

CHAPTER 1

A Code of Ethics for Psychology

How Did We Get Here?

In a field so complex, where individual and social values are yet but ill defined, the desire to play fairly must be given direction and consistency by some rules of the game. These rules should do much more than help the unethical psychologist keep out of trouble; they should be of palpable aid to the ethical psychologist in making daily decisions.

—Hobbs (1948, p. 81)

Beginnings

The American Psychological Association (APA) has had five decades of experience constructing and revising an ethics code that strives to reflect both the aspirations and practical aspects of ethical decisions made by members of the profession. The creation and each subsequent revision of the APA Ethics Code has been driven by the desire for standards that would encourage the highest endeavor of psychologists, ensure public welfare, promote sound relationships with allied professions, and promote the professional standing of the discipline (Hobbs, 1948).

Discussions within APA regarding the need for an ethics code in psychology arose in response to an increase in professional activity and public visibility of its members before and after World War II. During this period, the societal value of the still young discipline of psychology was evidenced as psychologists developed group tests to help the armed services quickly determine the draft eligibility of young men in wartime and provided mental health services to hospitalized soldiers when they returned home. In 1947, the first APA Committee on Ethical Standards for Psychologists was appointed. The committee, chaired by Edward Tolman, wanted to create a code of ethics for psychologists that would be more than a document with an imposing title (Hobbs, 1948). The members were committed to producing professional standards that would provide members of the profession with a set of values and practical techniques for identifying and resolving moral problems.

To achieve these goals, the committee decided to draw on the knowledge of the field to create a process of developing a code that would “be effective in modifying

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human behavior” (Hobbs, 1948, p. 82). According to Hobbs, “This is an old and familiar task to psychologists, their very stock in trade, in fact. The only difference here is that human behavior means specifically the behavior of psychologists” (p. 82). Drawing on the knowledge of group processes during that period, the committee conceived the task of developing ethical standards as one of group dynamics (Hobbs, 1948). The process chosen was the critical incident method (Flanagan, 1954), a technique that involved asking the members of the APA to describe a situation they knew of firsthand, in which a psychologist made a decision having ethical implications, and to indicate the ethical issues involved.

A second committee, chaired by Nicholas Hobbs, reviewed more than 1,000 such incidents submitted by APA members. The committee identified major ethical themes emerging from the incidents that focused on psychologists’ relationships with and responsibilities to others, including patients, students, research participants, and other professionals. Many of the incidents reflected the political climate of the postwar period including confrontations between academic freedom and McCarthyism and dilemmas faced by psychologists working in industry asked to design tests for the purpose of maintaining racial segregation in the workforce. As different segments of the code were created, drafts were submitted to the membership for critique and revision. A final draft was adopted by APA in 1952 and published in 1953.

Revisions Preceding the 2002 Ethics Code

At the time of the adoption of the first Ethics Code, continual review and revision based on the experience and perspectives of members was seen as integral to maintaining the value of the Ethics Code for both the profession and the public (Adkins, 1952). As a result, the Ethics Code of the APA has undergone nine revisions since 1953. The 1953 version was more than 170 pages long and included case examples illustrating each ethical standard. The standards themselves were written broadly, using aspirational rather than narrow legalistic language. Subsequent revisions eliminated the cases from the text itself and moved toward more specific language.

From the beginning of its more than 50-year history, each revision of the APA’s Ethical Principles of Psychologists and Code of Conduct has been guided by the following objectives (Hobbs, 1948):

- ◆ To express the best ethical practices in the field as judged by a large representative sample of members of the APA
- ◆ To reflect an explicit value system as well as clearly articulated decisional and behavioral rules
- ◆ To be applicable to the full range of activities and role relationships encountered in the work of psychologists

- ◆ To have the broadest possible participation among psychologists in its development and revisions
- ◆ To influence the ethical conduct of psychologists by meriting widespread identification and acceptance among members of the discipline

Aspirational Principles and Enforceable Standards

At its heart, an ethics code should reflect the moral principles underlying the values of the profession. For most professions, ethical behaviors are generally those that fulfill the fundamental moral obligations to do good, to do no harm, to respect others, and to treat all individuals honestly and fairly. For some, statements of general principles are sufficient to guide the ethical behavior of persons devoted to the ideals of their profession. For others, however, statements describing specific types of behaviors that meet these ideals are necessary to maximize the code's utility and to provide a means of evaluating its efficacy (Schur, 1982).

The form in which ethical guidelines are written will determine whether an ethics code is an aspirational or enforceable document. Although all codes should have a foundation in moral principles, the document can take one of three forms. An aspirational code is composed of statements of broadly worded ideals and principles that do not attempt to define with any precision right and wrong behaviors. An educational code combines ethical principles with more explicit interpretations that can help individual professionals make informed decisions in morally ambiguous contexts. An enforceable code includes a set of standards that specifically describes behaviors required and proscribed by the profession and is designed to serve as a basis for adjudicating grievances (Frankel, 1996).

Prior to the 1992 revision, the APA Ethics Code combined statements of aspirational principles with general guidelines and enforceable standards for ethical behavior (APA, 1981). By the late 1980s, the increasing legalistic reaction of consumers and psychologists involved in charges of ethical violations by psychologists raised concerns about the fairness of subjective interpretations of such broadly worded principles and standards. Moreover, a rise in the number of appeals to decisions made by the APA Ethics Committee and regulatory bodies (such as state licensing boards) that relied on the APA Ethics Code for their disciplinary procedures suggested that adjudicatory decisions based on this type of format would be increasingly difficult to enforce and thus a disservice to the APA membership (Bersoff, 1994). Accordingly, to strengthen both the enforceability and credibility of APA ethical guidelines, crafters of the 1992 APA Ethics Code separated the enforceable standards from the aspirational principles to make the standards simple, behaviorally focused, and representative of unitary concepts (Canter, Bennett, Jones, & Nagy, 1994).

During the revision process leading to the 1992 Ethics Code, some psychologists argued that adjudication based on specific ethical standards rather than general principles would diminish the moral foundation on which the APA Ethics Committee

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charged with adjudicating ethics complaints could base its decisions. Others supported the move toward separate enforceable standards arguing that in practice limiting the standards to legally and procedurally unenforceable wording would dilute the ethical goals intended by the foundational principles (Fisher & Younggren, 1997).

The 1992 Ethics Code represented a radical change from its predecessors in both structure and content. For the first time, clear distinctions were made between aspirational principles that articulated foundational values of the discipline and specific decision rules articulated in 180 distinct ethical standards that would be subject to enforcement by the APA, other organizations, and licensing boards that adopted them (Canter et al., 1994).

The Process of Developing the 2002 Ethics Code

In 1996, the APA Ethics Committee appointed the Ethics Code Task Force (ECTF), a 14-member committee whose membership reflected the scientific, educational, professional, gender, ethnic, and geographic diversity of the discipline. Over the 5-year period, members included Celia B. Fisher, Chair, Peter Appleby, Bruce Bennett, Laura Brown, Linda F. Campbell, Nabil El-Ghoroury, Dennis J. Grill, Jessica Henderson Daniel, Samuel J. Knapp, Gerald P. Koocher, Marcia Moody, Peter E. Nathan, Thomas D. Oakland, Mary H. Quigley, Julia M. Ramos-Grenier, Abigail Sivan, Steven N. Sparta, Elizabeth Swenson, Melba J. T. Vasquez, and Brian Wilcox.

The Purpose of an Ethics Code

The mission of the task force was to develop and implement a plan for revision of the 1992 Ethics Code. In its deliberations, the ECTF considered the importance of both the purpose and process of ethics code development, recognizing that such consideration would determine the content and format of the code, and ultimately whether psychologists will support it.

The many goals identified by the ECTF to guide the 2002 Ethics Code revision process included the professional, educational, public, and enforcement values of a code of ethics. These values guided decisions regarding inclusion and exclusion of ethical requirements and prohibitions and the language used to craft General Principles and Ethical Standards.

Establishing the integrity of a profession. One purpose of an ethics code is to help establish and maintain the viability of a profession. An ethics code reflects a collective decision that a profession is better off when ethical standards are not based solely on individual assessments of what is or is not morally acceptable. Adoption of a set of core values that reflect consensus among members of a discipline distinguishes psychology as a “community of common purpose” and enhances public confidence in

individuals who have been trained to meet the profession's ethical standards (Callahan, 1982; Frankel, 1996, Seitz & O'Neill, 1996). Acceptance of an identified set of core values by individual psychologists across the broad spectrum of psychological activities also helps to protect the integrity of the profession by focusing the attention of individual psychologists on their responsibilities and duties to others and expectations that all members of the profession have a stake in behaving by the rules. A core value of the discipline of psychology as articulated in the Preamble of the 2002 Ethics Code is the welfare and protection of the individuals and groups with whom psychologists work.

Education and professional socialization. A second purpose of an ethics code is its professional socialization function. A document reflecting the profession's values and standards provides a guide to what psychologists should reasonably expect of themselves and one another. A code can be conceived as an enabling document that acts as a support and guide to individual psychologists in their efforts to resolve ethical dilemmas (Frankel, 1996; Sinclair, Poizner, Gilmour-Barrett, & Randall, 1987). A code of ethics also serves to deter psychologists from engaging in unethical conduct before a problem develops by specifically proscribing what the profession has identified as unethical behaviors (Fisher & Younggren, 1997). In addition, it assists faculty and supervisors in communicating the values of the profession to graduate students and to new Ph.D.s with limited professional experience.

Public trust. A third purpose of an ethics code is to gain public trust by demonstrating that psychologists are members of a responsible and substantial profession with high standards. A code can serve a public relations value by being seen as a contract with society to act in consumers' best interest. A professional ethics code also provides standards against which the public can hold psychologists accountable. It thus offers a means by which members of the public can draw on norms prescribed by the profession itself to evaluate the conduct of scientists, educators, consultants, and practitioners with whom they interact.

Enforcement value. A profession that demonstrates it can monitor itself is less vulnerable to external regulation. A fourth purpose of an ethics code is to provide a clear statement of the types of behaviors considered ethical violations to guide psychologists in avoiding such behaviors, assist consumers in making ethical complaints, and ensure that such complaints can be adjudicated clearly and fairly by the APA and other organizations (Fisher & Younggren, 1997). The APA Ethics Code also serves as a guide for licensing boards, courts, and other institutions for the evaluation of the responsible conduct of psychology and is thus a means of avoiding capricious standards set by nonpsychologists. The Ethics Code can also help psychologists defend their decisions to courts, institutions, or government agencies that would encourage them to go against the values of the profession.

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The Revision Process

The ECTF was committed to an open and collaborative revision process that would be guided by the objectives articulated by the first ethics code committee (Hobbs, 1948). In response to the continually evolving legal landscape of ethics adjudication and federal regulation of science and health practices, the ECTF also concluded that although law should not dictate the content of the ethics code, sensitivity to law would protect the integrity of the document as a useful tool for the everyday ethical decisions of psychologists. The 2002 Ethics Code revision process involved the following:

- ◆ Collecting from psychologists engaged in a broad spectrum of scientific and professional activities critical incidents describing ethical challenges they had encountered, actual or ideal ethical approaches to these challenges, and the extent to which the existing Ethics Code could be applied to these challenges
- ◆ Establishing an open call for and review of comments from the membership, state psychological organizations, licensing boards, and the public on the adequacy of the 1992 Ethics Code and on the content and format of each of seven drafts produced by the ECTF
- ◆ Opening ECTF meetings to observers from different APA constituencies so as to benefit from their insights and perspectives
- ◆ Ongoing legal review by APA General Counsel and outside defense, plaintiff, Federal Trade Commission, and federal regulatory attorneys
- ◆ Ongoing feedback from consumers, students, APA divisions and committees, the APA Ethics Committee, APA Board of Directors, and the APA Council of Representatives

As described previously, the crafters of the 1992 Ethics Code realized that earlier versions emphasizing aspirational principles were becoming increasingly difficult to enforce and more vulnerable to legal challenges on behavioral vagueness and lack of due notice (Canter et al., 1994; Fisher & Younggren, 1997). As Bersoff (1994) pointed out, such indeterminacy resulted in a disservice to APA's members, whose ability to defend their ethical actions were increasingly compromised. Accordingly, a format dividing enforceable standards from aspirational principles in the 1992 Ethics Code strengthened the APA's success sustaining decisions by the APA Ethics Committee in court, thus strengthening both the enforceability and credibility of APA's ethical oversight procedures.

Based on a critical review of the 1992 document, comments received from APA members, and awareness of the continuing legal climate of ethics adjudication, the ECTF recommended and the APA Council of Representatives decided to retain the division of aspirational principles and enforceable standards in the 2002 Ethics Code.

In this format, the General Principles provide a conceptual framework that expresses the aspirational values of the common community of psychologists and the behavioral rules articulated in the standards flow from these principles.

*Adoption of the Ethics Code by
the APA Council of Representatives*

After reviewing more than 1,300 comments and feedback on seven revisions, in August 2002, the APA Council of Representatives voted unanimously to adopt the final revision as the new Ethical Principles of Psychologists and Code of Conduct to go into effect in June 2003 (APA, 2002).

The remainder of this book explains the meaning and applications of the 2002 Ethics Code to the rightly conducted science and practice of psychology. Chapter 2 explains the Ethics Code's Introduction and Applicability section, Preamble, and General Principles. Chapter 3 provides a brief summary of significant differences between the 1992 and 2002 Ethics Code that readers may need to know right away to ensure their continued ethical compliance with the code. Chapters 4-13 provide in-depth analysis and examples of each of the 151 enforceable Ethical Standards. Chapter 14 concludes with models of ethical decision making for applying the Ethics Code in everyday activities and to emerging ethical challenges as the discipline of psychology continues to evolve.