

CPSE 710
Ethical and Legal Standards
Fall 2019

Class Meetings: 341 MCKB, 8-10:50am, Tuesdays

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"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 doctoral students with a solid foundation in ethical, legal, and professional issues faced by psychology doctoral 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). *Essential Ethics for Psychologists*. American Psychological Association. (go to lib.byu.edu; search for Nagy, "essential ethics for psychologists" – chapters listed as

hits)

Learning Outcomes

1. Demonstrate retention of the APA ethical codes and relevant laws and scholarship.
2. Show mastery of the philosophical foundations of ethical codes and systems.
3. Exhibit understanding of pluralistic, multicultural perspectives, and APA guidelines.
4. Analyze ethical dilemmas and clinical cases in ways that achieve optimal outcomes by applying the information learned in points 1-3 above.

5. Demonstrate self-awareness and enact a personal ethical decision-making model to maintain ethical and legal practices as a counseling psychologist.

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* (Byrd, D.) 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 critique others’ 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.

Assignment Descriptions

Contributions to Class Discussions (10%)

Punctuality and active participation enable class learning. Please be an active participant in each class session. Good participation will include regular class attendance, completion of assigned readings before arriving to class, papers, active discussion with your classmates and instructor in class. I encourage you to be proactive in this class by directly approaching the professor with any questions or concerns that may arise.

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.

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 total, including time for questions and discussion. Submit a two-page written report to the instructor and class summarizing your points.

Personal Ethical Dilemma Report (10%)

Consider a personal ethical dilemma you have recently faced (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?)

Assigned Readings (20%)

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 9AM each Monday, please email the instructor a reaction paper consisting of a page and a half (no more than 2 pages), in word doc, 12 font, Times New Roman, double-spaced confirming that

you completed the readings and included at the end of your paper, one *burning question* that came to your mind as you did the readings. We will discuss your reactions to the reading(s), the questions, and comments during class. Towards the end of this syllabus is a sample of a reaction paper for you to consider.

Ethical Decision-Making Model (30%)

Students will participate in Ethical Decision-Making during class time (KP D-M). During this process and application time, students will gain the content and knowledge of concepts, principles, APA Ethics Codes, sections, etc. to formulate their own Ethical Decision-Making Model (show Kawika's model). Your model should include the aforementioned concepts/principles to navigate decision process to resolution of an ethical dilemma. Please search for and review various models in the psychological literature as examples for you to consider as you formulate your model. Here are just a few to consider: (1) E. R. Welfel "thoughtful" approach, (2) Corey, Corey, & Callanan's "mechanistic" model, and (3) Kitchener's "critical reasoning" model. Some are older and others are more current models giving a range and variety of models from which you can glean ideas. On the assigned day, you will (1) show your model, (2) describe the parts/steps/processes (i.e., codes, standards, virtues, principles, etc.) to the class, (3) describe how your model fits your personal ethical decision-making approach, and (4) how you plan to use it in your professional career as a counseling psychologist. It should be no more than a 20-minute presentation, including class participation and discussion. You will also hand in a two-page write-up of this model delineating the steps above.

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

Students will have completed case examples every week during this class. The final exam will follow this same method in which you will be presented with an ethical dilemma. Your response will be based on utilizing your ethical decision-making model and provide (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.

General Program Expectations

Students in our doctoral program are expected to plan ahead, complete all work on time, competently manage their personal issues without procrastination or excuses. Students are also expected to seek assistance as needed, including seeking feedback on how improvements can be made.

Schedule

Date	Readings Due	Topics	Assignments/ Activities
Sept 3	<i>Chp. 1</i> Thinking Critically About Ethics	Thinking Critically About Ethics Therapist as a person and professional	Intros Moral Courage Scale-self eval Syllabus Introduction lecture slides Discuss Chp. 1 Kawika's "Golden Nuggets of Wisdom" EPPP KP visit at 10:30
Sep 10	APA Ethics Code (entire) <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> Emmanuel Levinas	Readings discussion/burning Qs Introduction lecture slides Ethical Dilemma Case 2010 revision: Psychologists and Torture - videos Practice items Kawika's "Golden Nuggets of Wisdom"
Sep 17	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>	Practice items Brief Lecture Ethical Dilemma Case Personal Ethical Dilemma Due Mock Panel Hearing w/ PED & EDC Readings discussion/burning Qs

Sep 24	Section 2: Competence <i>Chp. 4 Competence</i>	Issues in professional competence Psychological Mechanisms for Ethical Decision Making, part 1 Social Media and Ethics slides	Brief Lecture on Social Media/Ethics Ethical Dilemma Case – Nathan’s case KP D-M Exercise (9am) Ethical Dilemma Interview Due <i>Christina</i> <i>Sami</i> <i>Rory</i> Readings discussion/burning Qs “Collage of Brilliance” Practice items
Oct 1	APA Guidelines 2, 3 Possible Stewart Falls Hike		Ethical Dilemma Case Readings discussion/burning Qs Practice items
Oct 8	Section 3: Human Relations <i>Chp. 5 Informed Consent</i>	Multicultural perspectives and diversity issues, part 1 <i>Multiple relationships and boundaries</i> <i>Video</i> <i>Brief review of three exceptions: 3:00 to 4:30</i> https://www.youtube.com/watch?v=7HiB NGkXLdc Example of how to provide informed consent: https://www.youtube.com/watch?v=ANs 9s7_u8SE	Ethical Dilemma Interview <i>Rory continued...</i> <i>Julia</i> <i>Nate</i> <i>Ali</i> Readings discussion/burning Qs Practice items Role play presenting informed consent
Oct 15	Section 4: Privacy and Confidentiality <i>Chp. 6 Privacy and Confidentiality</i>	Confidentiality issues <i>Privileged communication</i> Psychological Mechanisms for Ethical Decision Making, part 2 Videos Lecture of privacy and confidentiality	Examples of telepsychology/psychotherapy Ethical Dilemma Case Mock Panel Hearing Readings discussion/burning Qs Practice items

Oct 22	Section 5: Advertising & Other Public Statements APA Guidelines 4 and 5	Self-Awareness and Ethical Awareness Multicultural issues, part 2 Values and the helping relationship Multicultural activities	<i>Briefly review midcourse evals</i> Practice items Social Media and Ethics slides (lecture) Multicultural activity – “imagine if you are” Ethical Dilemma Case Readings discussion/burning Qs
Oct 29	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	Practice items Ethical Decision-Making Model Sharing <i>Christina</i> <i>Ali</i> <i>Nate</i> Mock Panel Ethical Situation Readings discussion/burning Qs
Nov 5	Section 7: Education and Training <i>Chp. 12</i> Ethics in Teaching, Training, and Supervision	Psychological Mechanisms for Ethical Decision Making, part 2	1. Review final exam date 2. Readings discussion/burning Qs 3. Practice items 4. Ethical Decision-Making Model Sharing <i>Sami</i> <i>Julia</i> <i>Rory</i> 5. Lecture on self-doubt and burnout 6. Ethical Dilemma Case

Nov 12	Section 8: Research and Publication <i>Chp. 11: Ethics in Research and Publication</i>	Issues in Research <i>Closing a practice and retirement</i>	<ol style="list-style-type: none"> 1. Lecture on self-doubt and burnout 2. Practice items 3. Ethical Dilemma Case: Mock Panel Hearing (Dr. Bell) 4. Ethical case discussion 5. Readings discussion/burning Qs
Nov 19	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>	<ol style="list-style-type: none"> 1. Brief lecture and discussion of specific points 2. Practice items 3. Readings discussion/burning Qs 4. Ethical Dilemma Case 5. Role-play with consent form for testing
Dec 3	Section 10: Therapy <i>Chp. 10 Ethics in Psychotherapy</i>	Working with couples, families, and children; Maintaining appropriate emotional and sexual boundaries with clients	<p>Check in! Discuss and share about end of course approaching</p> <p>Ethical Dilemma Case w/decision and role play</p> <p>More ethical scenarios w/ role play: SB and Informed Consent discussion with client</p> <p>Practice items</p> <p>Readings discussion/burning Qs</p>
Dec 10	APA Guidelines 6, 7	Multicultural considerations, pt. 3 Analysis and Internalization	<p>Moral Courage Scale-self eval post-survey</p> <p>Ethical Dilemma Case</p> <p>Research Reports</p> <p>Practice items</p> <p>Exam review</p>
	Final Exam:		

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%

Example Topics for the Research Report

teaching of psychology

therapist (and student-therapist) competence

testing/assessment

“fringe” approaches and empirically unsupported treatments

confidentiality, privileged communication

dangerousness

working with children and vulnerable adults

special settings (e.g., military, rural communities, court)

individual differences (gender, race, sexual orientation, ethnicity, religion)

conflicts of interest (e.g., dual roles, attraction)

institutional conflicts of interest

documentation and record keeping

financial issues related to professional practice

advertising professional services

managed care

research integrity/responsible research

electronic communications and therapy

dealing with repressed memories

right to treatment/refuse treatment

commitment and insanity

sport psychology

psychopharmacology

counseling abuse victims

drug and alcohol users' right to choose

health counseling

euthanasia/suicide

family therapy or group therapy

Sample of Reaction Paper

Reaction Paper:

Fretz, 1982; Watkins, 1994; Archival Statement

An opening statement in the Fretz (1982) article caught my eye, as it stated that counseling psychologists “approached practice with a significant emphasis on positive aspects” (p. 15). This stood out to me because the idea of positive psychology within the profession has been a more recent development; to my knowledge thus far of the profession, there has been a tendency of psychology (and counseling included) to focus on a medical model of fixing what is wrong with a person. Thus, I was surprised to see this in the introduction as I thought the integration of a strengths-based, positive psychology approach did not occur until more recently in the history of counseling psychology. With that said, the definition of the profession in this article includes “problems” three times, “crisis” once, and “resolve” and “remedy” as key verbs. From the sound of this working definition, the emphasis of the profession appears to be focused on remedying problems, not necessarily focusing on positive psychology approaches. However, I appreciate that Fretz underlines the dynamic nature of counseling, and that it should always undergo a reexamination because of changes in the way we analyze and experience human nature/interactions and environmental forces. I feel like this article is lacking an explicit statement on the value of multicultural awareness—an awareness of oneself and others, and how important it is for the psychologist to have examined his/her cultural lens that shapes the way he/she understands clients and the profession in general. Overall, I wonder how the counseling profession ever came to an

actual definition of the profession considering how contradictory the feedback was from the Division 17 members: there does not appear to be a statement that satisfies everyone, and the identity of counseling seems to be a loose globe of different subspecialties patched together...

Watkins' (1994) article gives me a sense of self-reassurance in the fact that it identifies counseling psychologists as wearing many professional hats. When my parents ask me what I will be doing as a counseling psychologist, I'm often overwhelmed with the enormity of the question because the possibilities in the career routes that I can take branch in countless directions. And I have no clue which one I want to take, as many of the directions look appealing!!! The fact that Watkins articulates and embraces the diversity of the profession empowers me to feel more confident that it is ok at this point in my career to not know which direction I want to take: I can constantly reevaluate how my life goals fit with the professional activities provided by the counseling profession. I was also pleased to see the leading role that Division 17 members are having within APA's organizational structure and committees. We talked about this briefly in class, and I may also be biased but...I think counseling psychologists are good fits for these leadership roles because of the specific training we receive in graduate school. Counseling psychologists learn to navigate the interpersonal world, thus, are equipped with overall good communication skills (including the important active listening skills), resolution and problem-solving skills, and understand group dynamics. A growth point for me is to learn about how the structure of APA works, especially Division 17 and what types of decisions and activities occur in this organization.

The Archival Article (1999) shows some significant changes in the brief definition of Division 17 as compared to the Fretz (1992) article; I think the Archival Article makes it more clear that counseling psychologists are not just focused on a medical model of fixing what's broken but are actively engaged with client's "typical or normal developmental issues" and "healthy aspects and strengths of the client" (589). Furthermore, I think that the Archival Article does a better job of recognizing the importance of a multicultural understanding in our work; however, I

still feel like it's missing some pieces on multicultural issues. Specifically, I feel like this article could have included 'multicultural training' in the knowledge base section as a way to explicitly recognize the value of a multicultural perspective in our profession.

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 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>

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.