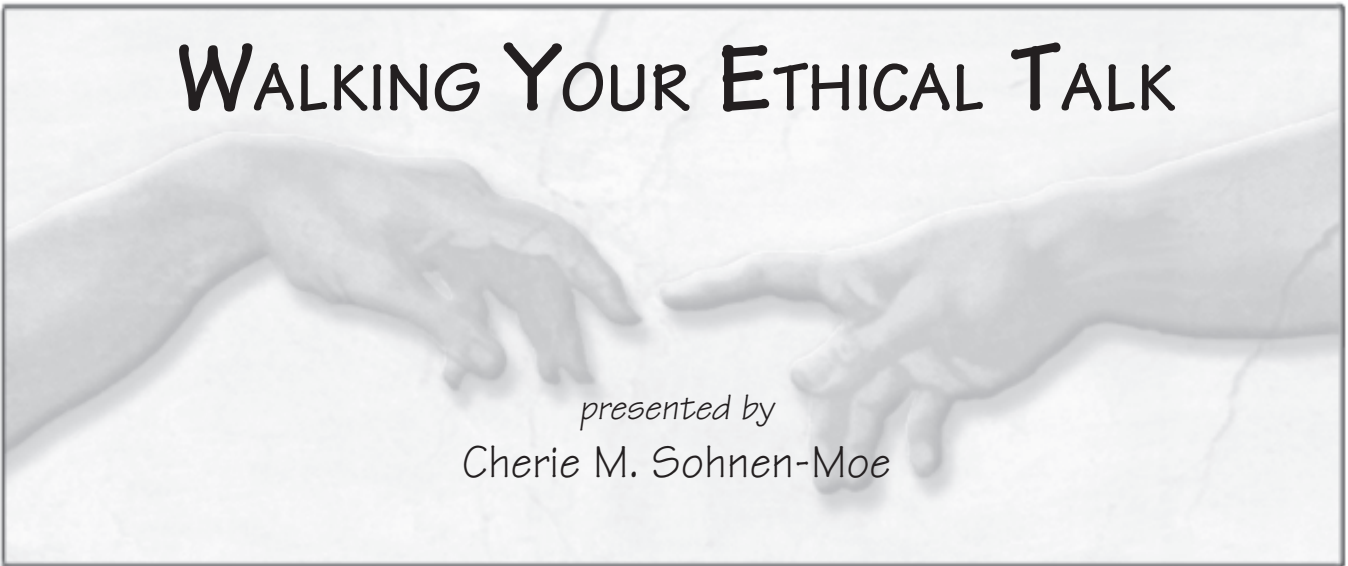




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WALKING YOUR ETHICAL TALK



presented by
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An ethical approach to business promotes an atmosphere of trust. Every day our actions either promote or diminish an environment of integrity. In this session we will explore the essential role of ethics and methods of bringing an ethical commitment to every aspect of your organization—be it a private practice, research project or school.





TERMINOLOGY

Ethics:

Ethics is the study of moral principles and right conduct. This can be applied to individuals, groups or professions. In general, massage therapy and bodywork ethics cover adhering to prevailing laws, upholding the dignity of the profession, respecting each client, staying committed to quality, working within the appropriate scope of practice, being client-centered and remaining service-oriented.

Laws:

Laws are codified rules of conduct set forth by a society and are generally based on shared ethical or moral principles. Laws often set the minimum standard necessary to protect the public's welfare & are enforceable by courts. Specific laws relating to scope of practice may vary by locale.

Morals:

Morals relate to the judgment of goodness and badness of human behavior and character. This shared assessment, undertaken by a group of people, is usually based on cultural or religious standards. Consider the following example of poor character and lack of beneficence: You determine that a client would really benefit by seeing a practitioner in a different field, but you do not refer out because you don't want to lose the income. Also, keep in mind that actions can be judged as moral in one culture and immoral in another.

Values:

Values are tangible and intangible convictions that an individual considers of intrinsic worth. Values are based on what is *desirable* rather than what is *right* and *correct*. For example, you may have a strong value of making your services accessible to everyone regardless of their economic means and therefore incorporate a sliding scale into your fee structure. Individuals do not necessarily agree on what is worthy to be considered a "value" and may, indeed, change their own value structure many times over the course of their life.

Principles:

Principles comprise an individual's code of action and enable a person to behave with integrity. The person of principle modifies her behavior so that each action arises from her deeply held sense of self. For example, a person who acts upon the principle of honest financial dealings may be reflecting his core value of fairness and equality among people. Principles are therefore based at least in part upon one's values, and thus again they may differ widely from one individual to another.

Professionalism:

Professionalism is the quality of the image you portray. Professionalism stems from your attitudes and is manifested through your technical competency, your communication skills, your ability to manage boundaries, respect for yourself and clients, and your business practices. The term professionalism is related to ethical behavior. High standards of action with our clients result in both ethical and professional behavior. Obviously, ethical violations are unprofessional. However, not all unprofessional behavior is an ethical violation. For example, dressing in sloppy workout clothes when working with a client is unprofessional, but not unethical.

Codes of Ethics:

Codes of Ethics are conduct guidelines. While individuals may identify personal codes of ethics, these codes are most commonly set by professional organizations. Their major functions are to: inform practitioners of appropriate ethical norms and behavior; supply direction for challenging situations; encourage practitioners to provide excellent service; protect clients; and provide a means for enforcing desired professional behavior. Most codes of ethics are broad and vague, partly due to the contextual nature of "right" and "wrong." In most instances research, consultation, and self-exploration are required to determine what is appropriate.





VALUES ASSESSMENT

To lead a satisfying and balanced life it is important that your values are in synchrony with the way you lead your personal & professional life. It is important to take the time to explore your values are since they will be the major unconscious influences in the decisions you will make throughout your life. Many conflicts in one's life both professional and personally arise because there is a clash of values either within oneself or between people.

- What values are most important to me?
- What are the character traits I deem essential?
- Who and what have been major influences in my values development?
- What are my attitudes and beliefs about my profession/career?
- What are the most important personal characteristics for someone in my position?
- What are the most important professional characteristics for someone in my position?
- What are the most important attributes of an effective person in my position?
- How do my values affect my work with others?
- Which of my personal values conflict with professional rules of conduct?
- Which of my personal values conflict with laws or regulations?
- How do my values enhance my professionalism?





SIX STEPS TO RESOLVING ETHICAL DILEMMAS

1. Identify the Problem

- A. Gather as much relevant information as possible.
- B. Talk to the parties involved.
- C. Clarify if the problem is legal, values, moral, ethical or a combination.

2. Identify the Potential Issues Involved

- A. List and describe the critical issues.
- B. Evaluate the rights, responsibilities and welfare of those affected by the decision.
- C. Consider basic moral principles of autonomy, beneficence, non-maleficence and justice. Identify any competing principles.
- D. Ascertain the potential dangers to the individuals, institution or profession.

3. Review Your Profession's Code of Ethics and Relevant Laws

4. Evaluate Potential Courses of Action

- A. Brainstorm ideas.
- B. Enumerate the benefits, drawbacks and outcomes of various decisions.
- C. Consider the consequences of inaction.
- D. Contemplate how you will feel about yourself when all is done.

5. Obtain Consultation

- A. Engage in self-reflection. Identify which of your personal and professional values could be impacted by the various actions.
- B. Consider how society and members of your community might view these actions.
- C. Determine the impact it could have on your profession. (Colleagues or a supervisor can add an outside perspective.)
- D. Justify a course of action based on sound reasoning which you can test out in a consultation. (It's a serious warning sign if you don't want to talk to another person about actions you are contemplating.)

6. Determine the Best Course of Action

- A. Map out the best way to resolve the problem (e.g., who should be contacted first if multiple parties are involved? Do you need outside support? Do you need to talk to a supervisor?).
- B. Then consider who, if anyone, should know about the problem (such as a work supervisor, friend, client, doctor, professional association, school or colleague).





COPYRIGHT GUIDELINES

Fair Use for Teaching, Training and Research

The “fair use” doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the “fair use” of a copyrighted work, including reproduction “for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted “fair use,” rather than an infringement of the copyright:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for or value of the copyrighted work.

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is “fair.” Where a work is available for purchase or license from the copyright owner in the medium or format desired, copying of all or a significant portion of the work in lieu of purchasing or licensing a sufficient number of “authorized” copies would be presumptively unfair. Where only a small portion of a work is to be copied and the work would not be used if purchase or licensing of a sufficient number of authorized copies were required, the intended use is more likely to be found to be fair.

A federal appeals court decided an important copyright fair use case involving coursepacks. In *Princeton University Press, et.al. v. Michigan Document Services*, the U.S. Court of Appeals for the Sixth Circuit concluded that the copying of excerpts from books and other publications by a commercial copy service without the payment of fees to the copyright holders to create coursepacks for university students was not fair use. The size of the offending excerpts varied from 30 percent to as little as 5 percent of the original publications. Although the opinion in this case is not binding in California, it is consistent with prior cases from other courts, and there is a reasonable likelihood that the California federal courts would reach a similar conclusion on similar facts.

Where questions arise, we suggest that you consult the guidelines for classroom copying and other available source material available on the fair use web site. Please note that the guidelines are intended to state the minimum, not the maximum, extent of the fair use doctrine. Thus, just because your use is not within the guidelines, it is not necessarily outside the scope of fair use. In the absence of a definitive conclusion, however, if the proposed use deviates from the guidelines, you should consider obtaining permission to use the work from the copyright owner.





Request to Photocopy Copyrighted Material

Some photocopying services will obtain copyright permission and add the price of the royalties, if any, to the price of the materials. A request to copy a copyrighted work should generally be sent to the permission department of the publisher of the work. Permission requests should contain the following:

- Title, author, and/or editor, and edition
- Exact material to be used, giving page numbers or chapters
- Number of copies to be made
- Use to be made of the copied materials
- Form of distribution (classroom, training program, newsletter, etc.)
- Whether the material is to be sold

Copyright Guidelines for Videos

1. Always preview the entire video before showing (especially if provided by a department member or student).
2. Make sure that videos are a part of your lesson plans (related to direct instructional activities).
3. It is illegal to rent videos for the purposes of reward, entertainment, rainy day fun, fillers, or any other such excuse. It is also dangerous to use videos that someone gave you, that you borrowed, that you copied from television, or that a colleague/student brought for you to show.
4. Rental videos may only be used in a face-to-face teaching situation to supplement, enhance or reinforce the material currently being taught.

Resources

- <http://www.copyright.gov>
- <http://www.copyright.com>
- <http://www.law.cornell.edu/uscode/17/>
- <http://www.bitlaw.com/copyright/international.html>
- <http://www.templetons.com/brad/copymyths.html>
- ASCAP: 800-910-7348 x 47 <http://www.ascap.com>
- BMI: 800-925-8451 <http://www.bmi.com>





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This groundbreaking book directly address the difficult, confusing and seldom-discussed-but-often-troubling dilemmas confronting touch therapy practitioners. By honestly describing the issues, identifying clear principles, naming specific resources and using stories straight from the treatment room, this book guides, supports and inspires both students and seasoned practitioners.

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From her personal experience in therapy, this feminist theologian and ethicist illustrates how rigidly applied traditional boundaries of professional relationship can lead to emotional and spiritual wounding. She calls for healing in nurturing community, within the framework of fully developed relationships that create a mutually empowering experience for therapist and client.

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This book addresses moral dilemmas in the form of an engaging parable.

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This book blends theories from several disciplines into practical knowledge and actions that you can use to improve relationships.

