

CHAPTER 1: INTRODUCTION & ETHICAL FOUNDATIONS

This chapter sets the stage for the ethical decision-making journey offered by this monograph. I begin with an invitation to the intended audience – a diverse group of people who make unique and valuable contributions to the field of career development through their various programs and services. This is followed by recognition of the guiding purposes of the monograph, framing the resource as a proactive approach to enhancing ethical sensitivities through hands-on experience. A discussion of ethical foundations and principles, as well as sources of ethical dilemmas, motivates active reflection to discover appropriate responses to challenges that arise in the complex real world in which we live and work. Ethical dilemmas present career professionals with gray areas, for which a single, best solution often does not exist. However, this is not necessarily a bad thing. Ethical dilemmas also present an opportunity to grow and learn, as individual career professionals and as a professional field of practice.

Intended Audience

This monograph is written for career professionals. As defined by the *NCDA Code of Ethics* (NCDA, 2007), career professionals include career counselors, career coaches, career consultants, career development facilitators, and anyone else who is trained and experienced in providing services which promote the career development of people across the lifespan. These individuals serve in a wide variety of capacities (e.g., advisors, coaches, counselor educators, counselors, directors, facilitators, psychologists, supervisors) and settings (e.g., colleges and universities, corrections, government, K-12 schools, private corporations, private practice, research organizations, workforce development). Additionally, career professionals bring different educational and training backgrounds to their work, ranging from doctoral and master's degrees in counseling and psychology, to related certificate programs, to paraprofessional training for delivering specific services. The

ethics discussions presented in this monograph highlight the unique challenges and opportunities experienced by career professionals across the field by drawing examples from various roles, settings, and training backgrounds. The intent is to speak broadly to this group of professionals, providing a much needed resource that reflects the practice of those dedicated to furthering the career development of individuals, communities, and society at-large.

Along with embracing the variety of professional skills and specialties that make up the field of career development, this monograph also stresses the importance of each individual practicing within the limits of his/her professional qualifications and competence, whether those limits are set by formal education or practical experience in a particular role or setting. For a useful example of delineations between areas of practice that are honored in this text, consider the distinctions made in the *NCDA Code of Ethics* (the “Code”) between *career counseling services* (provided by those with graduate degrees in counseling and psychology, as well as appropriate experience) and *career planning services* (delivered by those with relevant training and experience, but not necessarily a related graduate degree). The Code states:

“Career planning” services are differentiated from “career counseling” services. Career planning services include an active provision of information designed to help a client with a specific need, such as review of a résumé; assistance in networking strategies; identification of occupations based on values, interests, skills, prior work experience, and/or other characteristics; support in the job-seeking process; and assessment by means of paper-based and/or online inventories of interest, abilities, personality, work-related values, and/or other characteristics.

In addition to providing these informational services, “career counseling” provides the

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opportunity for a deeper level of involvement with the client, based on the establishment of a professional counseling relationship and the potential for assisting clients with career and personal development concerns beyond those included in career planning.

All career professionals, whether engaging in “career planning” or “career counseling,” provide only the services that are within the scope of their professional competence and qualifications. (Section A.1.b)

At no time does this text intend to suggest that one type of career development service is more important than another, or that one type of career development professional makes a preferential contribution over another. All career professionals are welcomed in this discussion and respected for the unique and valuable contributions that they offer.

Distinctions regarding training, focus, and service delivery are made in this monograph primarily in order to reflect an appreciation for the great variety and scope of the field of career development. At no time does this text intend to suggest that one type of career development service is more important than another, or that one type of career development professional makes a preferential contribution over another. All career professionals are welcomed in this discussion and respected for the unique and valuable contributions that they offer. The areas of expertise offered by each career professional are needed to increase the impact of our field.

Guiding Framework

This monograph is framed within a “positive ethics” approach in the work of career development professionals. According to Handelsman, Knapp, and Gottlieb (2002), positive ethics refers to a movement away from the traditional focus

on adhering to rules and regulations, as well as punishing misconduct – an approach which only motivates professionals to meet minimal requirements in order to avoid disciplinary action. In place of this punishment-approach to ethical regulation which potentially shuts down communication, positive ethics encourages an open and educative approach to promote examination of both internal and external influences on complex real-world situations. Professionals are encouraged to explore their own values and aspirations, to actively pursue opportunities to enhance their ethical sensitivities, to integrate learning from multiple sources and perspectives, to care for self in the process, and to promote positive ethical behaviors, training, and education. Following the lead of positive ethics-oriented scholars such as Handelsman et al. (2002) and Zoja (2007), this monograph encourages participants* to actively explore, share, and reflect on foundations and applications of ethics in order to

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Ethical Foundations

The remainder of this chapter provides a framework for understanding ethics within the scope of practice for career development professionals. Key definitions and foundational principles of ethical choices in the helping professions are provided, along with connections to the *NCDA Code*

* Note the use of “participants” which denotes active involvement with the material presented in this monograph. The use of “readers” in this sentence feels inappropriate, as it suggests a passive role to engaging the material. As will be particularly evident in the presentation of cases in Chapter 5, active involvement is highly encouraged as you wrestle with the challenges and ideas that you encounter.

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of Ethics. The chapter concludes by exploring the sources of ethical dilemmas, recognizing why all career professionals must hone their skills to effectively address ethical dilemmas.

DEFINING KEY TERMS

Terms such as ethics, morality, legality, and professionalism are often confused and used interchangeably due to their close relation to judgments of what is good or bad, right or wrong, in the realm of human conduct and care. Yet, there is merit in the purposeful definition of these terms, recognizing the unique contributions that each makes in the experience of career professionals. This section defines key terms that support discussion about the application of professional codes of ethics and the ethical decision making framework that guides the case scenarios and discussions provided in Chapter 5.

Ethics. Ethics involves systematic judgments of value regarding “how people ought to act toward one another” (Kitchener, 2000, p. 3) as members of a particular societal group. These judgments are inherently influenced by context, culture, and customs, and may change over time as a group engages new experiences and growth opportunities. The ethical codes and standards documents of professional associations serve as an expression of a group’s best reflection and consensus regarding appropriate behaviors for members to exhibit (Remley & Herlihy, 2001). These behaviors are expressed in a series of guidelines and justifications, as well as stated ideals toward which the profession aspires.

Morals. While ethics describes the value judgments of a social group, morality stems from an individual’s standpoint. Morals are personal beliefs and values that inform the many decisions that a person makes from day-to-day (Purtillo, 2005). They are derived from life experiences such as upbringing, culture, education, and possibly religious or spiritual beliefs (Remley & Herlihy, 2001). Moral reasoning has also been associated with varying stages of cognitive development, which influence the way that people make meaning

of the world around them. (For more information, see Kohlberg, 1984, and Gilligan, 1977). Morals and personal values are important to ethical decision making because they heighten an individual’s sensitivity for recognizing potential ethical dilemmas, and they provide intrinsic motivation to seek out an appropriate, caring response to difficult situations.

Laws. Laws are the rules of conduct set forth by a controlling authority to facilitate harmonious living among groups of people. Legal rules and ethical standards are generally complimentary, but they serve different purposes. “Laws dictate *minimum* standards of behavior that society will tolerate, while ethics represent the *ideal* standards expected by [a] profession” (Remley & Herlihy, 2001, p. 3, italics in original). Ethical standards generally address legal issues, but they also stretch into gray areas not covered by law (Wheeler & Bertram, 2008). In rare cases, ethical standards may be in conflict with legal requirements. Efforts should be made to resolve this conflict. Yet, if resolution cannot be achieved, “career professionals must adhere to the requirements of all applicable federal, state, local, and/or institutional statutes, laws, regulations, and procedures” (*NCDA Code of Ethics*, I.1.b).

Professionalism. Professionalism is a broad concept, encompassing ethical and legal behavior, as well as a host of additional characteristics related to developing competence in a particular field (Remley & Herlihy, 2001). Some examples of what professionalism entails are offered by (a) the National Career Development Association’s (1997) 11 minimal Career Counseling Competencies for those who provide career counseling services with a master’s degree or above level of education, and (b) the Global Career Development Facilitator’s 12 minimal competencies which provide standards, training specifications, and credentialing for the many individuals who provide career assistance but are not professional counselors (Harris-Bowlsbey, Suddarth, & Reile, 2005).

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Table 1.1 Comparison of Career Development Professional Competencies: Career Counseling Competencies versus Global Career Development Facilitator Competencies.

	CAREER COUNSELING COMPETENCIES (NCDA, 1997)	GLOBAL CAREER DEVELOPMENT FACILITATOR COMPETENCIES (Harris-Bowlsbey et al., 2005)
Similar Competencies	1. Ethical and legal issues	1. Ethical and legal issues
	2. Diverse populations	2. Diverse populations
	3. Technology	3. Technology
Overlapping Competencies	4. Career development theory	4. Career development models
	5. Individual and group assessment	5. Assessment
	6. Information resources	6. Labor market information and resources
	7. Coaching, consultation, and performance improvement	7. Consultation
Distinctive Competencies	8. Program promotion, management, and implementation	8. Promotion and public relations 9. Program management / implementation
	9. Individual and group counseling skills	
	10. Supervision	
	11. Research and evaluation	
		10. Helping Skills
		11. Employability skills
		12. Training clients and peers

Table 1.1 presents the competencies discussed in each of these resources. Note that there are some highly similar competency areas for both groups, including ethical and legal issues, diverse populations, and technology. Other areas overlap, yet have more distinct differences in their discussion, such as topics related to career development theory and models, assessment, career information, consultation, program management, and public relations. Finally a few areas are distinctively written for each group. Knowing the required competency areas based on one’s training and experience, as well as practicing within those areas of competence, contributes extensively to ethical practice and decision making.

This monograph is primarily concerned with the systematic process of making ethical decisions in the practice of career development. Morality and professionalism will be drawn upon as they inform ethical decision making. Issues of legality will be

acknowledged, yet in-depth discussion is beyond the scope of this book. Those interested in exploring legal issues may want to explore resources specifically dedicated to this topic (e.g., Jenkins, 2002; Wheeler & Bertram, 2008).

FOUNDATIONAL ETHICAL PRINCIPLES

Professional codes of ethics in the helping professions are built upon foundational principles which represent “functioning at the highest ethical level” in the helping professions (Corey, Corey, & Callanan, 1998). Six principles are repeatedly suggested in the ethics literature: (1) nonmaleficence, (2) beneficence, (3) respect for autonomy, (4) fidelity, (5) justice, and (6) veracity (e.g., Beauchamp & Childress, 1994; Corey, et al., 1998; Kitchener, 1984, 2000; Remley & Herlihy, 2001). Let’s take a closer look at each principle, demonstrating its application within the *NCDA Code of Ethics*.

(1) *Nonmaleficence* means to do no harm by

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avoiding actions that, intentionally or unintentionally, put clients at undue risk. Section A.4.a of the *NCDA Code of Ethics* directly addresses this principle, stating: “career professionals act to avoid harming their clients, students, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.” While the concept of what constitutes harm may be ambiguous at times, this principle generally requires career professionals to avoid situations in which “the interests or well-being of another person [would be] reduced in a substantial way” (Kitchener, 2000, p. 22).

(2) *Beneficence* is the flip side of nonmaleficence. It refers to the responsibility of career professionals to actively do good for others and to promote positive growth. Section A.1.a of the *NCDA Code of Ethics* places beneficence as a primary responsibility of career professionals, stating that they are to “respect the dignity and to promote the welfare of the individuals to whom they provide service.”

(3) *Respect for autonomy* means promoting clients’ rights to determine their own directions. There are two sides to autonomy: (a) the right to make one’s own decisions, and (b) the responsibility to treat others as autonomous agents; therefore, not infringing on their rights to make choices (Kitchener, 1984). Career professionals are called to “work jointly in devising integrated career services plans that offer reasonable promise of success and are consistent with the abilities and circumstances of clients ... respecting the freedom of choice of clients” (*NCDA Code of Ethics*, A.1.d).

(4) *Justice* refers to a commitment to equality and fairness. Justice encompasses many dynamics, ranging from the relationship between a career professional and a single client, to broad social issues such as distribution of services across a large community. Nondiscrimination (C.5), appropriate distribution of goods and services (Introduction to Section A), and establishment of fees for services (A.9) are a few of the issues covered in the *NCDA Code of Ethics* that relate to the principle of justice.

(5) *Fidelity* and (6) *veracity* are closely related principles. Fidelity refers to honoring the commitments made to clients. Once a career professional and a client voluntarily enter into a helping relationship, an ethical commitment is made which “involves certain obligations for both parties” (Kitchener, 1984, p. 51). One instance of the obligations inherent through the principle of fidelity is found in the *NCDA Code of Ethics*’ discussions of appropriate continuation of services in section A.10.a, which states: “career professionals do not abandon or neglect clients to whom they provide career services. Career professionals assist in making appropriate arrangements for the continuation of services, when necessary, during interruptions such as vacations, illness, and following termination.” Veracity means truthfulness and relates to career professionals’ obligations to be honest and transparent in their work with clients. Encouraging these qualities, the *NCDA Code of Ethics* states:

Career professionals clearly explain to clients the nature of all services provided. They inform clients about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the career professional’s qualifications, credentials, and relevant experience; continuation of services upon the incapacitation or death of the career professional; and other pertinent information. (A.2.b)

Truthfulness and faithful follow-through on commitments are basic requirements in all helping professions because they are fundamental building blocks of trust (Ramsey, 1970). Building trust makes it possible for the helping relationship to encourage client growth.

In theory, each of these six principles holds equal weight in consideration of an ethical decision. In the reality of the ill-structured problems of the career professional’s world, there are times when one principle may need to supersede another. In these times, professional codes of ethics and ethical decision-making models provide guidance for engaging in the effective consideration of options.

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SOURCES OF ETHICAL DILEMMAS

Before going further, it may be useful to ask: Why do career professionals get caught up in tough situations? Where do these situations come from? Is it possible to avoid them all together by being diligent and careful in our practice?

Ethical dilemmas crop up when persons experience a situation that challenges or threatens their moral values, ethical standards, and/or professionalism (Welfel, 2006). The need to choose between two or more courses of action, striving to find the most appropriate solution, presents a challenge. Ethical dilemmas stem from many sources. The first source that comes to mind for many is deliberate, improper practice by a professional, in which he/she falls short of placing client welfare above other concerns. While deliberate actions can and do lead to ethical dilemmas, protection from problems cannot be ensured solely by diligence on the part of the professional. Even the most conscientious career professionals can become engaged in ethical dilemmas. Sieber (1982) suggests six additional common conditions that lead to ethical problems.

1. Situations in which circumstances could not be foreseen by those involved due to inexperience or lack of awareness.

For example, a counselor-in-training working with an ethnic minority client for the first time intends to be helpful, yet makes recommendations for next steps based on unexplored majority-culture biases.

2. Situations in which the magnitude of the problem is initially underestimated, but later reveals its true extent.

For example, a career professional who works in a very small town may find that she is taking on clients who have preexisting relationships – such as a husband and wife. At first, this seems the most appropriate solution for the welfare of each client, because there are few other options in their immediate location for career assistance. Yet, conflict emerges as one client presses the career

professional for information on the other's discussions and plans.

3. Situations in which ethical dilemmas are foreseen, yet impossible to avoid.

For example, when working with clients who are minors, career professionals may experience a need to balance client confidentiality with a parent or guardian's demands for detailed information about topics addressed in advising sessions.

4. Situations in which the facts are unclear or incomplete, or perhaps the risks are unknown due to the novelty of a situation.

For example, using new distance-counseling technology with a new population of clients could lead to unforeseen experiences and consequences.

5. Situations in which ethical guidelines and/or laws are unclear or nonexistent.

For example, when conducting an evaluation of a career development program, many different people have a stake in the study and outcomes. The evaluator may experience pressure from key stakeholders to adjust data collection and analysis strategies under the threat of losing funding if these requests are not met.

6. Situations in which following the demands of a law, governmental or institutional policy, or even an ethical standard would jeopardize the welfare of the client.

For example, a career professional who serves employees of a company may feel pressured by the company leadership to only offer career advice that is "in the company's best interest."

Ethical dilemmas, therefore, are a natural part of the complex "real world" in which we live and work ... There are so many potential sources of information (known and unknown) and perspectives regarding appropriate actions that even the experts cannot agree on the best course of action to address the problem.

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Ethical dilemmas, therefore, are a natural part of the complex “real world” in which we live and work. I find King and Kitchener’s (1994) description of “ill-structured” problems fits this discussion well. Ill-structured problems are those situations in life which cannot be defined completely or resolved with a high degree of certainty. There are so many potential sources of information (known and unknown) and perspectives regarding appropriate actions that even the experts cannot agree on the best course of action to address the problem. In the field of career development, some ill-structured problems might include limits of confidentiality, considerations in new distance-counseling and technology programs, and appropriate considerations regarding career development in a multicultural context. When dealing with ill-structured problems, the end goal is not to find the single “correct” solution. Rather, the focus becomes learning decision-making strategies that allow one to “construct and defend a reasonable solution” (King & Kitchener, 1994, p. 11) for the current context and situation.

In relation to the idea of ill-structured problems, I appreciate Zoja’s (2007) expression of what it means to be an ethically sensitive professional:

I would suggest that we fulfill our ethical duties by placing ourselves not on the “right” side, but in the mixed and intermediate gray zone; that we strive not for an ethics of purity, but for the ethically problematic. (p. 49)

This “mixed and intermediate gray zone” is the inspiration for this monograph – and the reason for the title “*Exploring Shades of Gray*.” This monograph, with its discussion of ethical foundations, codes and standards documents, decision-making models, reflection techniques, and case scenarios, is an invitation to think, reflect, investigate, and

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share. I encourage you to consider the information and cases presented here as an opportunity to engage in problem solving in a safe and exploratory environment. I expect that the journey will leave you with experiences, ideas, and tools to enhance your own ethical sensitivity and to strengthen your ability to effectively address the ethical dilemmas that will inevitably emerge during the course of your work. Rather than seeing ethical dilemmas as barriers or hazards of practice, I hope to demonstrate how these difficult situations can become prime opportunities for learning, education, advocacy, and effective practice.

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