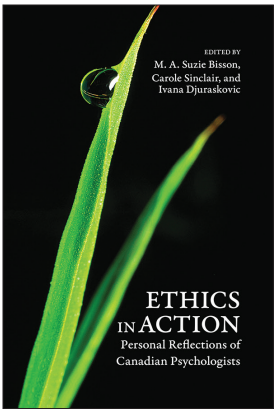
UNIVERSITY OF CALGARY
Press



ETHICS IN ACTION: PERSONAL REFLECTIONS OF CANADIAN PSYCHOLOGISTS

Edited by M. A. Suzie Bisson, Carole Sinclair, and Ivana Djuraskovic

ISBN 978-1-77385-570-7

THIS BOOK IS AN OPEN ACCESS E-BOOK. It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at ucpress@ucalgary.ca

Cover Art: The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

UNIVERSITY OF CALGARY
Press
press.ucalgary.ca

Acknowledgement: *We acknowledge the wording around open access used by Australian publisher,* **re.press**, *and thank them for giving us permission to adapt their wording to our policy* http://www.re-press.org

16

Ethical Decision Making: An Idea Whose Time Had Come

Carole Sinclair

In modern-day psychology, the phrase *ethical decision making* is an integral part of our language, literature, and everyday thinking. However, it was not much of a part of any of these things when the first *Canadian Code of Ethics for Psychologists* (Canadian Psychological Association [CPA], 1986) was being developed. In fact, according to PsycNet, the phrase "ethical decision making" with respect to professional or experimental ethics had appeared in the title or abstract of only one publication prior to 1981. Despite this, there was a heavy emphasis on it in the first edition of the *Canadian Code*. Why and how did this come about? What happened to it over the next three editions of the *Code*? What did we learn along the way? In this chapter, I will provide some of the backstory and try to answer these questions from a personal point of view[1] by drawing from my memory of the events that led us along our path. (My apologies to those who also are part of the story and may remember it somewhat differently.)

The Serendipitous Beginning

My personal involvement in the development and evolution of the *Code* goes back more than four decades and occurred somewhat serendipitously. Having graduated with a doctorate in psychology in 1973, and wanting to be registered as a psychologist, I needed to arrange for the required year of supervision. David Randall (then of Ontario; now of Saskatchewan) agreed to do this. As it happened, David had agreed to supervise two other recently minted doctoral graduates (Sonja Poizner and Karen Gilmour-Barrett) and suggested that, in addition to individual supervision, we meet as a group every other week or so. We agreed to this, and at the end of the year of supervision and passing the oral exam and the Examination for Professional Practice of Psychology (yes, the EPPP has been around that long!), the three of us became registered as psychologists. However,

we did not want to stop our group meetings. We found the interaction and support of the meetings to be highly beneficial, as there were few other psychologists in our places of employment at that time, and our meetings filled a gap for us. David agreed to be part of the continued group meetings and, in his wisdom, suggested we find a project to work on together, as he thought this was more likely to motivate us to meet regularly.

At the time, David was a colleague and friend of Jean Pettifor (to whom this book is dedicated) and was active in CPA's Applied Division (Jean was Chair of this division). He let us know that Jean had formed a Committee on the Practice and Delivery of Services as part of the Applied Division, and she was interested in putting together some sub-committees devoted to looking at the need for practice standards for specific areas of practice. As David, Sonja, Karen, and I all were involved in various branches of children's services at the time, we agreed to become the sub-committee on Standards for Children's Services. Little did we know where this would lead!

Over the next two to three years, we immersed ourselves in the topic of standards. What were the elements of a good standard? What is the role of standards in improving the quality of services in any area of practice? What kind of standards did children's services need? What was the relationship of practice standards to ethics? What was the difference between practice standards and ethics standards? Answering these questions involved our regular meetings, much reading and discussion, annual reports to the Applied Division, presentations of our thoughts and ideas at annual CPA conventions (Gilmour-Barrett, 1977, Sinclair, 1977; Sinclair et al., 1975), and a publication (Sinclair, 1980).

In addition to being chair of the Applied Division and a member of the Board of Directors, Jean had an abiding interest in ethics, and had begun to publish regular articles on the topic, including a regular column in what was then called the *Canadian Psychological Review*[2] (e.g., Pettifor, 1979b, 1979c, 1980). About 1978 or 1979 (my memory is a bit fuzzy on exactly when), Jean let us know that the CPA Board was seriously considering the development of a made-in-Canada code of ethics for psychologists to replace the American Psychological Association (APA) code, which had been adopted and was being used across Canada at the time. She had taken an ongoing interest in the work of our group and was familiar with the fact the work had included thinking about practice standards in the context of ethics. In addition, from a purely practical point of view, she let us know that she thought that to make sure "things got done," the initial steps toward a Canadian code should be taken on by a group that lived close together and could meet frequently at no financial cost (money was even tighter in those days). She asked if our sub-committee would be willing to take on the task of exploring the issues involved in developing a made-in-Canada code and

come up with a proposed plan. Somewhat naively, and with little understanding of the enormity of the task we were taking on, we agreed.

Stage One—The Eye Opener

Some of those we consulted about our new task advised us that it was a simple one—that the APA code (APA, 1977) needed only a few changes in language and standards to fit the Canadian context. However, Jean and many others encouraged us to take a deeper look into what might be needed. Being a somewhat unshrinking group, and with our appetites whetted by our previous work on standards, we chose the latter path. Over the next year, we engaged in a review of the psychological, interdisciplinary, and international literature on the nature and purposes of ethics codes, including opinions regarding the strengths and weaknesses of existing codes. At the end of the year, we concluded that four main purposes of ethics codes could be identified in the literature. These were: (a) to help establish a group as a profession; (b) to act as a support and guide to individual professionals; (c) to help meet the responsibilities of being a profession; and (d) to provide a statement of moral principle that helps the individual professional to resolve ethical dilemmas.

The literature we reviewed indicated that the APA code (as well as the codes of other professions) had both strengths and weaknesses with respect to each of these purposes.[3] For instance, there was little question that the APA code had helped establish psychology as a profession in both the US and Canada and was helpful and supportive with respect to what it covered. However, there were concerns that it did not provide guidance and support for issues related to evolving areas of practice (e.g., community psychology, working with groups, children's rights, and research with vulnerable populations), which were not covered in the code. The opinion seemed to be that ethics codes would always be at least a little behind the developments in any profession. They had difficulty keeping up. There also was a belief that ethics codes cannot (and should not be expected to) cover everything—no code was or could be exhaustive. As such, in addition to ethical standards for well-established areas, it was thought that it would be helpful for ethics codes to provide guidance for handling ethical issues arising from new areas of activity, or areas not otherwise covered in a code. The listing of specific behavioural standards in the current code was viewed as valuable, but not enough.

With respect to the third purpose of ethics codes (to help meet the obligations of being a profession), it was clear that training in ethics was beginning to be recognized as important in psychology programs, and the APA code was being used in the training. However, research (e.g., Baldick, 1980) indicated that the effectiveness of such training was a bit disappointing. Of specific relevance

to this chapter, the most frequent and consistent concern was that codes of ethics in general, and the APA code in particular, did not meet the fourth purpose well (i.e., to provide a statement of moral principle that helped resolve ethical dilemmas). Although codes often named the ethical principles they espoused, it was done in a way that was not helpful (e.g., when responsibilities to the client, research participant, employer, funder, or society are in conflict; or when the ethical principles themselves are in conflict).

In our literature review, we observed several problems we thought might explain the above concerns and criticisms. Most existent ethics codes outlined their underlying principles or values in a brief statement before listing their standards. However, there often was little attempt to connect the behavioural standards that followed to any of the principles or values. In our previous work on standards (e.g., Gilmour-Barrett, 1977), we had proposed that explicitness was a key dimension in enabling the educational and judicial value of any standard; that is, explicitness about the purpose of the standard, or the ethical principle(s) or value(s) from which the standard is derived. Interpretations of a standard not so linked could (and often did) vary. In some cases, a standard could be interpreted to support a specific principle or value (e.g., respecting the dignity and worth of an individual; protecting privacy). In other cases, a standard could be interpreted as very self-serving (to the profession or the individual professional) and not supportive of any specific higher-order principle or value. We also found that many ethics codes were not what we called conceptually cohesive. For instance, before listing its behavioural standards, the 1977 APA code made brief reference to five "values": (a) respecting the dignity and worth of the individual; (b) preserving and protecting fundamental human rights; (c) increasing knowledge; (d) promotion of human welfare; and (e) protection of human welfare. However, instead of organizing the standards under these values, they were organized under nine headings called "ethical principles." Four of these "principles" (Responsibility, Competence, Confidentiality, Welfare of the Consumer) could readily be seen to be related to underlying ethical principles or values; however, the other five (Moral and Legal Standards, Public Statements, Professional Relationships, Utilization of Assessment Techniques, and Pursuit of Research Activities) were simply areas about which to write standards. This type of problem was not limited to the 1977 APA code. We found several other similar examples. For instance, the 1978 code of the Canadian Medical Association started with a section of "Principles of Ethical Behaviour." However, it then moved to three sections of standards, namely "Responsibilities to the Patient," "Responsibilities to the Profession," and "Responsibilities to Society," none of which was tied directly to the listed principles. It was our opinion that conceptual cohesiveness in existing codes of ethics seemed to be a problem. This problem interfered with the individual professional's ability to understand the underlying principle, purpose, or

value of a standard and to apply it to situations not explicitly addressed in the code.

At the end of this first stage of review, contemplation, and discussion—and after having tried out our ideas at our local provincial convention (Gilmour-Barrett, 1981; Poizner, 1981; Sinclair, 1981), and through reports and discussions at CPA meetings—we proposed four objectives for a new Canadian code. They were: (a) to develop a code that would be more conceptually cohesive and thereby serve as a better educational tool for training and ethical practice; (b) to develop a code that would be more inclusive of emerging areas of practice; (c) to give more explicit guidelines for action when ethical principles are in conflict; and (d) to explicitly reflect the most useful decision rules (i.e., ethical principles) for ethical decision making. At the June 1981 CPA convention in Toronto, after presenting our proposed objectives and rationale, we received strong endorsement for the objectives, and the instruction to "carry on"—to see what we could do to develop a code that would meet these objectives.

Stage Two—Where Do We Go from Here?

Following a brief period of celebration about how our hard work had made sense to others, we realized we had a huge problem: We had no concrete ideas about how to proceed. How on earth were we going to accomplish what we had said was needed and what we had now been asked to do? After some initial panic, we found inspiration from three main sources.

Meeting with a Provincial Ethics Committee

The first source of inspiration came as a result of news of our work spreading, I was fortunate enough to be invited to a meeting of the Ethics and Policy Committee of the Ontario Psychological Association (OPA). The invitation came from the then chair of the committee, Harvey Brooker, with the intent of providing a brief overview of our work, but also to stay for the entire meeting if I wished. At that meeting, the committee was working on the preparation of an ethics case book. The casebook was to be similar to the one originally published in 1967 by the APA, but with a difference—both were designed to present cases based on real, but anonymized, incidents, and to provide an opinion about the ethicality of the behaviour described. The difference was in the level of explanation regarding the opinion about the ethicality of the behaviours involved in the situation. Although, the APA casebook sometimes provided a brief rationale for the opinion, there were many that simply stated the behaviour was judged to be unethical without providing any rationale about why it was considered unethical. In contrast, the OPA Committee's intent for their casebook was to include the underlying rationale for their opinion regarding ethicality. At the meeting, in

their discussions of the cases to be included, they consistently referred to ethical principles and values, weaving them into their opinions and explanations. I found the process to be both rich and intriguing. Later, in relaying the experience to other members of the sub-committee working on the CPA code, I commented on my impression that there was a great deal of collective ethical wisdom "out there," and capturing that wisdom could be enormously helpful to the task of developing a made-in-Canada code of ethics that met the agreed-to objectives for such a code. We just needed to find a way to capture the wisdom.

Literature on Ethical Reasoning and Decision Making

The second source of inspiration for us was the literature on ethical reasoning and decision making. As noted above, until 1981, only one article in the literature under professional or experimental ethics had contained the phrase "ethical decision making." Written by Rychlak (1968), the article explored the differences between scientific decision making and ethical decision making. However, as our extensive review of the ethics literature had shown, a steady movement had occurred during the 1960s and 1970s towards understanding that ethics was about much more than knowing and following rules or behavioural standards (e.g., Bersoff, 1975; Hines & Hare-Mustin, 1978; Pettifor, 1979a; Roston, 1976, Wiskoff, 1960). This movement led to many of the concerns and criticisms noted above about existing ethics codes. Emphasis began to be placed on the fact that professionals were faced every day with ethical decisions that were not easy to resolve, as they involved dilemmas—competing principles, values, and interests. Increasingly, the ethics literature had begun to use case studies or vignettes that provided brief descriptions of real or hypothetical situations to demonstrate and explore ethical issues, (e.g., CPA, 1978; Joseph & Peele, 1975; Pettifor et al., 1980; Simon, 1978). Although not using the phrase "ethical decision making," many of the vignettes addressed quandaries that did not seem to be addressed in ethics codes, and were intended to help develop both ethical sensitivity and critical thinking skills about those matters.

Kohlberg's Model of Moral Development

The third source of inspiration toward finding a methodology for developing a Canadian code came from our exposure to the work of Lawrence Kohlberg on the development of moral judgement. Two of us had attended summer training sessions by Kohlberg in the late 1960s and early 1970s and had incorporated his theories into a major doctoral paper and a doctoral dissertation during our training. However, all four of us were thoroughly familiar with his model (it was very popular at the time and taught widely in child development courses), and we had used it as one way of looking at the adequacy of ethics codes from the point of view of moral development (Gilmour-Barrett, 1981; Poizner, 1981; Sinclair et al., 1987).

Kohlberg's theory viewed moral thinking primarily as a cognitive, stage-related, developmental process (Kohlberg, 1969). He developed a series of hypothetical dilemmas to obtain samples of ethical reasoning, and proposed a three-level, six-stage model of moral development. The level of moral judgement was indicated by the *reasoning* used, not the final action taken. Kohlberg argued that the third level of moral reasoning (called the "Morality of Self-Accepted Principles") was the only level that allowed for the consistent application of ethical principles in solving ethical dilemmas.

Arrival at a Methodology for Developing the *Code*

Finally (and with some relief), we came up with a plan for developing the *Code*. Described in detail elsewhere (Sinclair et al., 1987), the plan grew out of our wish to base the *Code* on the collective wisdom of Canadian psychologists. This was our fourth source of inspiration. It involved taking a page out of Kohlberg's methodology of having participants (in our case, Canadian psychologists) answer questions about hypothetical dilemmas. In this way, it was thought that we might be able to capture the ethical reasoning and ethical principles of Canadian psychologists.

Thirty-seven vignettes of hypothetical ethical dilemmas were written, covering the applied, teaching, and research functions of psychologists. The vignettes reflected all the ethical principles and values of the 1977 APA code, as well as situations that put those principles and values into conflict. In addition, they included evolving as well as well-established areas and issues, and often had multiple contextual pressures that needed to be taken into consideration. In fact, we occasionally were told we had been somewhat "mean" in developing the vignettes—making some of them exceptionally difficult to resolve!

An invitation to participate was sent to a random sample of CPA members, but also to those known to have a special interest in ethics (e.g., members of ethics committees across Canada, teachers of ethics, etc.). In all, 59 Canadian psychologists accepted the invitation and completed what was required. Each was sent a sample of vignettes and asked to answer a series of questions about each one (see Sinclair et al., 1987, p. 6, for these questions). The questions were designed to explore not just the final course of action chosen, but also the reasoning process and the underlying ethical principles and values used by each participant in deciding on the course of action. A content analysis (Crano & Brewer, 1980) was carried out on the responses. Participants' rationales were listed, categorized, and re-categorized until four superordinate principles were identified: (a) Respect for the Dignity of Persons; (b) Responsible Caring; (c) Integrity in Relationships; and (d) Responsibility to Society (For further details, see Sinclair et al., 1987, and Sinclair, 1998).

Ethical Decision Making in Early Drafts of the *Code*

Prior to its approval by the CPA Board of Directors in 1986, about six drafts of the *Code* were circulated for feedback. The earliest drafts had many of the structural components of the final version. These included organization of the standards around the four identified ethical principles and beginning each section of the *Code* with a Values Statement that explained the ethical principle involved. It also included grouping the ethical standards around values associated with the ethical principle (e.g., including the values of "confidentiality" and "informed consent" under Principle I) and ordering the principles according to the weight each generally should be given when they come in conflict. However, the earlier drafts did *not* include any suggested model for ethical decision making. Such a model was added only to the later drafts. Why? How did this happen?

In the opinion of some persons we consulted early in the process, the planned preamble for the *Code* should be as short as possible (no longer than a page or so). This was based on the opinion that "no one ever reads a preamble"; therefore, we should not waste time on it. Furthermore, with respect to ethical decision making, we thought that the structural elements mentioned above were enough to meet the objectives of explicitly reflecting the most useful decision rules (i.e., ethical principles) for ethical decision making, and giving "more explicit guidelines for action when principles are in conflict."

As the feedback began to flow in, it was evident that there was much support for the elements of ethical decision making included. However, there also were repeated requests that we provide even more assistance for dealing with situations that were not covered by the *Code*; that is, more explicit assistance with ethical decision making. We were not sure what this would look like, but we were game to try. In addition, we began to realize that there were many other questions that were being asked and needed to be answered. What was the relationship of the *Code* to personal behaviour? What was the relationship of a code developed by a national psychology body to the provincial psychology bodies, including to the few provincial regulatory bodies that had been established at the time? What were appropriate uses of the *Code*? In response, it was decided that we needed to set aside the advice to keep the Preamble short and, instead, develop a Preamble that helped answer these questions and provided more assistance with ethical decision making.

Ethical Decision Making in Later Drafts of the *Code*

Fortunately, about this time, Ken Craig invited Alexander (Sandy) Tymchuk to a meeting of the Committee on Ethics. Ken had been a member of the CPA Board of Directors since 1982, becoming president in 1986, and had played a strong

supportive role with the work on the *Code* once formal oversight of the *Code*'s development was transferred to the Committee on Ethics in the early 1980s.[4] Sandy was a professor at UCLA but had strong Canadian roots and was a CPA member. In addition, and highly relevant to our efforts regarding ethical decision making, he was the author of three of the first articles in the literature that had the phrase "ethical decision making" in their title or abstract (Tymchuk, 1981, 1982; Tymchuk et al., 1982). At this meeting, I remember Sandy strongly recommending that we include a specific model for ethical decision making as part of the *Code*—that he thought psychologists' ethical decisions had great impact on others, and something was sorely needed to help us make the best decisions we could. His observation was that ethical decision making was not something that came easily to most professionals.

I must admit that our first reaction was a bit skeptical (had we not already included enough?). However, the more the Committee on Ethics and the work group reflected on his suggestion and explored the literature on models for ethical decision making, the more open and intrigued we became with the idea. Consistent with other models of ethical decision making at the time (e.g., Rest, 1979; Tymchuk, 1981, 1982; Van Hoose & Kottler, 1977), and generic models of problem-solving, the model included in the Preamble in later drafts of the 1986 *Code* (and, eventually, in the approved version) outlined seven steps "that typify approaches to ethical decision making" (CPA, 1986, Preamble):

1. Identification of ethically relevant issues and practices.
2. Development of alternative courses of action.
3. Analysis of short-term, ongoing, and long-term risks and benefits of each course of action on the individual(s)/group(s) involved or likely to be affected (e.g., client, client's family or employees, employing institution, colleagues, profession, society, self).
4. Choice of course of action after conscientious application of existing principles, values, and standards.
5. Action, with a commitment to assume responsibility for the consequences of the action.
6. Evaluation of the course of action.
7. Assumption of responsibility for consequences of action, including correction of negative consequences if any, or re-engaging in decision-making process if the ethical issue is not resolved.

The section on ethical decision making that included the seven-step model ("The Ethical Decision-Making Process") also included two other important paragraphs (CPA, 1986, Preamble). One acknowledged that not all ethical decision making requires use of such a model—that some decisions are reached very rapidly, especially where clear-cut guidelines or standards exist and/or for which there is no conflict between ethical principles. Rather, the model was intended for those situations that do not have such guidelines or standards, or that are not easily resolved for other reasons. The other important paragraph emphasized the value of consulting with individuals or groups who "can add knowledge and/or objectivity to the decision-making process" when the situation called for use of a decision-making model and there was sufficient time to do so. This paragraph ended with, "Although the decision for action remains with the individual psychologist concerned, the seeking and consideration of such assistance reflects an ethical approach to ethical decision making."

The inclusion of this section on ethical decision making in later drafts of the *Code*'s Preamble received consistent positive feedback, and it became a permanent and significant part of the first approved edition of the *Code*. Although there have been refinements and updates over time, the inclusion of a section on ethical decision making and an ethical-decision model has remained a part of the *Code*'s Preamble through to the present time. Consistently, when Canadian psychologists were asked for feedback about what they value most highly about the *Code*, it has been one of the most frequently mentioned aspects. This was true for each edition of the *Code* (Sinclair, 1998, 2011, 2017).

What has not been mentioned thus far is that there was another section of the Preamble related to ethical decision making. In fact, as explained below, this second section was combined with the first section on ethical decision making into a single section for the fourth edition of the *Code*. This second section was called "When Principles are in Conflict." In this section, it was proposed that "although a firm ordering of the principles" was precluded by the complexity of ethical conflicts," the four principles of the *Code* generally should be given different weights when they are in conflict, and had been ordered accordingly. As such, Respect for the Dignity of Persons generally should be given the highest weight (except when "there is a clear and imminent danger to the physical safety of any known or unknown individual"), followed by Responsible Caring, followed by Integrity in Relationships, followed by Responsibility to Society.

However, in addition, this second section contained an important paragraph about the role of personal conscience, which also was destined (with some refinement) to become a permanent part of the *Code* (CPA, 1986, Preamble):

> Even with the above ordering of the principles, psychologists will be faced with ethical dilemmas which are difficult to resolve. In

> such cases, resolution is recognized to be a matter of personal conscience. However, in order to ensure that personal conscience is a legitimate basis for the decision, psychologists are expected to engage in an ethical decision-making process that is explicit enough to bear public scrutiny.

We believe that the *Canadian Code* was the first code of ethics for psychologists to acknowledge that personal conscience may have a legitimate role to play in some situations. I do not remember a lot of discussion about the inclusion of such a role, only that it received much positive feedback and also fit with the idea that the *Canadian Code* was an *ethics* document intended to assist psychologists in their ethical reasoning and decision making, not simply a compendium of rules to be followed.

In the few years following approval of the first edition of the *Code*, the emphasis on ethical decision making and its usefulness in teaching ethics received much attention and was the primary focus of articles published about the *Code* (e.g., Eberlein, 1987, 1988; O'Neill, 1989; Pettifor, 1989; Weinberger, 1989).

Changes Over the Next Three Editions

What were the refinements and updates for the second, third, and fourth editions? Why were they made? As mentioned above, based on a PsycLit search, the phrase "ethical decision making" in combination with the index term "professional ethics" or "experimental ethics" had appeared in the title or abstract of only one publication prior to 1981. However, during the following decades, there was an explosion of interest in ethical decision making across all professions. A 2020 PsycLit search indicates there were 51 such articles in the 1980s, 191 in the 1990s, 465 in the first decade of the 21st century, and 550 in the second decade of the 21st century. This increased interest brought new thinking and models. Although delving into the evolving content of this literature over time would be an interesting and worthwhile endeavour, it is not my intent to do so in this chapter. Rather, I will focus on the specific changes made to the *Code*'s section on ethical decision making over its next three editions, and some of the experiences and thinking that led to those changes.[5]

1991—Second Edition

The section "The Ethical Decision-Making Process" in the second edition of the *Code* remained word-for-word the same as in the first edition. The section "When Principles are in Conflict" received only minor editing, with no substantive changes (e.g., the title of the section was changed to "When Principles Conflict"). The paragraph on the role of personal conscience, however, received a significant

change. This was due to concerns raised in the review of the 1986 *Code* about what "explicit enough" meant with respect to engaging in an ethical decision-making process. Some were worried that psychologists would use personal conscience as a facile defence (e.g., "my conscience told me to do it") or as a substitute for a proper ethical decision-making process. As a result of these expressed concerns, and after consultation with ethicists (Sinclair, 2011), the following statement was added to the paragraph:

> If the psychologist can demonstrate that every reasonable effort was made to apply the ethical principles of this *Code* and resolution of the conflict has had to depend on the personal conscience of the psychologist, such a psychologist would be deemed to have followed this *Code* (CPA, 1991, Preamble).

Happily, significant concerns about the *Code*'s inclusion of a role for personal conscience have not been raised since, and the 1991 paragraph in the second edition was brought forward into the third and fourth editions (CPA, 2000, 2017).

2000—Third Edition

The third edition of the *Code* brought a substantial change to the ethical decision-making model. The model went from a 7-step to a 10-step process, based on experience with the 7-step model and the much-increased attention to ethical decision making in the literature. The first added step to the model was "Identification of the individuals and groups affected by the decision." This came from the experience that Jean and I (and other Canadian psychologists) had had in carrying out ethics workshops during the 1990s, as well as feedback from Canadian psychologists who used the model when teaching graduate courses in ethics. It became the new first step of the model. We had observed that, in thinking through hypothetical dilemmas, participants often seemed to have a narrow focus regarding the impact of their ethical decisions (e.g., the psychologist and the client only vs. also considering the client's family, the employer, the community, the profession, etc.). This narrow focus, in turn, limited participants' identification of the ethical issues involved, the possible consequences, and the available courses of action. In our workshops, we informally added this step to the model and found that it added a richness to the group discussions that was not there before.

The second added step was "Consideration of how personal biases, stresses, or self-interest might influence the development of or choice between courses of action." I remember at first trying to talk Jean out of suggesting that this step should be added to the model. My rationale was that a similar statement was made in both Principle II and Principle III—one related to psychologists

integrating self-awareness into their efforts to benefit and not harm others; the other to integrating it into attempts to be objective and unbiased. I thought that those statements would lead psychologists to evaluate their personal context and biases and take them into consideration in any ethical decision-making process, and that we needed to avoid the model becoming too complex. However, Jean, in her wisdom, very much disagreed, and we began informally adding the step to our workshops—once again finding that it led immeasurably to the quality of the group discussions and choices of a course of action.

The third added step was quite different from the two mentioned above and became the last step of the model, viz., "Appropriate action, as warranted and feasible, to prevent future occurrences of the dilemma (e.g., communication and problem-solving with colleagues; changes in procedures and practices)." From its first edition, the *Code* has stated in the section called "Uses of the *Code*" (CPA, 1986, Preamble), with only slight changes in wording, that "This code is intended to be a guide to psychologists in their everyday conduct and in the resolution of ethical dilemmas; that is, it advocates the practice of both proactive and reactive ethics." From the beginning, the *Code* has been seen to be proactive in that it helps us to anticipate and plan for ethical concerns (e.g., developing procedures and practices honouring ethical values like confidentiality, avoiding misunderstandings, etc.), as well as reactive (e.g., dealing with ethical problems we did not anticipate). It was not until the 2000 *Code*, however, that we formally introduced the idea into the decision-making model. I am uncertain why it took us so long to do this. It now seems self-evident that one of our ethical responsibilities when faced with an ethical dilemma is to try to find possible ways of preventing a similar dilemma from occurring in the future.

With each edition of the *Code*, at least two drafts were circulated for feedback prior to final approval. The 2000 *Code* was no different, and the changes mentioned above were very well received. There also was support for maintaining the other elements of ethical decision making brought forward from the two previous editions (i.e., having a model formally incorporated into the *Code*, ordering the ethical principles and assigning differential weights to them, providing a role for personal conscience, and emphasizing the importance of consultation).

2017—Fourth Edition

And now to the present. As noted above, after 2000, there was an exponential increase in articles in the interdisciplinary literature regarding ethical decision making. In addition, skills in ethical decision making and the resolution of ethical dilemmas became identified as essential for the expected core competence in ethics and standards (e.g., *Mutual Recognition Agreement*, 2001), and there was significant new thinking about ethical decision making and training in ethics. In preparation for a fourth edition of the *Code*, surveys had been circulated widely

and there was continued strong endorsement of the emphasis in the *Code* on ethical decision making, including the inclusion of a model. Nonetheless, it was suggested that there was a need to update some of the content in light of what was seen to be significant new thinking about the role of character and virtue in ethical decision making, and the importance of combining the non-rational elements of ethical thinking and decision making with the rational in ethics training (e.g., see Korkut & Sinclair, 2020; Rogerson et al., 2011). With relatively minor changes in wording, all the above-mentioned major elements regarding ethical decision making in the 2000 *Code* were maintained in the 2017 *Code*. However, the previous two sections on ethical decision making ("When Principles Conflict" and "The Ethical Decision-Making Process") were combined into a single section called "Ethical Decision Making," and emphasis was placed on ethical decision making being a creative and self-reflective process, not just a deliberative one. To assist the self-reflective component, the third step of the ethical decision-making model added several further contextual considerations; and, finally, a responsibility related to character was added to the section "Responsibility of the Individual Psychologist." This responsibility was to "Engage in ongoing development and maintenance of their ethical sensitivity and commitment, ethical knowledge, and ethical decision-making skills."

Once again, strong support for the above changes was received from those responding to requests for feedback prior to approval. This does not mean that there were not suggestions for further changes or additional detailed explanations along the way. However, to prevent the *Code* from becoming too unwieldy or like a position paper, we fell back on what had guided us through all the editions; namely, to keep the *Code* as focused as possible on the essential messages, leaving the underlying dialogue and explanatory nuances to such vehicles as guidelines for specialty areas, academic articles, and manuals.[6]

The Role of the *Companion Manual*

And speaking of manuals, I cannot leave this chapter without trying to explain how and why the *Companion Manual to the Canadian Code of Ethics for Psychologists* came about, and the role that I think it has played.

After the flurry of work involved in getting the first *Code* to approval stage (CPA,1986), I was ready to take a bit of a break. However, that was not to be! Jean had another idea. In her work on CPA guidelines in the 1970s and early 1980s, she had helped produce resource materials (which always contained vignettes) to assist Canadian psychologists in the application of various CPA guidelines (e.g., CPA, 1978; Pettifor et al., 1980), and she was convinced that the *Code* also needed such materials to aid in its understanding, interpretation, and application. As the idea of a companion piece was floated within CPA, we received what can

only be described as a loud shout of agreement. And, thus, about two years later, the first edition of the *Companion Manual* appeared (Sinclair, 1988). In addition to re-printing the 1987 *Canadian Psychology* article on the development of the *Canadian Code* and the CPA guidelines active at the time (e.g., *Guidelines for Therapy and Counselling of Women*; *Guidelines for the Elimination of Sexual Harassment*; *Guidelines for the Use of Animals in Research and Instruction in Psychology*), the *Companion Manual* also contained content written specifically for the purpose of helping psychologists understand, interpret, and apply it. This latter content included: (a) a running commentary on the *Code*, explaining the origins and meaning of some of its contents; (b) over one hundred vignettes of ethical dilemmas for teaching and practice purposes; (c) a chapter on the use of the *Code* in ethical decision making, including a chart of the principles and values for easy reference when thinking through the ethical issues involved, and the full or partial resolution of three ethical dilemmas using the *Code*'s suggested seven steps; and (d) an extensive selected bibliography.

Production of the *Companion Manual* was experimental. Although we had received a great deal of positive feedback about the idea, we had no idea whether psychologists actually would buy it.[7] As it turned out, there was no problem. So much so, each time the *Code* was updated, it seemed to be taken for granted that a new and updated edition of the *Companion Manual* would be produced. Jean and I agreed that this was important, and the next editions of the *Companion Manual* appeared in 1992, 2001, and 2017.[8] All the components of the 1988 *Companion Manual* were maintained through the next three editions. However, several changes and updates have been made over time: (a) three *Canadian Psychology* articles on the *Code* are now included; (b) the CPA guidelines included are those in current use; (c) the running commentary is more substantial and provides comments on the changes made to the *Code* over its various editions; (d) additional vignettes reflecting new and emerging ethical issues are included; (e) the bibliography has been updated; and (f) the chapter on ethical decision making reflects some of the most recent literature on ethical decision making and complete resolution of five ethical dilemmas using the chart of principles and values and all ten suggested steps of the current ethical decision-making model.

Some Personal Observations

Before ending this chapter, I would like to relay to you three observations that I sometimes mention to colleagues when reflecting on and wondering about the impact of the *Canadian Code*. The first observation is that, when speaking to groups that are interested in ethics but not used to using a moral framework like the *Code* for thinking through issues and dilemmas, they sometimes become very still and quiet. When first faced with this, I thought perhaps I was boring

them, and they were trying to be polite about it. However, with experience and conversations with attendees, I came to realize that their quietness was a result of being very thoughtful and intrigued by what was being presented. It is hard to know exactly why they felt so intrigued. I am sure that many had been exposed to specific ethical principles before (although they may have labelled them somewhat differently) and understood the role and importance of values. However, in my conversations with them following the presentations, I had the impression that what intrigued them most was the overall moral framework of the *Code*—how it explains the principles, relates values to those principles, and recommends use of the framework for identifying and resolving ethical issues and dilemmas.

The second observation is not as positive. I sometimes hear that students, when being exposed to the ethical decision-making model of the *Code*, become overwhelmed and scrupulous, tending to see the steps as mandatory and inflexible, and trying to think of every possible issue, consequence, and course of action. This leaves them with the impression that ethical decision making is a cumbersome and unpleasant affair. Balancing this, however, is my third observation, namely, how frequently I hear seasoned psychologists comment on how helpful they find the suggested steps of the *Code*'s decision-making model and the *Companion Manual*'s chart of principles and values when thinking through a difficult situation. They find that these two tools help them to take a deep breath, step back from what is sometimes a highly emotional situation for them, and consider principles, values, and courses of action that they might not have considered otherwise.

Although the *Code* and *Companion Manual*, from their very first editions, had presented the ethical decision-making steps as "basic steps that typify approaches to ethical decision making" (CPA, 1986, Preamble), rather than as mandatory and inflexible, this obviously was not enough. To help correct the tendency for students (or others) to get the wrong impression about ethical decision making, the following paragraph was added to the most recent edition of the *Companion Manual* in the chapter titled "Use of the *Code* in Ethical Decision Making," which includes the resolution of five ethical dilemmas using the ten ethical decision-making steps and the chart of principles and values:

> Many psychologists across Canada have used versions of this approach to teach ethical decision making. The examples provided are not meant to imply that they are exemplars of how ethical decision making normally occurs or should occur; nor are they intended to imply that the decisions arrived at are the best solutions for the dilemmas. You may have other thoughts or better solutions. Rather, they are intended to demonstrate one way of using the *Code* to help identify and consider the multiple layers of issues and questions

> often present in difficult dilemmas, with the goal of building skills in ethical decision making through practice, experience, and the development of personal templates and heuristics for future problem solving . . . (Sinclair et al., 2017, p. 130).

Closing Thoughts

And so we have come to the end of the story about how ethical decision making became such a key and valued part of the *Code* and psychological ethics in Canada—from the beginnings of a small group working on the nature and values of standards of any kind and their relationship to ethics, to the decision to develop a made-in-Canada code of ethics, to the uncertainty of whether to include ethical decision making formally in the *Code*, to why in the end it was included, to the strong endorsement by Canadian psychologists, to what refinements and updates have been made over the four editions of the *Code*. Along the way, I have tried to highlight how the story included serendipity, confidence interspersed with doubt, great effort, and the contributions and wisdom of so many Canadian psychologists. I hope you have enjoyed the story. Thank you for your wisdom. Without it, we would never have had a story to tell. And, of course, without Jean, the story might have been substantially different.

Questions for Reflection

1. Think of one or two difficult ethical decisions you have made. What personal strengths do you think you were able to use in making the decision(s)? What personal weaknesses do you think made the decision(s) harder to deal with? What do you think you could do to build your strengths and offset your weaknesses for the future?
2. What criteria would you use to decide who to consult about an ethical dilemma? How would you approach them?
3. What do you think about the role of personal conscience in making ethical decisions? In what kind of a situation do you think you might rely on your personal conscience?
4. In the *Code*, one of our responsibilities is to engage in ongoing development and maintenance of our ethical sensitivity and commitment, ethical knowledge, and ethical decision-making skills. How are you doing this presently? How might you do it in future?

NOTES

1 Other perspectives can be found in three historical articles about the *Canadian Code* published in *Canadian Psychology* (Sinclair, 1998; Sinclair, 2011; Sinclair et al., 1987).

2 Now called *Canadian Psychology*.

3 Further details can be found in Sinclair et al. (1987).

4 Jean became a member of the Committee on Ethics in 1980 and, as such, continued in her role as catalyst, advisor, and motivator-in-chief throughout the *Code* development process.

5 Note to readers: Until 1986, the use of "we" generally refers to the members of the working group that developed the *Canadian Code* (Karen Gilmour-Barrett, Sonja Poizner, David Randall, and myself). The use of "we" beyond 1986 generally refers to members of the CPA's Committee on Ethics. After completing its oversight role with the approval of the *Canadian Code* in 1986, the Committee on Ethics assumed ongoing responsibility for the *Canadian Code* and its revisions, and the work group dissolved. Although Jean and I coordinated the Committee's work with respect to this responsibility, there were many different members of the Committee on Ethics over the course of the three revisions, all of whom contributed in some way to developments in the *Canadian Code*. Only a few of these are specifically mentioned in this chapter; however, the thanks of the Canadian psychology community are due to every one of them. Thanks also are due to the many psychologists and non-psychologists who so generously responded to our incessant requests for ideas and feedback over the years involved.

6 Suggestions for further detail and explanations were not limited to ethical decision-making. Another example is the use of technology, where there were suggestions to cover (and provide standards for) a wide range of technologies (blogs, social media, electronic records, etc.). Once again, we fell back on the same guidance.

7 The *Code* has always been free; however, there needed to be a charge to cover the cost of producing the professionally bound and printed *Companion Manual*.

8 Jean passed away in 2015. However, her contributions to the *Companion Manual*, including the content of its 2017 edition, was substantial. As such, she is listed as co-editor of the most recent edition.

References

American Psychological Association. (1967). *Casebook on ethical standards of psychologists*. American Psychological Association. https://doi.org/10.1037/10527-000

Baldick, T. L. (1980). Ethical discrimination ability of intern psychologists: A function of training in ethics. *Professional Psychology, 11*(2), 276–282. https://doi.org/10.1037/0735-7028.11.2.276

Bersoff, D. N. (1975). Professional ethics and legal responsibilities: On the horn of a dilemma. *Journal of School Psychology, 13*(4), 359–376. https://doi.org/10.1016/0022-4405(75)90054-0

Canadian Psychological Association. (1978). *Illustration and interpretation of the CPA guidelines for assessing sex bias and sex fairness in career interest inventories*. Canadian Psychological Association.

Canadian Psychological Association. (1986). *A Canadian code of ethics for psychologists*. Canadian Psychological Association.

Canadian Psychological Association. (1991). *Canadian code of ethics for psychologists, 1991*. Canadian Psychological Association.

Canadian Psychological Association. (2000). *Canadian code of ethics for psychologists* (3rd ed.). Canadian Psychological Association. https://cpa.ca/docs/File/Ethics/cpa_code_2000_eng_jp_jan2014.pdf

Canadian Psychological Association. (2017). *Canadian Code of Ethics for Psychologists* (4th ed.). Canadian Psychological Association. https://cpa.ca/docs/File/Ethics/CPA_Code_2017_4thEd.pdf

Crano, W. D., & Brewer, M. B. (1980). *Principles of research in social psychology*. McGraw-Hill.

Eberlein, L. (1987). Introducing ethics to beginning psychologists: A problem-solving approach. *Professional Psychology: Research and Practice, 18*(4), 353–359. https://doi.org/10.1037/0735-7028.18.4.353

Eberlein, L. (1988). The new CPA Code of Ethics for Canadian psychologists: An education and training perspective. *Canadian Psychology, 29*(2), 206–212. https://doi.org/10.1037/h0079768

Gilmour-Barrett, K. (1977, June). *Standards and process evaluation*. Paper presentation at the Canadian Psychological Association Annual Convention, Toronto, ON.

Gilmour-Barrett, K. (1981, June). *An analysis of the adequacy of the current interim code of ethics of the CPA as a standards document*. Paper presented at the Ontario Psychological Association Annual Convention, Toronto, ON.

Hines. P. M., & Hare-Mustin, R. T. (1978). Ethical concerns in family therapy. *Professional Psychology, 9*(1), 458–466. https://doi.org/10.1037/0735-7028.9.1.165

Joseph, D. I., & Peele, R. (1975). Ethical issues in community psychiatry. *Hospital & Community Psychiatry, 26*(5), 295–299. https://doi.org/10.1176/ps.26.5.295

Kohlberg, L. (1969). Stage and sequence: The cognitive-developmental approach to socialization. In D. A. Goslin (Ed.), *Handbook of socialization theory and research* (pp. 347–480). Rand McNally.

Korkut, Y., & Sinclair, C. (2020). Integrating emotion and other nonrational factors into ethics education and training in professional psychology. *Ethics & Behavior, 30*(6), 444–458. https://doi.org/10.1080/10508422.2020.1716766

Mutual Recognition Agreement (2001, June). https://cpa.ca/docs/File/MRA.pdf

O'Neill, P. (1989). Book review. Ethical decision making in psychology and social work: Current texts. *Canadian Journal of Community Mental Health, 8*(1), 147–153.

Pettifor, J. (1979a). Ethical obligations beyond professional guidelines. *Psychologists Association of Alberta Newsletter, 8*(3/4), 2729.

Pettifor, J. (1979b). Practice wise: Five faces of ethical issues. *Canadian Psychological Review, 20*(2), 99–101. https://doi.org/10.1037/h0081507

Pettifor, J. (1979c). Practice wise: Ethical issues with special populations. *Canadian Psychological Review, 20*(3), 148–150. https://doi.org/10.1037/h0081512

Pettifor, J. (1980). Practice wise: Public servants as servants of power. *Canadian Psychology, 21*(1), 35–37. https://doi.org/10.1037/h0081143

Pettifor, J. L. (1989). Did Hamlet need a Canadian Code of Ethics for Psychologists? *Canadian Psychologist, 30*(4), 708–711. https://doi.org/10.1037/h0079847

Pettifor, J., Larsen, C., & Cammaert, L. (1980). *Guidelines for therapy and counselling with women*. Canadian Psychological Association.

Poizner, S. (1981, February). *Our current code of ethical standards in the context of moral judgment*. Paper presented at the Ontario Psychological Association Annual Convention, Toronto, ON.

Rest, J. (1979). *Development in judging moral issues*. University of Minnesota Press.

Rogerson, M. D., Gottlieb, M. C., Handelsman, M. M., Knapp, S., & Younggren, J. (2011). Nonrational processes in ethical decision making. *American Psychologist, 66*(7), 614–623. https://doi.org/10.1037/a0025215

Roston, R. (1976, August). Ethical and legal dilemmas: III. On raising ethical consciousness. *SPAA Newsletter, Division 31*, 8.

Simon, G. C. (1978). The psychologist as whistleblower: A case study. *Professional Psychology, 9*(2), 322–340. https://doi.org/10.1037/0735-7028.9.2.322

Sinclair, C. (1977, June). *Standards as a vehicle of accountability*. Paper presented at the Canadian Psychological Association Annual Convention, Ottawa, ON.

Sinclair, C. (1980). Standards as a vehicle of accountability. *Canadian Psychology*, *21*(1), 1–6. https://doi.org/10.1037/h0081145

Sinclair, C. (1981, February). *Ethics codes: How useful are they?* Paper presented at the Ontario Psychological Association Annual Convention, Toronto, ON.

Sinclair, C. (Ed.). (1988). *Canadian code of ethics for psychologists companion manual*. Canadian Psychological Association.

Sinclair, C. (1998). Nine unique features of the *Canadian Code of Ethics*. *Canadian Psychology*, *39*(3), 167–176. https://doi.org/10.1037/h0086805

Sinclair, C. (2011). The evolution of the *Canadian Code of Ethics* over the years (1986-2011). *Canadian Psychology, 52*(3), 152–161. https://doi.org/10.1037/a0024471

Sinclair, C. (2017, Winter). Canadian Code of Ethics for Psychologists, Fourth Edition: Completed and approved. *Psynopsis, 39*(1), 36–37.

Sinclair, C. (2020). Developing and revising the Canadian Code of Ethics for Psychologists: key differences from the American Psychological Association code. *Ethics & Behavior, 30*(4), 249–263. https://doi.org/10.1080/10508422.2019.1711094

Sinclair, C., Gilmour-Barrett, K., Poizner, S., & Randall, D. (1975, June). *Development of standards: Definition and process*. Panel presentation. Canadian Psychological Association Annual Convention, Vancouver, BC.

Sinclair, C., Poizner, S., Gilmour-Barrett, K., & Randall, D. (1987). The development of a code of ethics for Canadian psychologists. *Canadian Psychology, 28* (1), 1-8. https://psycnet.apa.org/doi/10.1037/h0079883

Sinclair, C., & Pettifor, J. L. (Eds.). (1992). *Companion manual to the Canadian code of ethics for psychologists, 1991*. Canadian Psychological Association.

Sinclair, C., & Pettifor, J. L. (Eds.). (2001). *Companion manual to the Canadian code of ethics for psychologists, third edition*. Canadian Psychological Association.

Sinclair, C., & Pettifor, J. L. (Eds.). (2017). *Companion manual to the Canadian code of ethics for psychologists, fourth edition*. Canadian Psychological Association.

Tymchuk, A. J. (1981). Ethical decision making and psychological treatment. *Journal of Psychiatric Treatment and Evaluation, 3*(6), 507–513.

Tymchuk, A. J. (1982). Strategies for resolving values dilemmas. *American Behavioral Science, 26*(2), 159–175. https://doi.org/10.1177/000276482026002003

Tymchuk, A. J., Drapkin, R., Major-Kingsley, S., Ackerman, A. B., Coffman, E. W., & Baum, M. S. (1982). Ethical decision-making and psychologists' attitudes toward training in ethics. *Professional Psychology, 13*(3), 412–421. https://doi.org/10.1037/0735-7028.13.3.412

Van Hoose, W. H., & Kottler, J. A. (1977). *Ethical and legal issues in counselling and psychotherapy*. Jossey-Bass.

Weinberger, A. (1989). Ethics: Code value and application. *Canadian Psychology, 30*(1), 77–85. https://doi.org/10.1037/h0079794

Wiskoff, M. (1960). Ethical standards and divided loyalties. *American Psychologist, 15*(10), 656–660. https://doi.org/10.1037/h0046396