

CPSE 710 Ethical and Legal Standards – Fall 2017

Class Meetings: Mondays from 1:00 pm - 3:50 pm in room 343 MCKB

Instructor: Timothy B. Smith, PhD

Office Location: 237-C MCKB

Contact: 801-422-1311 or tbs@byu.edu

Office Hours: Tuesday and Thursday 2 – 4 pm, by appointment

“Cowardice asks the question, ‘Is it safe?’ Expediency asks the question, ‘Is it politic?’ Vanity asks the question, ‘Is it popular?’ But, conscience asks the question, ‘Is it right?’ And there comes a time when one must take a position that is neither safe, nor politic, nor popular but one must take it because one’s conscience tells one that it is right.” Martin Luther King Jr.

Overview

This is an advanced course in ethics in counseling psychology. The course will provide students with a solid foundation in ethical, legal, and professional issues faced by psychology students and psychologists. The course will include a significant amount of reading and writing along with experiential activities, a final exam, and group discussion.

Texts and Materials

- 1) APA Ethics Code. Available at: www.apa.org/ethics/code/
- 2) Guidelines for Psychological Practice with Lesbian, Gay, and Bisexual Clients (APA)
www.apa.org/pi/lgbt/resources/guidelines.aspx
- 3) Guidelines on Multicultural Education, Training, Research, Practice, & Organizational Change (APA)
www.apa.org/pi/oema/resources/policy/multicultural-guideline.pdf
- 4) Guidelines for Psychological Practice with Older Adults (APA)
www.apa.org/practice/guidelines/older-adults.pdf
- 5) Guidelines for Psychological Practice with Girls and Women (APA)
www.apa.org/practice/guidelines/girls-and-women.pdf
- 6) Guidelines for Assessment of and Intervention with Persons with Disabilities (APA)
<http://www.apa.org/pi/disability/resources/assessment-disabilities.aspx>
- 7) Guidelines for Psychological Practice with Transgender and Gender Nonconforming People (APA)
<http://www.apa.org/practice/guidelines/transgender.pdf>
- 8) Nagy, T. F. (2011). *Thinking critically about ethics*. American Psychological Association.

Learning Outcomes

- Demonstrate retention of the APA ethical codes and relevant laws and research.
- Understand the philosophical foundations of ethical codes and systems.
- Understand how to maintain an ethical and legal practice as a counseling psychologist.
- Understand the ethics of pluralistic, multicultural perspectives.
- Analyze ethical dilemmas in clinical practice.

Class Discussions

Open discussions enable us to benefit from one another. No one has all the answers, but we all have some important insights to share. A “culture of humility” (A. Dean Byrd, Ph.D., “Culture of Humility”) deliberately cultivates respect for expression of differing points of view by: (1) Knowing your own worldview. (2) Listening to understand the worldview of others. (3) Valuing diversity. (4) Recognizing that “our similarities stabilize us, our differences enrich us, and our unity strengthens us.” (5) Beginning conversations on common ground before explaining differences or challenging perspectives. (6) Respecting people enough to disagree with them. Psychologists respectfully oppose, criticize, and even condemn other’s positions or behaviors while maintaining full respect for the individual/group and defending his/her expression of opposing views.

Contextual Information

Doctoral students are already intelligent and moral individuals. This course will foster awareness of ethical issues and enhance personal commitments and critical thinking, but the ultimate objective of the course is to make organizations and practices more ethically responsive through your constructive influence. In that spirit, we seek:

1. To use our power and influence to do good. Most ethics classes focus on avoiding misbehavior. We can elevate our aspirations. We can positively influence others.
2. To communicate clearly our reasons for taking certain actions, such as by applying research findings about human reasoning and decision making. The philosopher Hannah Arendt speaks of the “banality of evil,” meaning that most often, troubles stem from mundane sources, often a lack of reasoning by otherwise decent people.
3. To work with ethical dilemmas with candor, caring, and courage. We have little difficulty dealing with obviously erroneous decisions. Our toughest ethical decisions often come down to choices between multiple viable options that benefit different parties. Addressing those difficult situations in a way that openly accounts for such issues as personal benefit, power and influence can prevent common ethical failures.

Grading Scale

Grade	Percent
A	93% to 100%
A-	90% to 92%
B+	87% to 89%
B	83% to 86%
B-	80% to 82%
C+	77% to 79%
C	73% to 76%
C-	70% to 72%

Assignment List and Point Breakdown

Client and Professional Advocacy 3%
Ethical Dilemma Interview 10%
Research Report 10%
Personal Ethical Dilemma 5%
Personal Ethics Statement 5% first draft, 5% final draft
Assigned Readings 14%
Weekly Case Analysis 14%
Identification of Ethical Dilemmas 3% x 3 = 9%
Self-analysis or Book Review 5%
Class Participation 10%
Final Exam 10%

Schedule

Date	Readings Due	Topics	Assignments
Sept 11	<i>Chp. 1</i> Thinking Critically About Ethics	Thinking Critically About Ethics Therapist as a person and professional	
Sep 18	APA Ethics Code <i>Chp. 2</i> A Brief History and Overview of the APA Ethics Code	Ethical Principles and Philosophies, part 1 <i>Key Elements of Risk Management</i>	Ethical Dilemma Case
Sep 25	Section 1: Resolving Ethical Issues <i>Chp. 3</i> General Principles <i>Chp. 8</i> Approaches to Ethical Decision Making	Ethical Principles and Philosophies, part 2 Process of Ethical Decision Making <i>Professional liability insurance</i>	Ethical Dilemma Case Professional Interview
Oct 2	Section 2: Competence <i>Chp. 4</i> Competence	Issues in professional competence Psychological Mechanisms for Ethical Decision Making, part 1	Ethical Dilemma Case
Oct 9	Section 3: Human Relations <i>Chp. 5</i> Informed Consent	Multicultural perspectives and diversity issues, part 1 <i>Multiple relationships and boundaries</i>	Ethical Dilemma Case Personal Ethical Dilemma
Oct 16	Section 4: Privacy and Confidentiality <i>Chp.</i> Privacy and Confidentiality	Confidentiality issues <i>Privileged communication</i> Psychological Mechanisms for Ethical Decision Making, part 2	Ethical Dilemma Case
Oct 23	Section 5: Advertising and Other Public Statements <i>Chp. 11</i>	Self-Awareness and Ethical Awareness Multicultural issues, part 2 <i>The reluctant business person</i> Values and the helping relationship	Ethical Dilemma Case Advocacy Project
Oct 30	Section 6: Record Keeping and Fees <i>Chp. 7</i> Avoiding Harm and Exploitation	HIPAA compliance; State psychology licensure acts; <i>Psychologists in the courtroom</i> Working with suicidal clients	Ethical Dilemma Case
Nov 6	Section 7: Education and Training <i>Chp. 12</i> Ethics in Teaching, Training, and Supervision	Psychological Mechanisms for Ethical Decision Making, part 2	Ethical Dilemma Case Draft 1 of Personal Statement

Date	Readings Due	Discussion Topics	Student Presentations/Special Topics
Nov 13	Section 8: Research and Publication	Issues in Research <i>Closing a practice and retirement</i>	Ethical Dilemma Case
Nov 20	TBD	Ethics in the Real World	Ethical Dilemma Case
Nov 27	Section 9: Assessment <i>Chp. 9 Ethics in Psychological Assessment</i>	Psychological Mechanisms for Ethical Decision Making, part 3 <i>Psychological assessment and testing</i>	Ethical Dilemma Case Self-Analysis or Book Review
Dec 4	Section 10: Therapy <i>Chp. 10 Ethics in Psychotherapy</i>	Working with couples, families, and children; Maintaining appropriate emotional and sexual boundaries with clients	Ethical Dilemma Case Research Report
Dec 11	TBD	Analysis and Internalization	Final Version of Personal Statement
Tu - Dec 19	Final Exam: 343 MCKB 2:30 pm to 5 pm		

Assignment Descriptions

Class Contributions (10%)

Punctuality and active participation enable class learning. Plan to make 3-7 contributions to each class session, with 10% of the grade reflecting the quality of those contributions.

Unexcused absences deduct 3% and unexcused lateness deducts 1% from final class grade.

Client and Professional Advocacy Activity (3%)

Select an issue pertaining to client's rights or to politics/organizations. Learn the context and determine how to advocate for your position on the issue. This advocacy could involve writing someone in a decision-making position, posting explanations on social media, etc. Report in class your advocacy activities and what you learned.

Ethical Dilemma Interview and Presentation (10%)

We can learn much from others' experiences. You have the opportunity to interview at least one helping professional about an ethical dilemma faced in their work. For example, you might interview a counseling center psychologist or a professor in the counseling or clinical psychology department. Inform the professional you interview that you will not disclose his or her identity to the class. Please also ask them to maintain the confidentiality of others involved.

Discuss the professional's perception of the ethical dilemma and how they perceived their professional role as it related to the dilemma. Present the dilemma to the class without disclosing how the professional resolved it. Lead a discussion that uses as fully as possible different stages of ethical decision (such as Barnett and Johnson, 2008). After explaining how the professional dealt with the dilemma, expand the discussion to include similar situations and factors that would change the solution to the dilemma. You will be given up to 20 minutes. Class presentations can begin on the first week of October and must end by the first week of November.

Research Report and Presentation on a Special Topic in Ethics (10%)

Identify an ethical issue that you will encounter in your career (some example topics are listed at the end of this syllabus). Review recent research and the historical development of the ethical issue and/or theoretical scholarly writing on the issue. Take a position on the issue and make some recommendations in your class presentation. For example: What changes do you think should be made to the stand of our professional organization(s) on the issue? What recommendations would you make to your colleagues about how to handle this issue? The class presentation and discussion should take about 20 minutes, mostly time for questions and discussion. Submit to the instructor and class a written report summarizing your points.

Personal Ethical Dilemma Report (5%)

Consider a personal ethical dilemma you have recently faced or are currently facing (e.g., at work, school, volunteer service). Summarize your dilemma in one paragraph, taking care to write it without making a decision for the reader (this part of your paper will be anonymously shared with the class). Conclude your brief summary with a restatement of the decision at stake.

On separate pages, demonstrate your understanding of the Consequentialist, Deontological, and Virtue frameworks by answering the following three questions for each framework: (1) What aspects of your dilemma would this framework tell you to consider? (2) How does this framework tell you to act when faced with this dilemma? (3) Why did you act in a way that followed or rejected this framework?

Briefly state what have you learned from this analysis. (Did using these frameworks raise new issues or considerations? What do you think now about what you did? Would you do things differently in the future? Why or why not?)

Personal Ethics Affirmation (5% for initial draft, 5% for final version = 10% total)

Starting with the beginning of the semester, you will be asked to create a personal code of ethics. Your code may not be longer than 250 words. Do not write an essay. Rather, the document should be a set of simple, direct statements that describe your personal ethics. To evaluate how well you've written it, ask yourself "Could a stranger read my statement and predict the kind of choices I would make?"

Here are some questions that could guide your process:

- How would you describe the ethical professional you hope to be ten years from now?
- What universal ethical principles can guide you no matter what dilemma you face?
- What outcomes do you hope for in your life and what ethical principles will get you there?

In the middle of the semester you will turn in an initial draft worth 5% of your final grade, and your final version turned in toward the end of the class will be worth an additional 5%.

All versions will be evaluated based on the following criteria:

- Is it concisely stated?
- Is it logically consistent?
- Does the format help the reader understand the content?
- Does it thoroughly represent the author's ethics?
- Could someone read it and predict the choices of the author?
- Does the code identify resources for ethical guidance?
- Does the code identify mechanisms for future learning about ethics?

Assigned Readings (14%, 1% per week)

You are required to complete all of the assigned readings before each class so that you will be fully prepared to discuss the most interesting and challenging concepts during class. By 10AM each Monday, you will email the instructor (1) a confirmation that you completed the readings (or the portion completed) and (2) one insight or question that came to your mind as you did the readings. We will discuss the questions and comments during class.

Weekly Case Analyses (14%, 1% per week)

One week before each class, the instructor will provide a case study to students, who will respond the next week to the questions/analyses requested in that document. Written responses must be emailed to the instructor by 12PM every Monday before class. Case studies and responses will then be discussed during class.

Identification of Ethical Dilemmas in Media and Psychology (3% each, 9% total)

Ethical conflicts are ubiquitous. Current events provide daily examples. Analysis of contemporary issues can heighten our awareness and sharpen our analytical skills with real world challenges. Class members will identify three sources to share in class on three different occasions.

Self-analysis or Book Review (5%)

Students have the option to either (1) conduct a systematic analysis of their own likely ethical blind spots and inclinations that could result in faulty reasoning under certain pressures, or (2) read a recently released research-based book on an issue relevant to ethics and write a review of the book that can be submitted for publication in a professional journal.

Final Exam – Applying the APA Ethics Code to case scenarios (10%)

Students will have completed case examples every week during this class. At the end of the semester, student will review and analyze three case studies that contain multiple ethical considerations – and provide written analyses of each case. Analyses will be graded based on students' (1) accurate recognition of the potential ethical dilemmas in the case and the corresponding principles/guidelines from the APA Ethics Code, (2) demonstration of critical thinking using multiple concepts covered in the class, and (3) report of what they personally could do to minimize the likelihood of similar ethical dilemmas occurring in their future career. The final exam will be administered at the time specified by the university.

Example Topics for the Research Report

teaching of psychology	advertising professional services
therapist (and student-therapist) competence	managed care
testing/assessment	research integrity/responsible research
“fringe” approaches and empirically unsupported treatments	electronic communications and therapy
confidentiality, privileged communication	dealing with repressed memories
dangerousness	commitment and insanity
working with children and vulnerable adults	psychopharmacology
special settings (e.g., military, rural communities, court)	hypnosis
individual differences (gender, race, sexual orientation, ethnicity, religion)	drug and alcohol users right to choose
conflicts of interest (e.g., dual roles, attraction)	euthanasia/suicide
institutional conflicts of interest	right to treatment/refuse treatment
documentation and record keeping	sport psychology
financial issues related to professional practice	counseling abuse victims
	health counseling
	family therapy or group therapy

University Policies

Treating all Individuals with Respect:

All BYU students are expected to treat their peers, professors, personnel, clients, etc. with respect, especially when opinions by differ. Class discussions should demonstrate respect for all individuals involved. Respect and other principles for maintaining a healthy campus environment are found in BYU’s Honor Code, see <https://policy.byu.edu/view/index.php?p=26>

Responding to and Reporting Sexual Harassment and Related Misconduct:

Title IX of the Education Amendments of 1972 prohibits sex discrimination against any participant in an educational program or activity that receives federal funds. The act is intended to eliminate sex discrimination in education. Title IX covers discrimination in programs, admissions, activities, and student-to-student sexual harassment. BYU’s policy against sexual harassment extends not only to employees of the university but to students as well. If you encounter unlawful sexual harassment or gender based discrimination, you have several

options of how to report or voice your concerns.

You could talk with your professor; contact BYU's Equal Opportunity Manager at 801-422-5895 or email [sue_demartini@byu.edu]; contact BYU's Honor Code Office at 801-422-2847. Refer to the following website regarding additional information about sexual misconduct:

<https://policy.byu.edu/view/index.php?p=155>

Additionally, other options include calling or visiting with Tiffany Turley, who serves as the university's Title IX coordinator. Her office is in 1085 WSC. She can also be contacted by phone or email: 801-422-7256; tiffany_turley@byu.edu

You may also call or visit with Lisa Leavitt, BYU's full-time advocate for victims of sexual assault. If you wish to speak with someone confidentially about an incident of sexual assault or abuse, contact Lisa Leavitt: lisa_leavitt@byu.edu; advocate@byu.edu; or call 801-422-9071. Lisa's office is located in 1500 WSC on the BYU campus.

Understanding Services for Students with Disabilities:

Brigham Young University and I are personally committed to providing a working and learning atmosphere which reasonably accommodates qualified persons with disabilities. If you have any disability which may impair your ability to complete this course successfully, please contact me at the beginning of the semester, as early as possible, to ensure adequate prevention and intervention efforts to provide a positive learning experience. You may also contact the University Accessibility Center (UAC; 801-422-2767). They have an Internet site describing their services and contact information [<https://uac.byu.edu/>]. Reasonable academic accommodations are reviewed for all students who have qualified documented disabilities. Services are coordinated with the student and instructor by the UAC Office. If you need assistance or if you feel you have been unlawfully discriminated against on the basis of disability, you may seek resolution through established grievance policy and procedures. You may contact the Equal Employment Office in the ASB. They can be reached by phone at 801-422-6878 or 801-422-5895. You can also visit their

Laptop Computer/Electronics Use

Electronics and internet access can enhance student learning if they are used for that purpose. Full and effective participation in discussions and experiential activities is essential for learning and success. Students are expected to use phones, computers, and all other electronic devices to enhance learning and to refrain from distracting themselves or others during class meetings.