overwhelmed and emotionally distressed. Objective feedback from a trusted colleague can give a different view, unconsidered facts, and new resources. Gottlieb, Handelsman, and Knapp (2013) identified four levels of intervention: set boundaries, manage confidentiality, time, and record keeping. There are also ACA, APA, and ethics committees online that can be used as resources.

8. Decide – have all the information and opinions in hand.

Considering the welfare of the client, the professional decides the alternative that is most ethical and develops for implementing action. Essential in this process is to consider competing values and possible blind spots. With a well-thought-out process and decision, they can take pride in their moral courage, and the satisfaction of knowing they can perform under pressure.

9. Implement a course of action.

With an ethical decision action plan in hand, one should inform their supervisor and then talk to the client. They should explain their rationale and then give the client an opportunity to discuss the issue. This should be formally documented in records, case notes, or other means.

10. Review – after-action report recorded.

After-action report (AAR) is usually performed 2 days to 2 weeks after an event, based on the optimal time needed to reflect, learn, and record. This process helps a professional compartmentalize the event, label positives, and negatives, and make adjustments for possible

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future actions. Information is cataloged using the BATES system: brief, administration, technical, execution, and safety.

Code Application

Issue One:

The central issue is the concern for how Elliott identifies his practice, conducts himself, what he does with teams versus individuals and the information that he may share. Clients are concerned their private information will be shared, knowingly or not. He has not discussed confidentiality with clients that we know of and has called a meeting with stakeholders to explain his intent and come to an agreement on his services.

Case Study/ Code Analysis:

AASP Code: 9 Multiple Relationship

B: If a preexisting relationship may be put at risk or harmed, one should refrain from taking on a new obligation.

E: The ethical principle is to attempt to resolve the situation concerning regard to the person affected.

ACA Code: Section A Client Welfare.

A.8. Multiple Clients. When a professional agrees to see two or more clients who have a relationship, he/she should clarify at the outset the nature of the relationships with both parties.

If called upon to perform conflicting roles they will clarify, adjust, or withdraw from roles appropriately.

Elliott should look at the student-athletes he is working with and look for potential issues. He should ask and get clarification of what concerns they have and surface the central issue. The standard in this situation is to inform both parties of his relationship and set the expectation for

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confidentiality. With this information, he can research literature, ask colleagues for input, and review it with his supervisor. His decision is probably to discuss the situation with all parties and if there is a deeper issue than not knowing Elliott's position on confidentiality, he will start the process again with this new information.

Issue two:

Elliott's secretary divulged information about a client's therapy schedule to her coach. By volunteering information about a client, the coach or another person could make judgments and decisions about the client.

Case Study/ Code Analysis:

AASP Code: 13 Delegation to and Supervision of Subordinates – Manage your staff.

Elliott is responsible for training and correcting subordinates.

ACA Code: B.3 Information Shared with Others.

A. Subordinates. A professional should make "every effort" to ensure privacy and confidentiality are maintained by subordinates.

Elliott should solicit his client's concerns, and acknowledge a breach if one occurred.

With this information, he will know the central issue. The standard is his responsibility to train his staff. He can research literature, best practices, and review possible solutions with colleagues and his supervisor. He should then decide on the training and coaching needed and implement the actions with his staff.

Issue three:

Elliott in addition to counseling and consulting often collaborates with medical staff because he professionally has an emphasis on holistic wellness. He likes knowing details so he can help. He has been asked by medical staff to both break bad news and be present when they

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do. Student-athletes have expressed concern, but most acknowledge a value after he explains it to them. He also recognizes this can create distress for clients.

Case Study/ Code Analysis:

AASP Code: 17 Informed Consent to Practice.

A: obtain appropriate informed consent to education and counseling procedures.

ACA Code: B.3 Information Shared with Other.

B. Interdisciplinary Teams. The client will be informed of the team's existence, composition, information being shared, and purpose.

Elliott has the facts in this situation and knows the core issue. At conflict are his personal and professional values. It does not look like he has applied the standards needed to his clients and they are confused. In this situation, his research needs to find literature that supports his holistic and medical values. Without that, his discussion with colleagues and his supervisor may point toward taking a deeper look at his client's wishes. Either way, he needs to better inform his clients of what he will have access to and why.

Issue Four:

Elliot has heard from his staff that student-athletes are concerned about private information coming out via on-field consulting. A few counseling students have directly challenged Elliott about on-field services, asking how he could keep their information private. Another student asked if her confidentiality had been breached when his secretary disclosed 2 counseling dates to a coach.

Case Study/ Code Analysis:

AASP Code: 18 Confidentiality,

B: Discuss the relevant confidentiality limitations with persons and organizations.

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C: Do not disclose personally identifiable information.

ACA Code: B.3 Information Shared with Others.

A. Subordinates.

Similar to Issue Two, Elliott has found himself in a bit of hot water because he has not established and communicated his *ethical identity*, and people are questioning him and his staff. His efforts to bring in other counselors may be meeting resistance because he has not built enough trust with clients and coaching staff to delegate to others. As he applies the model in this situation, he will want to look back up the road, then down the road, and build better verbal & written communication concerning informed consent.

Issue Five:

Elliott agreed to a position with .25 responsibility dedicated to CMPC work and made it clear he would not perform sports performance consulting activities with the student-athletes he is counseling. He has worked to raise money to fund outside counselors. He has received resistance to using these counselors from several coaches who have implied they would pull funding if he does not take on students.

Case Study/ Code Analysis:

AASP Code: 24 Conflicts between Ethics and Organizations.

If the demands of an organization conflict with the Ethics Code; clarify the conflict, make known AASP commitments, and seek to resolve in full adherence to the Code.

ACA Code: A.6.b. Extending Counseling Boundaries, c. Documenting Boundary Extensions,
d. Role Changes in the Professional Relationship.

The codes in this situation bring two different perspectives and provide more principles with which to work. AASP addresses organizational conflicts straight on with the identification

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of issues and direction to work to resolve them. Conversely, the ACA is more client-focused providing principles to review new professional boundaries, document new boundaries, and the need for client-informed consent. Elliott would be well-served by putting this situation through the model, using the codes, and identifying variables that will help him effectively communicate with the athletic department & coaches.

Issue Six:

When negotiating his position, Elliott made separation counseling and consulting engagements clear. He is experiencing pushback from several coaches and they are telling their teams that Elliott will be working with them. This is creating issues with the clients he is counseling. He has called a meeting of all stakeholders to agree on the services he will provide, but because the athletic department holds the purse strings, he is afraid he may have to choose between the job they want him to do and his professional ethics.

Case Study/ Code Analysis:

AASP Code: 25 Resolution of Ethical Conflict. Requires commitment personally, by others, and consultation with others; especially objective advisors. If a satisfactory resolution cannot be achieved, it should be submitted to the next higher administrative level and possibly appropriate professional organizations.

ACA Code: A.5.b,c, Extending and Documenting Boundary Extensions.

The AASP code helps address this issue straight on with suggestions for escalation. ACA code is focused on the practitioner and client relationship not as effective for addressing an issue with an institution or 3rd party. Elliott has taken direction from Code 25 and called a meeting of stakeholders. This will be a pivotal meeting, and his use of the model could make him more prepared than others.

Suggested Resolutions

Issue One:

Elliott accepted a dual-role position working at a single university. One could expect conflicts to arise, which illustrates the importance of setting standards, ground rules, and providing informed consent at the beginning of the consulting or counseling relationship. Because he did not do this, counseling clients are concerned about their counseling information staying private and his decision to consult with the client's team. Do his clients understand Elliott's position on confidentiality and has he expressed or demonstrated his ability to manage a dual role?

With the issue of his client's concern about the confidentiality of his mental health and Elliott consulting with the team, he is going to have to have a conversation to establish boundaries, trust, and confidentiality. In that conversation, depending on the status of the client, Elliott could suggest that if mental health topics are firewalled, the opportunity to consult could provide an opportunity for the client to integrate his mental health work into practices, future work, and better establish new behaviors and thoughts. Of course, if the client is not comfortable with that, Elliott has more work to do. He may need to decline the consulting work or push harder for outside counselors. If Elliott's client becomes more comfortable with his anxiety, would Elliott having first-hand experience with him allow them to have deeper counseling sessions at the appropriate time and place?

This leads to the boundaries Elliott set up front with his administration that are now being pushed by the athletic department coaches. In this situation, walking his agency counterparts through the 10-step ethical model may be his best play. This is a great way to help other professionals ground themselves in what is best for the student-athletes. When caring coaches

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(and adults) take a moment to look sensitively at central issues, better decisions usually happen. By explaining the Ethical Codes and backing them up with the professional's opinions he has solicited, Elliott has had key steps of presenting his reasons for declining the work and documenting them for all stakeholders.

Issue Two:

One could suggest Elliott is in hot water again because he missed a key step of up-front education with his staff. Hopefully, with a well-thought-out discussion run through the 10-step model, he can have a productive conversation with his client, note significant feedback, and document any agreements made. Then, depending on the circumstances, this could be a pretty straightforward coaching correction with his assistant. The assistant made a mistake because she was not aware or did not execute correctly. He can explain the circumstances to his staff and what effect it has had on the client & their office, it is his responsibility per AASP Code 13. He can walk his team through the situation using the lens of the 10-step model so they can sympathize and generate their own feelings which will motivate them to cement in new communication behavior. If the situation is more serious, he can document codes, standards, and tie in consequences if it should happen again. If he determines the person can no longer stay in this position, he can add a formal write-up, and work with HR to reassign or next steps.

Issue Three:

Elliott would be best served to research and identify why holistic wellness is important to his clients and him. Elliott has explained the value after student-athletes have complained, which shows Elliott may have skipped step 1 of the model: develop sensitivity by integrating personal and professional values. Further, with step 2 of the model, Elliott has not defined context for his clients. A key step for Elliott would be to add a holistic wellness statement to his *ethical identity*

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statement. By providing a professional statement upfront with clients, Elliott will gain their acceptance of working with medical professionals. Or establish more clear boundaries for all agency professionals.

This is not to say holistic wellness is unethical. Because Elliott has not applied ethical thinking to his personal and professional opinion and has not provided informed consent to clients; he has brought confusion to the situation.

Issue Four:

Without a developed *ethical identity* Elliott has not established boundaries, confidentiality, and informed consent with clients to the degree needed and it is causing confusion. Etzel & Watson (2014) recommend establishing informed consent verbally and in writing within the first 3 client visits. Because his clients are asking questions and raising concerns; Elliott needs improvement in this area. The results are manifesting in damage to his reputation and ability to be effective in each role. At this point, Elliott may want to look for structural support for himself. Adding supervision or a professional service to help organize his thoughts, standard policy papers, and outline conversations with clients will create short-term and long-term solutions. Using the model Elliott needs to clarify facts, practices, and contexts for counseling and consultive groups.

He has tried to establish boundaries that the athletic department is pushing. A possible resolution to this situation will be addressed in more detail at Issue 6.

Issue Five:

In this situation, Elliott's use of AASP code 24 provides great direction for review with stakeholders: clarify the conflict, make known AASP commitments, and seek to resolve in full adherence to the Code. He can present the situation by walking the stakeholder group through

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his 10-step ethical model and anchor the conversation in this conflict. If he is crafty, he can lead the conversation to the advantages of using outside counselors, as he has recommended, and put effort behind to set-up.

If the outcome remains that they want him to do dual roles, Elliott should take some time with ACA code A.6.b, and discuss extending boundaries and role changes with his counseling clients. A key step would be to connect the concept of consulting performance, future work, and their ability to firewall private counseling information. If Elliott or clients feel they cannot do this, then Elliott and his supervisor should let the stakeholder group know they need to bring the situation to the next higher administrative level.

Issue Six:

The stakeholder meeting is going to be pivotal to Elliott's job and future at the university. His presentation should begin by anchoring the discussion facts and the sociocultural context (step 2). Next define the issues: the most at-risk students are unfordable and they are expressing it in multiple ways (steps 3 & 1). The second anchor line should be professional opinions, ethical principles, and respected colleagues' direction (steps 5,6,7). Finally, he should have a decision and direction package for the group (step 8). He should be prepared to negotiate and work to tie counterpoints back to ethical and professional facts he has presented. He should have a couple of fallback positions, as well as a firm line of what he is not willing to do.

The wild card here may be members of the athletic department. They have expressed they value his work and he has become a trusted person inside the organization. He may need to leverage these attributes to decouple his ability to counsel and consult. Then promote the advantages of prioritizing his work by using outside counselors.

Summary

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Psychology can seem straightforward until layers of information and emotions are added. Symptoms, dysfunctions, and behaviors can become complicated quickly. It is an interesting endeavor to contrast the layers with sports activities where problems because solutions are applied to specific situations and results are often tangible and immediate. Reading situations through the ethical model lens garners different insights on the issues. At some points, Elliott was missing structure and steps; especially with informed consent and initial conversations. With a business and operation lens, Elliot had expectations and pressures forced upon him that put him in difficult professional situations. The control the athletic department and coaches tried to exert with the reactions from students about their confidentiality made his situation became untenable. To be effective in this situation, one would need to recognize the need for help from others. Ethical codes will provide a foundation. Broader perspectives from colleagues and supervisors will create a better understanding of variables from different people involved. Confidence is gained and after reflection using the 10-step model a decision path forward is formed.

Ethical modeling emphasizes the need to establish structure and guard rails grounded in one's *ethical identity*. Discussions within the first 3 encounters about access, disclosure, expectations, and client's rights will save time and reduce confusion if and when things change. Then when issues come up trust has been established and the framework to communicate is known. One should understand many times researching, fact-finding, and consulting with a supervisor are part of the job and crucial for making good decisions that stand the test of time. Developing sensitivity to clients, scholarship with others, and delivering difficult messages to clients are skills to be mastered.

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The most effective way to help people, especially with the current challenges of social media and cancel culture, is to avoid ethical drama by communicating expectations, ways of working, and a framework for discussing issues; your *ethical identity*. People in our information age are on edge. They are concerned about what others can take their actions and behaviors to mean. We all need standards to grade good and bad behavior and ways to practice and reinforce those behaviors. Participation in sports in the United States is a unique situation that promotes open dialog, diminishes differences between populations, and provides individuals an opportunity to workshop ideas. Sports provide an avenue for failure, mistakes, learning, and growth. Lessons learned in sports become personal values that manifest into life skills. The United States is full of talented people, but that talent is more in need of coaching than ever.

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