

Chapter 8

STEPS IN ETHICAL DECISION-MAKING

Making sound ethical decisions depends on giving our full attention to all relevant facts in full and proper context, considering the relevant ethical values, and sorting carefully through the possible answers to the question, "What is the best thing to do here?"

Life is full of pressures and complexities, and it is so easy to miss a vital detail, key context, or creative solution. Competing values, cultural differences, conflicting regulations, scarce resources, misinformation, deadlines, physical and emotional exhaustion, fear of making a catastrophic mistake, and a stampede of other pressures and complications can make it hard to focus and think clearly, carefully, and creatively.

This chapter provides useful steps for understanding, thinking through, and responding effectively to ethical dilemmas, especially when we face conflicting values and ethical gray zones. The steps propose a process to help identify key facts and aspects of a situation, consider benefits and drawbacks of our options, and discover or create better approaches.

The Canadian Psychological Association (CPA) emphasized the importance of such steps by including 7 in its original ethics code in 1986 and increasing the number to 10 in subsequent editions in 1991, 2000, and 2017. The asterisks in the following list mark steps that are versions of those that appear in the CPA code.

Below we present 17 steps, while recognizing that not every step fits every situation, and some steps may need to be adapted.

STEP 1: STATE THE QUESTION, DILEMMA, OR CONCERN AS CLEARLY AS POSSIBLE

Does your statement do the situation justice? Does it make it clear what the problem is and why it is a problem? Does it miss anything important to think through possible courses of action? Does any part of it get lost in the mists of vagueness, ambiguity, or professional jargon? Are some of the words misleading or not quite right? Is there anything questionable about the statement's scope, perspective, or assumptions? Does it speak clearly to any relevant cultural issues? Are there other valid ways to define the problem?

Tight schedules, urgent situations, and an eagerness to "solve the problem" can rush us past this step. Coming up with the best approach depends on our ability to clearly define and understand the ethical challenge we are facing. Formulating the problem is the first step in understanding and addressing it.

STEP 2: *ANTICIPATE WHO WILL BE AFFECTED BY THE DECISION

No one lives in a vacuum. How we respond may have profound consequences not only for the client, but also for the client's family, employer, coworkers, friends, and others. A client shows up for a session drunk. Whether the client drives home drunk and kills a pedestrian can depend on how we define our responsibility. A colleague begins to show signs of dementia of the Alzheimer's type. Our choices can affect the safety and well-being of the colleague, his family, and their patients. A therapy client tells us about embezzling pension funds. Confidentiality laws may direct us to tell no one else, and the client may refuse to discuss the issue. How we respond can determine whether hundreds of families retain the pensions they earned or are thrown into poverty and homelessness. An insurance claims manager refuses to authorize additional sessions for a client we believe is at risk for killing his partner and children and then committing suicide. Our supervisor may agree with the manager that no more sessions are needed. Whether the family lives, or dies may depend on what we do. Decisions can also affect other clients and as well as our community of mental health providers.

STEP 3: FIGURE OUT WHO, IF ANYONE, IS THE CLIENT

One of the most important aspects of the decision-making is being clear about who is the client. Figuring out who is the *true* client is not always easy. Is there any ambiguity, confusion, or conflict about who the client is (if it is a situation that involves a psychotherapist-client relationship)? If one person is the client and someone else (e.g., a family member) pays our fee, do we feel any divided

loyalty, any conflict that might shade our judgment? If we are treating someone under a court order, how do our responsibilities to both the individual and the court complicate our work and our answer to the question "Who is the client?" If we are hired by a large corporation to provide psychological services to the employees, is our client the corporation or each employee, and what do we do when the interests of the corporation and an employee collide?

STEP 4: ASSESS WHETHER OUR AREAS OF COMPETENCE—AND OF MISSING KNOWLEDGE, SKILLS, EXPERIENCE, OR EXPERTISE—FIT THE SITUATION

In our practice we may encounter a wide range of clients facing an array of challenges. We may be familiar and experienced in helping clients address some of the difficulties they face, but there may be presenting problems that are new to us. As part of our ethical decision-making with each client we need to consider whether we are well prepared to handle this particular situation? What steps, if any, could we take to make ourselves more effective? In light of all relevant factors, is there anyone available to step in and do a better job? If so, what reasons weigh against referring the client? To what degree will consultation help? What role do these factors play in providing truly informed consent to a client?

STEP 5: REVIEW RELEVANT FORMAL ETHICS CODES AND STANDARDS

The next step in the decision-making process focuses on understanding whether our professional ethics codes and standards speak directly or indirectly to the situation. Does this situation involve conflicts between different ethical standards or between the ethical standards and other (e.g., legal) requirements or values? In what ways, if any, do the ethics standards seem helpful, irrelevant, confusing, outdated, or misdirected when applied to this situation? Would it be helpful to talk with an ethicist, a member of a national, state, or provincial ethics committee, or a trusted colleague who has experience handling such conflicts?

STEP 6: REVIEW RELEVANT LEGAL STANDARDS

Once we have determined whether the ethics codes and standards address the situation, we need to examine whether legislation and case law speak to this situation. Does a legal standard conflict with other standards, requirements, or

values? Do the relevant laws support—or at least allow—the most ethical response to the situation, or do they seem to work against or even block the most ethical response? Would it be helpful to consult an attorney who has experience and expertise in these issues?

STEP 7: REVIEW THE RELEVANT RESEARCH AND THEORY

Scholars and professionals in the field have written and researched many of the common dilemmas that we may experience in our professional roles. We can use this information to inform how best to proceed. We can begin by asking ourselves if we kept up with the emerging theory, research, and practice that might help us think through this situation. An occupational hazard of a field with such diverse approaches—cognitive, psychodynamic, pharmacological, behavioral, feminist, psychobiosocial, family, multicultural, and existential, to name but a few—is that we often lose touch with new ideas, findings, and approaches arising outside the walls of our own theoretical orientation.

STEP 8: *CONSIDER WHETHER PERSONAL FEELINGS, BIASES, OR SELF-INTEREST MIGHT SHADE OUR ETHICAL JUDGMENT

We often have personal reactions to situations we face. We may be impacted by preconceptions, biases, and self-interests. These factors need to be considered as we decide what to do. We can check-in with ourselves and consider if the dilemma makes us angry, sad, or afraid. Do we want to please someone? Do we desperately need to avoid conflict? Do we fear that choosing the most ethical path will get us into trouble, make someone mad at us, be second-guessed by colleagues, or be hard to square with the law or the ethics code? Do we personally have something to gain by taking a particular stance? Will doing the right thing cost us time, money, friends, referrals, prestige, a promotion, our job, our license, or sleepless nights? Being relentlessly honest with ourselves as we feel our way through as well as think our way through ethical challenges can help us avoid rationalizing our way off the path toward the most ethical response for this specific situation.

STEP 9: CONSIDER WHETHER SOCIAL, CULTURAL, RELIGIOUS, OR SIMILAR FACTORS AFFECT THE SITUATION AND THE SEARCH FOR THE BEST RESPONSE

We are all racial and cultural beings embedded in a sociohistorical context. An act can take on sharply different meanings in different societies, cultures, or religions. What we do can be interpreted and experienced differently depending on

factors like race, religion, politics, and socialization. The most ethical response in one context may violate sacred values in another society, culture, or spiritual tradition. We need to consider carefully what contexts—or conflicts between contexts—may have escaped our notice. Does our own social identity in relation to the client's social identity enter into the process? For instance, how does our own racialized, spiritual, and gendered development impact how we see and treat our clients? Could our own limited or biased view of other cultures, religions, political beliefs, and so on throw off how we think through this ethical dilemma?

STEP 10: CONSIDER CONSULTATION

Many of us have heard the common saying that two minds are better than one—in our professional lives, this saying materializes in the form of consultation. When thinking about an ethical dilemma we may consider if there is anyone who could help us think through the issues and possible responses? Who has expertise in the relevant areas? Is there someone who has faced a similar situation and handled it well—or who might tell us what does not work and what pitfalls to avoid? Is there a colleague whose perspective might be helpful? Is there someone whose judgment we trust? Especially when a situation is troubling to us and we are concerned by the lack of a clear ethical path, the old aphorism “Never worry alone” makes sense. Reach out to someone. When it's hard to think of the right person to consult, it's sometimes useful to ask ourselves: If what we decide to do were to end in disaster, is there some particular person we wish we had consulted?

STEP 11: *DEVELOP ALTERNATIVE COURSES OF ACTION

When we are working on a paper, we know that a first draft is just a first draft. We rewrite, edit, and develop several drafts until we believe that we have a draft that communicates our ideas clearly. This practice of writing and repeatedly revising parallels our ethical decision-making. Consider the many ways you can imagine of responding to this situation? What alternative approaches can you create? At first, we may come up with possibilities that seem “not bad” or “good enough.” The challenge—as it is with writing clearly—is not to quit too soon but to keep searching for our best possible response.

STEP 12: *THINK THROUGH THE ALTERNATIVE COURSES OF ACTION

Often there may be more than one possible way to deal with a particular situation. As we move through the process of making a decision, we can think about the impact that each action is likely to have—and what impact could

each have under the best possible and worst possible outcome that you can imagine—for each person who will be affected by your decision, the immediate and longer-term consequences and implications for each individual, including yourself, and for any relevant organization, discipline, or society. We can also consider the following: What are the risks and benefits? Almost any significant action has unintended consequences. What could they be for each possible course of action? As with so many aspects of thinking through ethical dilemmas, one of the best strategies is to imagine that you decided upon the option, tried it out, and it ended in disaster. What flaws do you spot? What do you wish you would have considered before you acted on it? How could that option have been strengthened? Or should it have been discarded in favor of a better option?

STEP 13: TRY TO ADOPT THE PERSPECTIVE OF EACH PERSON WHO WILL BE AFFECTED

Putting ourselves in the place of those affected by our decisions can change our understanding. What would each person consider the most ethical response? This approach can compensate for the distortion that often comes from seeing things only from our own perspective. One example is “correspondence bias” which refers to how we often explain our own behavior in specific situations as due to external factors while we tend to attribute the behavior of others to their dispositions.

Another example is what Meehl (1977) called a “double-standard of morals” (p. 232). This moral explains how we hold other people's explanations to much higher scientific standards of logic, plausibility, persuasiveness, proof than we use for our own explanations.

STEP 14: *DECIDE WHAT TO DO, REVIEW OR RECONSIDER IT, AND TAKE ACTION

Once we decide on a course of action, we can—if time permits—rethink it. Sometimes simply deciding to choose one option and exclude all others makes us suddenly aware of flaws in that option that had gone unnoticed up to that point. Rethinking gives us one more chance to make sure we have come up with the best possible response to a challenging situation.

STEP 15: *DOCUMENT THE PROCESS AND ASSESS THE RESULTS

Documenting the process helps us remain clear about what went into our decision including the elements of the problem, the options and potential consequences, the guidance provided by others, and the perspective of the client

along with the relevant rights, responsibilities, risks, and possible unintended consequences. Careful record keeping involves tracking not only what led up to our decision but also what happened afterward. What happened when we acted? Did we accomplish what we'd hoped and intended? Did unseen factors and unforeseen consequences spring up? Knowing what we know now, would we have taken the same path or tried a different response?

STEP 16: *ASSUME PERSONAL RESPONSIBILITY FOR THE CONSEQUENCES

If what we did seems clumsy, misguided, or downright wrong in hindsight, if it caused needless trouble, pain, loss, or problems, how do we respond to the fall-out of what we did or failed to do? Can we openly and honestly admit and own our mistakes and shortcomings and take clear steps both to set things right, if possible, and to avoid these missteps in the future?

STEP 17: *CONSIDER IMPLICATIONS FOR PREPARATION, PLANNING, AND PREVENTION

There are lessons that we may be able to learn from each decision we make or fail to make. Consider whether this situation, how we responded, and the effects of our response suggest useful possibilities in the areas of preparation, planning, and prevention. What could we do to head off future problems or strengthen our responses? Would making changes in our policies, procedures, or practices help?

Chapter 9

MORAL DISTRESS MORAL COURAGE

When doing the right thing can decide what to do can leave you might have thought through an ethical the right path. And yet ... that path may be blocked by clinic policy, contract, the insurance company, or other barrier.

We hate—or at least feel uncomfortable to take part in something we know. But to do what is right scares us in less. Doing what we think is the right our reputation, our income, our that doing the right thing might we cannot stop something that is reluctantly, to witness the inevitable.

The aim of this chapter is to differs from so many others we find devote themselves to the ethical. But we're all human and we are carelessness, misperceptions and lacies, pride, and impatience at one time or another, causing ical response. You can probably without pausing too long to think