

Becoming aware of a colleague's unethical behavior: Obligations, constraints, & recommendations

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The field of psychology is one in which professionals are accustomed to working independently, to respecting others' autonomy and free will, to guarding people's secrets and privacy, and to accepting vast variations in human behavior. Consequently, most of us feel discomfort and unease at those times when a client's behavior becomes so problematic that we must reach beyond the boundaries of the therapeutic relationship, sometimes violating the client's autonomy and privacy, in order to prevent harm. Ethical and legal obligations that require us to infringe upon another's autonomy and privacy can be even more unpleasant when the problematic behavior is exhibited not by a client, but by a professional colleague. Still, the APA Ethics Code and the Colorado Mental Health Statute mandate that we take some action when we become aware that a colleague has engaged in behavior that could potentially undermine the integrity of the profession and/or harm those served.

APA Ethical Standard 1.04 requires that we first attempt informal resolution, when appropriate, by bringing the situation to the attention of the offending psychologist. If an informal resolution does not resolve the situation or is not assumed to be appropriate, Standard 1.05 mandates further action, such as referring the offending psychologist to a professional ethics committee or to the state licensing board. The Colorado Mental Health Statute is even more specific, requiring that a psychologist with direct knowledge of a mental health professional committing a prohibited activity report that knowledge directly to the licensing board, unless such a report would violate client confidentiality rights [CRS 12-43-224 (9)]. Because the responsibility for intervening is made explicit in the APA standards and in Colorado law, ignoring the existence of a colleague's ethical violation is an ethical violation of its own.

Despite the ethical and legal obligations to intervene, psychologists, like other mental health professionals, are poor at doing so. We abide by childhood messages to "mind your own business" and "don't be a tattler," and we worry that concerning ourselves with the work of others may seem unnecessarily nosy and officious. We understand that the very nature of our work is rife with areas of ethical uncertainty (Is it okay that I hugged a client? Did I work when I was too stressed out to be effective? What about that gift that I accepted from a client?) and fear appearing self-righteous, paternalistic, or rigidly moralistic in judging a peer's professional performance. We wish to avoid harming our colleagues by the punitive action that might come from a referral to an ethics committee or even by the potential embarrassment or humiliation that might arise from an "informal resolution." These emotional factors—coupled with the fact that taking action, either formally or informally, requires time and effort—conspire to keep us silent and unresponsive to the ethical breaches of others in the field.

Responding to an ethical violation by a colleague requires skill, motivation, resolve, empathy, and perhaps some specific training regarding alternative courses of action. While on the surface, the awareness of a colleague's unethical behavior may seem to create a black-and-white dilemma (Do I turn her in or don't I?), there are a number of different responses, depending upon the nature of the violation, the information available, and the relationship between the professionals. A letter of concern might be most appropriate when the professional

peer is a stranger or a distant acquaintance and when the violation does not appear likely to result in imminent harm. For example, imagine that a psychologist hears from a reliable source that another professional, whom she has never met, bills couples therapy as individual sessions in order to obtain third party reimbursement. If true, this is clearly a violation of both the APA Ethics Code and the Mental Health Statute (and, in fact, would constitute a criminal offense), but because the knowledge of the offense is not first-hand, and no party is at imminent risk of harm, the psychologist might choose to send a polite letter inquiring about the behavior and expressing concern about its legal and ethical ramifications. On the other hand, if the psychologist learned with greater certainty that the same offense was being committed by a colleague in her office, a more direct corrective intervention would be warranted.

It is important for us to acknowledge the distaste we may feel for “prying” into someone else’s business, but also to recognize the need for well-meaning and well-executed action. Confronting of colleagues’ unethical behavior can, ideally, help impaired, distressed, and unaware practitioners curtail their unethical choices and provide services more in keeping with the ethical principles of our profession.

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