CHAPTER 3: VALUES, ETHICS, AND LAW

The Muddy Waters of Ethics Seminar, conducted by Dorinda Noble and Andrew Marks (above), assisted by Dave Henton (left), Ted Watkins (center), and Angela Ausbrooks (right)
Professional Thinking, Identity, and Behavior Built on the Bedrock of Values, Ethics, and the Law

Shaping a Value-Laden Curriculum

The School expects faculty, students, and field supervisors to embrace social work values, to study professional ethics and incorporate them into practice, and to understand the relevant laws that regulate social work practice and specific areas of service delivery. Dealing with values (what we believe) and ethics (what we do) can be quite messy and confusing, and when we add laws (court decisions and legislative actions) to the equation, a professional needs to be alert, knowledgeable, and self-aware. Given these realities, the School teaches values, ethics, and the law in every course. Grappling with values, ethics, and law requires critical thinking and higher-order decision-making, and it also taps into personal emotions. Consequently, we believe that this body of knowledge is best learned in a cumulative manner, building knowledge and understanding of values, ethics, and law course by course.

EDUCATIONAL POLICY 2.1.1—Identify as a professional social worker and conduct oneself accordingly. Social workers serve as representatives of the profession, its mission, and its core values. They know the profession’s history. Social workers commit themselves to the profession’s enhancement and to their own professional conduct and growth. Social workers advocate for client access to the services of social work; practice personal reflection and self-correction to assure continual professional development; attend to professional roles and boundaries; demonstrate professional demeanor in behavior, appearance, and communication; engage in career-long learning; and use supervision and consultation.

“Life can only be understood backwards; but it must be lived forwards.”
—Kierkegaard
EDUCATIONAL POLICY 2.1.2—Apply social work ethical principles to guide professional practice. Social workers have an obligation to conduct themselves ethically and to engage in ethical decision-making. Social workers are knowledgeable about the value base of the profession, its ethical standards, and relevant law. Social workers recognize and manage personal values in a way that allows professional values to guide practice; make ethical decisions by applying standards of the National Association of Social Workers’ Code of Ethics, and, as applicable, of the International Federation of Social Workers/International Association of Schools of Social Work Ethics in Social Work, Statement of Principles; tolerate ambiguity in resolving ethical conflicts; and apply strategies of ethical reasoning to arrive at principled decisions.

EDUCATIONAL POLICY 2.1.3—Apply critical thinking to inform and communicate professional judgments. Social workers are knowledgeable about the principles of logic, scientific inquiry, and reasoned discernment. They use critical thinking augmented by creativity and curiosity. Critical thinking also requires the synthesis and communication of relevant information. Social workers distinguish, appraise, and integrate multiple sources of knowledge, including research-based knowledge, and practice wisdom; analyze models of assessment, prevention, intervention, and evaluation; and demonstrate effective oral and written communication in working with individuals, families, groups, organizations, communities, and colleagues.

Professional Identity

Faculty as Role Models. The School is committed to and proud of the social work profession, which in Texas is regulated by the Social Work Practice Act, a title-protection act mandating that no individual can claim to be a social worker without benefit of licensure. Consequently, the School mandates that faculty who are qualified for licensure (hold the BSW or MSW) be licensed in good standing. All our faculty are eligible, so all are licensed. Maintaining licensure is a factor the School checks when faculty undergo yearly faculty evaluation, and faculty include licensure information on syllabi and other pertinent documents.

Thus, our students see faculty present a role model of professional identity and commitment; they know that faculty are submitting to the same standards of accountability and life-long learning that apply to our School’s graduates. Anecdotally, students say they are proud of being part of a school in which all eligible faculty are licensed and can thus be called “social workers”.

Students also see faculty exhibiting commitment to the profession through their extensive work serving on agency and professional boards, through various professional groups and associations, and through research to expand social work knowledge. Faculty bring these activities into class discussion and use them as teaching items. For instance:
Dr. Mary Tijerina has served for several years as an appointee of the Lt. Governor to the Texas Office for Prevention of Developmental Disabilities. Dr. Raphael Travis is a board member of the Texas Partnership for Out-of-School Time. Dr. Dorinda Noble was recently appointed to a joint Association of Social Work Boards-National Association of Social Workers Task Force to set up guidelines for professional supervision. Dr. Christine Norton serves on the Advisory Council for Restoration Not Incarceration. Dr. Kathy Selber brings a social work perspective to role on the Texas State Veteran Advisory Council. Dr. Dorinda Noble recently completed six years of service as a gubernatorial appointee to the Texas State Board of Social Worker Examiners, and previously served as Chair of the Louisiana State Board of Social Work Examiners.

Class Content Shores Up Professional Identity. The School encourages students to develop professional identity by ensuring that students understand the genesis of social work and its development into a full-fledged profession. Students in SOWK 5310 Foundation Policy, for instance, delve into the history of the profession, examining the events and nuances that make the profession distinctive and valuable to society. Students in SOWK 5322 Advanced Policy build on this content by discovering how social workers can be influential in creating important social policy.

Learning to Make Ethical Decisions
Students get generous exposure to the Code of Ethics, as well as the Texas social work regulatory law and its Code of Conduct, in all MSW courses. Though we realize that many of our graduates will work in other states with different social work regulatory laws, the Texas law still serves as a regulatory model for them to study. Because the rules which implement the Texas regulatory law contain a 13-point code of conduct, considerably shorter and more focused than the NASW Code, students are able to compare the lofty aspirational code of NASW with the legally-binding codified version. For instance, the Code of Ethics urges professionals to allow clients self-determination. Self-determination is not a legally-defensible concept, however, and is not reflected in the regulatory law.

In SOWK 5314 Practice II, students apply ethical screens to a macro case example as demonstrated in a simulation, arguing the pros and cons of the decisions they made.

Faculty encourage all students to attend the open meetings of the Texas State Board of Social Worker Examiners Ethics Meetings, which occur in Austin. Here students can learn about ethical situations that emerge, how professionals have responded, and how board members evaluate the actions of the professionals.

Faculty encourage all students to learn the laws that apply to their fields of service delivery. For instance, in MSW Field courses, students study...
health care laws and assess how they affect services. Foundation students write an ethical dilemma paper and present it to classmates, but advanced concentration students must compose a paper address an actual ethical dilemma in field.

- Foundation students in SOWK 5317 Research discuss their ethical obligations to stay abreast of current research in their fields of practice.
- In SOWK 5324 Direct Practice with Families, Direct Practice (DP) concentration students divide into working groups and look at an ethical dilemma in working with families. They define the problem, recognize their own personal and professional values and ethical responsibilities, determine which value and ethical responsibility is prima facia, and determine the best option.
- Foundation students in SOWK 5316 Practice III learn what constitutes malpractice, and the elements necessary to prove malpractice: a duty exists, the duty was breached, real harm resulted, and the harm is directly related to the breach of duty. They discuss direct liability and vicarious liability. This knowledge is linked to ethical standards.
- Administrative Leadership (AL) students in SOWK 5334 Resource Development do in-class exercises to highlight the ethics of reviewing grant proposals and conducting funded projects. They discuss how their biases affect decisions about agency priorities and resource acquisition.
- In SOWK 5325 Challenges and Innovations, AL students complete exercises that teach them to ethically complete performance appraisals. They discuss the ethics of human resource decisions, as well as ethical use of technology.
- In SOWK 5323 Advanced Research, students complete an activity on ethical issues in research, examining the roles of indigenous insider/outsider and external insider/outsider.

**Personal Reflection and Self-Correction**

The importance of personal reflection cannot be overemphasized in professional thinking. Throughout our curriculum, we encourage students to reflect on their personal values and their influence on behavior. For example:

- In SOWK 5311 HBSE I, foundation students complete a comprehensive assignment examining their personal values, and then studying the goodness of fit between their personal values and the cardinal values of social work. The students then consider various agency settings in light of their personal values.
- Foundation students in SOWK 5316 Practice III investigate their family of origin and consider the values their families passed down.
- Foundation students in SOWK 5310 Policy discuss the evolution of ethics and laws, pondering the different missions of a professional association which crafts codes of ethics (to advocate for a stronger profession), and the role of legal regulation (to protect the public).
- Foundation students in SOWK 5316 Foundation Practice III go to the state licensing board’s website to examine cases in which professionals have been sanctioned. Because the state has a very strong Open Meetings Act, all cases are on the public record and offer a living
laboratory to study ethical behavior. Class discussions about these real cases are lively.

- Administrative Leadership students in SOWK 5325 Challenges and Innovations do an exercise in which they compare leadership, supervision, and management. They look at their personal strengths and weaknesses in relation to those three functions.

- Direct Practice students in SOWK 5324 Direct Practice with Families conduct a spiritual assessment. Students discuss the roles of spirituality in their personal families, and they examine the importance of spirituality in human and family development.

- Field students assess their personal values and how those values affect their relationships with clients/client groups. They also process their reactions to the poverty and discrimination they see in client situations.

**Promoting Professional Values**

Students in the School not only develop a deep acquaintance with professional values and ethics, but they also think through how to further those values. Here are examples of those activities:

- Foundation students in SOWK 5313 Practice I analyze cases such as one case involving a malnourished, elderly woman living in a run-down shack. She adamantly refuses to enter a nursing home and rejects “charity”. Students examine the individual’s right to determine her own life, as opposed to the dangers she may present to herself and the neighborhood if she stays in her present situation.

- Foundation students in SOWK 5317 Research look closely at how professional values and ethics are demonstrated in social work research. They consider human subjects, particularly subjects who are vulnerable and marginalized, and how to make research more consistent with ethics. Exams in that course contain material on these issues.

- Students in SOWK 5322 Advanced Policy spend the semester working on a project to change a policy that negatively affects a marginalized population. They assess the policy’s value content, develop an ethical alternate policy, and actually implement a strategy to change the policy.

- Administrative Leadership students in SOWK 5325 Challenges and Innovations study cases involving substandard supervision that have been brought before the state licensing board. They consider how the case evolved, what could have been done to avoid the professional being brought before the board on charges of misconduct, and how to ameliorate the situation going forward.

- Direct Practice concentration students in SOWK 5327 Intervention with Groups role play, facilitate, and critique a support group for clients who are terminally ill. In these simulations, students deal with ethical issues, such as clients’ rights to self-determination, their inherent worth, and their right to be treated with dignity and respect. They deal with the related policy and practice issues represented by alternatives such as passive euthanasia, choosing one’s own time of death, assisted suicide, advocating for health care consumerism vs. the medical model, and making living wills (and hoping they will be enforced). Students also...
deal with the social worker’s role: How far do we go to support the client’s right to determine his/her own fate? How do we respond to the client’s risky behavior, such as smoking or abusing drugs?

Agency-based field instructors are treated to a yearly Field Office training on ethics and the regulatory law. A primary element of the instructors’ assessment of field students centers on values and ethics.

Coping with Ethical Dilemmas
Moving ethical knowledge into the realm of making ethical decisions is challenging. Real-life situations are never as clear-cut as the ethical codes and legal statutes we apply to them. Students need to be armed with a working knowledge of how to make decisions in complex cases. Here are some examples of how we accomplish this:

- Foundation students in SOWK 5310 Policy consider how social workers can ethically deliver social services in the context of complex bureaucratic policies that are built on many issues other than ethics.
- In SOWK 5316 Practice III, foundation students examine in depth an actual case record of a licensing board decision regarding alleged social worker misconduct, discussing the values, ethics, and laws involved and assessing potential harm to the client.
- Direct Practice students in SOWK 5319 Diagnostic Assessment examine ethical issues in differential diagnosis, such as stigmatization related to ethnicity, culture, class, gender, disability, sexual orientation, or gender identity. Students read articles and discuss the ethical issues around the nosology of the DSM-IV. They tackle issues like labeling theory, deviance and criminality, and the strengths perspective, contrasting these paradigms with the medical model of American psychiatry. They also look at mental health and mental illness through a variety of cultural lenses. Students learn that the medical model represented in the DSM is only one approach to assessment.
- Administrative Leadership students in SOWK 5329 Organizational Assessment examine cases, such as a case regarding the federal government’s dictate that agencies receiving Ryan White funds must use family members of AIDS patients to deliver some services. They compare and contrast the benefits of using “survivors” with the potential ethical infringements on confidentiality, and examine how agencies can compensate for mandates that create ethical dilemmas.
- Administrative Leadership concentration students in SOWK 5334 Resource Development deal with the values of working together to achieve high-quality services. Students learn to use Fishbone Diagrams, Process Mapping, and Benchmarking as team-oriented tools to collect and analyze data and intervene with client systems. Students learn how mutual participation and participatory management styles can lead to more humane services.
- In Field courses, students are expected to identify ethical dilemmas in their field experiences and write a paper on that dilemma, using ethical screening guides. They also learn and incorporate the legal and regulatory statues in their respective practice fields, and discuss these
issues in seminar. Supervisors give students help to reconcile ethical dilemmas and balance their pure ethical standards with the practical realities of client situations, agency protocols, and available resources.

- Foundation research students learn about the rights of research participants, including voluntary participation and informed consent. They also learn about IRBs. Concentration students, however, complete on-line certification for research with human subjects. They read federal regulations governing research with human subjects, and they submit their field research projects to the IRB for review and approval.

- Administrative Leadership students in SOWK 5334 Resource Development review mission and values statements of various organizations, discussing how consistent these statements are with social work values. They discuss the ethics around such issues as co-authorship, giving credit for work done, and making budget submissions to multiple funders.

- MSW students who are employed by state agencies inform us of the ways that rapid agency and funding changes affect staffing, morale, and services. This gives rise to much discussion on ethics and values.

Ericka, an AL student, did her internship in a legislative office. She was very involved in a bill mandating that hospitals across the state provide Spanish interpreters. Though the bill did not pass, it may yet shift the landscape for Spanish speakers in Texas.