

The Ethics Docket: An Exercise in Ethical Decision-Making

Lori D. Franklin, LCSW
University of Oklahoma, School of Social Work
lfranklin@ou.edu

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Abstract

This exercise is designed for either bachelor's or master's level students with varying levels of knowledge of the *Code of Ethics* and ethical practice. It is based on real life practice situations and provides an engaged environment for students to learn about the concepts of ethics and practice ethical decision-making.

Key Words: ethical decision-making, classroom exercises, social work ethics, student exercises, ethics simulations

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The Exercise

This exercise involves six cases of questionable decisions made by social workers that students must judge as "ethical" or "not ethical." The course instructor may play the role of the "judge," or this can be designated to a student. Each case will have a "defense attorney" and a "prosecuting attorney," as well as an "accused violator of ethics."

Each short case highlights a decision made by a practitioner in regard to an ethical dilemma. One student will play the role of the "accused" and will read the case aloud with the judge at the front of the room. Then the defense attorney and prosecuting attorney (or a team of attorneys in a larger class) will present an argument related to why the decision might be considered ethical or not ethical. The rest of the class then serves as a "jury," and after the arguments are made, they will stand on the side of the room with the attorney who represents their opinion. A "jury foreman"

must explain what was most convincing about the presented arguments, and the class discusses the case in more detail.

Learning Objectives

Several discussion points often arise following these cases and are presented with each individual case in the exercise. In general, however, instructors can utilize this exercise to assist students in supporting an opinion about an ethical dilemma, and explore the values and issues surrounding ethical decision-making. It is important to not allow students to always stand in the middle of the room when they are on the jury, as part of the learning is in the process of deciding if something is appropriate or not in terms of ethics. Discussion can bring out the complexity of the decision and highlight the difficulty involved, but students learn through this exercise to make a decision and defend it to their peers. They also have the experience, through the process of being the attorneys, of trying to make a convincing argument even about something with which they do not agree. This helps students learn to explore alternate explanations and more fully analyze the ethical decision making process.

Logistics

To set up this exercise, copy the cases each on different colored paper, and create nametags on corresponding colors. Each character (the accused, the defense attorney, and the prosecuting attorney) will need a copy of the case. Then either have students draw nametags, or pass them out. In smaller classes in which students may have more than one role, make sure they do not have any nametags of the same color. In larger classes in which there are not enough roles for all, have the attorneys work as a team.

The accused ethics violators have names that correspond with popular candies, so if desired, the instructor can assign teams through handing out candy, asking students to choose a favorite from a bucket, or can use candy as rewards for their participation.

Scout desks and chairs out of the way, so students in the “jury” can easily move around. Set up the front of the room with a “bench” for the judge with a chair beside it for the “accused.” Set up tables for the two attorneys in front of the judge, as in a courtroom.

This exercise can be lots of fun for the instructor as the judge. I have done this wearing my graduation robe and using my child’s light up hammer as a gavel. I have had wigs, scarves, and hats for the characters available to make quick costumes. I have played recordings of theme songs

from courtroom drama TV shows, or encouraged students to hum or sing them. I have always encouraged students to be as dramatic as possible in playing their roles as attorneys and the accused and to make the atmosphere as fun as possible.

Kit

The Charge: Breaching Confidentiality

Judge:	Kit was a social worker working with a client named Max. She was helping Max find housing, which was difficult, as Max had a felony drug conviction. He had served time in prison for selling cocaine but was now hoping to get his life on track after his release.
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Kit:	“Max was doing so well. He had found a job at a factory and was saving up his money. He was living with a female friend and sleeping on her couch. But this was getting difficult, as she had two children and didn’t really have room for him. He really needed his own place.”
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Judge:	Kit struggled to find housing options for Max, as many places denied applicants with drug convictions and had strict “no drugs” policies. But she convinced a friend and colleague who worked with the department of public housing to take a chance on Max
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Kit:	“I worked so hard to get that housing for him, because I thought he really needed it and would do well on his own. Maybe that is why I was so shocked when we had a session and he told me he was using cocaine again.”
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Judge:	Kit was concerned that if she didn’t report that Max was violating the “no drugs” policy, her friend would never help her find housing for other clients again. She also felt that there was a good reason for the policy, as there were children in the housing development who didn’t need to be around someone who was using cocaine.
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Kit:	“I called my friend and told her that I knew Max was using. I just didn’t feel right about keeping that a secret from her, since she is working to keep families safe in the housing projects.”
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Defense Attorney: You will be asked to make a case for why Kit’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Kit’s actions might be considered unethical.

Kat

The Charge: Engaging in a Dual Relationship

Judge:	Kat was a recent graduate and was new on her job as a social worker at a community clinic. She was working with Sally, a young single mother who brought her two small children to the clinic, to find resources for support as a parent and to help her increase her parenting skills.
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Kat:	“Sally was a great mother and lots of fun to work with. She made a lot of progress and her kids were doing so well, also.”
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Judge:	Kat had two children approximately the same ages as Sally’s, and was also a single mother. Kat often used some self- disclosure in talking about her struggles as a single mother, and this seemed to help her connect with Sally.
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Kat:	“Sally and I had a good rapport, so I guess that is why at first it didn’t seem like a big deal to me that both of our sons were on the soccer team together. It was just a community soccer league for preschoolers, and apparently, we both just signed our kids up. It was kind of a funny coincidence.”
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Judge:	Sally and Kat’s sons were both on the “Mighty Lions” soccer team, and Sally and Kat often said hello at the games and practices. But Kat was careful not to disclose how she knew Sally or discuss any clinical information in public.
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Kat:	“But our sons kind of got to be friends. When my son had his birthday, he wanted to invite friends from the soccer team. I didn’t think I could tell him he couldn’t invite Sally’s son, so they all came to our house for the birthday party. I figured it really wasn’t a big deal. She still comes to the clinic and all, but she is doing so well now that I don’t see her that often as her social worker.”
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Defense Attorney: You will be asked to make a case for why Kat’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Kat’s actions might be considered unethical.

Dot

The Charge: Unethical Documentation

Judge:	Dot was working with Harry, a child with behavioral problems.
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Dot:	“Harry was quite a kid. When I went to his home to do a home visit, you should have seen his mother. She was the worst parent I’ve ever seen. She yelled at him all the time, called him ‘stupid’ and ‘retarded,’ and the home was so filthy I could barely breathe.
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Judge:	Dot met with the family and tried to talk to the mother about parenting skills. She tried to discuss with the mother how her name-calling might affect Harry, but the mother didn’t seem to integrate this information.
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Dot:	“That mother was just terrible. I didn’t know what to do, because I know that the way she was acting is why her son has such horrible behavior.”
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Judge:	When Dot returned to the office, she wrote her progress note. It stated, “This mother is incompetent and is mean to her child. She yells at him, calls him names, and treats him terribly. She is not fit to be a mother of a special needs child.”
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Dot:	“I think that is true. She is not a good parent for a child with needs like Harry’s. He needs a mother that is supportive of him and provides a stable environment.”
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Defense Attorney: You will be asked to make a case for why Dot’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Dot’s actions might be considered unethical.

Ruth

The Charge: Failure to Obtain Informed Consent

Judge:	Ruth was working with a Hispanic family who spoke very little English. Ruth was not fluently bilingual but knew enough Spanish to muddle through sessions.
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Ruth:	“I sometimes asked the daughter for some help with translation when I was really stuck, but I know that it is not ideal to do that, so I tried not to.”
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Judge:	Ruth’s job included transporting clients. So one day she approached the family about signing the agency’s release form that released the agency from liability in the case of an accident. It had places for the parents to initial that they understood the policy and that they agreed that their family could be transported.
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Ruth:	“The daughter wasn’t there to help me really explain all that, but they really needed a ride to the food bank to get groceries. So I told them the best I could. I think I said something in Spanish about how it wouldn’t be my fault if there was a car accident, but I didn’t know how to say ‘liability’ or explain that concept to them. But I told them that they couldn’t get a ride unless they signed my form, and it was just kind of an agency requirement that I couldn’t do anything about.”
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Defense Attorney: You will be asked to make a case for why Ruth’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Ruth’s actions might be considered unethical.

The Charge: Failure to Honor Self Determination

Judge:	Heath worked in a facility that often had clients who were court ordered for substance abuse treatment. Arnold was mandated to his alcohol treatment group following an arrest for a DUI.
Heath:	“Arnold was so unmotivated. He didn’t see at all that he had a problem and that his driving while intoxicated could have hurt others. Or even killed them!”
Judge:	Part of Heath’s job was to create a treatment plan for each client. Adhering to this treatment plan was required for the clients to fulfill the obligations of court commitment.
Heath:	“Arnold didn’t want me to put anything about stopping drinking on his plan. He said he didn’t have a problem, so he refused to work on it. Instead, he wanted his treatment plan to be all about his relationship with his wife and looking for a job. That was important stuff, but not the real issue, and not the reason he was there for treatment.”
Judge:	So, Heath made a treatment plan for Arnold that looked much like the others in the program. It had goals and objectives related to ceasing use of alcohol, attending 12 step meetings, and maintaining sobriety.
Heath:	“That’s what the courts expect us to do, so that is what it needed to have on it. If he can’t follow that plan and stop drinking, he’ll have to accept the consequences.”

Defense Attorney: You will be asked to make a case for why Heath’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Heath’s actions might be considered unethical.

Reese

The Charge: Incompetence

Judge:	Reese had been working with children for quite a while, but mostly in the capacity of parent education and doing psychoeducational groups with the children around issues of behavior and impulse control.
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Reese:	“Often in the groups, I’ll have the kids draw pictures. I especially like to have them draw pictures of a time at home when they did something without stopping to think. Then we talk about how all the people in the picture were affected by this.”
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Judge:	Reese had a member in his group who was nine years old named Sam. One day in group, Sam drew a very meaningful picture.
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Reese:	“Sam’s picture was of himself in his little sister’s bedroom. She was in her bed and he drew himself standing over her. When I asked him what was happening in the picture, he said, ‘I know I shouldn’t touch her there, but sometimes I just do it without thinking about it.’ ”
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Judge:	Reese waited until after the group was over and approached the child to discuss the picture further.
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Reese:	I have done some reading about working with children who are sex offenders and I know a bit about it. I just wanted to find out more about what happened, so I asked more questions. I figured I should just get more information about it before I go making reports or talking to supervisors and parents about it.”
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Defense Attorney: You will be asked to make a case for why Reese’s actions might be considered acceptable.

Prosecuting Attorney: You will be asked to make a case for why Reese’s actions might be considered unethical.

Teaching Guide

Many questions and points of discussion about application of the *Code of Ethics* will arise from this exercise. Here are some potential questions to pose to the group that may also help instructors prepare for the exercise.

Kit: Breaching Confidentiality

- Is the social worker's obligation to this one client or to the community at large?
- What are our obligations to colleagues?

What circumstances warrant breaking confidentiality? Is this truly one of those?

Kat: Engaging in a Dual Relationship

- At what point might you have done something different from what Kat did?
- How are boundaries with clients different in small towns versus urban settings?

Dot: Unethical Documentation

- How would you write about concerns about a parent's competency?
- What can happen if you include judgment in a client's record?

What other circumstances might you encounter on a home visit that would be challenging to write about?

Ruth: Failure to Obtain Informed Consent

- Do you think clients often don't understand the paperwork they sign?
- What can be done to ensure clients do understand fully?

What other ethical issues might arise in working with a family that does not speak English?

Heath: Failure to Honor Self Determination

- How do you honor the self-determination of a client who is mandated to attend treatment?
- What happens when you create a treatment plan that is not based on the client's goals?

What advice might you give to Heath about working with this client?

Reese: Incompetence

- What kind of training and experience does a person need before exploring issues of abuse with a child?
- How should therapeutic disclosures be handled in a psychoeducational group?

What should Reese do now?