



EAST TENNESSEE STATE
UNIVERSITY

Clemmer College of Education
Department of Counseling & Human Services
Course Syllabus

COURSE TITLE: Legal and Ethical Issues in Counseling

COURSE ID: COUN 5430

COURSE MEETINGS: Tuesdays, 11 a.m. to 1:50 p.m.; Warf-Pickel Hall, Room 311

CREDIT HOURS: 3

TERM: Fall, 2021

INSTRUCTOR: Jon Borland, Ph.D., PSC

CONTACT INFO: **Office:** 301-B
Office Phone: At this time, I do not have an office phone.
Email: borland@etsu.edu
Email is the best method to reach me. My typical response time is 24-48 hours. I do not regularly check email over the weekend; therefore, response times may be longer.

OFFICE HOURS: By Appointment: Tuesdays & Thursdays 9 – 11 a.m.;
Wednesdays 2-4 p.m.

CATALOG DESCRIPTION:

This course examines the philosophic bases of counseling and the therapeutic relationship focusing on the foundational aspects necessary for working with individual, couples, and families within a counseling process from initial meeting to termination. Attention is given to counselor presence, professionalism, awareness, the understanding and use of self in counseling, client relationships, and working within the change process.

RATIONALE:

The purpose of this course is to encourage students to think about major issues related to ethical counseling practice, and to help individuals formulate a position on such issues. Students are expected to become familiar with the ethical codes of the counseling profession, and must demonstrate the ability to apply these codes correctly in a variety of situations.

PREREQUISITES: None

RESTRICTIONS: None

INTENDED AUDIENCE:

This is for beginning counseling students in all Masters level counseling tracks.

INSTRUCTIONAL MODALITY/MAJOR TOPICS:

This is a seminar designed to acquaint students with legal, professional, and ethical issues that affect the practice of counseling and therapy. These issues include (a) the influence of the personal characteristics and values on the counseling process; (b) confidentiality, privileged communication and the rights of clients; (c) malpractice; (d) counselor identity, training, competence, and licensure, (e) dual relationships and boundary issues, and (f) applications of ethical decision-making and the ACA Code of Ethics and Standards of Professional Practice.

COURSE OBJECTIVES/EXPECTED OUTCOMES:

The following course objectives addressed in COUN 5430: *Legal & Ethical Issues in Counseling* align with the Council for Accreditation of Counseling and Related Education Programs (CACREP, 2016). Students will be expected to demonstrate the following at the completion of this course:

Course Objective/CACREP Standard	Manner Taught	Manner Assessed
1. Understand the history and philosophy of the counseling profession and its specialty areas (<i>Section 2: F.1.a</i>).	Required text and articles; class seminar	Classroom observation; midterm and final exams
2. Distinguish between the multiple professional roles and functions of counselors across specialty areas, and their relationships with human service and integrated behavioral health care systems, including interagency and interorganizational collaboration and consultation (<i>Section 2: F.1.b</i>).	Required text and articles; class seminar	Classroom observation; midterm and final exams; research paper
3. Recognize the role and process of the professional counselor advocating on behalf of the profession (<i>Section 2: F.1.d</i>).	Required text and articles; class seminar	Classroom observation; midterm and final exams; research paper
4. Identify professional counseling organizations, including membership benefits, activities, services to members, and current issues (<i>Section 2: F.1.f</i>).	Required text and articles; class seminar	Classroom observation; midterm exam; licensure project
5. Understand professional counseling credentialing, including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues (<i>Section 2: F.1.g</i>).	Required text and articles; class seminar	Classroom observation; licensure project
6. Discern current labor market information relevant to opportunities for practice within the counseling profession (<i>Section 2: F.1.h</i>).	Required text and articles; class seminar	Classroom observation; licensure project
7. Comprehend ethical standards of professional counseling	Required text and articles; class seminar	Classroom observation; midterm and final exams;

organizations and credentialing bodies, and applications of ethical and legal considerations in professional counseling (<i>Section 2: F.1.i; 2.F.5.f</i>).		research paper; ethical dilemma discussions
8. Infer technology’s impact on the counseling profession (<i>Section 2: F.1.j; 2.F.5.e</i>).	Required text and articles; class seminar	Classroom observation; midterm and final exams; research paper; ethical dilemma discussions
9. Develop and utilize strategies for personal and professional self-evaluation and implications for practice (<i>Section 2: F.1.k</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
10. Realize the role of counseling supervision in the profession (<i>Section 2: F.1.m</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
11. Comprehend theories, models, and strategies for understanding and practicing consultation (<i>Section 2: F.5.c</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
Clinical Mental Health Counseling	Manner Taught	Manner Assessed
1. roles and settings of clinical mental health counselors (<i>CMHC C.2.a</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
2. professional organizations, preparation standards, and credentials relevant to the practice of clinical mental health counseling (<i>CMHC C.2.k</i>).	Required text and articles; class seminar	Classroom observation; licensure project
3. legal and ethical considerations specific to clinical mental health counseling (<i>CMHC C.2.l</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
4. strategies for interfacing with the legal system regarding court-referred clients (<i>CMHC C.3.c</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions
5. strategies for interfacing with integrated behavioral health care professionals (<i>CMHC C.3.d</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions
School Counseling	Manner Taught	Manner Assessed
1. school counselor roles in consultation with families, P-12 and postsecondary school personnel, and community agencies (<i>SC G.2.b</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions
2. school counselor roles in school leadership and multidisciplinary teams (<i>SC G.2.d</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project

3. community resources and referral sources (<i>SC G.2.k</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions
4. professional organizations, preparation standards, and credentials relevant to the practice of school counseling (<i>SC G.2.l</i>).	Required text and articles; class seminar	Classroom observation; licensure project; midterm and final exams
5. legislation and government policy relevant to school counseling (<i>SC G.2.m</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; licensure project
6. legal and ethical considerations specific to school counseling (<i>SC G.2.n</i>).	Required text and articles; class seminar	Classroom observation; research paper; ethical dilemma discussions; midterm and final exams

TEXT/LEARNING MATERIALS:

- Remley, T. P., & Herlihy, B. (2020). *Ethical, legal, and professional issues in counseling* (6th ed.). Pearson.
- ACA Code of Ethics:
<https://www.counseling.org/Resources/aca-code-of-ethics.pdf>
- ASCA Ethical Standards:
<https://www.schoolcounselor.org/asca/media/asca/Ethics/EthicalStandards2016.pdf>
- AMCD Multicultural and Social Justice Counseling Competencies:
<https://ct.counseling.org/2016/01/multicultural-and-social-justice-counseling-competencies-practical-applications-in-counseling/>
- Readings on D2L as assigned

Recommended/Supplemental Texts:

- American Psychological Association. (2020). *Publication manual of the American Psychological Association* (7th ed.). American Psychological Association. <https://apastyle.apa.org/>
- Catapano, P., & Critchley, S. (2017). *Modern ethics in 77 arguments*. New York Times.
- Herlihy, B., & Corey, G. (2015). *ACA ethical standards casebook* (7th ed.). American Counseling Association.
- Kottler, J. (2011). *On being a therapist*. (4th ed.). Jossey/Bass.
- Kottler, J. (2002). *Bad therapy: master therapists share their worst failures*. Routledge.
- Stone, C. (2017). *School counseling principles: Ethics & law* (4th ed.). American School

Counselor Association.

- Trolley, B. C., Hass, H. S., & Patti, D. C. (2009). *The school counselor’s guide to special education*. Corwin Press.

ACTIVITIES/ASSIGNMENTS/REQUIREMENTS:

1. Class Participation/Attendance (5 points each):

This class will involve some degree of self-exploration and interpersonal learning. Due to the interactive and experiential nature of the course, you are expected to be an active learner; which includes verbally participating in group discussion and in-class activities. If for any reason you are unable to attend a class session, it will be your responsibility to inform me of such cases prior to the scheduled class meeting. Students can **earn 5 points** for each (participation and attendance) and will be evaluated on the scale below. **Excessive absences or tardiness** will result in a letter grade deduction (or in some cases even failing the course).

5 points	<p>In-class behavior</p> <ul style="list-style-type: none"> -Respected classmates -Did not text/distract from class -Actively contributed to class and small group discussions -Readings prepared nearly all the time -Participated actively in demonstrations and role plays
4 points	
3 points	<p>In-class behavior</p> <ul style="list-style-type: none"> -Inappropriate use of technology during class time -Did not focus during small groups -Readings prepared most of the time -Participated in demonstrations and role plays with minimal involvement
2 points	
1 point	<p>In-class behavior</p> <ul style="list-style-type: none"> -Not respectful to instructor or classmates -Did not focus in small groups -Frequent inappropriate use of technology during class -Readings rarely prepared -Rarely participated in demonstrations and role plays
0 points	<p>Missed class or did not participate at all.</p>

2. Readings:

Completion of all assigned textbook readings. You are expected to read the assigned chapters **prior** to the class period in which they will be discussed and to bring to the class discussion your comments and reactions to the reading.

3. Getting to Know You (10 points): **Due – Friday, August 27, 2021**

Complete the “Getting to Know You” form in D2L and upload it to the Dropbox.

4. Licensure Project (50 points): **Due – September 14, 2021**

Each student will visit the web site of their state licensure board to determine the procedures necessary to become licensed or certified as a counselor in the state. Students will present a plan to acquire the credential (how much supervised experience, who can supervise, what type of

setting allows for hours toward licensure, how to register and study for the licensure test). Students will also visit the web site of the National Board for Certified Counselors to learn about the National Certified Counselor credential. Students will turn in a written plan outlining the steps necessary to acquire the credential. Please include in your plan professional liability insurance information for both practicum and internship students and as working professional counselors (visit the ACA website for this information).

5. Midterm and Final Exams (100 points each):

Exams will be given as noted on the course calendar. The examinations will cover material presented in class up to that point (through lectures, discussion, handouts, and other media) as well as assigned reading material.

6. Ethical Dilemma Discussions and Research Paper (130 points):

In small groups, students will research an ethical/legal dilemma commonly confronting professional counselors.

Research Paper Component: Due – November 23, 2021

Using an ethical decision-making model, groups will write a scholarly paper of no more than 15 pages (not counting title page, abstract, and reference page) on their ethical decision-making process and plan of action. Your paper should include current research on the area, the ethical codes of your profession, the state laws/rules, and your own personal values and interest in this area of ethical research. You can reference the textbook and scholarly articles. Your paper must consist of at least 5 additional references beyond the class textbook. Reviewing journal articles will help you conceptualize your paper.

Use of the current APA Writing Style is mandatory (7th ed.). All papers will be graded to that standard. Therefore, your paper must be written in Times New Roman font, size 12, and double-spaced. A title page, abstract, in-text citations, and a reference page are required for this assignment. All papers must be uploaded to D2L as a **Word** document by the due date below. Please consult the rubric for further details (100 points).

Student Led Dilemma Discussion:

Groups will facilitate small and large group dilemma discussion using an assigned case example. Additionally, groups will apply an ethical decision-making model to the case and present it to the class. **Groups must use the presentation template provided by the instructor.** *We will determine groups, topic, and presentation dates the first night of class* (30 points).

***NOTE: Plagiarism** will not be tolerated in this course. Papers that contain plagiarized material will be given a grade of zero and you will fail the course. Students who engage in plagiarism may be subject to disciplinary action. See student handbook for details.

EVALUATION:

Assignment	Points Per Assignment	Total Points
Class Participation/Attendance	5	65
Getting to Know You Form	10	10
Licensure Project	50	50
Midterm and Final Exams	100	200
Ethical Dilemma Discussion and Research Paper	130	130
	Total Points for Class	450

Assignments and Submission Guidelines

Professional Writing Format: Please use APA style/format for your paper as provided in the Publication Manual of the American Psychological Association (7th edition) as you will be required to use the format throughout your graduate and professional career. All assignments are to be typed using a double-spaced, 12-point font size and submitted through D2L Dropbox unless otherwise noted.

Late Work Policy

Course assignments are due on the date indicated in the syllabus, unless changed by the instructor and discussed with the students (i.e., may be changed to a later date). It is the student's responsibility to turn in assignments by the date and time listed in the syllabus. Late assignments may impact the final course grade.

***Please see the instructor for any extenuating circumstances.**

Group Project Policy

Please note that, in any group projects, your group members will provide me feedback on your level of participation/I will observe your level of participation, and you will be required to evaluate your own participation. You will be assigned an individual grade. This may correspond to your group's grade, but lack of participation may result in your grade being reduced based on the percentage of the project to which you actually contributed. It is possible to fail a group project individually while the group receives a passing grade.

Grading Scale

Letter Grade	Percentage
A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	71-76
F	70 and below

TOPICAL OUTLINE/COURSE CONTENT:

Module/Week	Topic	Readings/Assignments
1 – Aug. 24	Introduction & Overview <i>Assign Group Projects</i>	Review course syllabus <i>Getting to Know You Due</i>
2 – Aug. 31	Morals, Ethics, and Laws	Chapter 1
3 – Sept. 7	Professional Identity & Multiculturalism	Chapters 2 & 3
4 – Sept. 14	Clients Rights & Counselor Responsibilities	Chapter 4 <i>Licensure Project Due</i>
5 – Sept. 21	Confidentiality & Privileged Communication	Chapter 5
6 – Sept. 28	Records & Subpoenas	Chapter 6 <i>Dilemma Discussion: Group 4 – The Case of Stephanie</i>
7 – Oct. 5	Competence, Assessment, and Diagnosis	Chapter 7 <i>Dilemma Discussion: Group 2 – The Case of Tameka</i>
<i>8 – Oct. 12</i>	<i>Fall Break</i>	<i>No Class</i>
<i>9 – Oct. 19</i>	MIDTERM EXAM	
10 – Oct. 26	Malpractice & Resolving Legal and Ethical Challenges	Chapter 8 <i>Dilemma Discussion: Group 1 – The Case of Meredith</i>
11 – Nov. 2	Boundary Issues	Chapter 9 <i>Dilemma Discussion: Group 3 – The Case of Keith</i>
12 – Nov. 9	Technology in Counseling	Chapter 10 <i>Dilemma Discussion: Group 6 – The Case of Avery</i>
13 – Nov. 16	Counseling Children and Vulnerable Adults & Counseling Families and Groups	Chapters 11 & 12 <i>Dilemma Discussion: Group 7 – The Case of Liam</i>
14 – Nov. 23	Professional Relationships, Private Practice, and Health Care	Chapter 13 <i>Dilemma Discussion: Group 5 – The Case of Oscar</i>
<i>15 – Nov. 30</i>	Supervision and Consultation	Chapter 15 <i>Research Paper Due</i>

12/5 – 12/9	FINAL EXAM	
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COURSE POLICIES:

Email: Practicing professional email etiquette is good preparation for the job search process and your future professional role(s). It is important to keep in mind that while emails may seem private or personal, when you use your university or employer's email service, your emails become a part of your employment record and can be accessed by your employer without notice to you. Further, private emails, text messages, and other forms of communication are records that can be subpoenaed. Also, remember that email is intended as asynchronous communication. Typically, I adopt a more formal style in email communication. I am usually able to reply to emails within 48 hours on business days (Monday through Friday) and cannot guarantee that I will check email on weekends or holidays. If there is a longer delay in replying to an email, there are extenuating circumstances and I will do my best to reply as quickly as possible.

Here are general professional email guidelines, for your consideration:

- ◆ Always include a subject line.
- ◆ Always include a proper greeting or salutation and closing.
- ◆ Use proper grammar.
- ◆ Remember that without facial expressions some comments may be taken the wrong way. Be careful in wording your emails. Use of emoticons might be helpful in some cases.
- ◆ Use standard fonts.
- ◆ Respect the privacy of other class members.

Professionalism and Class Norms: Learning is enhanced through thoughtful reflection, critical discussion, and application of ideas. This requires your attentive presence and respectful participation in class. Plus, it makes class more interesting! Professional behavior is expected in class. This includes arriving on time, being prepared, and demonstrating engagement with the material and your classmates. You are expected to exhibit attitudes and behaviors congruent with the counseling profession, which includes being receptive to new ideas, openness to others, curiosity, the ability to receive/utilize feedback, and respect for others. Respect for others includes respect for diversity, and being cognizant of the words you use (e.g., inclusive language). Confidentiality is the norm for all classroom interactions. Occasionally we deal with clinical, personal, and sensitive matters during class. Please show respect for your classmates by keeping confidential any personal/clinical information revealed during class time. If you are concerned about the safety or welfare of a classmate, please contact the instructor.

As a class, we will may not agree on all the issues or come to a single understanding on any subject. There are, however, key elements of the material that I will expect you to be able to explain and hold a conversation about—even if, as individuals, we hold differing and/or contradictory opinions about that element/issue. In that vein, everyone is expected to think about the role of oppression, power, and privilege, as well as their own assumptions surrounding issues of sexism, heterosexism, cissexism, racism, colorism, classism, ageism, sizeism, and other forces of inequality, oppression, and/or marginalization that may be discussed throughout the course. It is crucial that:

- ◆ we all remain respectful, considerate, and willing to hear each other's opinions, thoughts, and feelings while maintaining awareness of the systems of oppression and privilege that may be influencing our experiences and beliefs;

- ◆ we cultivate an atmosphere of safety wherein people can give and receive feedback on how they were heard/perceived or how the dynamics of power and privilege are at work in the classroom; and
- ◆ we keep in mind how our beliefs may be related to or in conflict with the codes of ethics and value of the profession of counseling.

Please respect your peers and your instructor by being vigilant of your use of technology during class. This means, for example, things such as checking emails, being on social media, or working on an assignment for this or other classes takes away from your learning experience, can distract you, your peers, and your instructor, and disengages you from whatever is happening in class. The same is true for phone use (e.g., text, email, social media) during class. If there is an urgent call you are waiting for you may have your phone out and set to “silent;” otherwise please keep your phone in your bag or pocket, so it does not distract you, your classmates, or your instructor. Students observed to be sleeping, texting, using social media, emailing, or otherwise distracted and/or not participating during class may be asked to complete additional assignments related to the course material and/or professional development, in addition to the possibility of a reduction in their final grade.

Finally, professionalism is also expected in writing and presentations. Presentations, written assignments, and projects should reflect professional quality, which includes the use of appropriate grammar, logical reasoning, and appropriate professional references that support meaningful points.

ETSU POLICIES:

ETSU Syllabus Attachment Link

Please follow this link for a full listing on pertinent University policies and information, including: face covering policy, important dates, academic integrity and misconduct, discrimination and harassment, student rights and freedoms, diversity statement, prerequisites, academic accommodations for students with disabilities, permits and overrides, class attendance, where to go for help, sexual misconduct and Title IX statement, and technical resources.

<https://www.etsu.edu/curriculum-innovation/syllabusattachment.php>

Face-Covering Policy

ETSU continues to follow the coronavirus pandemic closely and adjusts their policies in accordance with current CDC guidelines. For the most up-to-date information, please visit the Bucs are Back page at:

<https://www.etsu.edu/coronavirus/>

Academic Conduct

According to university policy, “plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the university’s academic misconduct policy as a result of academic misconduct, the instructor has the authority to assign an ‘F’ or a zero (‘0’) for the exercise or examination, or to assign an ‘F’ in the course”.

Course Evaluation

You will have the opportunity to formally evaluate the course and the instructor at the conclusion of the course. You are welcome, however, to meet with me at any time about any course-related concerns.

University E-Mail

According to university policy, “all official university communications will be sent to the university email address. Faculty, staff, and students may assume that official ETSU email is a valid communication

mechanism. Therefore, the university has the right to send communications to students, faculty, and staff via email and the right to expect that those communications are received and read in a timely fashion. Since this is our primary method of communication, email should be checked at least daily. Although students may choose to forward university email to an external email account, he or she is responsible for all information, including attachments” (2015-2016 Graduate Catalog, “Electronic Mail”).

CAMPUS SERVICES & RESOURCES:

Bucky’s Food Pantry: If you find it difficult to afford food, please consider visiting [Bucky’s Food Pantry](#), located by the main Central Receiving warehouse by the Buc Ridge Apartment complex, on Treasure Lane (there is a bus stop on the Gold route). For additional questions about Bucky’s Food Pantry, call (423) 439-2825 or email at foodpantry@etsu.edu.

ETSU Counseling Center: This course and many others you will take throughout your training as a counselor require self-reflection and cover sensitive topics that touch most people on a personal, often first-hand level. Consequently, you may feel that you need help with emotions that come up. If you experience any personal discomfort, confusion, or distress during the semester, you do not have to face those issues alone. The [ETSU Counseling Center](#) provides counseling support services to all ETSU students. If you find that you need support (e.g., family or relationships issues, test anxiety, time and/or stress management, personal crises, depression, etc.), please contact the [ETSU Counseling Center](#) at (423) 439-3333 or email at counselingcenter@etsu.edu about their confidential and professional services. The ETSU Counseling Center is located on the 3rd floor of the D.P. Culp Center. The center’s hours are Monday-Friday 8:00 a.m. to 4:30 p.m. However, if you have an immediate concern or are in crisis outside of those hours, call (423) 439-4841 and press “2” to talk with a counselor 24 hours a day, 7 days a week.

ETSU Disability Services: It is the policy of ETSU to accommodate students with disabilities, pursuant to federal law, state law, and the University’s commitment to equal educational access. Any student with a disability who needs accommodations, for example arrangement for examinations or seating placement, should inform the instructor at the beginning of the course. Faculty accommodation forms are provided to students through [Disability Services](#), which is located in Suite 390 of the D.P. Culp Center. For additional information, call (423) 439-8346.

ETSU Office of Equity and Inclusion: The [Equity and Inclusion](#) website includes information about learning opportunities, articles and resources, and reporting discrimination, harassment, and retaliation.

ETSU Multicultural Center and PRIDE Center: In addition to safe, inclusive spaces to gather on campus, these centers offer various events, programming, scholarships, and resources. The [Multicultural Center](#) is located on the second floor of the D.P. Culp Student Center and the [PRIDE Center](#) in nearby in room 215.

ETSU SafeZone: The [ETSU SafeZone webpage](#) provides information about SafeZone training opportunities, allies across campus, and LGBTQIAP+ resources.

ETSU Services Quick Links: Additional campus resources can be found at <http://www.etsu.edu/etsuhome/services.aspx>

TECHNICAL RESOURCES:

Help Desk

The Information Technology Services (ITS) Help Desk is the best resource for most technical problems. Find answers to common questions on the [Help Desk website](#), call, email, or stop in to see them on the first floor of the Sherrod Library. Phone: 423-439-4648 Email: itshelp@etsu.edu

Desire2Learn (D2L) Online Help

Many answers to D2L related questions can be found on the [D2L Help Student Home](#). If you are still having trouble finding what you need, contact the Help Desk.

Microsoft Office Software

Microsoft Office productivity applications, including Word, PowerPoint, Excel, OneNote, and more, are available free for students through the University's Office 365 campus agreement. For instructions on how to obtain the software, see the [Office 365 page of the ITS Help Desk website](#).

Turnitin Plagiarism Detection

Turnitin is a plagiarism detection service available to students and faculty at ETSU. This tool compares student written work against a comprehensive database of other work as well as various internet sources. Faculty may employ this service for some or all written assignments, in order to help students learn to cite sources accurately and to ensure academic integrity. Learn more on the [Turnitin home page](#).

ETSU Technical Resources

Many other technical resources can be found on the [Online Help webpage](#).