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ABSTRACT

As an increasing number of communication professionals embark on careers in training and consulting, it is imperative that they ground their work in sound ethical principles and related practices. Recognizing the importance of ethics as a discipline, the National Communication Association (NCA) is in the process of developing a code of ethics for its members. This paper presents a draft of a code designed specifically for communication professionals engaged in consulting and training. It first reviews several of the underlying ethical principles and practices that should be underpinnings of a code and then offers a working proposal for general discussion. The code presented has gone through several versions and should be considered a working document. The first version of the code was first presented at the 1994 Communication Ethics Conference. Many of the ideas contained in the document emerged from on-going discussions with members of the Commission. (Contains 21 references and the code.) (Author/CR)

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Toward A Code of Ethics
for Organizational Communication Professionals:
A Working Proposal

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Abstract

As an increasing number of communication professionals embark on careers in training and consulting, it is imperative that they ground their work in sound ethical principles and related practices. Recognizing the importance of ethics as a discipline, the National Communication Association (NCA) is in the process of developing a code of ethics for its members. In this paper, the authors will present a draft of a code designed specifically for communication professionals engaged in consulting and training. The authors will first review several of the underlying ethical principles and practices that should be underpinnings of a code and then offer a working proposal for general discussion. The code presented has gone through several versions and should be considered a working document. The first version of the code was first presented at the 1994 Communication Ethics Conference. Many of the ideas contained in the document emerged from on-going discussions with members of the Commission.

In the past decade, our society has witnessed a malpractice "revolution." The number of suits, the size of the awards, and the number of rulings in favor of the plaintiff have increased dramatically (Huber, 1988; Pincus, in press). Malpractice suits that were once primarily confined to the "learned professions" have spread to other disciplines, and as Huber (1988) observes, there is "no armistice" in sight (p. 9). Given the trends in litigation and the growing societal concern for professional accountability, now is the time for applied communication consultants to heed Redding's (1979) decade-old call for increased professional attention to ethics and ethical practices (Montgomery, Heald, MacNamara & Pincus, 1995).

To do this we, as a profession, need to develop a knowledge base that will not only help us identify potential ethical and legal problems, but avert them. An important component of any such knowledge base would be a professional code of ethics. It was suggested at the 1997 NCA Convention in Chicago, that an existing code of ethics be adopted such as the American Psychological Association (APA) code. To date, we have no formally sanctioned code of professional ethics. Well meaning professionals must rely on their own interpretations of what is ethical behavior or extrapolate from codes and standards developed for related professionals. The result is a state of ethical anarchy that is sanctioned if not nurtured by "benign neglect. " As one observer noted, our failure as a profession, in addressing the many important ethical questions concerning communication consultant, conduct is tantamount to "culpable negligence" (Redding. 1991).

In this presentation, we will outline the practical and legal dangers of current professional practices and present our rationale for developing a code of ethics for organizational communication consultants. Next, we will examine the ethical dimensions other professions have used to delineate a code, as well as the ethical

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questions they have attempted to address (e.g. Lawson, 1988; Hillman, 1990; Miller & Warren, 1985). We will also explore how a well designed code based on meta-ethical principles might be used to facilitate ethical decision making and to manage conflicting ethical imperatives (Kitchener, 1984; Beauchamp & Childress, 1979). We will then present a working draft of a code for the audience's consideration and discussion. It is hoped that this document, together with your input today, will be another step in our efforts to bridge the "gap" between ethical principles and ethical practices (Gaa, 1991).

Rationale for a code

With the trend in litigation accompanied by the societal concern for professional accountability, now is the time for communication trainers and consultants to heed Berthold's (1982) long standing call for increased professional attention to ethics and ethical practices. Like other disciplines, communication professionals have shown a long and continued concern for the provision of quality services. But, unlike other professions, communication professionals involved in training and consulting, have yet to develop an independent set of ethical principles and practice guidelines, nor have they established a forum for addressing these issues. Like other professionals, we need the information necessary to prompt and reinforce ethical behavior, identify and correct breaches, and in doing so, protect ourselves and our clients.

At the 1997 National Communication Association, it was suggested, that in the in the absence of a code, communication professionals might adopt a code from a related discipline such as the American Psychological Association Code of Ethics (1981). Our argument is not with the quality or the utility of these codes for their

respective professions. The American Psychological Association and other codes are well established, are presumably legally sound, and provide professionals with important guidance. Nevertheless, these codes have several drawbacks for communication professionals:

For example, the APA Code is designed primarily for clinicians and psychological researchers. Its focus is on diagnosis, treatment, and the like. With the exception of the guidelines related to research and teaching, the code appears to have been constructed for the clinical practitioner, rather than someone engaged in consulting and training.

Moreover, the APA Code, for the most part, appears to be written for professionals working with psychologically or socially impaired individuals. The APA code does not address ethical questions related to working with "normal" or high functioning individuals in organizational settings.

Furthermore, because codes such as the APA code are designed for another profession, they deal extensively with activities and duties outside the purview and training of communication practitioners. For example, the APA code includes sections pertaining to the care and treatment of laboratory animals, the administration and use of psychological test results, and clinical supervision.

These disadvantages aside, there are several compelling reasons why communication professionals and consultant and trainers in particular should develop their own code of ethics.:

First, a separate code would help to establish the identity of communication consulting and training as a distinct discipline. As ethicists note, one of the distinguishing characteristics of a true profession is the willingness of its members to regulate themselves (Gaa, 1990). Developing a code is an important first step in this process.

Second, the process of developing and refining a code might serve several other important functions. It would force us to reexamine our struggles with important professional questions such as: What are the values, principles, standards underlying our profession? How do our activities differ from other trainers and change agents? And, how can we educate the public about our differences and better market our services? The end product of such a process might provide the impetus for examining or reexamining other important professional issues such as client rights, certification, and peer review.

Finally, a viable code would provide the antecedent guidance necessary to both avoid and resolve potential ethical dilemmas. If the code addresses important legal and ethical considerations, in terms relevant to the practitioner and the client, it can become a cornerstone of professional decision making and conduct. When combined with more detailed practice standards, the code and standards can become what Gersten (1991) has called the "bridge" between principles and practice (p.9).

Elements of a functional code

An ethical code, written by communication professionals for communication professionals, is needed. The code should reflect the principles and practices idiosyncratic to the profession. Like professionals in other disciplines have urged their peers, we should "embrace and emphasize" our differences (Bentley, 1987 p. 370).

Moreover, to be functional, an ethical code should reflect existing case law and the principles underlying law. In formulating ethical codes and practice standards, other professionals have legal precedent on which they can base their recommendations and guidelines.

To date, we have little in the way of legal precedent to guide our practices. Although there are instances of consultants and trainers being sued, many of the actions appear to relate to breach of contract and not to professional negligence (Montgomery, Heald, MacNamara & Pincus 1995). Unlike attorneys and physicians, who have a vast history of case law to direct their activities, consultants and trainers must seek guidance elsewhere (Montgomery et. al. 1995; Pincus, 1992d).

In the absence of directly applicable legal precedents, professionals might rely on the ethical principles underlying the law (Beauchamp and Childress, 1979; Kitchener, 1984). These principles might include: a) fidelity and veracity or promise keeping and truthfulness (Makau, 1991); b) the two-fold duty to help but not to harm; c) the duty to protect client autonomy; d) the protection of the client's right to privacy (Kitchener, 1984); e) the duty to act not only unselfishly in relation to the client, but "anti-selfishly" (Lawson, 1988); and f) the moral imperative of not just giving help but transferring knowledge or expertise. The goal is client independence.

These principles underlie several court accepted practices. Among others, these principles have been used to support the following practices: a) disclosing one's professional credentials; b) informing the client of the potential benefits and risks of alternative interventions; c) obtaining client consent before intervening; d) protecting client confidences (Kitchener, 1984); and e) refusing non-contractual benefits or "dual relationships" with the client, e.g., insider trading, going into business with the client, borrowing money from the client or initiating a romantic relationship, and the like (Lawson, 1988; American Psychological Association, 1981).

In addition to these principles and practices, Makau (1998) in her keynote address at the Firth National Communication Association's Ethics Conference noted that several prominent ethicists had identified "a short list" of cross-cultural values. For example Bok (1995) offers the following: "mutual care," "reciprocity," duty not to commit

"violence," "deceit" or "betrayal" as well as "procedural justice (p. 16)." Similarly, Christian and Taber (1997) identified "truth telling," respect for "human dignity," the principle of "do no harm" and "unconditional acceptance as widely held values.

An ethical code constructed around these values and principles will help professionals with ethical decision-making. Although a code may not prescribe a specific course of action, a code can highlight competing ethical mandates, such as the need to balance the duty to help against the duty not to do harm, and prompt professionals to discuss potential problems such as dual relationships, defining exactly who is the client or beneficiary of the consultant's services, and dealing with possible iatrogenic effects to third parties.

An Ethical Code for Communication Consultants

1.0 The Behavior of a Communication Professional

1.1 Courtesy, propriety and integrity. Communication consultants should use and model positive communication principles in their interactions with clients colleagues and others. These might include respect, listening, positive feedback and verbal reinforcement.

1.2 Professional competence. Communication consultants should strive to maintain the highest level of professional competence and should be guided by the current communication literature and research.

2.0 The Communication Consultants Ethical Responsibility to Clients

2.1 Primacy of the client's interests. The consultant's primary responsibility is to the client of record. This includes the responsibility and the duty to a) place the interests of clients ahead of those of the practitioner; b) protect the client's interests

during and after the consultancy has been concluded or terminated; and c) refuse non-contractual benefits from the consultant client relationship even if such benefits in no way harms the client; d) acknowledge potential or existing conflicts of interests now or in the foreseeable future; d) refuse subsequent contracts that might lead to a conflict of interest; and e) keep commitments, written or implied. When the above conditions cannot be met, the consultant has the duty to refuse the contract and refer the client.

2.2. Protection of client autonomy and independent decision making. The communication consultant should make every attempt to protect the client autonomy in the decision-making process. Because of superior knowledge and expertise, the consultant has a proactive duty to: a) fully disclose one's professional credentials including education, training, and experience; b) educate the client in lay language about the nature of the service or intervention to be performed; c) inform the client of the benefits and limitations of a service; c) inform the client of possible alternatives services and interventions including doing nothing, and the benefits and costs of each alternative; d) give the client the opportunity to decide what is or is not in his or her best interest; e) obtain the client's voluntary written consent before any service or activity is performed; and f) refer the client if the professional cannot competently provide the desired service.

2.3 The use of validated, effective procedures. Communication consultants have a duty to use empirically validated, socially, and professionally accepted procedures, and to follow accepted practices when applying those procedures. These include among others: a) the collection and use of relevant information and data prior to providing a service or recommending an intervention; b) the refusal to use interventions that might harm the client or third parties; d) the refusal to accept contracts where the staff, time and or resources are not available to the complete the desired successfully.

2.4 The use of peer consultation and review. Communication consultants recognize the importance of consulting with peers prior to intervention. By consulting with peers, the consultant can reduce the chance of undesired and unexpected consequences, demonstrate a commitment to using validated and accepted procedures, and attempt to conform their practices to provide the "hypothetical standard of care" expected by the courts.

2.5 Client confidentiality and privacy. Communication consultants should take every possible step to protect client privacy and confidentiality. Among other protections, consultants should do the following: a) hold all information acquired formally or informally in confidence; b) insure that the consultant's employees at all levels understand and are contractually obligated to maintain confidences; c) protect the unauthorized release or the appearance of unauthorized release of client information to current or future clients; and d) obtain the client's informed, written consent, with a specified time frame, before any information is released.

2.6 Fee for services. Communication consultants will charge fees that are: a) commensurate with the services being performed; b) the potential benefit to the client; and c) the consultant's qualifications and expertise. The consultant will not accept "kick-backs" for referrals. Nor will consultants promote products in which he or she holds a vested financial interest without full disclosure to the client, a professionally acceptable and legally compelling rationale, and without peer consultation.

2.8 Advertisements and public announcements. In all public announcements and advertisements, consultants fully disclose their qualifications, training and areas of expertise and accurately convey the strengths and limitations of the services.

3.0 The Professional's Responsibility to Third Parties

3.1 Responsibility to non-contractual parties. Although legal obligations to parties not privy to the contract may vary from state to state, consultants are committed to protecting those who might be affected by their actions. They will proactively take steps to eliminate or minimize potential negative consequences. They will do this by declining contracts involving services or interventions that might harm third parties; insist that affected third parties be included in the consultant-client decision making process; and/or by informing and obtaining the written consent of those who might be affected by an intervention or services.

3.2 Responsibility to other professionals. The consultant will not intentionally harm another professional's reputation.

4.0 The Professional's Responsibility to the Profession, Society, and Continued Professional Development

4.1 Commitment to maintaining the integrity of the Profession. Consultants should actively support and promote the values and ideas underlying the profession, the science of human behavior, and applied behavior analysis. This includes, among other activities, active involvement in teaching, research, and practice as well as involvement in relevant professional organizations.

4.2 Community service. Consultants recognize that pro bono activities are a responsibility and duty of professionals and represent an important means of disseminating and making the public aware of humane approaches to changing and managing human behavior.

4.3 Continuing education. In addition to fulfilling the continuing education

requirements of their respective professions, consultants should stay abreast of their profession and the innovations and techniques that will allow them to provide ethical, quality, state-of-the-art-services.

Application

The development of a code of ethics, that consists of more than the self-evident "shoulds" and "oughts" that characterize many such endeavors, is critical to our profession. However, until we develop a code consultants and trainers there are several steps consultants can take now to protect themselves and their clients. Among others these include the following:

a) Until we have a code of ethics, it is appropriate to use established codes such as the one developed by the American Psychological Association Code or the utilize the accepted standards of related disciplines in the country in which you practice. What is important is that the consultant, in the absence of standards for his her profession nevertheless, work from an accepted ethical frame of reference -- preferably one that has been tested by the legal system.

b) Whenever possible utilize the well established model of process consulting made famous by Organizational Development theorists. Recognize that consulting is a process; and not merely the delivery of a product. What occurs or does not occur in that process is critical. Consultants may regard safeguards such as informed consent as a nuisance, which occurs in many medical settings, or they can use them to promote a meaningful dialogue around issues that may adversely affect the client and the consultancy.

c) As a consultant, establish procedures that will help the client monitor our behavior and the behavior of our colleagues. For example, consultants can use a

client "bill of rights" to let the client know what he or she should expect and what steps to take if there are problems. As Montgomery and MacNamara (1996) note, it is often the client who has the greatest vested interest in the outcome of the consultancy.

d)) When confronted by difficult ethical or legal decisions, peer consultation is critical. In the United States, when negligence is alleged, the consultant's behavior will be judged using the standard of the "reasonable" man or the "reasonable" woman. The court will, in effect, ask how would a "reasonable" man or woman, with the same background, training and professional expertise have acted under similar circumstances and judge the behavior accordingly (Montgomery et. al., 1995).

e) Finally, keep accurate records. Remember the nostrum, "if it is not in writing it did not occur."

For further discussion of these and related issues see Montgomery et. al., 1995.

Refinement and Expansion of the Proposal

The above working draft establishes some broad parameters for professional conduct and is offered as points for discussion, refinement and expansion. The principles incorporated in the code provide the foundation for a number of court accepted professional practices and therefore might be used to develop accompanying practice standards (Kitchener, 1984). In addition, it is recommended that professionals develop a preamble for the code that defines the intent of the code, sets the overall tone of the document, and defines communication consulting and training as a discipline.

To refine and expand on the proposal, the profession should write a suitable preamble, and develop related practice standards, professional and societal input is desirable. Groups that might make a substantial contribution to this process include

fellow communication professionals, consumers of our services, ethicists, and representatives from the legal community. NCA/ICA sponsored forums might be held to engender professional discussion and informed input. A first step in this direction was taken at the 1998 Commission on Ethics Conference.

Summary and Conclusions

In this discussion, the authors have suggested that it is important for practical, ethical and professional reasons for Communication Professionals to develop their own code of ethics. The authors proffer a working draft of a code and explore methods for refining and expanding the code and developing an accompanying set of practice standards.

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