

University of Minnesota
School of Social Work
SW 8801 - SOCIAL WORK ETHICS and LEGAL ISSUES
(3 credits)

Course Overview & Description

Social workers constantly face ethical issues, dilemmas, and choices requiring ethical decision-making in all fields of practice (e.g. child welfare; child protection; adult protection; family services; mental health; gerontology; school social work; medical; juvenile and criminal justice) and within every type of practice (e.g. direct practice with individuals, families, and groups; community advocacy and organizing practice; management and supervision; policy and planning; and research). Social workers also must understand and be able to access laws and regulations pertaining to all fields of practice, understand the legal system with which social workers must interact, and understand their roles in this system. This course will help students develop the knowledge base and skills required to identify and understand ethical and legal issues, to resolve ethical dilemmas, and to make ethical decisions within the context of the social work profession. The values base, ethical standards, ethical decision-making models, and laws and legal procedures related to social work will be examined in depth.

Course Goals

The general goals of this course are: 1) to help social workers acquire the knowledge base required to identify ethical issues, the skills necessary to resolve ethical dilemmas, and the capacity to make ethical decisions when confronted with conflicting duties and choices that occur within the context of a profession with a specific values base and a Code of Ethics addressing ethical principles and standards related to clients, colleagues, employers, the profession of social work, and society; and 2) to familiarize social workers with laws and regulations related to various fields of practice; to teach social workers to locate, use, and understand laws, regulations, and legal resources necessary to the competent practice of social work; and to facilitate understanding of the roles of social workers in the legal system.

Course Objectives

By the end of the course, students should:

- acquire a basic understanding of some of the philosophies, approaches and theories underlying the study of professional ethics, ethical decision-making, and the law;

- understand the meaning of ethical and legal principles, concepts and terms;
- thoroughly understand the National Association of Social Worker's Code of Ethics (1996) and the Minnesota Board of Social Work's Standards of Practice and Ethical Conduct;
- acquire some familiarity with other related codes of ethics (e.g. National Association of Black Social Workers; National Federation of Societies for Clinical Social Work; American Psychological Association; American Association for Marriage and Family Therapy; International Federation of Social Workers; Independent Sector's model 'Statement of Values and Ethics for Nonprofit and Philanthropic Organizations)
- clearly understand and distinguish among personal and professional values and ethics and legal issues, and consider possible courses of action to pursue when personal and professional values conflict;
- understand and utilize several models of ethical decision making;
- understand the roles of social workers and attorneys in the legal system;
- develop an awareness and some understanding of cultural sensitivity and cultural competence related to applied social work ethics and ethical decision making;
- be able to systematically analyze and resolve ethical dilemmas and issues in all areas of social work practice, among other practitioners, and in interdisciplinary settings, while taking into account the legal issues involved;
- become familiar with the central laws, regulations, and procedures in selected areas of social work practice (e.g. child welfare; mental health; school social work);
- develop basic skills in accessing legal information and conducting legal research;
- be able to present, verbally and in writing, a logical, ethically and legally sound, culturally competent argument for the resolution of ethical dilemmas or issues relevant to social work practice;
- prepare and present, verbally and in writing, an in-depth, critical analysis of the ethical and legal issues, considerations, and controversies related to an area or field of practice or to a specific client group.

Course Requirements, Expectations, Assignments, Grading, and Policies

Students are required to complete four written assignments and one oral presentation that are summarized below. All written and oral assignments must be completed to receive a

passing grade in the course. Additional details about the assignments, as well as information about the grading of assignments, will be distributed and discussed in class. Students are expected to complete all reading assignments, attend all classes, regularly and consistently participate in class discussions and exercises, and regularly and consistently participate in the class listserv. Participation includes, but is not limited to, attending class, raising questions and making comments, bringing appropriate issues from one's own social work practice experience to the class and/or to the listserv, facilitating discussion by engaging other class members, and building on the comments of other students. If missing a class is unavoidable due to illness or an emergency, please notify the instructor prior to class. Because classroom presence, discussion, and interaction with others is central to the study and incorporation of ethics and legal issues into the practice of social work, three or more absences from class, for any reason, may result in being asked to drop the course or in receiving a failing grade for the course.

A summary of course assignments/requirements:

- 1) A 3-5 page (minimum) autobiographical reflection on the primary influences on the development of your personal values and ethics, including any perceived conflicts in personal vs professional values. You will also be asked to reflect on the development of your views and attitudes regarding laws and the legal system. **25% of course grade.**
- 2) A 5-8 page paper in which you demonstrate your ability to analyze and resolve a social work/welfare ethical dilemma, provided by the instructor, through the understanding and application of ethical principles, concepts, codes of ethics, and models of ethical decision-making presented in class. Relevant legal issues must also be included in your analysis. You will be given two practice situations involving ethical dilemmas; you may choose which one to analyze and resolve in your paper. Because consultation with others usually leads to more thorough, thoughtful ethical decisions, students are **strongly encouraged** to complete this assignment in groups of 2-3. However, this is not required and you will not be penalized in any way if you choose not to work in a group. **25% of course grade.**
- 3) Two short (2-3 pages) papers reflecting on questions, themes, and issues raised by course readings and/or current ethical issues with which society and the field of social work is grappling. The instructor will pose several questions for reflection throughout the course, or you may generate your own questions or issues for reflection. **10% of course grade.**

A final paper (12-15 pages, excluding references), which will also be presented orally to the class on one of the final two class sessions. This presentation should also include the distribution of resources and references related to the topic for all class members. This **individual** work/project should thoroughly discuss and analyze ethical issues, principles, or dilemmas, as well as relevant legal issues or controversies, related to a specific field of social work practice, a specific type of social work practice or intervention, a specific social policy or policy debate, or a particular population with whom social workers are involved. Alternatively,

this work/project could explore an aspect of social work related values, ethics, or legal concerns (e.g. specific ethical theories; the evolution of a central social work value or principle such as self-determination or informed consent, etc; the development of legal thought and practice related to an issue, etc). Potential topics for this paper will be discussed further in class, and guidelines for the oral presentation will be handed out. All topics **must be** negotiated with and approved by the instructor. The instructor expects to consult individually with each student about the development of the paper and the class presentation. **Class Presentation (including resources related to topic for other class members). Final Paper: 35% of course grade.**

- 5) Regular and consistent attendance and participation in class and on the listserv. See comments on participation above. **5% of course grade.**

Required Texts and Readings

Reamer, F.G. (1999). Social Work Values and Ethics. (2nd Ed.) New York: Columbia University Press.

Madden, R.G. (2003). Essential Law for Social Workers. New York: Columbia University Press.

National Association of Social Workers (1996; revised 1999). Code of Ethics. Silver Spring, MD; Author [*Available as an appendix in the Reamer text (this is NOT the revised version).*]

Standards of Practice and Ethical Conduct of the Minnesota Board of Social Work. Excerpted from the Licensure Handbook and provided by the instructor. [*Full text of Social Work Practice Act, Minnesota Statutes, Sections 148B.18 to 148B.289, and the Board of Social Work Rules, Minnesota Rules, Chapter 8740 available online at www.socialwork.state.mn.us*]

On-line and E-Reserve readings. Access will be discussed in class and noted in the syllabus

Course Outline and Readings

Readings from the Reamer textbook are cited as **Reamer**, and those from the Madden text are cited as **Madden**, followed by the chapters and page numbers. Required readings available on-line and readings from class handouts are cited individually in the outline. Readings from the NASW Code of Ethics are cited as **C of E**, and those from the Minnesota Board of Social Work's Standards of

Practice and Ethical Conduct are cited as **SPEC**.

[Class #1]

Topics: Introductions and students' areas of interest
Course overview, expectations, and assignments

A fundamental course assumption for discussion: ***We all want to behave ethically. If there is disagreement about what ethical behavior is, it does not mean someone is unethical and someone else is ethical. A sound ethical decision is almost always made after thoughtful review of and discussion about an ethical dilemma with colleagues.***

Locating on-line readings (a demonstration)
Course listserv

Defining and differentiating values, ethics, and laws in social work practice
Ethical and non-ethical aspects of social work practice
The centrality of professional values, ethics, and legal issues in social work

Conflicting and congruent professional and personal values

Overview of and introduction to the National Association of Social Workers' Code of Ethics and the Minnesota Board of Social Work's Standards of Practice and Ethical Conduct

Video: Professional Choices: Ethics at Work. (1995). National Association of Social Workers

[Class #2]

Topics: Social work values and ethics: an historic view
Typologies of values in social work practice

Clarifying and reconciling personal, cultural, religious and professional values

Perspectives on professional values and ethics
The 1996 NASW Code of Ethics

An examination and comparison of codes of ethics (*to locate these codes, see Required Readings below*):

1) National Association of Social Workers' Code of Ethics

- 2) MN Board of Social Work's Standards of Practice and Ethical Conduct
- 3) National Association of Black Social Workers' Code of Ethics
- 4) North American Association of Christians in Social Worker. A Response to the 1996 NASW Code of Ethics
- 5) National Federation of Societies for Clinical Social Work Code of Ethics
- 6) American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct
- 7) American Association of Marriage and Family Therapists (AAMFT) Code of Ethics
- 8) International Federation of Social Workers' The Ethics of Social Work Principles and Standards
- 9) Independent Sector's Statement of Values and Code of Ethics for Nonprofit and Philanthropic Organizations

Required Readings:

- Reamer, Chapter 1, Social Work Values and Ethics: An Overview, pp. 1-8
 Reamer, Chapter 2, Social Work Values, pp. 9-41
 Reamer, Chapter 3, Ethical Dilemmas and Decision Making: A Framework, pp. 42-61 **ONLY.**
- Walz, Tom, and Ritchie, Heather (2000). Gandhian principles in social work practice: Ethics revisited. Social Work, 45 (3), 213-222. *[Available on-line via Academic Search Premier]*
- National Association of Social Workers. (Adopted August, 1996; Revised 1999). Code of Ethics. Silver Spring, MD: Author *Appendix in Reamer text; also available online: www.naswdc.org→About NASW→Code of Ethics*
- Minnesota Board of Social Work. Standards of Practice and Ethical Conduct. **[Class Handout]** *Available online: www.socialwork.state.mn.us→Licensure Handbook→ pp. 24-31*
- National Association of Black Social Workers (1968). Code of Ethics. **[Class Handout]** *Available online: www.nabsw.org→About→Code of Ethics (bottom of page)*

[Class #3]

Topics: Ethical theories and approaches to the study of ethics
 Values and ethical tensions: When cultures collide
 Ethical decision-making: a comparison of models

Required Readings:

Reamer, Chapter 3, Ethical Dilemmas and Decision Making: A Framework, pp. 61-92

Hamel, Ronald (1990). Ethical dilemmas: A way to work them through.

[Class Handout]

Freud, S. and Krug, S. (2002). Beyond the Code of Ethics, Part I: Complexities of ethical decision making in social work practice. Families in Society, 83, 5/6, 474-482 [Available online via *AcademicSearch Premier*]

Hugman, R. (2003). Professional ethics in social work: Living with the legacy. Australian Social Work, 56, (1), 5-15. [Available online via *Academic Search Premier*]

Callahan, D. (2000). Universalism and particularism. The Hastings Center Report, 30, (1), 37- 44 [Available online via *Academic Search Premier*]

[Class #4] NOTE: Class will meet today in McGrath Library

Topics: Understanding the law, legal issues, and legal philosophy
The development of law

Locating and using the law and legal resources
Understanding legal citations
Conducting legal research

Required Readings:

Madden, Chapter 1, Why Social Workers Study the Law: Knowledge for Practice, pp. 1-16

Madden, Chapter 2, Exploring Jurisprudence: Legal Philosophy, pp. 17-38

Madden, Chapter 3, The Development of the Law, pp. 39 - 57

Madden, Appendix: Legal Research, pp. 151 - 156

Saltzman, A. & Furman, D. (1999). Locating and using the law. In Law in social work practice (pp. 77-116). Chicago: Nelson Hall. [Available via *course e-reserve*]

Explore the following before this class:

www.law.umn.edu/library/home.html → *Electronic Resources*

www.law.umn.edu/library/home.html → *Research Guides and Pathfinder*

www.lib.umn.edu → *Indexes* → *LexisNexus Congressional* [Access to United States Code; Public Laws; Code of Federal Regulations; Federal Register; much more]

www.leg.state.mn.us/leg/statutes.asp [MN Statutes; Session Laws; Rules; Constitution and more]

www.naswdc.org → *Legal Defense Fund* → *Special Features* (see items e.g. *Legal Issue of the Month; Law Notes; Legal Brief Bank*)

[Class #5] ASSIGNMENT #1 DUE

Topics: Privacy, confidentiality, and privileged communication

Duty to warn: Comparing NASW Code of Ethics, MN Board of Social Work SPEC, and MN State Statute.
Responding to subpoenas
The practice of law: Advocacy, roles of lawyers and social workers
Legal reasoning
The litigation process

Required Readings:

Reamer, Chapter 4, Ethical Dilemmas in Social Work: Direct Practice, pp. 93-105 ONLY
Madden, Chapter 4, The Practice of Law, pp. 58 –76
Madden, Chapter 5, The Litigation Process: Dissecting a Court Case, pp. 77 - 95
Polowy, C.I. and Gorenberg, C. (1997 revised). Client Confidentiality and Privileged Communications - Office of General Counsel Law Notes. Washington, D.C.: NASW
C of E, Standard 1.07 Privacy and Confidentiality [Note: 1.07 (c) was amended in 1999. The amended version **IS NOT** in the Reamer text.]
SPEC Rule 8740.0330 Client Confidentiality
Minnesota Statutes, Chapter 595.02. Testimony of witnesses Subdivision 1 paragraph (g). This is the state statute that grants privileged communication to social workers. *Available online:* www.revisor.leg.state.mn.us/stats/595/02.html
MN Statutes, Chapter 148.975, Subdivision 2. This is the state “duty to warn” statute. *Available online:* www.leg.state.mn.us/leg/statutes.htm
Polowy, C.I. and Gilbertson, J. (1997). Social Workers and Subpoenas - Office of General Counsel Law Notes. Washington D.C.: NASW

Video: Professional As Witness: Testifying with Authority. National Association of Social Workers.

[Class #6]

Topics: Self-determination and paternalism
Physician assisted suicide: an issue of self-determination?
Informed consent

Client access to records and data privacy: ethical and legal issues

Required Readings:

Reamer, Chapter 4, Ethical dilemmas in social work: direct practice, pp. 105-110 ONLY.
Rothman, Jack. (1989). Client self-determination: Untangling the knot.

Social Service Review, 63, 598-612 [Available course e-reserve]
Ewalt, Patricia L. and Mokuau, Noreen (1995). Self-determination from a Pacific perspective. Social Work, 40 (2), 168-175. [Available via Academic Search Premier]
Callahan, Jay (1994). The ethics of assisted suicide. Health and Social Work, 9 (4), 238-244 [Available via Academic Search Premier]
Hyun, I. (2002). Waiver of informed consent, cultural sensitivity, and the problem of unjust families and traditions. The Hastings Center Report, 32, 5, 14-23. [Available via Academic Search Premier]
C of E, Standards 1.03 informed Consent; 5.02(e) Informed Consent in Evaluation and Research
SPEC, Rule 8740.0320 Subp. 4 Informed Consent

C of E Standards 1.08 Access to Records; 3.04 Client Records
SPEC Rule 8740.0320, Subp. 5 Records; Rule 8740.0330 Client Confidentiality [review]

Video: Vacco v. Quill
Client Records & Professional Responsibility, National Association of Social Workers

[Class #7]

Topics: Conflicts of interest
Professional boundaries in social work practice and supervision
Dual/Multiple relationships
Sexual relationships with clients

Required Readings:

Reamer, Chapter 3, Ethical Dilemmas in Social Work: Direct Practice, pp. 115-123 **ONLY**.
Fickey, J. and Grimm, G. (1998). Boundary issues in gay and lesbian psychotherapy relationships. Journal of Gay and Lesbian Social Services, 8, (4), 77-93. [Available via Electronic Journals→type in Journal of Gay and Lesbian Social Services→Hayworth Press]
Freud, S. and Krug, S. (2002). Beyond the Code of Ethics, Part II: Dual relationships revisited. Families in Society, 83, (5/6), 483-492 [Available via Academic Search Premier]
Reamer, F.G. (2003). Boundary issues in social work: Managing dual relationships. Social Work, 48, (1), 121-134. [Available via Academic Search Premier]
MN Statute Chapter 148A. Sexual exploitation; psychotherapists [CLASS HANDOUT]
C of E, Standards: 1.06 Conflict of Interest; 1.09 Sexual Relationships; 1.10

Physical Contact; 1.11 Sexual Harassment; 1.12 Derogatory Language;
3.01 (b) (c) Boundaries and Multiple Relationships in Supervision and Consultation; 3.02 (d) Boundaries and Multiple Relationships with Students
SPEC Rule 8740.0325 Relationships with Clients; Former Clients; Students; Social Work Interns; and Supervisees

Video and Class Exercise: Subtle Boundary Dilemmas (1996). Center City, MN: Hazelden Foundation.

[Class #8]

Topics: Ethical issues in working with clients with mental illness
Ethical issues and managed care

Required Readings:

- Murdach, Allison D. (1996). Beneficence re-examined: Protective intervention in mental health. Social Work, 41, (1), 26 – 32. [Available via Academic Search Premier]
- Scheurich, Neil. (2002). Moral attitudes and mental disorders. The Hastings Center Report, 32, (2), 14 – 22. [Available via Academic Search Premier]
- Lin, Chih-Yuan (2003). Ethical exploration of the least restrictive alternative. Psychiatric Services, 54, (6), 866-870. [Available via PsychINFO]
- Szasz, Thomas. (2003). Psychiatry and the control of dangerousness: On the apotropaic function of the term “mental illness”. Journal of Social Work Education, 39, 3, 375 – 381. [Available via Academic Search Premier]
- C of E, Standard 1.14 Clients Who Lack Decision-Making Capacity
- Galambos, C. (1999). Resolving ethical conflicts in a managed health care environment. Health and Social Work, 24, (3), 191-197. [Available via Academic Search Premier]
- Strom-Gottfried, K. (1998). Informed consent meets managed care. Health and Social Work, 23, (1), 25 – 33 [Available via Academic Search Premier]
- Davidson, J.R. and Davidson, T. (1996). Confidentiality and managed care: Ethical and legal concerns. Health and Social Work, 21, (3), 208 – 215. [Available via Academic Search Premier]

[Class #9] ASSIGNMENT #2 DUE

Topics: Americans with Disabilities Act: Ethical and Legal Issues of a Controversial Social Policy

Genetics and Bioethics: A Taste of the Ethical and Legal Issues
Legal Protection of Individuals, Legal Decision Making Processes,
and Compensation for Injury

Supervision: Ethical and Legal Issues
Ethical Dilemmas for Managers: allocating limited resources; social
work's relationships with public funders, and contracts

Required Readings:

- Madden, Chapter 6, Protection of Individuals and the Preservation of Social Order, pp. 96-107
- Madden, Chapter 7, How Courts Make Legal Decisions about People's Lives, pp. 108-123
- Madden, Chapter 8, Torts: How the Law Provides Compensation for Injury and Deters Unsafe Practices, pp. 124-130
- Madden, Chapter 9, Contracts and Other Legal Issue in the Management of Social Work Practice, pp. 131-150
- Orlin, M. (1995). The Americans with Disabilities Act: Implications for social services. *Social Work*, 40 (2), 233-239. [Available via Academic Search Premier]
- Mayerson, A. History of the adoption of the ADA Available online: www.empowermentzone.com/ada_hist.txt
- McGee, G. Ethical issues in genetics in the next 100 years. www.bioethics.net [Class Handout]
- C of E, Standard 6.04 (c) Social and Political Action - cultural and social diversity
- Welfel, E.R. (1998). Chapter 12, The ethics of supervision, pp. 261-280. In Ethics in counseling and psychotherapy: Standards, research and emerging issues. Pacific Grove, CA: Brooks/Cole Publishers.
- C of E, Standard 3.01 Supervision and Consultation
- Reamer, Chapter 5, Ethical Dilemmas in Social Work: Indirect Practice, pp. 130-146 ONLY
- C of E, Standards 3.07 Administration; 6.04 Social and Political Action

[Class #10]

- Topics:** Advocacy and Community Organizing: Ethical Considerations
- Professional malpractice and misconduct
- Whistle blowing and unethical colleagues
- Impairment
- Social work ethics audit
- The regulation of social work practice: The Minnesota Board of Social Work complaint process
- NASW adjudication process

Required Readings:

- Reamers, Chapter 5, Ethical Dilemmas in Social Work: Indirect Practice, pp. 158 – 164
- Reamer, Chapter 6, Professional Malpractice and Misconduct: The Enforcement of Social Work Ethics, pp. 165 – 197.
- Strom-Gottfried, K. (2003). Understanding adjudication: Origins, targets, and outcomes of ethics complaints. Social Work, 48, (1), 85 – 94.
- Minnesota Board of Social Work Licensure Handbook, Complaint Process [CLASS HANDOUT]
- C of E, Standard 4.01, Competence; Standard 4.02, Discrimination; Standard 4.03, Private Conduct; Standard 4.04, Dishonesty, Fraud, and Deception; Standard 4.05, Impairment; Standard 4.06 Misrepresentation; Standard 4.07, Solicitations; 4.08, Acknowledging Credit
- C of E, Standard 5.01, Integrity of the Profession
- SPEC, Rule 8740.0315, Competence
- SPEC, Rule 8740.0335, Personal Conduct

[Class #11]

Topics: Medical Social Work
Biomedical and Medical Ethics
End of Life Issues & Advance Directives
Ethical Issues and Interdisciplinary Teams
Hospital Ethics Committees: Social Work's Role

[Class #12] CLASS PRESENTATIONS

[Class #13] CLASS PRESENTATIONS