## Common Pitfalls When Responding to Ethical Dilemmas

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<thead>
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<th>Common Pitfall</th>
<th>Symptom &amp; Justification</th>
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| Ignoring                             | **Symptom**— Failure to perform an ethical responsibility because the person consciously or unconsciously ignores the issue.  

**Justification**— Planned ignoring (failing to cite a known violation) knowingly deprives consumers of a contractual entitlement, creates unequal protection for licensees, exposes the agency to increased liability (for harm done because of mis-/non-feasance), carries inherent dangers of precedent setting, and leads to erosion or misinterpretation of the licensing rules. |
| Delaying                             | **Symptom**— Postponing a decision, not because we really think the situation will improve with age but because, consciously or unconsciously, we are trying to avoid a painful duty or hoping the problem will go away on its own.  

**Justification**— Many decisions do need to be delayed to gather information, to conduct additional evaluation, to “cool-off,” to conduct a supervisory review, and so on. The core issue is whether any constructive activity is occurring during the delay. If not, the decision-maker is stalling. |
| Haste, rush to judgment              | **Symptom**— A premature jumping to action is another way to escape the mental distress of ethical dilemmas. However, a feeling that you’re being driven to take action leads to inadequate investigation, analysis, and minimal involvement with the people you need to include. Haste may also lead to an over-reaction.  

**Justification**— Our culture values decisive action. If there really is a compelling need, immediate response is proper. |
| Abrasiveness, preemptory action       | **Symptom**— Harsh, abrupt enforcement techniques can intimidate the licensee and inhibit the discussion the licensor needs to have to address the potential ethical dilemma or difficult issue.  

**Justification**— The nature of enforcement does require firmness, assertiveness and, when necessary, direct confrontation. But you need to be careful to allow discussion in a way that does not appear to promise a different decision which might only make matters worse. An ethical, fair minded person does not intimidate or discount the right of other persons to state their beliefs or make their case. Instead the person sincerely and openly listens without judgment. |
| **Overreliance on procedures** | *Symptom*— Ethical issues can be avoided by excessive reliance on procedures such as force-fitting decisions into an existing guideline or hiding behind established procedures to justify a decision.  

*Justification*— In many cases, it does not make sense to agonize over decisions that the law, the rules, and agency procedures have already decided. While licensing also has less latitude for flexibility than many other disciplines, an ethical licensor will not hide behind these realities. He or she will assume a share of the responsibility for keeping laws, rules and practices under healthy scrutiny using existing mechanisms for proposing suggestions for changes. Regularly re-visiting procedures helps to keep them current and relevant in a rapidly changing world. |
| **Giving in** | *Symptom*— To avoid confrontation, we sometimes just avoid the ethical dilemma altogether by yielding to the other person’s argument or to the situation itself.  

*Justification*— Confrontation is difficult and stressful so agencies and individuals try to seek amicable solutions. They also seek ways of coming around to another’s viewpoint when it seems to make sense and the rules allow it. But that’s different from simply “giving in” to avoid taking a position or having a scene. |
| **Not articulating the values behind apparently automatic or routine decisions** | *Symptom*—The licensor automatically goes through the checklists, unaware that others don’t perceive or agree with the values and decisions implicit in just doing your job by the book. It is a type of burn-out that avoids the ethical collisions that may be occur in the mind of the licensee or others who are affected by these so-called routine decisions.  

*Justification*—This can be rationalized under the headings of efficiency or bowing to the requirements of the situation. The reality is that most licensors carry such heavy workloads that they find it hard to be anything but task-focused.  

But it could be a mistake to assume that a situation is as routine an occurrence as it appears. Nor is it safe to assume that people know or remember the basis for rules and decisions. It is definitely a mistake to assume that all you owe the licensee is a report card with a list of deficiencies. The trick is not to allow the workload to so blunt your sensitivity that you fail to recognize that taking the time to probe or to explain is essential—and likely to save time in the long run.  

Let the licensee hear what was going on in your mind as you judge compliance so they can hear what you thought about the causes and possible consequences of each violation and how you considered alternatives to help the licensee achieve compliance. Chances are that the licensee will learn more about risk recognition/reduction and will feel better about your role and his relationship with licensing. And... |
you’ll probably find that your own thinking and sensitivity stay sharper—a nice secondary benefit for you.

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<td><strong>Symptom</strong>— Too much upward delegation of problems that could be handled at a lower level in the organization may signify that the staff is avoiding uncomfortable issues.</td>
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<td><strong>Justification</strong>— Deciding and clearly communicating to staff where to locate the proper decision making authority for problems of various types or severity is essential to orderly practice and is the management’s responsibility.</td>
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<td>The thorniest ethical and political problems should be passed up the line for decision, concurrence, and support. No organization should permit deviations from its ethically based procedures except at the highest levels.</td>
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