**Spring 2024**

**CNS 780: Professional, Ethical, and Legal Issues in Counseling Wake Forest University Department of Counseling**

Instructor: Dr. Jamie E. Crockett

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Class Meeting Time: 9:00a-11:30a Thursdays

Class Meeting Location: Carswell 016

Office Hours: Available after most classes and by appointment.

24/7 Tech Support: (877) 830-4733, [Wake Forest University Online Support Portal](http://wakeforest.echelp.org/)

# Course Description:

This course addresses pertinent topics in the law and ethics related to the practice of counseling. Hopefully, you will be inspired to take an active role in developing and monitoring your competence as a counselor while some of the legal and ethical issues that can feel most intimidating to counselors are demystified. The overarching goal is to help you become a knowledgeable, skilled, and able counselor who always protects those with whom you work.

**Course Objectives**

Upon successful completion of this course, you will be able to:

1. Recognize and define key terms and concepts associated with the ethical and legal practice of counseling. (CACREP 3.A.10)
2. Understand the similarities and differences between ethical and legal issues in counseling. (CACREP 3.A.10)
3. Exhibit a thorough knowledge of professional ethical standards. (CACREP 3.A.10; 3.A.11; 3.D.12; 3.E.6; 3.F.9; 3.G.6; 3.H.10)
4. Apply decision-making models to ethical and legal dilemmas. (CACREP 3.A.10)
5. Examine and explore personal ethics. (CACREP 3.A.10; 3.A.11)

# Methods of instruction:

Instructional methods in this course include mini-lectures, discussions, case studies, experiential activities related to course content, and other interactive activities.

# Required texts and readings:

* Remley, T.P., & Herlihy, B. (2020). Ethical, legal, and professional issues in counseling. (6th ed.). Upper Saddle River, NJ: Merrill.
* Additional required materials are provided via Canvas and Course Reserves.

# Student performance evaluation criteria:

See Canvas for detailed assignment descriptions, see tentative course schedule - below - for due dates.

In addition to the formal graded assignments in this course, your overall engagement is a critical element of your learning and performance in the course.

## Engagement includes but is not limited to:

* *Participation* **-** You are expected to be present and actively participate in all components of the course including both in and between class elements. Participation requires respectful interaction with peers and instructor as well as concrete demonstration of preparedness, critical thinking, and self-awareness.
* *Readings, case studies, group teach/facilitation, informal presentations, and other activities –* Reading and contributing to shared reading notes for the assigned materials by the due date is expected and required. Additional readings, not previously assigned in the course schedule, may be assigned as needed. Students will explore their own experiences through activities including but not limited to ethical life maps. Students will collaborate in small groups to research and discuss key course concepts and then teach the rest of the class about what you learned. Case studies will be distributed and worked on in synchronous or asynchronous class activities. Small groups will work together to apply an ethical decision-making model to a case student and then facilitate a meaningful and interactive review of their process. We will have other informal presentations, not listed on the course schedule, related to readings and/or other class materials and activities.
* *Informal writing and reflection* – We will have some informal writing assignments and/or discussions related to readings, dilemmas, and/or other class materials and activities.

All written assignments must use APA style (a copy of the APA Publications Manual should be available in the library). You do not need to include an abstract. Cover and reference pages are not counted toward fulfilling the required page length.

## Know the Law Paper -

For this assignment, you will choose a state and research the law related to Confidentiality including Privilege, Suspected Abuse or Neglect, Mandated Reporting, and Duty to Warn, then write a paper where you summarize, analyze, and reflect on that research. See Canvas for a detailed assignment description and rubric with resources for research and writing.

## Law and Advocacy Project -

For this assignment, you will research current ethical and legal issues being discussed by professional counseling association and complete related reading. You will then select a counseling related legal issue that is important to you as a counselor. You will plan and implement a mini advocacy project, including contacting one of your elected government officials, to create positive change in law or policy related to your chosen issue. You will write a reflection essay about your experience for submission. See Canvas for a detailed assignment description and rubric with resources for advocacy, research, and writing.

## Final Exam -

The 60-item, open-book final exam may address any of the material covered in the course. Questions on the exam may be related to any of the various materials in the course including your ACA code of ethics, textbooks, other readings and files, video, audio, and PowerPoint presentations. The exam is designed to reinforce and assess student learning while also offering practice with the types of questions students may encounter on the NCE, the CPCE, or other counseling examinations. See Canvas for further details and study guide.

**Student Learning Outcomes / Key Performance Indicators**

There is one signature assignment for this course, the Know the Law Paper, that is to be submitted in Anthology Portfolio, an e-Portfolio, data storage, and data management program. The Know the Law Paper assignment will be used for course grade calculations (using the grading rubric), program evaluation reporting, and student learning outcomes (SLO) / key performance indicator (KPI) monitoring. For program evaluation reporting and SLO/KPI monitoring, we use a CACREP rubric that measures student learning on a scale from 1 (harmful) to 5 (exceeds expectations). The student learning outcome on which you will be evaluated for the Know the Law Paper is: Knowledge and Skills of Ethical and Legal Counseling Activities.

Based on the 2024 CACREP standards (2.E.1.a., 2.C.1.a.), our counseling program is required to report aggregated SLO/KPI ratings, as well as monitor individual student SLO/KPI progress. The expectation is that students, on average and individually, will receive average CACREP rubric ratings of 4 (meets expectations) on each SLO/KPI measure. Student ratings on SLO/KPI measures that fall below a 3 (near expectations) may result in remediation.

## Summary of Grade Weights and Due Dates by Activity

*See our Canvas course for weekly schedule and full description of learning activities*

| **Learning Activity** | **% of Grade** |
| --- | --- |
| Engagement (In & Between Classes) | 30% |
| Know the Law Paper | 25% |
| Law & Advocacy Project | 15% |
| Final Exam | 30% |
| TOTAL | 100% |

## Grading Scale

| A | 93-100% |
| --- | --- |
| A- | 90-92% |
| B+ | 87-89% |
| B | 83-86% |
| B- | 80-82% |
| C+ | 77-79% |
| C | 70-76% |
| F | 0-69% |

## Late Assignments Policy

Unless arrangements have been made with the course instructors, late assignments or other learning activities will be subject to a 10% deduction for each day past the due date that the assignment was submitted. To earn credit for asynchronous class components of the course they must be completed within the week that they are due. The Lead Instructor may waive this policy in extenuating circumstances. Such exceptions will be rare and are determined by the instructor on a case-by-case basis. Be proactive and ask for what you need. Late assignments will not be accepted 8 or more days after the due date.

## Attendance, tardiness, professional behavior: It is expected that you will attend and participate in all synchronous and asynchronous activities. Grade penalties for absences are at the discretion of the professor. Tardiness and/or unprofessional behavior could negatively impact final grade.

# Other Course Policies

## Canvas, E-mail, and Announcements:

Correspondence and notices related to this course will be posted as announcements in Sakai and/or sent to your WFU email account through Canvas. You must check your WFU email account and keep up to date with our Canvas site to receive notices related to the class.

## Disability Accommodation Policy and Procedure

Wake Forest University recognizes its responsibility for creating an institutional climate in which students with differing needs and abilities can thrive. If you may require an accommodation for this course, please contact the Center for Learning, Access, and Student Success (CLASS) within the first week of the semester at: the student [portal](https://olympic.accessiblelearning.com/WFU/) (use WFU login); Phone: 336-758- 5929; Email:class@wfu.edu

## Emergency Contingency Plan

Disaster Planning/Catastrophic Event Policy: In the event, the University calendar is disrupted by disaster or catastrophic event, please continue with the assigned lessons and adhere to the due dates of assignments and discussions. The instructor will be available by email or by phone, unless internet or phone is inaccessible.

## Academic Policies and Honor Code

Every student is required to practice and adhere to the principle of academic integrity while undertaking studies with Wake Forest University. Maintaining academic integrity is considered an essential academic standard of every graduate course and program. The University does not tolerate academic dishonesty. The graduate faculty at Wake Forest has adopted a formal honor code to provide guidance for student conduct with respect to academic pursuits. Read the Graduate Student Academic Honor Code which can also be accessed on the [Graduate School website.](http://internal.graduate.wfu.edu/students/)

Academic dishonesty may be an academic issue or a disciplinary issue, or both, depending on its pervasiveness and/or severity. Any student engaged in academic dishonesty may face reprimand, disciplinary warning, a lowered or failing grade(s), and/or probation or suspension from the course, academic program, or University; or expulsion from the University.

*The list that follows includes examples, although not all-inclusive, of academic dishonesty:*

* Purchase of term papers turned in as one’s own or writing the term paper(s) for another student.
* Submission of same term paper to another class without permission.
* Providing another student’s answers during an exam.
* Use of notes or book during exam when prohibited.
* Collaboration on homework or take-home exams when instruction called for independent work.
* Providing test question(s) to student(s) in another section of the class.
* Falsifying records or the fabrication of information and/or citation in an academic exercise.
* Violation of computer policies.
* Inappropriate use of GenAI
* **Plagiarism:** appropriating or passing off as one’s work the writings, ideas, etc. of another, (i.e.: copying without giving credit due, using GenAI tools, forgery, literary theft, and expropriation of some other’s work. Plagiarism also includes electronic information of all types.)
* Assisting someone in doing any of the above.

For the complete academic honesty policy and tips to avoid plagiarism, please see your student handbook.

**Generative Artificial Intelligence (GenAI)**

Your counseling courses teach you fundamental helping, thinking, reasoning, reading, and writing skills. Generative Artificial Intelligence (GenAI) tools can interfere with your learning if they are used before you have the foundational knowledge and skills in place to be a competent counseling professional.

The use of generative AI tools (e.g. ChatGPT) is **permitted** in this course for the following activities:

* Drafting an outline to organize your thoughts
* Checking grammar and style

The use of generative AI tools is **not permitted** in this course for the following activities:

* In-class note taking
* Reading and research
* Brainstorming and refining ideas
* Generating sources for any writing assignment
* Completing any aspect of group work
* Writing sentences, paragraphs, or entire papers to use in whole or in part to complete class assignments or other learning activities.

**Using AI in a way that is not permitted is considered a violation of the Honor Code. If you are uncertain about whether or not you can use GenAI in any other instance please ask!**

## Class Recording Notice

1. Recording of Class Sessions. All or some in-person and synchronous online classes may be recorded. Student images and voices may be captured in these recordings. Recordings will be available for viewing only by students enrolled in the class via Canvas or an alternative platform. The recordings are not available for download. No other recording, including by students, is permitted.
2. Recording Talks in our Synchronous Classes. Synchronous class recordings may include events that happen before class officially begins or after it officially ends. Students should take care to not discuss any confidential matters during these periods of time.
3. Access to Recordings. Students may access the class recordings made available to them solely for the purpose of participating in the course. The recordings may not be used by any person other than a student enrolled in the course or for any purpose other than to participate in the course. Students are prohibited from downloading or distributing any portion of the recordings for any purpose. Students should understand that technical problems or human error may prevent successful recording.
4. Copyright Notice. Students are advised that Wake Forest University faculty members hold the copyright in their course materials. The University and the faculty have legal rights in class recordings.

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## Other Departmental or University Academic Policies

For further information on all academic policies, including the policies for adding and dropping a course, requesting a grade of incomplete, academic probation, termination of enrolment, reinstatement, and student and faculty expectations, see the [Wake Forest Student Handbook.](https://counseling.graduate.wfu.edu/forms/student-forms-information/)

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# Tentative\* Schedule

\*Will be revised as needed, last updated 1/16/24

Be sure to complete all readings and contribute to the shared reading notes prior to beginning class activities/meetings for the week.

How to approach the reading in this course:

* Master skimming: [https://learningcenter.unc.edu/tips-and-tools/skimming](https://learningcenter.unc.edu/tips-and-tools/skimming/)
* Collaborate with your cohort to update the course “Clif’s Notes” for your readings: <https://docs.google.com/document/d/1H_c8PSQe-UjxhORO8JfK-bfDdeptKUvoLDJ-b_8jR3s/edit?usp=sharing>

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# For Thursday, January 18

**Week 1 - Foundation**

#### Read the following:

1. Syllabus
2. Codes of ethics - notice differences and similarities across these codes
   * [ACA (2014) Code of Ethics (PDF;](https://www.counseling.org/resources/aca-code-of-ethics.pdf) spend the most time with this code and begin to familiarize yourself with the sections and content, you will read and reference this repeatedly in this course and beyond!)
   * [AMHCA (2020) Code of Ethics](https://www.amhca.org/events/publications/ethics)
   * [NBCC (2016) Code of Ethics (PDF)](https://www.nbcc.org/Assets/Ethics/NBCCCodeofEthics.pdf)
   * [ASCA (2016) Code of Ethics (PDF; for school counselors)](https://www.schoolcounselor.org/getmedia/f041cbd0-7004-47a5-ba01-3a5d657c6743/Ethical-Standards.pdf)
3. Remley text - Chapters 1, 2, & 3

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# For Thursday, January 25 -

## Week 2 - Foundation, theory, decision making

**Read the following articles (available by link or through Course Reserves):**

* Sperry, L. (2007). Appendix A Ethical Theories (The ethical and professional practice of counseling and psychotherapy).
* Guillemin, M., & Gillam, L. (2015). Emotions, narratives, and ethical mindfulness.
* Forester-Miller, H., & Davis, T. E. (2016). [ACA - Practitioner's Guide to Ethical Decision Making (PDF)](https://www.counseling.org/docs/default-source/ethics/practioner-39-s-guide-to-ethical-decision-making.pdf?sfvrsn=f9e5482c_10)
* [ASCA Decision Making Model](https://www.schoolcounselor.org/getmedia/20e86806-b2eb-4cfb-8aed-862d0fa0ec81/Ethical-Decision-Making-graphic.pdf)
* Read the ACA [Advocating for the Counseling Profession as a Graduate Student (PDF)](https://www.counseling.org/docs/default-source/government-affairs/advocating-for-the-counseling-profession.pdf) Quick Guide, and then review the ACA webpage section on Government Affairs and Public Policy.
* You may find it helpful to reread the section on ethical decision making in Chapter 1 of your Remley and Herlihy text.

We use the model put forth by the ACA Practitioner’s guide in this course; however, in your clinical practice you may find that you prefer to use a different model. You will determine the model that fits your style and helps you pay attention to all the important variables in the situation.

Explore more ethical decision making models

* You can use the ZSR [Counseling Journals search tool](https://guides.zsr.wfu.edu/counseling) to identify and examine other ethical decision making models used in the field.

Below are a few other models for your review

* Transcultural Integrative Model -
  + Branco et al (2023)
  + Garcia et al (2003)
  + Both can be accessed via the WFU Course Reserves, located in your Canvas menu.
* STEPS: Ethical Decision Making in Schools. You can access this via the WFU Course Reserves, located in your Canvas menu.
* [The Center for Ethical Practice](http://www.centerforethicalpractice.org/publications/models-mary-alice-fisher-phd/ethical-decision-making-model/)
* [Steps in Ethical Decision Making](http://kspope.com/memory/ethics.php)

You'll notice that the majority of ethical decision-making models in the counseling literature were developed in the 80's, 90's, and 2000's. Do you think that we've saturated the possibilities or might it be time for new approaches?

#### Pre-class Activity - After you have done the readings,

* Complete the [**Case of Liselle**](https://wakeforest.instructure.com/courses/37114/assignments/228279) multimedia activity and be sure to follow the submission instructions.

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# For Thursday, February 1

## Week 3 - Informed Consent and Confidentiality

**Readings**

Read the following in your Remley text:

* Chapter 4, 5, 11, & Appendix B

Read the following information about Case Law, Statutory Law, and related sources

* What is statutory law - <https://library.highline.edu/c.php?g=344547&p=2320275>
* What is case Law - <https://library.highline.edu/c.php?g=344547&p=2320258>
* What are primary and secondary legal sources - <https://library.highline.edu/c.php?g=344547&p=2320319>

For school counselors, below are ASCA resources on confidentiality and informed consent.

* ASCA position statement on confidentiality - <https://www.schoolcounselor.org/Standards-Positions/Position-Statements/ASCA-Position-Statements/The-School-Counselor-and-Confidentiality>
* Stone (2014) Informed Consent: Is it Attainable With Students in Schools? - <https://www.schoolcounselor.org/Magazines/September-October-2014/Informed-Consent-Is-it-Attainable-With-Students-in>

Read the following resources and instructions about [researching the law](https://docs.google.com/document/d/14tlxo0q3-wOEw_aOnbRyXYT9t2oTKkPnXGYFNncQydI/edit?usp=sharing)

#### Pre-class Activity - After you have done the readings

* Complete [**The Case of Callie**](https://wakeforest.instructure.com/courses/37114/assignments/228277) interactive activity.
* Bring 2 paper copies of your Professional Disclosure Statement (PDS) to class

**ASSIGNMENT DUE 11:59PM 2/1 -** Advocacy project(to prepare for this project you will complete related readings and research as described in the assignment instructions in Canvas)

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# For Thursday, February 8

## Week 4 - Protecting the client (Records, notes, subpoenas, technology, distance)

**Readings**

Read the following in your Remley text:

* Chapter 6, 10, Appendix C, D & E

Review ACA (2014) Code of Ethics Section H

Review the [NBCC Policy for Distance Counseling](https://tbhcoe.matrc.org/wp-content/uploads/2018/08/NBCC-Policy-Regarding-Practice-of-Distance-Professional-Services-2016.pdf)

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# For Thursday, February 15

## Week 5 - Counselor Competence

**Readings**

Read the following in your Remley text:

* Chapter 7 & 8

Read the following articles:

* Kocet, M. M., & Herlihy, B. J. (2014). Addressing value‐based conflicts within the counseling relationship: A decision‐making model. *Journal of Counseling & Development, 92*(2), 180–186. You can access this via the WFU Course Reserves, located in your Canvas menu.
* Warren, J., & Douglas, K. (2012). [Falling from grace: Understanding an ethical sanctioning experience](https://wake.idm.oclc.org/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=82141517&site=ehost-live) *Counseling and Values, 57*(2), 131–146.

Skim the following article:

#### American Counseling Association. (2020). [ACA Policies and Procedures for Processing Complaints of Ethical Violations (PDF)](https://www.counseling.org/docs/default-source/center-resources/p_and_p_complaints_of_ethical_violations.pdf?sfvrsn=fe0c292c_2)

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# For Thursday, February 22

## Week 6 - Professional Boundaries

#### Read

Remley text:

* CH 9, 13, 15

**ASSIGNMENT DUE 11:59PM 2/22 - Know the Law Paper**

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# For Thursday, February 29

## Week 7 - Risk management and Review

#### Read

* Guidelines for Avoiding Problems (Remley text book section within Chapter 8), pp. 211–212
* Wheeler & Bertram text, available through Course Reserves, located in the canvas Tool Menu on the left:
  + Top Ten Risk Management Strategies, pp. 329–331
* [ACA Ethics Resources](https://www.counseling.org/knowledge-center/ethics#consult)
* [ACA Risk Management Resources](https://www.counseling.org/knowledge-center/ethics/risk-management)

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#### Final Exam Becomes Available 11:30am Thursday 2/29 DUE by Tuesday 3/5 at 11:59pm EST.