

UNIVERSITY OF SWAZILAND



FACULTY OF EDUCATION

DEPARTMENT OF EDUCATIONAL FOUNDATIONS AND MANAGEMENT

FINAL EXAMINATIONS PAPER MAY 2016

TITLE OF PAPER: ETHICAL AND LEGAL ISSUES IN GUIDANCE AND COUNSELING

COURSE CODE: EFM 610

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: THERE ARE THREE SECTIONS IN THIS PAPER – SECTIONS A, B AND C.

SECTIONS A AND B ARE COMPULSORY. CHOOSE ONE QUESTION FROM SECTION C.

TOTAL MARK ALLOCATION: 100

THIS QUESTION PAPER CONSISTS OF 9 PAGES INCLUDING COVER PAGE

DO NOT OPEN THE QUESTION PAPER UNTIL TOLD TO DO SO BY THE CHIEF INVIGILATOR

SECTION A: COMPULSORY- MULTIPLE CHOICE, TRUE OR FALSE AND MATCHING QUESTIONS (50 marks)

INSTRUCTIONS

You are to write all your answers in your exam booklet provided. Read the following instructions carefully and use the sample below as a guide.

1. This exam section contains 25 multiple choice, True or False and Matching questions, each worth 2 points.
2. On the Multiple-Choice and True or False aspects each question or item is followed by a series of possible answers or choices.
3. Read each question and decide which answer or choice is best. [Make sure you read thoroughly any special instructions that may apply to a given portion of the exam].
4. Write the letter of the **best** choice in your answer booklet with your PEN.
5. Write **LEGIBLY**.
6. Cross out any answers you wish to change and write afresh. **DO NOT USE CORRECTIONAL FLUID.**
7. Regarding matching questions: Please choose the letter of the **best** choice from the options given that best corresponds with the given statement (s) and write the letter in your answer booklet.
8. Answer all questions. Your exam score will be based on the number of questions you answer correctly. There is no penalty for guessing.

Review the example below to see the right way to present your best answer or choice for multiple choice questions. This is a **SAMPLE** question. Do not answer this question on YOUR answer booklet. Choice "A" is the correct answer.

QUESTION #1: The following are characteristics of a good leader except...

- A. crowd pleaser
- B. confronts
- C. patient
- D. organized

RIGHT WAY!

1. A

WRONG WAY

1. ~~A~~ X

1. Identify the correct listing of six basic ethical principles in counseling
 - a. individuality, autonomy, beneficence, nonmaleficence, justice, and fidelity.
 - b. autonomy, beneficence, nonmaleficence, justice, fidelity, and veracity.
 - c. generativity, justice, individuality, nonmaleficence, veracity and beneficence.
 - d. Justice, veracity, fidelity, autonomy, beneficence, and generativity .

2. The right of both the client and therapist to make choices and take action provided that the results do not adversely affect others, is the ethical principle?
 - a. autonomy.
 - b. beneficence.
 - c. nonmaleficence
 - d. Justice.

3. Sibongile pressures her client to become guidance and counseling major because she is thoughtful, reflective, and wants to help others. She continues to prod her to declare guidance and counseling as her major, even after she hesitates about whether this is the right choice for her. Which ethical principle is Sibongile violating?
 - a. nonmaleficence.
 - b. fidelity.
 - c. autonomy.
 - d. beneficence.

4. Thabiso volunteers to coach a seventh grade football team? He notices that one of the players doesn't seem to get along with the other members of the team. He begins to use his helping skills to try to provide counseling services to this child before and after practice. Jimmy talks about the player's problems with the parents of the other team members because he wants to try and help the child. Which ethical principle could Thabiso be violating?
 - a. autonomy.
 - b. nonmaleficence.
 - c. justice.
 - d. fidelity.

5. Which of the following is NOT an ethical issue for beginning helpers?
 - a. confidentiality.
 - b. recognizing limits.
 - c. avoiding dual relationships.
 - d. using appropriate attending behaviors during sessions.

6. A professional school counselor has responsibilities
 - a. to students and parents.
 - b. to their schools/communities and profession.
 - c. to themselves.
 - d. all of the above.

7. Ethical audits can help school counselors
 - a. determine if the counselors core values are school values actually align.
 - b. decide whether to take a position in a particular school.
 - c. determine the ethical culture or climate of a school.
 - d. all of the above.

8. Ethics are
 - a. concerned with human conduct.
 - b. concerned with moral decision making.
 - c. doing what is in the best interest of the client.
 - d. all of the above.

9. Breaking a client's confidentiality
 - a. is necessary in some circumstances.
 - b. could be the cause of a malpractice.
 - c. should be a last resort.
 - d. all of the above.

10. Beliefs and attitudes that provide direction to everyday living
 - a. law.
 - b. ethics.
 - c. morals.
 - d. values.

11. Laws are the minimum standard and ethics represent the ideal expected from a profession. Laws are created by officials. Ethics are created within the profession.
 - a. principle ethics.
 - b. ethics.
 - c. Ethics vs law.
 - d. virtue ethics.

12. All but which of the following are ways of being ethically responsible related to culture?
- recognizing that traditional ways of providing help may not be sufficient for clients from other culture.
 - reading about the client.
 - assuming that the client wants to assimilate into the dominant culture
 - becoming aware of your own culture.
13. A set of obligations and a method that focuses on moral issues with the goals of solving a particular dilemma or set of dilemmas are :
- laws vs ethics.
 - virtue ethics.
 - principle ethics.
 - ethics.
14. _____ is a legal concept involving negligence and accompanying client injury or loss?
- Subpoena.
 - Malpractice.
 - Lawsuit.
 - Habendum Clause.
15. Four self-test after resolving ethical dilemma → absolutists believe that some moral standards are universal, relativized do not believe in absolute ethical standards.
- True.
 - False.
16. It is the right of the client to waive privileged communication.
- True.
 - False
17. According to the American Psychological Association, confidentiality is the highest ranked ethical dilemma.
- True.
 - False.
18. ACA → agreed upon rules of a society that set forth basic principles for living together as a group.
- True.
 - False.

19. Ethical dilemmas are resolved based on the professional competence?

- a. True.
- b. False.

Match the terms/phrases given below with statements from 20- 25

a) virtue ethics	b) moral actions	c) veracity	d) principle ethics	d) tort law
e) egoism	f) beneficence	g) ACA	h) ethics	i) fidelity
j) building blocks of professional practice	k) nonmaleficence	l) Justice	m) NBCC	n) values

20. Standards of conduct or actions in relation to others. Acceptable or good practice according to agreed upon rules or standards established by a profession.

Answer

21. Actions taken out of self-interest.

Answer

22. Individuals will be held responsible for any harm they cause to other members of society.

Answer

23. A set of obligations and a method that focuses on moral issues with the goals of solving a particular dilemma or set of dilemmas.

Answer

24. Focuses on character traits of the counselor and ideals that they aspire to rather than specific situations.

Answer

25. Has the code of ethics.

Answer

SECTION B: COMPULSORY- CASE STUDIES FOR REVIEW

Question 1 (30 marks)

The following cases are intended to facilitate the development of your ethical analysis and resolution capacities. Review each of the scenarios and indicate whether you “agree” or “disagree” with the counselor’s action. Then, *explain* briefly—in one paragraph—your ethical rationale for your agreement or disagreement. You’re encouraged to cite appropriate ethical principles and/or code of ethics standards from knowledge of your course content.

a) Case Study #1 (5 marks)

Lindiwe, a counselor who had been successfully working as an AIDS and substance abuse counselor in a city for several years, recently moved to a very affluent suburb and decided to open a private practice. She was surprised to find that most of the clients who came to see her were young women who suffered primarily from divorce and relationship problems. Lindiwe had already invested quite a bit of money into her private practice, and was determined to make it work, regardless of the type of clients she had to treat. Furthermore, she felt that because she was now in private practice, she could treat whoever she chose to, regardless of the specific needs of her clients. However, Lindiwe also realized that she didn’t have much training or experience working with clients with marital and relationship problems so she decided to attend a week-long seminar on marriage counseling offered by the local community mental health center and then attend to her clients.

Agree _____ Disagree _____

b) Case Study # 2 (5 marks)

Sibusiso is a school guidance counselor who is just got a job at a large public high school. While he did complete his “Legal and Ethical Issues in Counseling” class while working on his master’s degree, he feels that now that he working in the “real world,” he should review and discuss the Code of Ethics and the Standards of Practice with his peers. Sibusiso then seeks out several other school guidance counselors in his area and asks them to meet with him to discuss how the Code of Ethics is incorporated into their practices. During this meeting, he realizes that while the other counselors generally behave in an ethical manner, they do not know the specifics of the code as well as he’d like to. Sibusiso then decides to attend a conference hosted by the ACA which will address the Code of the Ethics and the Standards of Practice in detail.

Agree _____ Disagree _____

c) **Case Study # 3 (5 marks)**

Zandile, a therapist on the general hospital's psychiatric unit, is a recent graduate from a master's degree program in mental health counseling. She completed her practicum while working in a treatment facility for troubled children and adolescents, and her internship was done at a privately owned psychiatric hospital for adults. She was recently offered a position as a dual-diagnosis treatment counselor at a local drug and alcohol rehabilitation facility. The position pays much more than she's making at the community agency, and is within ten minutes of her home. During the interview, she was told that she would need to work independently, with only limited supervision. Zandile, who regularly reviews the ACA Code of Ethics and the Standards of Practice, knew that it would be unethical of her to accept the position because she lacks the qualifications and competency necessary to practice at the drug and alcohol treatment facility. Zandile then contacted the facility and let the supervisor know that she is not able to accept the position at this time, but that she plans to seek out the necessary training and supervision to work with substance abuse clients, and that she hopes the facility will consider her for the position once she has completed.

Agree _____ Disagree _____

d) **Case Study # 4 (5 marks)**

Shipiwe has been working as a therapist for the past two years in a local community mental health center that primarily treats middle-aged adults who suffer from depression. Shipiwe was offered this position after successfully completing both her practicum and her internship at the center. While Shipiwe is regarded as an excellent counselor by her clients and colleagues, she realizes that her skills are limited by the lack of variety in her training and experience. One afternoon Shipiwe's supervisor approached her and asked her if she would be interested in facilitating a group therapy session once a week at one of the center's other branches. The group is for newly diagnosed schizophrenic clients, and is meant to help them cope specifically with their auditory or visual hallucinations. Shipiwe was excited about the possibility of doing something new, and accepted the invitation to facilitate the group. She remembered back to her class in graduate school, and felt comfortable running the group based on the knowledge of schizophrenia that she acquired from the class.

Agree _____ Disagree _____

Question 2 (10 points)

Consider the following two situations. How would you deal with these two situations? (10 marks)

- a) It's a cold, rainy afternoon. You are on your way home, driving your car in a storm. No other cars are on the road, no taxis, no buses. You come to a street corner and observe a client of yours whom you'd seen today, walking home. He lives three miles from there. He has no way to get home other than walking. Do you pick him up and drive him to a safe place? What if your agency policy is to not ever transport clients? What risks are you incurring by driving the client? On the other hand, how would you feel if tomorrow morning you read in your local newspaper that the client was attacked and killed while trying to walk home? (5 marks)

- b) Your agency policy reads, "No hugging or client contact other than a handshake." A client is walking out of your office after a counseling session and trips. She's falling to the floor. Do you reach out to grab the person from hurting themselves, despite company policy? Your reactions may even be instinctive, reaching out automatically. (5 marks)

SECTION C

Answer ONE (1) question from this section.

Question 1 (20 marks)

- a) List and briefly describe the steps of the Professional and Ethical Practice Decisional Making Strategy. (15 marks).
- b) Discuss the importance of any one of the Professional and Ethical Practice Decisional Making Strategy stages (5 marks)

Question 2 (20 marks)

- a) Discuss **four** (4) exceptions to confidentiality (12 marks)
- b) Briefly explain privacy, confidentiality, ethics and ethical dilemmas in counseling (8 marks).

Question 3 (20 marks)

You have been asked to make a presentation to guidance and counseling teachers from different regions across the country on conflicts of interests and boundaries by the director of the guidance and counseling division since you just recurrently graduated with a Master's degree in guidance and counseling. You are specially asked to:

- a) Distinguish among dual relationships, boundary violations, and boundary crossings. (10 marks)
- b) Briefly describe why boundary issues are important in counseling (5marks)
- c) What would you include in your presentation to address the specific questions with your audience? (5 marks)