

The Merrill Counseling Series

ETHICAL, LEGAL, AND PROFESSIONAL ISSUES IN COUNSELING

THEODORE P. REMLEY, JR. BARBARA HERLIHY



F I F T H E D I T I O N

ETHICAL, LEGAL, AND PROFESSIONAL ISSUES IN COUNSELING

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*To Dr. Patrick M. Flanagan, this counselor's counselor
and a true role model*

—Ted Remley

*To my colleagues—far too numerous to mention—who have questioned my
assumptions, challenged my thinking, asked me the tough questions, and in
many other ways helped me learn and grow*

—Barbara Herlihy

PREFACE

We think you will find it useful to know something about us, the co-authors, and how we came to write this text. From 1997 to 2006, we were both professors in the counseling graduate program at the University of New Orleans. Ted Remley is an attorney with several years of legal experience and also has been a school and community college counselor. Barbara Herlihy has worked as a school counselor and a Licensed Professional Counselor in private practice and agency settings. She currently is a counselor educator with special interests in counselor ethics and social justice.

Before we became colleagues at the same institution, we worked together over many years, co-authoring articles and presenting numerous workshops on law and ethics in counseling. It was through these workshops that the idea for this text was born. The counselors who attended our workshops had much in common, although they practiced in a variety of settings with diverse clientele. They shared a deep and abiding commitment to the welfare of their clients, a desire to stay current with the ethical standards of their profession, and a need to feel competent in dealing with legal issues that arose in their work. At the same time, they sometimes felt overwhelmed by the complex and conflicting demands of situations they encountered. They frequently had difficulty distinguishing between legal and ethical issues. As we worked together in our presentations to these counselors, we found that we very rarely disagreed with each other, but we did bring differing perspectives. Barbara's ethics orientation led her to focus on client welfare and to emphasize protecting the client. Ted, with his legal orientation, helped us to consider another dimension—that of protecting the counselor. We believe both perspectives are important.

Because both of us regularly teach graduate courses in professional orientation and ethics, we found ourselves discussing the need for a text written specifically for counselors that would address ethical, legal, and professional issues. Thus, out of our backgrounds and shared interests was conceived a text that is unique in that it approaches each professional issue in counseling from both an ethical perspective and a legal viewpoint. We believe you will find this integrated approach particularly helpful as you grapple with the complexities inherent in the work of the counselor.

We also believe that the best learning is active rather than passive, and personalized rather than abstract. We hope that you will actively discuss and even argue the issues that are raised throughout the text and that you will work to develop your own personal stance on these issues. Typical situations and dilemmas that counseling practitioners encounter are presented in each chapter. We ask you to imagine that you are the counselor in each case study and to attend to what you would think, how you would feel, and what you might do in the situation. In these case studies, as in real life, there is rarely a single right answer to the counselor's dilemma, so we hope that the situations will spark lively discussion.

NEW TO THIS EDITION

- This edition is fully updated to include the 2014 American Counseling Association (ACA) *Code of Ethics*. Readers will be brought up to date on the 2014 ACA *Code of Ethics*, which includes new guidelines in the areas of professional and personal values, technology, counselor competence, social justice, and numerous additional changes.
- A new chapter focuses on the use of technology in counseling, teaching, and supervision and on the use of social media by clients. Technology and social media are being utilized more

frequently by counselors and clients, and counselors are given additional guidelines on how to deal with technology and social media in an ethical, legal, and professional manner.

- A thorough discussion is provided around the contemporary issue of ensuring that counseling students and practitioners do not allow their personal or religious values to interfere with their ability and willingness to counsel all clients, including those who are lesbian, gay, bisexual, or transgender. This issue in counseling has been at the heart of more than one lawsuit, has resulted in changes in the 2014 ACA *Code of Ethics*, and has caused counseling graduate programs and licensure boards to enact new policies and procedures.
- Additional guidelines are provided on how to manage boundary issues with clients. The counseling profession has moved in the last few decades from a position of prohibiting multiple relationships with clients to a more nuanced understanding of the issue and an acceptance that multiple relationships are inevitable. The focus now is on helping counselors understand how to manage these relationships in a manner that is not harmful to clients.
- A discussion is provided of new developments in the credentialing of counselors that have been initiated because of policies adopted by the U.S. Veterans Administration and state counseling boards, requiring that counselors hold master's degrees that are accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP). This is a new development that counseling students and practicing counselors need to understand because it affects their employment possibilities.
- The role of counselors as advocates for clients and the profession is addressed. Advocacy is a relatively new concept in the field of counseling, and counselors, counseling students, and counselor educators and supervisors need to understand appropriate and inappropriate advocacy positions.
- The globalization of counseling as a profession is addressed. Counseling, like most other professions, is expanding globally. Understanding the vast differences in cultures and stages of development of the counseling profession in other cultures and countries is essential as the world becomes technologically interconnected.

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Introduction



PROFESSIONAL ORIENTATION

This text is intended primarily for prospective counselors; thus, most readers are likely to be graduate students in counselor education programs. However, many counselors who are already practicing use this text as a resource to help them address legal and ethical issues. As you, the reader, digest and discuss the material, we hope you will develop a thoughtful understanding of ethical, legal, and professional issues in counseling. These issues, collectively, make up the *professional orientation* content area of your graduate studies. The Council for Accreditation of Counseling and Related Educational Programs (CACREP), an organization that sets standards for counselor preparation and accredits training programs that meet these standards, requires the curriculum for counselors in training to include studies that provide an understanding of professional functioning. These required studies include, but are not limited to, the history and philosophy of the profession, counselor roles and functions, professional organizations,

FOCUS QUESTIONS

1. Assuming that you are a moral and responsible person (as are most counselors), why do you think it is important for you to study ethical and legal principles and the decision-making process?
2. What are the differences among legal, ethical, and professional behaviors?
3. What resources can you use when you need help in resolving an ethical dilemma?
4. How should you get legal advice when a legal issue presents itself?

professional credentialing, advocacy, ethical standards, and applications of ethical and legal considerations (CACREP, 2009).

The National Board for Certified Counselors (NBCC), a voluntary organization that credentials counselors, also requires the counselors it certifies to complete course work in the area of professional orientation to counseling (NBCC, 2011). If you plan to become licensed as a professional counselor, you should be aware that state counselor licensure boards mandate that licensees demonstrate knowledge of professional orientation issues, which include ethical and legal issues.

Beyond external requirements, an important part of your professional development as a counselor is to acquire a firm grounding in the area of professional orientation. This content area includes three main components:

- ***Developing a professional identity as a counselor.*** This includes understanding the history and development of counseling and related professions, knowing the professional roles and functions of counselors and how these are similar to and different from other professions, learning about and becoming involved in professional organizations, gaining awareness of counselor preparation standards and credentialing, knowing how to advocate for your clients and your profession, and developing pride in your profession. Professional identity is discussed in detail in Chapter 2.
- ***Learning about ethics.*** This involves becoming familiar with ethical standards for counselors, understanding the ethical issues that counselors encounter, developing ethical reasoning and decision-making skills, and being able to use an ethical decision-making model to apply your knowledge and skills in your day-to-day professional activities.
- ***Learning about the law as it applies to counseling.*** This includes being able to distinguish among legal, ethical, and clinical issues; acquiring a basic knowledge of legal issues in counseling and laws that affect the practice of counseling; and knowing what to do when you are faced with a legal problem.

It is essential that you develop a strong professional identity as a counselor during this time in our history when we are still a relatively new profession. Counselors today are constantly being asked questions such as “What kind of counselor are you?” or “Is being a counselor like being a psychologist?” or “How are counselors different from social workers?” These are legitimate questions, and you must be prepared to clearly explain who you are as a member of a professional group, what you believe, how you are similar to other mental health professionals, and, more important, how you are different. You must also be prepared to practice in ways that are ethically and legally sound and that promote the welfare of your clients. Information throughout this text will provide you with an understanding of your chosen profession of counseling and will prepare you to practice in an ethical and legal manner.

We hope that seasoned practitioners, as well as counselors in training, will read this text and find it useful. Professional, ethical, and legal standards are constantly changing, and it is important to keep up to date. Also, as Corey, Corey, Corey, and Callanan (2015) have pointed out, issues that students and beginning practitioners encounter resurface and take on new meanings at different stages of one’s professional development.

Morals, Values, and Ethics

The terms *morals*, *values*, and *ethics* are sometimes used interchangeably, and they do have overlapping meanings. All three terms involve judgments about what is good and bad, or right and wrong, and all pertain to the study of human conduct and relationships. Nonetheless, distinctions must be drawn when these terms are applied to the behaviors of professional counselors.

The term *moral* is derived from the Latin word *mores*, which means customs or norms. Moral actions are determined within a broad context of a culture or society. Although some moral principles, such as “Do no harm to others,” are shared by most civilized groups of people, how these moral principles are interpreted and acted on will vary from culture to culture and from individual to individual within a culture. Thus, conduct that you evaluate as moral might be judged as immoral by another person or by people in another society. It is important to remember that what you view as moral behavior is based on the values you espouse. In this text, when we refer to moral conduct, we ask you to think in terms of your *personal* belief system and how this affects your interactions with others in all aspects of your life.

Although *values* are very similar to morals in that they serve as a guide to determining what is good or right behavior, we use the term *values* to apply more broadly to both the personal and professional functioning of counselors. Our *personal* values guide our choices and behaviors, and each of us holds some values more strongly than other values (Strom-Gottfried, 2007). Although your value system is unique to you, it has been influenced by your upbringing, the culture in which you live, and quite possibly your religious beliefs. What is important about your personal values as they relate to professional practice is that you have a high level of self-awareness of your values, and that you learn to *bracket* (Kocet & Herlihy, 2014), or set aside, your personal values within the counseling relationship. One of the hardest lessons counselors must learn is to respect values that are different from their own and to avoid imposing their own personal values on their clients. This can be a particularly challenging task when a client holds values that are very different from those of the counselor. For example, if you believe deeply that a fetus is a human being and that abortion is morally wrong, then it will be challenging for you to keep your values in check as you counsel a woman who is considering having an abortion (Millner & Hanks, 2002). Similarly, it may be difficult for counselors who believe strongly in the sanctity of marriage to counsel clients who are seeking divorce. A series of court cases have involved counselors with strong religious beliefs who declined to counsel lesbian, gay, bisexual, and transsexual (LGBT) clients. Partly as a result of the controversy generated by these court cases, the recently revised *Code of Ethics* of the American Counseling Association (ACA, 2014) states quite clearly that counselors must avoid imposing their own personal values on their clients.

Members of the counseling profession share certain *professional* values. These include enhancing human development across the life span, honoring diversity and embracing a multicultural approach, promoting social justice, safeguarding the integrity of the counselor–client relationship, and practicing competently and ethically (ACA, 2014, *Code of Ethics* Preamble). These core values are articulated in the code of ethics to help acculturate students to the expectations of the profession (Francis, 2015). If a counseling student’s personal values were so strong that he or she could not learn to counsel clients who held differing beliefs, or if a student could not embrace the professional values of the profession as articulated in the ethics code, we would be concerned that the student is not well suited for the counseling profession.

Ethics is a discipline within philosophy that is concerned with human conduct and moral decision making. Certainly, you have developed your own individual ethical stance that guides you in the ways you treat others, expect them to treat you, and make decisions about what behaviors are good or right for you. In this text, however, we think of ethics as it relates to the profession of counseling; that is, ethics refers to conduct judged as good or right for counselors as a professional group. When your fellow professionals have come to sufficient consensus about right behaviors, these behaviors have been codified and have become the ethical standards to which you are expected to adhere in your professional life (ACA, 2014). Therefore, think about ethics as referring to your *professional* behavior and interactions. Keep in mind that ethics must prevail

over your personal values when value conflicts arise within a counseling relationship. Because the counseling relationship exists to benefit the client, you must avoid imposing your own values on your clients.

Legal, Ethical, and Professional Behavior

Law is different from morality or ethics, even though law, like morality, is created by a society and, like ethics, it is codified. Laws are the agreed-upon rules of a society that set forth the basic principles for living together as a group. Laws can be general or specific regarding both what is required and what is allowed of individuals who form a governmental entity. Criminal laws hold individuals accountable for violating principles of coexistence and are enforced by the government. Civil laws allow members of society to enforce rules of living with each other.

Our view is that there are few conflicts between law and ethics in professional counseling. Keep in mind, though, that there are important differences. Laws are created by elected officials, enforced by police, and interpreted by judges. Ethics are created by members of the counseling profession and are interpreted and enforced by ethics committees and licensure and certification boards. Laws dictate the *minimum* standards of behavior that society will tolerate, whereas ethics pertains to a wider range of professional functioning. Some ethical standards prescribe the minimum that other counselors will tolerate from fellow professionals (for example, sexual or romantic relationships with clients are prohibited), and some standards describe ideal practices to which counselors should aspire (for example, counselors aspire to foster meaningful and respectful professional relationships).

Rowley and MacDonald (2001) discussed the differences between law and ethics using concepts of culture and cross-culture. They argued that “law and ethics are based on different understandings of how the world operates” (p. 422). These authors advise you to learn the different culture of law, seek to understand how law operates, and develop collaborative partnerships with attorneys. We agree with the perspective that the cultures of counseling and law are different and that seeking legal advice is often an important step in the practice of counseling.

Where does the notion of *professionalism* fit into the picture? Many factors, including the newness of the counseling profession, the interpersonal nature and complexity of the counseling process, and the wide variety of types of counselors and their work settings, make it essential for counselors to conduct themselves in a professional manner. It is not easy to define what it means to be *professional*, and we discuss this in more detail in Chapter 2. We note here that professionalism is closely related to the concept in a profession of *best practice*, and perhaps the concepts of law, ethics, and best practice in the field of counseling are on a continuum. Legal standards are the minimum that society will tolerate from a professional. Ethical standards occupy a middle ground, describing both the minimal behaviors expected of counselors and the ideal standards to which counselors aspire. Best practice is the very best a counselor could be expected to do. Best practice guidelines are intended to provide counselors with goals to which they can aspire, and they are motivational, as distinguished from ethical standards, which are enforceable (Marotta & Watts, 2007).

Although there is no consensus among counseling professionals about what constitutes best practice (Marotta, 2000; Marotta & Watts, 2007), you will want to strive to practice in the best possible manner and provide the most competent services to your clients throughout your career. Meeting minimum legal standards or minimum ethical standards is not enough for the truly professional counselor. Professionalism demands that you be the best counselor for your clients that you are capable of being.

1-1 The Case of Alicia

Alicia will be seeing a 16-year-old minor for his first counseling session. Alicia knows that legally and ethically she must have one of his parents sign an agreement for her to disclose information regarding his sessions to his parent's health insurance company so that the parent will be reimbursed partially for the cost of her counseling services. Alicia also is aware that, according to the ACA *Code of Ethics* (2014), she may include parents in the counseling process, as appropriate (§A.2.d.; §B.5.b). However, she realizes how important confidentiality is to adolescents, and she wants to provide services to this minor in a way that would meet best practice standards.

- What are some of the things Alicia might do in this situation to go beyond what is minimally required by law or the code of ethics?
- How will Alicia know if what she finally decides to do is best practice?

Discussion: You will have the information you need to answer these questions after you have read material on ethical decision making, informed consent, confidentiality, and counseling minor clients, all presented later in the text. For now, a brief answer is that Alicia would be well advised to hold a conversation with both the client and his parent(s) present, in which she discusses confidentiality and its limits (including the information she would share with the insurance company). Including the client in the decision-making process is good practice, and Alicia can ask the client to sign the agreement to signify his assent, in addition to having the parents sign to give legal consent. Best practice for Alicia will mean keeping a careful balance, honoring both her minor client's right to privacy and his parents' rights to information about their son, and working to establish and maintain a cooperative relationship with all parties.

A Model for Professional Practice

One source of very real frustration for prospective and beginning counselors is that there are so few absolute, right answers to ethical, legal, or best practice questions. Throughout your career, you will encounter dilemmas for which there are no *cookbook* solutions or universally agreed-upon answers. We visualize professional practice as entailing a rather precarious balance that requires constant vigilance. We also see counseling practice as being built from within the self but balanced by outside forces, as shown in Figure 1-1.

In this model of professional practice, the internal building blocks are inside the triangle. The most fundamental element, at the base, is *intentionality*. Being an effective practitioner must start with good intentions, or wanting to do the right thing. The overwhelming majority of counselors have the best intentions; they want to be helpful to those they serve.

The second building block contains *principles and virtues*. Principles and virtues represent two philosophies that provide the underpinnings for ethical reasoning. Moral principles are a set of shared beliefs or agreed-upon assumptions that guide the ethical thinking of helping professionals (including physicians, nurses and other medical specialists, teachers, and mental health professionals). Basic moral principles include respect for autonomy (honoring freedom of choice), nonmaleficence (doing no harm), beneficence (being helpful), justice (fairness), fidelity (being faithful), and veracity (being honest). Virtue ethics focuses on the traits of character or dispositions that promote the human good. We discuss these in more detail later in this chapter.

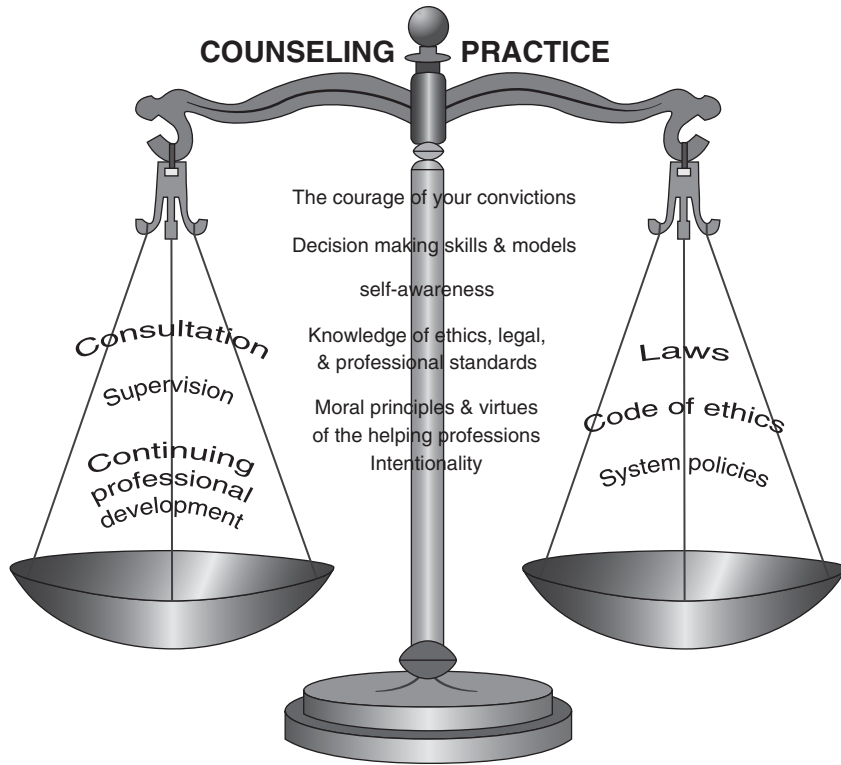


FIGURE 1-1 Professional practice—built from within and balanced from outside the self

Source: Pearson Education, Inc., Hoboken, NJ.

The third element is *knowledge* of ethical, legal, and professional standards. You will find that there is a wealth of resources available to you as you work to gain, maintain, and expand your knowledge base. Texts such as this one, casebooks, professional journals, codes of ethics, workshops and seminars, professional conferences, and your supervisors and colleagues are all excellent resources that can help to increase your knowledge.

The fourth element is *self-awareness*. As discussed earlier in this chapter, counselors must maintain a high level of self-awareness so that they do not inadvertently impose their own values, beliefs, and needs onto their clients. Knowledge of ethical, legal, and professional standards is not sufficient; best practice is achieved through constant self-reflection and personal dedication, rather than through mandatory requirements of external organizations (Francis, 2015).

Even after you have developed a solid knowledge base and the habit of self-reflection, you must have *skills* for applying your knowledge and reasoning through the questions and dilemmas that will arise in your practice. It also helps to have a *model* that will serve as a road map to guide your ethical decision making and bring some consistency to the process.

The final internal element is *the courage of your convictions*. This element can challenge even the most conscientious counselors who have the best intentions. As a counselor, you will face ethical quandaries. It can take courage to do what you believe is right, especially when there is a high cost to yourself, when your personal needs are involved, when you know that others may not agree with or approve of your actions, or when (as is the case in ethical dilemmas) there is no single, clear, right answer to the problem.

The following are some examples of ethical quandaries that take courage and that involve the behavior of other counseling professionals: What if you know that one of your professors has published, under her or his own name only, an article based largely on a paper you wrote? What if your supervisor at your internship site is engaging in a behavior that you strongly believe is unethical? What if you know that one of your fellow interns, who is also your friend, is engaging in inappropriate relationships with clients? In such instances, it can be easier to *turn a blind eye* than to confront the individual involved and run the risk of retaliatory action by the professor, a poor evaluation from your supervisor, or the loss of a friend. Chapter 8 discusses important points you must consider if you suspect another professional is behaving in an unethical manner and actions you might take.

Examples of ethical dilemmas that involve your own behavior include the following: What if you know that you are supposed to maintain personal boundaries between you and your clients, but just once you agree to allow a client to buy you a cup of coffee and have a social conversation immediately after a session has ended? What if you know you are supposed to render diagnoses of mental and emotional disorders for your clients based on criteria in the *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (American Psychiatric Association, 2013), yet you generally render the same diagnosis of *adjustment disorder* for most clients because you think this diagnosis is the least stigmatizing? What if you report to a counselor certification board that you attended a continuing education workshop you paid for, even though you did not actually attend it? In these situations, it might be tempting to make some minor compromises to your usual ethical behavior, especially when you feel no harm comes to a client or to anyone else as a result.

Nonetheless, if you do nothing when you know the behavior of other professionals is unethical, or if you compromise your own ethical behavior, you have set foot on an ethical slippery slope. The *slippery slope phenomenon* is a term used by moral philosophers to describe what happens when one begins to compromise one's principles—it becomes easier and easier to slide down the slope, diminishing one's sense of moral selfhood along the way.

The diagram of the model also includes external forces that can support counselors in their efforts to maintain sound, professional practice. External sources of guidance and support include consulting with colleagues, seeking supervision, and increasing your knowledge and skills through continuing education activities. Your code of ethics is certainly a major source of guidance. Some laws support counselors in fulfilling ethical obligations; for example, privileged communication statutes can help you to uphold your clients' confidentiality when called to testify in court or produce records. The system (school, agency, or institution) in which you are employed may also have policies on which you can rely when confronted with a challenge or a request to compromise your ethics.

PROFESSIONAL ETHICS

Concern about ethics acknowledges the awesome responsibilities inherent in the practice of counseling. A counselor's work can make a difference in whether an abused child's life situation is recognized and addressed, whether a battered spouse finds the self-affirming courage to move to a safe environment, or whether a suicidal client finds the hope needed to choose life. Other clients come with less dramatic, more mundane problems, yet counseling can play a vital role in their struggle to lead more meaningful and effective lives (Pope & Vasquez, 2010). Ethical counselors take these responsibilities seriously.

Foundations of Ethics

For many centuries, philosophers have debated what characterizes a moral and ethical person and how to behave in a moral and ethical manner, and these issues have been addressed within the helping professions since ancient times. The Hippocratic Oath was written about 2,500 years ago

in ancient Greece, and in fact Greek philosophers such as Plato and Aristotle created most of the ethical principles that helping professionals use today.

Ethical Theories

Ethical theories provide a framework that counselors can use to decide whether an action or contemplated action is ethical. It is important for you to have an ethical theory because it will enable you to resolve the ethical dilemmas you encounter in your work and help you defend the solutions you reach. A number of ethical theories take opposing positions on what it means to be and act as an ethical person. Having some familiarity with a few of these positions may help you become aware of the approach you take in your ethical decision making as a counselor and perhaps challenge the assumptions you make. Remember that ethical reasoning is an acquired skill, not an inherent gift, and it can be sharpened through practice.

One set of opposing viewpoints on ethics is *ethical absolutism* versus *ethical relativism*. Ethical absolutists believe that there are some absolute moral standards that are universally applicable; that is, they must prevail in all circumstances and are not dependent on a person's beliefs or cultural values. These standards exist a priori (they exist before a situation arises) and independently of whether or not one believes in them. Ethical relativists, on the other hand, do not believe that any absolute moral standards exist that can be universally applied. Rather, they take the position that if the members of a culture believe an action is morally right, then it is morally right to perform that act in that culture (Freeman, 2000). As you begin to study the codes of ethics for counselors, these codes may seem to you to be written in absolutist terms. They are written in terms such as "counselors do not . . ." and "counselors ensure that . . .," which appear to suggest that there are absolute *do's* and *don'ts* of ethical behavior. We believe, however, that ethical standards must be interpreted in a relativistic manner, taking into account the uniqueness of the client, the situation, and any cultural variables that are involved. These distinctions should become clearer to you as you progress through the chapters of the text and begin to grapple with the ethical issues and dilemmas that are presented.

A related issue that is raised by philosophers of ethics is that of *utilitarianism* versus *deontology*, or consequential versus nonconsequential ethics. Utilitarian thought, represented by thinkers such as John Stuart Mill, argues that people should choose the act that will do the greatest good for the greatest number. In other words, an act is evaluated by its consequences. By contrast, deontologists, represented by the thinking of Emmanuel Kant, believe that an action is justified by its being inherently right, not by its consequences. Another way to state this idea is that what makes an action right is the principle that guides it. This philosophical question underlies much of the reasoning that counselors use in attempting to determine what is ethical professional behavior.

A third set of opposing philosophical viewpoints has to do with what motivates people to act morally or ethically. *Egoism* is the term used to describe actions taken out of self-interest, whereas *altruism* is the word that describes actions taken to benefit others (Freeman, 2000). Most people who choose counseling as their life's work tend to see themselves as altruists, and indeed one of the most fundamental ethical values of counselors is that "client welfare comes first." Although this ethical value is well established in the counseling profession, this does not mean that there is no place for egoism or self-interest in our work. When we consider the possible consequences of a decision or action we might take, we would be prudent to reflect on the effects that action could have on us as well as on our clients. This dual consideration of altruism and self-interest, in fact, is reflected in the differences between the ethical and legal perspectives that are presented throughout this text. The ethical perspective is focused more on the welfare and protection of the client, whereas the legal perspective is focused more on protecting the counselor.

1-2 The Case of Edward

Edward is a high school counselor. His administrative supervisor is the school principal, Ms. Wilcox. Although Ms. Wilcox has no training as a counselor, she generally has been supportive of the counselors on her staff. She asks Edward to provide, for her eyes only, a list of his clients and presenting concerns. Edward trusts the supervisor to be responsible and refrain from sharing the list with others. Nonetheless, Edward believes it would be wrong to produce the list because it would violate his clients' right to confidentiality. At the same time, he realizes he could be at risk for disciplinary action for refusing to produce the list. He thinks that no real harm would be likely to result from giving it to Ms. Wilcox. He is also concerned that a refusal could negatively affect Ms. Wilcox's supportive attitude toward the counselors.

- What should Edward do? Do you believe the *principle* of confidentiality is the overriding consideration?
 - Or, do you believe that it is more important for Edward to consider the *consequences* of the decision?
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Discussion: If Edward reasons that the ethical principle is most important, he would be committing himself to uphold the moral principle of fidelity. *Fidelity* refers to fulfilling a responsibility of trust in the counseling relationship: Counselors strive to be faithful to the promises they make, such as keeping clients' disclosures confidential. If Edward adheres to this line of reasoning, he could be said to be thinking as an ethical absolutist—that the principle always applies, regardless of the situation. He would also be thinking as a deontologist, by deciding that keeping the students' confidentiality is the right thing to do, regardless of the consequences. In addition, he might be relying on altruism, in that he believes that his actions must uphold client welfare rather than serve his own interests.

If Edward decides to produce the list for Ms. Wilcox, he might be motivated by egoism, or a focus on protecting himself and his fellow counselors from negative repercussions. He could be using utilitarian reasoning as suggested by Mill, that because no harm is likely to come to the students, his decision will do the greatest good for the greatest number of people—not only himself and his fellow counselors but also the students who would be better served by having a supportive school administration.

We believe the best course of action in this situation would be for Edward to have an open discussion with his principal and explain his concerns about providing her with the list of students he has seen in counseling. Hopefully, his principal will either understand his concern and withdraw her request or convince Edward of the need for the list that would override his ethical concerns about the privacy of his students.

All of the theories discussed up to this point have focused on the question of what constitutes ethical action. Other theories focus on what constitutes ethical character. Virtue ethics, which originated with Aristotle, explores the question of what character traits or dispositions form the basis for right action. Aristotle believed that positive personal character is developed when individuals consistently take actions that are based on their society's values. Virtue ethics focuses on individuals rather than actions and evaluates the whole individual instead of isolated decisions the individual