



Practitioner's Guide to Ethical Decision Making

Holly Forester-Miller, Ph.D. and Thomas E. Davis, Ph.D.

Introduction

Counselors are often faced with situations that require sound ethical decision-making ability. Determining the appropriate course to take when faced with a difficult ethical dilemma can be a challenge. To assist American Counseling Association (ACA) members in meeting this challenge, the authors have developed the Practitioner's Guide to Ethical Decision Making as a framework for sound ethical decision making. This document addresses the guiding principles that are globally valuable in ethical decision making and presents a model that professionals can use as they address ethical questions and dilemmas in their work.

Foundational Principles

Several foundational principles are the underpinnings of best ethical practice and are viewed as central to the process of ethical decision making within the helping professions (Beauchamp & Childress, 2012; Coughlin, 2008; Kitchener, 1984; Kitchener & Anderson, 2011). Beauchamp and Childress (1979) identified four principles that are at the core of ethical reasoning in health care: autonomy, justice, beneficence, and nonmaleficence. Kitchener (1984) added a fifth principle—fidelity. She viewed these five principles as the cornerstone of ethical guidelines for counselors. Ethical guidelines cannot address all situations that a counselor is forced to confront. Reviewing these ethical principles, which serve as the foundation of the guidelines, often helps to clarify the issues involved in a given situation. The five bedrock principles of autonomy, justice, beneficence, nonmaleficence, and fidelity are each vital in and of themselves to a healthy counseling relationship. By exploring an ethical dilemma with regard to these principles, a counselor may come to a better understanding of the conflicting issues. A description of each of the five foundational principles follows.

Autonomy is the principle that addresses respect for independence, and self-determination. The essence of this principle is allowing an individual the freedom of choice and action. It addresses the responsibility of the counselor to encourage clients, when appropriate, to make their own decisions and to act on their own values. There are two important considerations in encouraging clients to be autonomous. First, helping clients to understand how their decisions and their values may be received within the context of the society in which they live, and how they may impinge on the rights of others. The second consideration is related to the client's ability to make sound and rational decisions. Persons not capable of making competent choices, such as children and some individuals with mental disabilities, should not be allowed to act on decisions that could harm themselves or others.



Justice, as Kitchener (1984) points out, is “treating equals equally and unequals unequally but in proportion to their relevant differences” (p. 49). Justice does not mean treating all individuals the same. If an individual is to be treated differently, the counselor needs to be able to offer a rationale that explains the necessity and appropriateness of treating the individual differently. An example of justice is that a counselor would give a person who is blind a form that is in braille, or would go through the form with that individual orally, instead of giving him or her a standard written form to fill out. But the counselor would treat him or her the same as any other client in all other regards.

Beneficence reflects the counselor’s responsibility to contribute to the welfare of the client. Simply stated, it means to do good, to be proactive, and also to prevent harm when possible (Forester-Miller & Rubenstein, 1992). Beneficence can come in many forms, such as prevention and early intervention actions that contribute to the betterment of clients.

Nonmaleficence is the concept of not causing harm to others. Often explained as “above all, do no harm,” this principle is considered by some to be the most critical of all the principles, even though theoretically they are all of equal weight (Kitchener, 1984; Rosenbaum, 1982; Stadler, 1986). This principle reflects both the idea of not inflicting intentional harm, and not engaging in actions that risk harming others (Forester-Miller & Rubenstein, 1992). Weighing potential harm against potential benefits is important in a counselor’s efforts toward ensuring “no harm.”

Fidelity involves the notions of loyalty, faithfulness, and honoring commitments. Clients must be able to trust the counselor and have faith in the therapeutic relationship if growth is to occur. Therefore, the counselor must take care not to threaten the therapeutic relationship or to leave obligations unfulfilled.

When exploring an ethical dilemma, the counselor needs to examine the situation and how each of the above principles may apply to that particular case. At times, this examination alone will clarify the issues so that the means for resolving the dilemma becomes clear. When an initial review of the five foundational principles does not provide direction, it is helpful to be able to work through the steps of an ethical decision-making model. The following sections describe the steps of the ethical decision-making model.

Ethical Decision-Making Model

We have incorporated the work of Forester-Miller and Rubenstein (1992), Haas and Malouf (1989), Kitchener (1984), Stadler (1986), and Van Hoose and Paradise (1979) into a practical, sequential, seven-step, ethical decision-making model. A description and discussion of the steps follow. We encourage counselors to consider the worldview of their clients and others who may be affected in each step of the decision-making model (Luke, Goodrich, & Gilbride, 2013).

1. Identify the problem.

Gather as much information as you can that will illuminate the situation. In doing so, it is important to be as specific and objective as possible. Writing ideas on paper often helps provide clarity. Outline the facts, separating out innuendos, assumptions, hypotheses, or suspicions. There are several questions to ask yourself: Is it an ethical, legal, professional, or clinical problem? Is it a combination of more than one of these? If a legal question exists, be sure to seek legal advice.

Other questions that may be useful to ask yourself are: Is the issue related to me and what I am or am not doing? Is it related to a client and/or the client’s significant others and what they are or are not doing? Is it related to technology in the provision of services or of storing

records? Is it related to the institution or agency and their policies and procedures? If the problem can be resolved by implementing a policy of an institution or agency, you can look to the agency's guidelines. It is important to remember that the dilemmas counselors face are often complex; therefore, a useful guideline is to examine the problem from several perspectives and avoid searching for an overly simplistic solution.

2. Apply the ACA Code of Ethics.

After having clarified the problem, refer to the *ACA Code of Ethics* (ACA, 2014) to see if the issue is addressed. Also consider any other state or professional codes that may apply to you (Bradley & Hendricks, 2008; Brennan, 2013). When reviewing the ethical codes, be sure to consider any multicultural perspectives of the particular case (Frame & Williams, 2005). Remember to examine all the nuisances that exist when technology is involved. If there is an applicable standard or several standards and they are specific and clear, following the course of action indicated should lead to a resolution of the problem. To be able to apply the ethical standards, it is essential that you have read them carefully and that you understand their implications.

If the problem is not resolved by reviewing the *ACA Code of Ethics*, then you have a complex ethical dilemma and need to proceed with further steps in the ethical decision-making process (Bradley & Hendricks, 2008; Forester-Miller & Davis, 1996). Levitt, Farry, and Mazzarella (2015) indicated that decision-making models can be time consuming. If it is a complex ethical dilemma, then you should take time to thoroughly analyze and assess all aspects of the situation and its potential solutions

3. Determine the nature and dimensions of the dilemma.

There are a few steps to follow to ensure that you have examined the problem in all of its various dimensions:

- Examine the dilemma's implications for each of the foundational principles: autonomy, justice, beneficence, nonmaleficence, and fidelity. Decide which of the principles apply to the specific situation, and determine which principle takes priority for you in this case. In theory, each principle is of equal value, which means that you will need to use your professional judgment to determine the priorities when two or more of them are in conflict.
- Review the relevant professional literature to ensure that you are using the most current professional thinking and are aware of the diversity issues involved in the particular situation.
- Consult with experienced professional counselors and/or supervisors who also abide by the *ACA Code of Ethics*. As they review with you the information you have gathered, they may help you to see other issues that are relevant or provide a perspective you have not considered. They may also be able to identify aspects of the dilemma that you are not viewing objectively.
- Consult your state or national professional associations to see if they can provide help with the dilemma.

4. Generate potential courses of action.

- Brainstorm as many potential courses of action as possible. Be creative and list all of the options you can think of, even ones that you are not sure will work.
- In this brainstorming phase, you want to generate as many potential solutions as possible. Do not worry about judging and eliminating solutions; you will evaluate them in the next step.
- Whenever possible, consult with at least one colleague who subscribes to the ACA Code of Ethics to help you generate options.

5. Consider the potential consequences of all options and determine a course of action.

- Considering the information you have gathered and the priorities you have set, evaluate each option, being sure to assess the potential consequences for all of the parties involved. Ponder the implications of each course of action for the client, for others who will be affected, and for yourself as a counselor.
- Eliminate the options that clearly do not give the desired results or that cause even more problematic consequences.
- Review the remaining options to determine which option or combination of options best fits the situation and addresses the priorities you have identified.

6. Evaluate the selected course of action.

- Review the selected course of action to see if it presents any new ethical considerations.
- Apply three simple tests to the selected course of action to ensure that it is appropriate: justice, publicity, and universality (Stadler, 1986).

Justice: In applying the test of justice, assess your own sense of fairness by determining whether you would treat others the same in this situation.

Publicity: For the test of publicity, ask yourself whether you would want your behavior reported in the press.

Universality: The test of universality asks you to assess whether you could recommend the same course of action to another counselor in the same situation.

- If the course of action you have selected causes any new ethical issues, then you'll need to go back to the beginning and reevaluate each step of the process. Perhaps you have chosen the wrong option or you might have identified the problem incorrectly.
- If you can answer in the affirmative to each of the questions suggested by Stadler (1986; thus passing the tests of justice, publicity, and universality) and you are satisfied that you have selected an appropriate course of action, then you are ready to move on to implementation.

7. Implement the course of action.

- Strengthen your resolve to allow you to carry out your plan. Just because it is the right decision does not mean it will be easy to implement. Taking the appropriate action in an ethical dilemma is often difficult.
- After implementing your course of action, it is good practice to follow up on the situation to assess whether your actions had the anticipated effect and consequences.

The Ethical Decision-Making Model at a Glance

1. Identify the problem.
2. Apply the *ACA Code of Ethics*.
3. Determine the nature and dimensions of the dilemma.
4. Generate potential courses of action.
5. Consider the potential consequences of all options and determine a course of action.
6. Evaluate the selected course of action.
7. Implement the course of action.

Conclusion

It is important to realize that different professionals may choose different courses of action for the same situation. There is rarely one right answer to a complex ethical dilemma. However, if you follow a systematic model, you can be assured that you will be able to give a professional explanation for the course of action you chose. You should always document your decision-making process in the client file (Brennan, 2013). Van Hoose and Paradise (1979) suggest that a counselor “is probably acting in an ethically responsible way concerning a client if (1) he or she has maintained personal and professional honesty, coupled with (2) the best interests of the client, (3) without malice or personal gain, and (4) can justify his or her actions as the best judgment of what should be done based upon the current state of the profession” (p. 58). Following this model will help to ensure that all four of these conditions have been met.

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