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Lesson Proper for Week 15

Internship Professional, Ethical, and Legal Issue (Cont.)

Ethical Principles and Ethical Values

Regardless of how detailed the codes may be or how many times you read them, there may be no answers forthcoming to help you resolve the conflict you experience. When ethical codes fail to provide a direction toward a solution, then the ethical principles of the profession can help guide your decisions. Ethical principles, as mentioned earlier, are fundamental doctrines of the profession rooted in commonsense morality. If you are not in the helping professions, you may want to locate those principles that guide the work in your field and spend some time thinking about them.

How might you answer the question “What ethical values are relevant to your profession?” Would they be the values that you read about in your academic coursework preparing you for your profession? Presumably so. Would they be the values that you see in practice at the internship site—the ones you are encouraged to demonstrate? Again, presumably so. There is an operating assumption that the ethical values you see in practice are the ones that the professionals believe best inform them when it comes to making ethical decisions; we also know that they will draw upon their personal value systems at times.

The Six Principles to Guide Your Work

For those of you in the helping professions, we list below the six ethical principles that are commonly accepted as reflecting the highest level of professional functioning (Corey, Corey, & Callanan, 2011). The principles are based on the works of Kitchener (1984) and Meara, Schmidt, and Day (1996) and probably look very familiar to you. These

principles have more than one purpose: they can guide your work as well as your decision-making. When using these principles to guide your decisions, be as honest with yourself as possible, as this type of authenticity will be invaluable to the quality of the decisions and the personal insight you develop.

- Autonomy refers to the clients' freedom to control the direction of their lives by making decisions that reflect their wishes; this principle affirms the clients' right to self-determination.
- Beneficence refers to commitment to do "good," as demonstrated by carrying out work with competence and without prejudice. This principle affirms the clients' dignity and promotes the clients' welfare.
- Justice refers to treating others with fairness, regardless of gender, ethnicity, race, age, religious affiliation, sexual orientation, ability, religion, cultural background, or socioeconomic background. This principle affirms the clients' right to equality in services.
- No maleficence refers to avoidance of doing harm; this principle affirms the clients' right to respect.
- Fidelity refers to having a trustworthy relationship of honest promises and honored commitments; this principle affirms the clients' right to informed consent before committing to interventions.
- Veracity refers to being truthful in dealings with clients; this principle affirms the clients' right to full disclosure.

LEGAL ISSUES: A WORLD OF LAWS AND INTERPRETATIONS

An important part of making an ethical decision is taking an engaged approach to knowing the laws that are relevant to and affect your work. Some of you are developing a familiarity with the law, especially if you are interning in legal settings or your work is closely directed by statutes and legal guidelines. Others of you may know little about this aspect of your work. In this section, we will give you a way of thinking about legal matters so you can make better sense of this aspect of your field experience.

All internships are affected to some degree by legal issues. For those of you interning in the criminal justice system, legal mandates govern much if not all of your work. For those of you working with dependent individuals, such as minors, elders, and those with special needs, the intent and extent of your work are largely affected by legal statutes, especially in the area of protection; i.e., abuse, neglect, and exploitation. If you are interning with a legislator, advocating for clients in class-action suits, or interning in hospitals, human resource departments, or in mediation services, you are working with laws. If you are interning in a government agency, your work is affected by the statutes or laws that govern the agency.

A number of legal issues are particularly relevant to interns who work directly with clients, most of which have ethical dimensions as well (see Kiser, 2011). Such issues include, but are not limited to, liability and malpractice; confidentiality, privileged communication, and privacy; disclosure of information; end-of-life decisions; consultations with specialists; crisis intervention; suicide prevention; termination of interventions; intimacy with clients; duty to protect intended victims from violence; and informed consent (Birkenmaier & Berg-Weger, 2010; Kiser, 2011). The list does not stop here, but we will.

Your responsibility is to know the legal basis, if there is one, for your organization; the laws that affect and govern your work; and the ways in which you are bound by those laws in carrying out your responsibilities

(Berg-Weger & Birkenmaier, 2010; Gordon & McBride, 2011). The best way to learn about these matters is to bring your questions and concerns to your supervisors. The following sections will help to prepare you for those discussions.

Negligence

A tort is a civil wrong or injury done to another that is not based on an obligation under a contract. There are three types of torts: intentional torts, negligence torts, and strict liability torts. For the purposes of your internship, it is the negligence tort that is of most concern to you, your site supervisor, and your campus instructor.

For an act to be a negligence tort, there must be a legal duty, owed by one person to another, a breaking (breach) of that duty, and harm caused as a direct result of the action. For example, if you are interning at a home health care agency and you voluntarily assume responsibility for an elder in the community, you are then in what is referred to as a special relationship with that person. Your duty to your client would be considered breached if you fail to provide the standards of care of the home health care profession; you could do this either by failing to take certain required actions or, if you did act, doing so in a way that does not reflect the standards of care for the home health care profession. It makes sense to raise the issue of breach of duty with your supervisor so you can better understand how you could be at risk for such lawsuits (Eisenstat, personal correspondence, Sept. 2012). Negligence torts, then, can result when you fail to exercise a reasonable amount of care (standard of care) in a situation that causes harm to another person or to a thing. The basis for the negligence tort can involve doing something carelessly or failing to do something you are supposed to do.

Malpractice

The term malpractice is one you are sure to have heard and know enough about that you do not want it to be a part of your field experience. Malpractice, a form of ordinary negligence, refers to an act that you perform in your professional capacity for which you are being sued. This type of lawsuit charges professional misconduct or unreasonable lack of skill on your part that results in injury or loss to your client. For example, if you are an intern at a residential facility for emotionally challenged adolescents and you fail to take the precautions that are ordinarily provided by other residential facilities/workers in the profession, and your actions or lack thereof result in one of the residents committing suicide, then you most likely would face a malpractice lawsuit (Eisenstat, personal correspondence, Sept. 2012). Again, it is important to bring up the issue of malpractice with your supervisors so you can better understand how you could be at risk for such lawsuits.

Supervisory Malpractice

The second legal matter is that of supervisory malpractice. In this instance, it is the behavior of the supervisor that comes under legal as well as ethical scrutiny. As you may be aware, your supervisor is liable for your work because when your supervisor agreed to supervise you, he or she accepted responsibility for all of your work,

including your work with clients and for your behavior (deportment) during the internship. If this responsibility sounds pretty serious, it is.

The more likely scenario would be the injured party suing the field site and/or the campus for their negligent supervision of the intern. However, both the agency and the campus could be sued through their own negligence and vicariously through the intern's negligence. The two lawsuits are not mutually exclusive; both can be brought (Eisenstat, personal correspondence, Sept. 2012). Obligations to the Intern At this point in your understanding of liability, you may be wondering under what circumstances does your supervisor incur potential liability because of her or his failure to meet obligations to you? Four major sources of such liability have been identified (Harrar, et al., 1990, cited in Falvey, 2002). We think it's important to note them so that you are more informed about what you can request of the supervisory relationship.

- If the supervisor is derelict in carrying out supervisory duties for planning your internship, the direction of your internship, or the outcome of your work, then your supervisor's liability can increase.
- If your supervisor gives you inappropriate advice about a treatment intervention that you use, and the intervention is to the detriment of the client, the supervisor's liability can increase.
- If your supervisor fails to listen attentively to your comments about a client and in turn fails to understand the needs of the client, the supervisor's liability can increase.
- If your supervisor assigns you tasks that the supervisor knows you are not trained adequately to perform, then the supervisor's risk of liability can increase.

GRAPPLING WITH DILEMMAS

One of the most wrenching aspects of working with clientele is dealing with a dilemma that involves the welfare of another individual, family, or community. A dilemma—be it ethical, legal, professional, or all three—refers to a struggle over alternative courses of action that might resolve a situation. To complicate things, the choices of courses of action tend to be correct in their own right, but they conflict with each other. A dilemma, then, is a situation in which you can find yourself facing more than one justified course of action; that is, two “right” ways of responding.

Recognizing Dilemmas

The next hurdle is to recognize a dilemma when you see one, which is no easy feat. Our experience tells us that recognizing dilemmas as such is quite challenging for both undergraduate and graduate students and for experienced professionals as well. Often, students cannot readily name ethical issues when they see them, and they do not necessarily see them in a given situation. Nor do they have a language to describe situations that might be ethical in nature or to discuss them. A course in applied ethics taught in a professional studies program at the very least will help the student become aware of the ethical issues of the profession, learn the “language” of applied ethics so issues can be named as such and discussed, and begin to develop the reasoning and problem-solving skills necessary to succeed in the profession.

The Ten Reasoned Steps to Resolving Dilemmas

TABLE 13.3

The Ten Reasoned Steps to Resolving Dilemmas

1. Name the Problem
2. Narrow the Focus
3. Consult the Codes
4. Consider the Laws
5. Consult with Colleagues
6. Determine the Goals
7. Brainstorm the Strategies
8. Consider the Consequences
9. Consult the Checklist
 - Principles: Autonomy, Beneficence, Nonmaleficence, Justice, Fidelity, & Veracity
 - Duties to Care and Civic Responsibility
 - Responsibilities Laws, Ethical Documents, Policies, Procedures, & Regulations
10. Step Ten: Decide Diligently

Step 1: Name the Problem

Collect as much information as you can about the situation. Clarify the conflict. Is it moral? Professional? Ethical? Legal? Given that there are no right or wrong answers to the situation, anticipate ambiguity and challenge yourself to consider the problem from multiple perspectives.

Step 2: Narrow the Focus

Once you have gathered as much information as is reasonable, list the issues you are confronting. Some are more important than others. Describe the critical issues and players; discard the unimportant ones.

Step 3: Consult the Codes

Review the ethical documents of your profession, the policies and regulations of your agency, and related laws to determine whether possible solutions are suggested. Identify aspects of the documents that apply. How compatible are your personal values with those of the profession?

Step 4: Consider the Laws

Chances are you are just becoming familiar with the laws—both civil and criminal—that are relevant to your work. Consult those laws. Once familiar with them, you can contact the legal counsel for your field site (your supervisor should be made aware of this first!) or a law librarian for guidance.

Step 5: Consult with Colleagues

Consult with informed colleagues to discover other ways of considering the problem. Given the responsibility to make a reasoned decision, consulting with colleagues is one way to “act in good faith” and test your justifications. Choose your colleagues wisely.

Step 6: Determine the Goals

Think through what change you hope to bring about in the attitudes, behaviors, or circumstances in question. Question your motives carefully and repeatedly. Is your client’s voice heard in the goals you want? Talk with a colleague about whether there may be motives on your part of which you are not aware. Choose your colleague wisely.

Step 7: Brainstorm the Strategies

Identify all possible courses of action, including the absurd. Some may prove useful, although unorthodox. Consider the client’s perspective. Is the client’s voice heard in your list of options? Discuss options with others. Choose your colleagues wisely.

Step 8: Consider the Consequences

Think about the consequences of each strategy for all involved in the situation. Thoughtfully assess plans. Identify consequences from various perspectives, and question each of the consequences. Remember to include the client’s perspective among those you consider.

Step 9: Consult the Checklist

Use the following checklist to evaluate potential areas of ethical and legal misconduct. The questions are based in part on a model of ethical decision making that identifies six fundamental principles of moral behavior: autonomy (self-determination), beneficence (in the best interest of the client), non-maleficence (to do no harm), justice (fairness to all), fidelity (honest promises and honored commitments), and veracity (being truthful). This model includes such qualities of ethical acts as universality, morality, and reasoned and principled behaviors (G. Corey et al., 2011; Kitchener, 1984; Meara, Schmidt, & Day, 1996; Pollock, 2012). Is the action in the best interest of the client? Consider the six fundamental principles of moral behavior. Does the action violate the rights of another person? Consider constitutional rights as well as your duty to justice.

- Does the action involve treating another person only as a means to achieve a self-serving end? Consider the end-in-itself motive and the utilitarian perspective.
- Is the action under consideration legal? Is it ethical? Consider the laws and your legal duties; consider your civic and ethical duties and the components of an ethical act.
- Does the action create more harm than good for those involved? Consider the principles of non-maleficence and beneficence.

- Does the action violate existing policies, regulations, procedures, or professional standards? Consider the duty to your professional role.
- Does the action promote values in culturally affirming ways? Consider the principles of non-maleficence and beneficence and the duty to care.

Step 10: Decide Diligently

Consider carefully the information you have. The more obvious the dilemma, the clearer the course of action; the more nebulous the dilemma, the more difficult the choice. Although hindsight may teach you differently, the best decision under these circumstances is a well-reasoned decision— one with which you can live.

Managing a Professional Crisis

One of the potential pitfalls to a chapter such as this is the tendency, regardless of experience, to worry unnecessarily about your vulnerability to the issues raised in the reading. The fact is that you would not be in the field if your academic program did not prepare you adequately for the experience and you would not be doing the work you are doing if your site supervisor and campus instructor did not believe you were academically and professionally ready for the experience. Even so, issues and situations will present themselves, and they can arise quite quickly.

Knowing how to respond to such a crisis can make all the difference in you having a future in the profession. Managing this type of crisis is no different from managing other crises you have lived through or half expect to occur at some time. There are many approaches to managing crises. You should know what works and what does not work for you.

HELP: Self-Care in a Professional Crisis

Have Resources in Place

Regardless of the approach you use, it is very important that you know what resources are readily available to you and those that you need to develop. The resources should include, but not necessarily be limited to, legal, emotional, physical, academic, and professional supports. Knowing beforehand what, who, and where the resources are and how to mobilize them is essential to a healthy and effective response. Otherwise, you can find yourself responding in ways that are not helpful to yourself or the situation.

For example, becoming so upset in times of professional crisis that you do not know which way to turn may be an understandable, but not a very useful way of responding. Drinking alcohol, taking drugs, or engaging in other self-destructive behaviors is neither professional nor helpful to the situation. What is useful, though, is identifying your resources beforehand so you know who to call, where to go, and what you can expect from them. Your

supervisor can be a wellspring of information and advice as to who should be on your list and what information you should have beforehand. Also, having membership in the profession's national organization (which usually is at a substantially reduced rate for students) allows access to information and often legal advice.

Expect to Learn from the Crisis

Make a resolution to do the best you can under the circumstances and to learn from a crisis in your internship. It is very important to think through the value of such a resolution now, when you are not in a storm of emotions that makes it very difficult to appreciate the benefits. Not only does a resolution to learn provide you with an understanding of how you function in a crisis within a professional context, but it gives you insight into an aspect of the profession that you otherwise would only read about. Taking care of yourself legally, emotionally, physically, academically, and professionally is your responsibility in a crisis. It is also an essential factor for riding out the storm in ways that leave you the stronger for it.

Lay Out a Crisis Response Plan

In addition to knowing your resources and knowing yourself in a crisis, it is critical that you have a crisis plan of action; i.e., a plan that allows you to be most helpful to yourself and the situation even in times of high anxiety. An important piece of such a plan is a crisis team for a professional crisis—the people you can call on in an instant to give you the help you need, whether it is legal counsel or chicken soup, literally and figuratively. It is a team of first responders that you create for yourself. In putting together your critical support team, be sure to identify how to reach them when you need them (i.e., electronic, cell, land line, and postal). Next, you need to think through what you must do to take care of yourself emotionally, physically, and professionally throughout the storm so that you stay afloat when the waters get rough. Maybe a physical outlet is best for you, like running, biking, or workouts at the local gym. Perhaps it is mindfulness meditation or yoga that makes a difference in your ability to cope under pressure. Some find prayer or other meditative activities most helpful. Many find counseling to be comforting and affirming. Whatever it may be, you need to be aware of it, keep it foremost in your mind, and make it part of your agenda in a crisis.


Practice Self-Awareness

It is very important that you understand your reactions, strengths, and weaknesses in a crisis. How you go about solving crises, what works most effectively for you, and what is ineffective in such situations are all informative. Thinking these through before, as opposed to during a crisis, is very important because your objectivity is not compromised by the pain of the situation. This may also be a good time to revisit Chapter 4, especially the parts that help you understand how you function under stress.



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ANNOUNCEMENT

Due to the insistent demand of BCP graduates and alumni and the IATF pronouncement of the low Alert Level Status, and in coordination with the DepEd and CHED, the BCP Administration is happy to announce that face-to-face graduation rites will proceed as scheduled.

<u>Level</u>	<u>Date of Graduation</u>	<u>Venue</u>	<u>Graduation Fee</u>	<u>Downpayment</u>
SHS	July 16, 2022	MV Campus	P 1,000.00	P 200.00
College	July 10, 2022	PICC	P 4,000.00	P 500.00

Balance must be paid two (2) weeks before the date of graduation.



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