

## Article 34

# Protecting Our Gatekeepers? Hard Lessons Learned From the Dismissal of a Graduate Counseling Student

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Master's programs in counselor education have traditionally focused on the training of individuals who will practice as professional counselors in school or community settings. Recent awareness of counselor potential harm due to personal issues and inadequate supervision has triggered counselor supervisors to become more critical of students in training with regard to personal characteristics that may interfere with client well-being. This also has placed a heavier burden on counselor supervisors than in previous years and increased their awareness of potential liabilities.

The American Counseling Association's (1995) *Code of Ethics and Standards of Practice* stated,

Counselors, through ongoing evaluation and appraisal, are aware of the academic and personal limitations of students and supervisees that might impede performance. Counselors assist students and supervisees in securing remedial assistance when needed, and dismiss from the training program supervisees who are unable to provide competent service due to academic or personal limitations. Counselors seek professional consultation and document their decision to dismiss or refer students or supervisees for assistance. Counselors assure that students and supervisees have recourse to address decisions made, to require them to seek assistance, or to dismiss them. (Section F.3.a.)

Adherence to this section mandates supervisors to assess students and take steps to prevent students from harming clients. Therefore, aside from assessing the academic ability of students, counselor educators have the necessary role of assessing the clinical skills and professional judgment of students prior to approval for work with clients in need of therapeutic services. This also involves assessing if personal characteristics have current or potential harm for clients. Therefore,

faculty members become the first gatekeepers in the counseling field and may be held liable if they endorse students to work with clients if they believe a student's personal limitations may cause harm.

Traditionally, it is the supervisors of practicum and internship who have been viewed as the sole gatekeepers. Practicum and internship placements are most frequently at the end of the program, but warning signs may be evident at other points in the student's training program. Prepracticum placements, initial counseling skills courses, content courses, and field experiences implemented in other courses may allow faculty to determine personal issues which could be addressed early on in the program through a student review process. Students need to be aware of the expectations, policies, and procedures so that if decisions are made regarding remediation or dismissal, they have previous awareness of the importance of addressing personal issues that may interfere in working with clients.

### **Policies and Procedures of Universities and Training Facilities**

Prior to developing handbooks and catalogues, or policy and procedure procedures for dismissing students, counselor supervisors and agencies should be aware of the ACA ethical and legal guidelines for remediation and dismissal of students. Handbooks and departmental policies and procedures should reflect ACA guidelines. University and legal representatives should review such documents to ensure for legal consistency and appropriateness, and to obtain administrative approval. Approval by administration is imperative for future support if legal or ethical complaints are filed against faculty and the institution. Handbooks should be periodically updated and should correspond to catalogues and Web information.

Okin and Gaughen (1991) identified three gatekeeping strategies that should be implemented in

the policies and procedures of any departmental training program in counseling: formulating operational definitions of expected behaviors, disseminating these expectations to students in writing, and periodically examining students throughout their program. Such policies and procedures must be addressed to students prior to their program start date, and a written statement from the student indicating proof of receiving and awareness of the policies and procedures of the program should be secured. This will demonstrate students' knowledge of the policies and procedures of the department, acceptance of the policies as part of their program, and agreement to abide by the policies. Written acknowledgement should be filed in the students' personal academic files. These issues will help to ensure that due process has been initiated in the preliminary stages of the students' academic program of study.

In accordance with the Association for Counselor Education and Supervision (ACES, 1993) and the Council for Accreditation of Counseling and Related Educational Programs (CACREP, 2000), departments should incorporate standards for evaluating student progress during their program of study. Although time consuming, all students should be reviewed and the process recorded as part of a formal departmental student review meeting, at least once per semester. Once student concerns are brought to faculty, appropriate action (if any) and notification (if deemed necessary) should be addressed with the student. When students are brought up on review, documentation of the results of the review should also be conducted at the end of the semester to include action taken and responses of all parties. Documentation should be recorded in minutes and in student review forms established by the department. Appropriate protocol for notification, issues that may require remediation/dismissal, appeal and due process must be outlined in student handbooks. These issues should also be addressed with students during a formal orientation at the start of the program. Proof of attendance, awareness of expectations and protocol, and acceptance of the policies and procedures should be filed in written format in the student's file.

### **Due Process**

Most ethical and legal allegations by students are charges that include violation of a student due process (Okin & Gaughen, 1991). The recommendations in the preceding section outline a process that may assist in demonstrating how due process is integrated into the departmental mission, policies, and procedures from the start of a program. Due process must also be

demonstrated after a problem has been identified. Communication should be ongoing between site and university supervisors/clinical coordinators. Often a concern emerges the first time the supervisors meet or discuss the student's progress. If there is a concern regarding potential or explicit harm to clients, which is often brought about by the internship supervisor, due process is essential along all steps of action. If a problem is discussed between the onsite supervisor and university supervisor or clinical coordinator, the university supervisor should be certain the concern has been discussed at the site with the student. If this discussion has taken place and further action is recommended (i.e., withdrawal from the site), all essential parties (student, onsite supervisor, university supervisor, and, perhaps, clinical coordinator) should address the issue together (Hensley, Smith, & Thompson, 2003.) This process should be made available as an option for the student. This is the first crucial step in providing due process, and one that legal consultants will most likely inquire as to whether it took place.

Unfortunately, university supervisors can request, not force, agencies or school systems, to provide such a forum. This avenue of due process may be hindered in such cases when legal consultation for the internship site prevents further contact and/or when internship site staff and administrators express personal safety concerns if the student were allowed to return for any reason and may prevent additional meetings. If due process is not permitted by the site, due process must be provided by the university, to include a meeting with the student, clinical coordinator, adviser, internship supervisor, and program coordinator (Hensley, Smith, & Thompson, 2003). The actions of those involved in this meeting should be consistent with the policies and procedures outlined for student review, grievance, and appeals processes as outlined in the handbook and catalogue. No decisions concerning the student or remediation plans should be made or expressed prior to meeting with the student or expressed to the student during the initial due process meeting. Rather the student should be given the opportunity to state his or her case, offer personal insight and information, and offer possible remediation, if necessary. Documentation is crucial, and minutes should be taken and placed on file.

In the case of the graduate student who provoked this article, during the time faculty attempted to provide due process and remediation rather than outright dismissal, the student took this time to file ethical complaints against the faculty members and the site supervisor. This was the unfortunate consequence when attempting to abide by ethical codes and standards; but

having the student decide remediation was not an acceptable option. Another unfortunate event was that the faculty could not issue ethical complaints against the student since the student had calculatedly filed a complaint first.

### **Duty to Consult**

Duty to consult is recommended in cases involving high-risk students, just as clinicians are advised of this responsibility for high-risk clients. The American Counseling Association has several avenues to utilize to determine appropriate action in clinical supervision. However, options and services are available to any member of the Association. Is it possible that when both parties are members of the same Association, a dual relationship may collude and complicate professional consultation and representation to all members? Counseling supervisors have several options if they can not utilize their Association: rely on legal representation from personal professional liability insurance (be sure you are covered as a supervisor), rely on the legal coverage available by the university, consult with outside legal consultants if available, and consult with other faculty in the field. The decision to have single or group representation should be decided on case-by-case basis. The decision to attain personal professional liability should be discussed as an option for faculty.

### **Faculty Development**

Faculty development is essential for any department and should include the review of ethical and legal cases (Lumadue & Duffey, 1999) that affect supervisors. Such faculty development should be incorporated yearly and when new faculty are added to the training program. Additionally, when departments have faculty from different professions teaching courses (e.g., psychology, counseling, social work), it is imperative that programs review the ACA guidelines, even if faculty are not involved in the clinical supervision. Warning signs are often noted during nonclinical courses, but an appropriate tracking system may not be utilized, or for that matter discussed with other faculty until more severe problems surface, often during clinical interaction with clients or in clinical supervision. This practice may assist in the prevention of legal and ethical complaints or, at a minimum, can be used in one's defense to show adherence to ACA standards if ethical or legal allegations are filed. At a minimum, the review of ethical and legal suits may help prepare for potential incidents and keep faculty abreast

of the growing number of incidents that the field encounters annually and decisions rendered by courts and associations.

### **Conclusion**

Counselor educators and supervisors provide an essential function in protecting clients and the field of counseling. Counselor supervisors may encounter students who pose a risk to clients during supervision and where remediation and dismissal of a student is imminent, allowing for the potential of legal and ethical allegations. The field must find an appropriate balance to protect the due process guaranteed for students but also to protect and provide due process for the supervisors who act in accordance with the ACA *Code of Ethics* and the Association for Counselor Education and Supervision *Ethical Guidelines* and who provide a crucial role in gatekeeping our field and the public. If the gatekeepers perceive themselves as unprotected by the field they are gatekeeping, the field may be in danger of losing professionals who genuinely desire to protect clients and the counseling field.

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*Note:* This article makes reference to the ACA *Code of Ethics and Standards of Practice* (1995) because it was written prior to Publication of the 2005 ACA *Code of Ethics*. The 2005 ACA *Code of Ethics* supersedes the 1995 *Code of Ethics and Standards of Practice*.

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