

## Ethical Decision Making in Positive Behavior Support

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## History of the BACB Ethical Code

- 2001-2015
  - *BACB Guidelines for Responsible Conduct for Behavior Analysts*
- 2016
  - *Professional and Ethical Compliance Code for Behavior Analysts.*

## A Shift from Guidance to Compliance

- Title change
- Language shift
- Enforceability

## Implicit Assumption of this approach

- There exists a set of rules that can define ethical behavior for a behavior analyst in all circumstances
- Ethical behavior can best be achieved by policing adherence to that set of rules.
- This is an approach to ethics known as "rule-based ethics" or *deontology*.

## Rule-Based Ethics (deontology)

- Kant (1785)
- The morality of an action is determined by its adherence to a rule.

## Potential Problems with Rule-Based Ethics

- Two or more rules can conflict
- Context can suggest an ethical course counter to the rule.
- Cultural considerations can suggest an ethical course counter to the rule

## Other possible issues

- The rules might not cover the situation
- Rules can promote black and white thinking

"... treating ethical rules as immutable ends in themselves, separating them from the ethical ideals (i.e., the principles and virtues) they were designed to reflect and support, can turn rules into obstacles rather than facilitators of ethical ideals such as respect, fairness, caring, beneficence, and avoidance of harm."

Pettifor, Sinclair, Falendar (2014)

## Other Approaches to Ethical Decision Making

- Virtue Ethics
- Ends-based Ethics
- Care-based Ethics

## Virtue Ethics - Aristotle

- A commitment to being a “good” and virtuous person. Ethical decisions are based on what a person decides is most virtuous in a given situation.
- Each ethical situation is unique and complex and the contextual factors of each must be considered on their own.

## Ends-based Ethics (Mills, 1861)


- A focus on the potential consequences of different actions in an ethical dilemma
- Choose the action that will result in the best outcome for the greatest number.

## Care Ethics (Gilligan, 1982)

- Moral action centers on interpersonal relationships and care as a virtue.
- A commitment to act in a way that promotes the well-being of care-givers and care-receivers.

## How do I know what to do??

Care-based ethics  
 Rule-based ethics  
 Virtue ethics  
 BACB Compliance  
 Deontology



## Ethical Decision Making as a Process

- A series of steps a behavior analyst would go through when considering an ethical issue.
  - Systematically leads the behavior analyst through
    - Clarifying the issue
    - Considering relevant guidelines from certification board
    - Considering other factors
    - Brainstorming
    - Documenting
    - Evaluating

## Ethical Decision Making as a Process

- Ethical conduct would then be judged by one's ability to stand in front of a court of peers and defend one's decision making process, resolution and the reasons for it

## Step 1: Clarify the Problem

- Identify the ethical dilemma
- If applicable, identify the client(s)
- Identify the relevant codes in the BACB Compliance Code.
- Identify personal values or biases that may influence your decision making on this issue.

### Identify the ethical dilemma

- Often the difficult ethical dilemmas are "right vs right" dilemmas\*:

It is right that \_\_\_\_\_ and it is right that \_\_\_\_\_.

\*Kidder, R. M. (2009). *How good people make tough choices: Resolving the dilemmas of ethical living* (Rev. ed.). New York: Harper.

### Identify the client(s)

- Who is the "Primary Ultimate Beneficiary"?
- Who else needs to be considered in this situation?

### Identify the relevant codes in the BACB Compliance Code.

- Identifying the relevant codes also will mean identifying any relevant laws and/or regulations

### Identify personal values/biases that may influence your decision making

- Behavior analytic interpretation
  - values/biases = learning history

## Step 2: Brainstorm Solutions

- What solutions does the BACB Compliance Code suggest?
- What are other possible solutions?

## Step 3: Evaluate Solutions


- Consider what issues, conflicts, or tensions might potentially influence each solution. Also consider the following factors when evaluating solutions:
  - Client safety
  - Client dignity and self determination
  - Client outcomes
  - Impact on your relationships with other parties
  - Family preferences

## Step 4: Have you found an acceptable solution?

- Has one of your solutions “bubbled to the top” as the best course of action?
- Are you still feeling uneasy about the options?
  - Go back to the brainstorming step.
  - This is the time (if you haven’t already) to enlist help – recruit trusted mentors/colleagues to help you both brainstorm and evaluate options.
  - Try looking at your solutions through different ethical lenses:
    - Virtue ethics, deontology, care-based ethics, ends-based ethics


## Step 5. Implement solution with fidelity. Carefully document all actions taken.

- We are all now very well aware of the importance of documenting our ABA services.
- The same is true for your ethical decision making: document, document, document.
  - Document each step of your decision making process
- If you are ever questioned, you can show that you went through a thoughtful, deliberative process and arrived at the most ethical decision you could.



## Step 6: Reflect upon the results.

- Was it a successful resolution?
- Do I need to take any further steps in this particular situation?
- Have I learned anything that will affect future ethical decisions?

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- Interested in reading more about our process?

Rosenberg, N. E., & Schwartz, I. S. (2019). Guidance or Compliance: What Makes an Ethical Behavior Analyst?. *Behavior Analysis in Practice*, 12(2), 473-482.