

## SECTION M: RESOLVING ETHICAL ISSUES

### INTRODUCTION

CRCs/CCRCs behave in an ethical and legal manner. They are aware that client welfare and trust in the profession depend on a high level of professional conduct. They hold other CRCs/CCRCs to the same standards and ensure that standards are upheld. CRCs/CCRCs strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with colleagues and supervisors when necessary. CRCs/CCRCs recognize underlying ethical principles and conflicts among competing interests. They apply appropriate decision-making models and skills to resolve dilemmas and act ethically. CRCs/CCRCs incorporate ethical practice into their daily professional work and engage in ongoing professional development on current topics in ethical and legal issues in counseling. CRCs/CCRCs become familiar with the CRCC Guidelines and Procedures for Processing Complaints and use it as a reference for assisting in the enforcement of the Code.

### M.1 KNOWLEDGE OF ETHICAL STANDARDS AND THE LAW

**a. KNOWLEDGE OF THE CODE.** CRCs/CCRCs are responsible for reading, understanding, and following the Code and seeking clarification of any standard that is not understood. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

**b. KNOWLEDGE OF RELATED CODES OF ETHICS.** CRCs/CCRCs understand applicable ethics codes from other professional organizations or from certification and licensure bodies. CRCs/CCRCs are held to the CRCC standards if there is a discrepancy between codes. CRCs/CCRCs are aware the Code forms the basis for CRCC disciplinary actions. The CRCC Ethics Committee makes decisions pertaining to disciplinary actions based upon the Enforceable Standards of the Code.

**c. CONFLICTS BETWEEN ETHICS AND LAWS.** CRCs/CCRCs obey the laws of the legal jurisdiction in which they practice unless there is a conflict with the Code. If ethical responsibilities conflict with laws, CRCs/CCRCs rely on the Code to take steps to resolve conflicts. If conflicts cannot be resolved by such means, CRCs/CCRCs adhere to the requirements of law.

### M.2. ADDRESSING SUSPECTED VIOLATIONS

**a. ETHICAL DECISION-MAKING MODELS AND SKILLS.** CRCs/CCRCs recognize underlying ethical principles and conflicts among competing interests. They apply appropriate decision-making models and skills to resolve dilemmas and act ethically. When CRCs/CCRCs are faced with an ethical dilemma, they use and document an appropriate ethical decision-making model.

**b. CONSULTATION.** When uncertain as to whether particular situations or courses of action may be in violation of the Code, CRCs/CCRCs consult with other professionals who are knowledgeable about ethics with supervisors, colleagues, and/or with appropriate authorities, such as CRCC, licensure boards, or legal counsel.

**c. INFORMAL RESOLUTION.** When CRCs/CCRCs have reason to believe that another CRC/CCRC is violating or has violated an ethical standard, they attempt to resolve the issue informally by direct communication with the other CRC/CCRC, if feasible and provided such action does not violate confidentiality rights that may be involved.

**d. REPORTING ETHICAL VIOLATIONS.** When an informal resolution is neither appropriate, feasible, nor resolved, or if an apparent violation has substantially harmed or is likely to substantially harm persons or organizations, CRCs/CCRCs take further action as appropriate to the situation. Such action might include referral of the matter to applicable committees on professional ethics (e.g., voluntary certification bodies, licensure boards, organizational authorities). Referral may not be appropriate when the reporting would violate confidentiality rights (e.g., when clients refuse to allow information or statements to be shared) or

when CRCs/CCRCs have been retained to review the work of another CRCs/CCRCs whose professional conduct is in question (e.g., consultation, expert testimony).

**e. SELF-REPORTING.** CRCs/CCRCs shall immediately notify CRCC when sanctioned for violations of ethical codes by any applicable counselor licensure, certification, or registry boards, other mental health licensure, certification, or registry boards, or voluntary national certification boards or professional associations with which they are affiliated. CRCs/CCRCs notify CRCC if they are found to have violated another organization's professional code of ethics, violated laws in relation to their practice in the field of rehabilitation counseling, or are convicted of offenses that constitute violations of the Code.

**f. ORGANIZATION CONFLICTS.** If the demands of organizations with which CRCs/CCRCs are affiliated pose a conflict with the Code, CRCs/CCRCs specify the nature of such conflicts and express their commitment to the Code to appropriate responsible officials. When possible, CRCs/CCRCs work to create change within organizations to allow full adherence to the Code. If the conflict cannot be resolved, CRCs/CCRCs evaluate the risks and benefits of continued affiliation with the organization.

### **M.3. CONDUCT IN ADDRESSING ETHICAL ISSUES**

**a. COOPERATION WITH ETHICS COMMITTEES.** CRCs/CCRCs have a working knowledge of the Code and assist in the process of enforcing it by reviewing the CRCC Guidelines and Procedures for Processing Complaints. CRCs/CCRCs cooperate with investigations, requests, proceedings, and requirements of the CRCC Ethics Committee or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation.

**b. CONFIDENTIALITY.** CRCs/CCRCs who are knowledgeable of and/or party to a complaint alleging violation of the Code maintain confidentiality of all information related to the complaint and to the adjudication of the complaint unless they are compelled to disclose information by a validly issued subpoena or when otherwise required by law or valid court order.

**c. UNWARRANTED COMPLAINTS.** CRCs/CCRCs do not initiate, participate in, or encourage the filing of ethics complaints that are retaliatory in nature, made with reckless disregard or willful ignorance of facts that would disprove the allegation, or are intended to harm CRCs/CCRCs rather than to protect clients or the public.

**d. UNFAIR DISCRIMINATION AGAINST COMPLAINANTS AND RESPONDENTS.** CRCs/CCRCs do not disparage or retaliate against individuals by denying services, employment, advancement, admission to academic or other programs, tenure, or promotions based solely upon their having made or being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings when CRCs/CCRCs are found to be in violation of ethical standards.

**e. COERCION OR ACTION AGAINST CLIENTS OR SUPERVISEES.** CRCs/CCRCs under investigation for an ethical violation must not use their position of power in the counseling or supervisory relationship to pressure clients or supervisees to participate in the CRC's/CCRC's response process.