

BENJAMIN W. BULL, AZ Bar No. 009940 (*Of Counsel*)  
JEREMY D. TEDESCO, AZ Bar No. 023497\*  
ALLIANCE DEFENSE FUND  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020 (480) 444-0028 Fax  
jtedesco@telladf.org

DAVID A. FRENCH, TN Bar No. 16692, KY Bar No. 86986  
ALLIANCE DEFENSE FUND  
12 Public Square  
Columbia, TN 38401  
(931) 490-0591; (931) 490-7989 Fax  
dfrench@telladf.org

STEVEN M. JENTZEN, MI Bar No. P29391  
ATTORNEY AT LAW  
106 S. Washington  
Ypsilanti, MI 48197  
(734) 482-5466; (734) 482-2440 Fax  
smj@jentzenlaw.com  
*Local Counsel*

*Attorneys for Plaintiff*

\*Application for admission forthcoming

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**Julea Ward,**  
Plaintiff,

vs.

The Members of the Board of Control of  
Eastern Michigan University—**Roy Wilbanks,**  
**Floyd Clack, Gary D. Hawks, Philip A.**  
**Incarnati, Mohamed Okdie, Francine**

Case No.  
Judge

**VERIFIED COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY  
RELIEF AND DAMAGES**

**DEMAND FOR JURY TRIAL**

**Parker, Thomas W. Sidlik, and James F. Stapleton**—all in their individual and official capacities; **Dr. Susan Martin**, in her individual and official capacities as President of Eastern Michigan University; **Dr. Vernon Polite**, in his individual and official capacities as Dean of the College of Education at Eastern Michigan University; **Dr. Irene Ametrano**, in her individual and official capacities as Professor of Counseling at Eastern Michigan University; **Dr. Perry Francis**, in his individual and official capacities as Associate Professor of Counseling at Eastern Michigan University; **Dr. Gary Marx**, in his individual and official capacities as Assistant Professor of Educational Leadership at Eastern Michigan University; **Paula Stanifer**, in her individual and official capacities as Student Member of the Formal Review Committee; **Dr. Yvonne Callaway**, in her individual and official capacities as Professor of Counseling at Eastern Michigan University; **Dr. Suzanne Dugger**, in her individual and official capacities as Professor of Counseling at Eastern Michigan University,  
Defendants.

Comes now Plaintiff, by and through counsel, and avers the following:

**I. INTRODUCTION**

1. This is a civil rights action seeking injunctive (preliminary and permanent), declaratory, and monetary relief, including attorney’s fees and costs, to vindicate and safeguard the fundamental constitutional rights of Plaintiff Julea Ward under the First and Fourteenth Amendments of the United States Constitution.
2. Ms. Ward enrolled in Eastern Michigan University’s (“EMU”) graduate School Counseling Program in May 2006 to obtain the necessary education to be a licensed counselor in Michigan. She has worked diligently over the past two-plus years to complete the requirements

of the degree, while at the same time being employed as a full time teacher at a public school. She currently has a 3.91 GPA.

3. Despite being near the end of her degree program—Ms. Ward has only four requirements to fulfill to satisfy the requirements of graduation—Defendants dismissed Ms. Ward from their Graduate School Counseling Program solely because her religious beliefs and expression regarding homosexual behavior contradicted the views of the EMU counseling department. Ms. Ward is a Christian who derives her fundamental beliefs and moral values from the Bible. Based on Biblical teachings, Ms. Ward believes that God ordained sexual relationships between men and women, not between persons of the same sex. As such, Ms. Ward believes that homosexual conduct is immoral sexual behavior. Ms. Ward also believes, based on her sincere religious beliefs, that individuals are capable of refraining from engaging in homosexual conduct.

4. The EMU counseling department requires students to affirm or validate homosexual conduct (specifically, homosexual sex) within the context of a counseling relationship, and prohibits students from advising clients that they can refrain from homosexual conduct.

5. Ms. Ward's and EMU's contrary views came to a head when Ms. Ward enrolled for the Counseling Practicum course in January 2009. During Practicum, counseling students, like Ms. Ward, counsel clients under the supervision of EMU faculty. The third client assigned to Ms. Ward was seeking counseling regarding a homosexual relationship. Because EMU's requirement that Ms. Ward affirm and validate this client's homosexual conduct would require Ms. Ward to violate her religious beliefs and express a viewpoint that she disagreed with, Ms. Ward called Defendant Callaway, her supervisor, and asked whether she should see the client

and refer if necessary, or refer the client to a different counselor prior to the initial appointment. Defendant Callaway advised Ms. Ward to have the client referred to a different counselor.

6. Shortly thereafter, Defendant Callaway initiated disciplinary proceedings against Ms. Ward. At an informal review meeting—the first stage of the disciplinary process—Defendant Callaway and Defendant Dugger told Ms. Ward that the only way she could stay in the program is if she agreed to undergo a “remediation” program in which she would “see the error of her ways” and change her “belief system” as it relates to counseling about homosexual conduct to be consistent with EMU’s views on that matter. If Ms. Ward did not agree to undergo such reprogramming of her beliefs, her “options” were to voluntarily leave the program or ask for a formal review hearing that would likely result in her expulsion from the program. Ms. Ward was unwilling to change her fundamental religious beliefs and views regarding homosexual behavior, or to violate those beliefs by affirming and validating homosexual conduct within a counseling relationship, and so requested a formal review hearing. The formal review committee dismissed Ms. Ward from the program on March 12, 2009. Ms. Ward appealed this decision to Defendant Polite, Dean of the College of Education, who upheld the dismissal on March 26, 2009.

7. Ms. Ward was taught during courses she took from EMU’s counseling department that referring clients is an accepted practice within the counseling profession, including, but not limited to, those circumstances where there is a clash between a counselor’s values and a client’s values/goals. In fact, Defendant Ametrano, who chaired the formal review committee that ousted Ms. Ward from the program, assigned a book in a course Ms. Ward was required to take that stated that referrals are appropriate where value conflicts arise. This book expressly states that referrals may be appropriate where a counselor who has strong convictions that homosexual

behavior is immoral is asked by a client to provide assistance with his or her homosexual behavior/relationship.

8. Although Defendant Callaway advised Ms. Ward to refer the client seeking advice regarding his homosexual behavior and relationship to a different counselor, Defendants then punished Ms. Ward, by dismissing her from the program, for expressing her religious beliefs and view that homosexual conduct is immoral (even though those beliefs were never expressed to the client in question), being unwilling to change her beliefs and views, and being unwilling to violate her beliefs by affirming homosexual conduct within the context of a counseling relationship.

9. Defendants' actions described above, and below, violate Ms. Ward's constitutional rights to free speech, free exercise of religion, freedom from retaliation for exercising First Amendment rights, equal protection of the laws, due process, and freedom from establishment of religion.

10. Ms. Ward is suffering immediate and irreparable harm as a result of her dismissal from EMU's School Counseling Program. Her dismissal results in a loss of time and experience as a counselor, in that she is now delayed in obtaining her counseling degree and entering the profession. Ms. Ward was on track to graduate in May 2010, but that is impossible now in light of Defendants' dismissal of her from the program. Whether this court orders that she be reinstated at EMU, or Ms. Ward transfers to another school, Ms. Ward has and continues to lose invaluable time and experience as a counselor. These injuries are not capable of being remedied through monetary damages, and thus constitute irreparable harm. In addition, Ms. Ward's First Amendment rights to express her religious views in the marketplace of ideas on campus and to receive information as part of her educational program are being violated every day that EMU's

unlawful dismissal is in force. Accordingly, in addition to seeking a permanent injunction, declaratory relief, and damages, Ms. Ward also seeks a preliminary injunction requiring the Defendants to immediately reinstate her in the School Counseling Program.

## **II. JURISDICTION AND VENUE**

11. This action arises under the United States Constitution, particularly the First and Fourteenth Amendments; and under federal law, particularly 28 U.S.C. § 2201, 42 U.S.C. §§ 1983 and 1988.

12. This Court is vested with original jurisdiction over these federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

13. This Court is vested with authority to grant the requested declaratory judgment by operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the Federal Rules of Civil Procedure.

14. This Court is authorized to issue the requested injunctive relief pursuant to 42 U.S.C. §1983 and Rule 65 of the Federal Rules of Civil Procedure.

15. This Court is authorized to award the requested damages pursuant to 28 U.S.C. § 1343.

16. This Court is authorized to award the requested attorney's fees and costs pursuant to 42 U.S.C. § 1988.

17. Venue is proper in the United States District Court for the Eastern District of Michigan under 28 U.S.C. § 1391(b), in that the events giving rise to the claim occurred within the district.

## **III. IDENTIFICATION OF PLAINTIFF**

18. Julea Ward was a student in EMU's School Counseling Program until she was dismissed from that program on March 12, 2009. Ms. Ward is a Christian who derives her beliefs and

moral values from the Bible. Based on her sincerely held religious beliefs, Ms. Ward believes that homosexual behavior is immoral sexual conduct, and cannot affirm or validate that behavior, or otherwise use her counseling skills and abilities to encourage or facilitate homosexual behavior, without violating her sincere religious beliefs.

#### **IV. IDENTIFICATION OF DEFENDANTS**

19. Defendants Roy Wilbanks, Floyd Clack, Gary D. Hawks, Philip A. Incarnati, Mohamed Okdie, Francine Parker, Thomas W. Sidlik, and James F. Stapleton are members of the Board of Control of Eastern Michigan University, a public university organized and existing under the laws of Michigan, and are responsible for the Board of Control's administration and policy-making, including the policies and procedures challenged herein that were applied in dismissing Ms. Ward from EMU's School Counseling Program. Each of these Defendants acquiesces in, sanctions, and supports the actions of Defendants Polite, Ametrano, Francis, Marx, Stanifer, Callaway, and Dugger in enforcing these policies against Ms. Ward and dismissing Ms. Ward from the School Counseling Program. Each of these Defendants are sued both in their individual and official capacities.

20. Defendant Dr. Susan Martin is, and was at all times relevant to this Complaint, the President of Eastern Michigan University, a public university organized and existing under the laws of the State of Michigan, and is responsible for enactment and enforcement of EMU policies, including the policies and procedures challenged herein that were applied in dismissing Ms. Ward from EMU's School Counseling Program. Dr. Martin is sued both in her individual and official capacities.

21. Defendant Dr. Vernon Polite is, and was at all times relevant to this Complaint, Dean of the College of Education at Eastern Michigan University, and is responsible for overseeing and enforcing the policies and procedures challenged herein that were applied in dismissing Ms. Ward from EMU's School Counseling Program, and is responsible for dismissing Ms. Ward pursuant to these policies. Dr. Polite is sued both in his official and individual capacities.

22. Dr. Irene Ametrano is, and was at all times relevant to this Complaint, Professor of Counseling at Eastern Michigan University. Dr. Ametrano chaired the formal review committee responsible for enforcing the policies challenged herein against Ms. Ward, and is responsible for dismissing Ms. Ward pursuant to these policies. Dr. Ametrano is sued both in her official and individual capacities.

23. Dr. Perry Francis is, and was at all times relevant to this Complaint, Associate Professor of Counseling at Eastern Michigan University. Dr. Francis was a member of the formal review committee that enforced the policies challenged herein against Ms. Ward, and is responsible for dismissing Ms. Ward pursuant to these policies. Dr. Francis is sued both in his individual and official capacities.

24. Dr. Gary Marx is, and was at all times relevant to this Complaint, Assistant Professor of Educational Leadership at Eastern Michigan University. Dr. Marx was a member of the formal review committee that enforced the policies challenged herein against Ms. Ward, and is responsible for dismissing Ms. Ward pursuant to these policies. Dr. Marx is sued both in his individual and official capacities.

25. Paula Stanifer is, and was at all times relevant to this Complaint, a student in EMU's counseling program. Ms. Stanifer was a member of the formal review committee that enforced



the policies challenged herein against Ms. Ward, and is responsible for dismissing Ms. Ward pursuant to these policies. Ms. Stanifer is sued both in her individual and official capacities.

26. Dr. Yvonne Callaway is, and was at all times relevant to this Complaint, Professor of Counseling at Eastern Michigan University. Dr. Callaway is responsible for ensuring student compliance with the policies challenged herein, and for enforcing these policies against Ms. Ward by initiating the EMU counseling department's student disciplinary process against Ms. Ward. Dr. Callaway is sued both in her individual and official capacities.

27. Dr. Suzanne Dugger is, and was at all times relevant to this Complaint, Professor of Counseling at Eastern Michigan University. Dr. Dugger is responsible for ensuring student compliance with the policies challenged herein, and for enforcing these policies against Ms. Ward at her informal review meeting and by recommending to the formal review committee that Ms. Ward be dismissed from the School Counseling Program. Dr. Dugger is sued both in her individual and official capacities.

## **V. STATEMENT OF FACTS**

### **Eastern Michigan University's Policies and Practices**

28. EMU's Handbook for counseling students states that counseling students must comply with all EMU policies. (Ex. 1 at 3.) A true and accurate copy of excerpts from the counseling student handbook, entitled Finding Your Way: The Counseling Student Handbook, is attached as Exhibit 1.

29. The Handbook states that these EMU policies include, among other things, the University Student Conduct Code and the American Counseling Association Code of Ethics and Standards of Practice (2005). (Ex. 1 at 3.)

30. According to the Handbook, counseling students can be disciplined if they violate any of EMU's policies, including the ACA Code of Ethics. (*Id.*)

31. The first level of discipline for a student who may be in violation of EMU policy is an informal review meeting. (*Id.* at 5.)

32. The purpose of this meeting is for EMU officials to make their concerns known to the student, and to help the student fix their problem through a remediation program or explore the option of the student leaving the program. (*Id.*)

33. The next level of discipline is a formal review hearing. (*Id.*)

34. The formal review hearing takes place before a formal review committee, consisting of three EMU professors and one student member. (*Id.*)

35. At a formal review hearing, the following takes place: the individual who raised concerns regarding the student summarizes those concerns for the committee; the student may speak on his or her behalf; evidence may be submitted; and the committee members may ask questions of the student, of the individual raising concerns with the student, and of any witnesses. (*Id.* at 6.)

36. Within five calendar days of the formal review hearing, the Chair of the formal review committee must notify the student of its decision. (*Id.*)

37. The actions the committee may take include but are not limited to: requiring that a course be satisfactorily completed; placing a student on a behavioral contract which imposes conditions that must be met for the student to remain in the program; suspending a student for a specified or unspecified amount of time with or without specific conditions that must be met for the student to be reinstated in the program; or permanently dismissing the student from the program. (*Id.*)

38. The decision of the formal review committee may be appealed to the Dean of the College of Education within ten days of the date that the committee's notification is sent to the student.

*(Id.)*

39. The decision of the Dean is final. *(Id.)*

40. The EMU policies at issue in this matter include ACA Code 4.A.b., which states: "Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals." *(Id. at 13.)*

41. Also at issue is ACA Code C.5., which states: "Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law." *(Id. at 17.)*

42. Also at issue is a policy that states EMU's counseling department may discipline a student who demonstrates an "[f]ailure to tolerate different points of view." (Ex. 2 at 18.) Ms. Ward was charged with violating this policy in a letter from Defendant Dugger notifying Ms. Ward of the date of her formal review hearing and the nature of the charges against her. A true and accurate copy of this letter is attached as Exhibit 2.

43. The point of view Defendants charge Ms. Ward with not "tolerating" is the EMU counseling department's requirement that its students express support for homosexual behavior, which is directly contrary to Ms. Ward's Christian point of view regarding the same subject.

44. Also at issue is a policy that states EMU's counseling department may discipline a student for "[u]nethical, threatening or unprofessional conduct." (Ex. 2 at 18.)

45. Defendants applied each of these policies to Ms. Ward in dismissing her from the School Counseling Program because her religious beliefs and expression regarding homosexual behavior are contrary to EMU's views regarding the same matter, and because she is unwilling to change her beliefs and views to those of the Defendants.

**Eastern Michigan University's View That Homosexual Behavior Must Be Affirmed**

46. The topic of counseling clients regarding their homosexual behavior and relationship was discussed in several classes Ms. Ward took as part of her counseling degree.

47. During these class discussions, EMU counseling faculty, with no exception, stated that in such circumstances a student is expected to affirm or validate the client's homosexual behavior.

48. At the same time, EMU counseling faculty stated that students were prohibited from counseling such clients that they could change their homosexual behavior (for example, by refraining from engaging in homosexual sex).

49. When these classroom discussions occurred, Ms. Ward often respectfully expressed her religious beliefs that homosexual behavior is immoral and that a person can change their homosexual behavior.

50. In response to expressing her religious beliefs in class, EMU faculty typically stated that Ms. Ward must conform to the counseling department's affirming viewpoint regarding homosexual behavior, and that her religious beliefs and views were not compatible with EMU's counseling department.

51. During a discussion on this topic that occurred in Defendant Callaway's multiculturalism class, Defendant Callaway stated that she would do everything within her power to weed

students out of EMU's counseling program who did not share the counseling department's views regarding counseling clients about homosexual behavior.

52. Defendant Callaway was Ms. Ward's supervising professor during Practicum and is responsible for initiating the disciplinary process that resulted in Ms. Ward's dismissal from the counseling program.

53. The classroom discussions outlined above occurred prior to Ms. Ward enrolling in the Practicum course in January 2009.

#### **Events Leading Up To Enforcement of EMU's Policies Against Ms. Ward**

54. Practicum provides counseling students an opportunity to get firsthand experience counseling clients, under the supervision of an EMU counseling professor.

55. Practicum students must compose a professional disclosure statement to provide to their clients.

56. Ms. Ward asked Defendant Callaway if she should put the fact that she is a Christian in her disclosure statement.

57. Defendant Callaway stated that Ms. Ward should not do so, and Ms. Ward complied.

58. A conversation then ensued between Defendant Callaway and Ms. Ward regarding Ms. Ward's religious beliefs and views about homosexual behavior, the conflict between her views on that issue and the views of EMU's counseling department, and the fact that Ms. Ward could not affirm homosexual behavior in a counseling relationship, as the EMU counseling department requires her to do, without violating her religious beliefs.

59. Dr. Callaway accused Ms. Ward of being a “homophobe,” and told her that some Christians do not agree with Ms. Ward and would be willing to affirm homosexual behavior in a counseling relationship.

60. Ms. Ward responded that she has no problem counseling homosexual persons on any issue that would not require her to affirm or validate their homosexual behavior or relationship.

61. Ms. Ward also stated that being required to affirm or validate homosexual behavior would require her to violate her religious beliefs and that she would not sell out God.

62. Defendant Callaway laughed at Ms. Ward’s comment regarding her commitment to God.

63. The students in Practicum see clients who come to EMU’s Counseling Clinic seeking services.

64. The Counseling Clinic offers mental health services to the general public for a small fee, and to members of the EMU community free of charge.

65. Approximately 15-18 counseling students were enrolled in three different sections of Practicum in January 2009, including Ms. Ward.

66. Each student participating in Practicum handles 5-8 clients at one time, and typically sees only these same clients during the Practicum semester, unless a client ends the relationship early.

67. A student enrolled in Practicum must complete 100 practicum hours; these hours are typically completed within one semester.

68. During one semester, at least one hundred clients seek counseling services at the Counseling Clinic.

69. A very small percentage of the individuals who come to the Counseling Clinic are seeking counseling regarding their homosexual behavior or relationship.

70. Nonetheless, the third client assigned to Ms. Ward was seeking counseling regarding a homosexual relationship.

71. A few hours prior to her first meeting with the client, Ms. Ward reviewed the client's file and noted that he was seeking counsel regarding his homosexual behavior and relationship, that he had been to the clinic previously seeking counsel on the same issues, and that the previous student counselor had affirmed the client's homosexual behavior and relationship.

72. Ms. Ward could not provide the same counsel because affirming the client's homosexual behavior and relationship would require her to violate her religious beliefs and views.

73. As a result, Ms. Ward contacted Defendant Callaway and asked her whether she should meet the client and refer him if it became necessary, or just cancel the appointment.

74. Defendant Callaway advised Ms. Ward to have the clinic secretary assign the client to a different counselor before her first meeting with him.

75. Defendant Callaway would not have advised Ms. Ward to have the client reassigned prior to her initial meeting with him if doing so would have harmed the client.

#### **Eastern Michigan University's Enforcement of Its Policies Against Ms. Ward**

76. At Ms. Ward's next scheduled meeting with Defendant Callaway as part of Practicum, Ms. Ward and Defendant Callaway again discussed Ms. Ward's religious beliefs regarding homosexual behavior.

77. Defendant Callaway stated that Ms. Ward's beliefs went against her values and were contrary to the counseling department's views regarding homosexual behavior.

78. Defendant Callaway also told Ms. Ward that that she would not be assigned any more clients as part of Practicum, and that Defendant Callaway would be requesting an informal review meeting with Ms. Ward and her Advisor, Defendant Dugger.

79. The informal review meeting was held on February 3, 2009. Defendants Callaway and Dugger and Ms. Ward attended the meeting.

80. At the meeting, Defendants Callaway and Dugger told Ms. Ward that her religious views regarding homosexual behavior were contrary to the counseling department's views regarding the same subject.

81. Defendants Callaway and Dugger gave Ms. Ward three options.

82. The first option was for Ms. Ward to submit to a "remediation" program.

83. Defendants told Ms. Ward that the purpose of the "remediation" program was to make her see the "error of her ways," and for her to change her views so that they were consistent with the counseling department's affirming point of view regarding homosexual behavior.

84. At Ms. Ward's formal review hearing, Defendant Dugger explained the "remediation" program offered to Ms. Ward in this way: "The development of a remediation plan of course would . . . be contingent on Ms. Ward's recognition that she needed to make some changes. And . . . she . . . expressed just the opposite. [She] . . . communicated an attempt to maintain this belief system and those behaviors." (Ex. 3 at 29.) A true and accurate copy of the transcript of the formal review hearing is attached as Exhibit 3.

85. Because Ms. Ward was unwilling to change her religious beliefs and views to be consistent with those of the EMU counseling department, she declined the "remediation" program.



86. Defendants offered Ms. Ward two other options: voluntarily remove herself from the program or request a formal review hearing.

87. Ms. Ward did not wish to voluntarily remove herself from the program.

88. Defendant Dugger also told Ms. Ward that if she removed herself from the program that she may be able to use her already completed coursework to obtain a master's degree in interdisciplinary studies.

89. Unwilling to compromise her religious beliefs and to concede to the Defendants' violation of her rights, Ms. Ward rejected this proposal as well.

90. Accordingly, Ms. Ward elected not to voluntarily remove herself from the program and requested a formal review hearing, via an email to Defendant Dugger, on February 9, 2009.

91. Ms. Ward attached a letter to the February 9 email to Dr. Dugger setting out her religious beliefs and views and clarifying some of the facts pertaining to the situation. A true and accurate copy of the email and attached letter Ms. Ward sent to Ms. Dugger requesting the formal review hearing is attached as Exhibit 4.

92. The formal review hearing occurred on March 10, 2009.

93. The formal review committee consisted of Defendants Ametrano (Chair), Defendant Francis, Defendant Marx, and Defendant Stanifer.

94. At the formal review hearing, Defendant Callaway denigrated Ms. Ward's Christian beliefs and views by stating that she advised Ms. Ward not to disclose that she was a Christian in her disclosure statement because "[e]ven clients that are Christian may in fact feel that they're going to be judged more w[hen] that title is given," and because doing so would "[j]eopardize the client's sense of safety and comfort." (Ex. 3 at 27-28.)

95. EMU faculty also asked Ms. Ward several inappropriate and intrusive questions about her religious beliefs and views at the formal review hearing.

96. Defendant Dugger asked Ms. Ward if she viewed her “brand of Christianity as superior” to Defendant Francis’ brand of Christianity because Ms. Ward and Dr. Francis observed Christianity differently. (*Id.* at 49.)

97. Defendant Dugger later withdrew this question.

98. Even though Defendant Dugger withdrew this question, Defendant Francis immediately followed up her question by stating he was going to take Ms. Ward on a “theological bout.” (*Id.*)

99. Defendant Francis then asked Ms. Ward: “[I]s anyone more righteous than another before God?” (*Id.* at 50.)

100. When Ms. Ward answered “God says that we’re all the same,” Defendant Francis followed up by asking: “Then doesn’t that mean that you’re all on the same boat and shouldn’t [clients seeking counsel regarding their homosexual behavior] be accorded the same respect and honor that God would give them?” (*Id.* at 50.)

101. Ms. Ward answered that she is not discriminating against a person based on their sexual orientation when she refuses to counsel them based on their homosexual behavior.

102. If Ms. Ward adhered to a form of Christianity or another religion that comported with the EMU counseling department’s view that homosexual behavior must be affirmed, Defendants would not have dismissed her from the program.

103. Two days after the formal review hearing, Defendant Ametrano sent notification to Ms. Ward that the committee had unanimously decided to dismiss her from the program. A true and accurate copy of the dismissal letter is attached as Exhibit 5.

104. The dismissal letter stated that Ms. Ward had violated two provisions of EMU policy.

105. Specifically, the letter stated: “[Y]ou have violated the ACA Codes of Ethics including, ‘Counselors . . . avoid imposing values that are inconsistent with counseling goals’ (A.4.b.) and ‘Counselors do not condone or engage in discrimination based on age, culture . . . sexual orientation . . .’ (C.5).” (Ex. 5 at 67.)

106. Ms. Ward appealed her dismissal from the School Counseling Program to Defendant Polite, in writing, within the ten days allotted by EMU policy. A true and accurate copy of Ms. Ward’s appeal letter is attached as Exhibit 6.

107. Defendant Polite upheld Ms. Ward’s dismissal in a letter dated March 26, 2009. A true and accurate copy of Defendant Polite’s letter is attached as Exhibit 7.

#### **The “Imposing Values” Charge**

108. Defendant Ametrano, Chair of the formal review committee that dismissed Ms. Ward from the program, assigned a book as required reading in a required course Ms. Ward took from Defendant Ametrano, which states that “[i]t is now generally recognized that the therapeutic endeavor is a value-laden process and that all counselors, to some degree, communicate their values to clients,” and that “the assumption that counseling is value-neutral is no longer tenable.” (Ex. 8 at 73.) A true and accurate copy of excerpts from this book, *Becoming a Helper* by Marianne Schneider Corey and Gerald Corey and published in 2007, is attached as Exhibit 8.

109. This book also explains that “because the values [counselors] hold cannot be kept out of their work, they should not refuse to discuss their core values.” (*Id.*)

110. Regarding values, the book further states: “In our view it is neither possible nor desirable for helpers to remain neutral or to keep their values separate from their professional

relationships. Because values have a significant impact on the helping process, it is important to express them openly when doing so is appropriate.” (*Id.* at 73.)

111. As taught by the EMU counseling department in required courses, the counseling profession understands that personal values impact a counselor’s practice, and that exposing a client to your values can be an appropriate course of action in a counseling relationship.

112. However, with clients seeking advice regarding their homosexual behavior or relationship, the only value EMU allows a counseling student to promote is one that affirms or validates the person’s homosexual behavior or relationship.

113. In Defendant Callaway’s multiculturalism class, counseling students are expressly taught that when you enter into a counseling relationship that involves a person seeking counsel about homosexual behavior, you should affirm and validate that behavior.

114. In addition, EMU counseling faculty told Ms. Ward in class and at the formal review hearing that she is prohibited from trying to help a client change their homosexual behavior.

115. Ms. Ward is prohibited by her religious beliefs from affirming or validating homosexual behavior, yet is required by EMU to affirm and promote homosexual behavior when a client seeks advice about a homosexual relationship.

116. Because of this irreconcilable conflict, Ms. Ward decided the best way to handle the remote possibility that she be assigned a client seeking advice about a homosexual relationship during Practicum was to refer the client prior to a first meeting.

117. When this remote situation arose during Practicum Ms. Ward asked Defendant Callaway what the appropriate course of action was, and Defendant Callaway advised Ms. Ward to have the clinic secretary refer the client to another counselor prior to her first meeting with the client.

118. Accordingly, Ms. Ward did not in fact impose her religious views regarding homosexual behavior on the client because she never met with him.

119. As a result of the situation involving this client, however, Ms. Ward did express her religious beliefs and values regarding homosexual behavior to EMU officials and was dismissed from the program based on those views, and based on her unwillingness to change those views to conform to the views of EMU's counseling department regarding homosexual behavior.

**The “Discrimination” Charge And The Practice Of Referring Clients Where Value Conflicts Arise**

120. Ms. Ward repeatedly explained to EMU officials—at the informal review meeting, through letters written to Defendants Dugger and Polite, and at the formal review hearing—that she would counsel a client that identifies as gay, lesbian, or some other sexual orientation on any issue that does not require her to validate or affirm homosexual behavior.

121. Ms. Ward therefore is not engaging in sexual orientation discrimination, as EMU charges her with doing.

122. In addition, Defendant Ametrano assigned a required book in a required course Ms. Ward took with Dr. Ametrano which teaches that where irreconcilable value conflicts arise between a counselor and a client, an appropriate referral is a valid option.

123. Specifically, the book states: “If you find yourself struggling with an ethical dilemma over value differences, we encourage you to seek consultation. Supervision is often a useful way to explore value clashes with clients. After exploring the issues in supervision, if you find that you are still not able to work effectively with a client, the ethical course of action might be to refer the client to another professional.” (Ex. 8 at 73-74.)

124. The book expressly states that referrals are a valid option where a counselor who is morally opposed to homosexual behavior is being asked by a client for advice regarding a homosexual relationship.

125. The book suggests that counselors follow guidelines published by the American Psychology Association when counseling homosexual clients.

126. Several provisions from these APA guidelines are included in the book, one of which states: “Psychologists are encouraged to recognize how their attitudes and knowledge about lesbian, gay, and bisexual issues may be relevant to assessment and treatment and seek consultation or make appropriate referrals when indicated.” (Ex. 8 at 75.)

127. Thus, Defendant Ametrano—who decided as part of the formal review committee to dismiss Ms. Ward from the program—taught Ms. Ward in a required course that it was an accepted practice of the counseling profession to refer a client where a conflict between the counselor’s values and the client’s values was not reconcilable, including where that conflict involved homosexual behavior and relationships.

128. This same book also states that referrals are a valid option where a counselor’s values irreconcilably clash with a client’s values regarding a whole range of issues, including: marriage, divorce; gender roles and the division of responsibility in the family; extramarital affairs; premarital sex; religious and spiritual values; abortion; end-of-life decisions; etc.

129. For example, regarding a clash between a counselor’s and client’s values regarding sexual practices, the book notes a study that found that “40% [of counselors] had to refer a client because of a value conflict.” (Ex. 8 at 80.)

130. The book Defendant Ametrano assigned teaches that referring a client where value conflicts arise is an appropriate course of action even in those counseling settings where the ACA Code of Ethics provision regarding nondiscrimination may be applicable.

131. The ACA Code of Ethics prohibits discrimination based on “sexual orientation,” yet the book states that a counselor whose values regarding homosexuality conflict with a client who is seeking assistance regarding gay, lesbian, or bisexual issues may refer the client.

132. The ACA Code of Ethics prohibits discrimination based on “marital status,” yet the book states that a counselor whose values regarding sexual practices conflict with a client who is seeking advice pertaining to premarital sex or divorce may refer the client.

133. The ACA Code of Ethics prohibits discrimination based on “religion/spirituality,” yet the book states that a counselor whose religious values conflict with a client’s religious values may refer the client.

134. The ACA Code of Ethics prohibits discrimination based on “culture,” yet the book states that a counselor whose values regarding gender roles conflict with a client’s values regarding gender roles may refer the client.

135. Provision A.9.b. of the ACA Code of Ethics recognizes that personal and moral beliefs may prevent a counselor from being able to provide services to a client who is interested in evaluating his end of life options, and states that if such a conflict arises an “appropriate referral” should be made. (Ex. 1 at 15.)

136. Provision A.1.a. of the ACA Code of Ethics states that one of the main responsibilities of a counselor is “to respect the dignity and to promote the welfare of clients.” (*Id.* at 11.)

137. Provision A.11.b. of the ACA Code of Ethics states that counselors should avoid counseling relationships where they are unable to “be of professional assistance to clients.” (*Id.* at 16.)

138. This same provision states that where a counselor determines he or she is unable to be of professional assistance, an “appropriate referral” should be made. (*Id.*)

139. Ms. Ward determined that she would not be able to be of professional assistance to the client assigned to her in Practicum who sought advice regarding his homosexual relationship because of the irreconcilable conflict between her religious views regarding homosexual behavior and his desire for counseling regarding his homosexual relationship.

140. Ms. Ward determined that the best way to promote the welfare of this client was to refer him to another student in Practicum that did not share her religious beliefs and views.

141. Ms. Ward believed this was an appropriate course of action based on what EMU faculty taught her in classes and on the Code provisions outlined above.

## **VI. ALLEGATIONS OF LAW**

142. All of the acts of Defendants, their officers, agents, employees, and servants, were executed and are continuing to be executed by the Defendants under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State of Michigan.

143. Plaintiff is suffering irreparable harm from the conduct of Defendants.

144. Plaintiff has no adequate or speedy remedy at law to correct or redress the deprivation of her rights by Defendants.

145. Unless the conduct of Defendants is enjoined, Plaintiff will continue to suffer irreparable injury.



## VII. CAUSES OF ACTION

### First Cause of Action:

#### **Violation of the Free Speech Clause of the First Amendment: Viewpoint Discrimination, Compelled Speech, and Unconstitutional Conditions**

146. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

147. By dismissing Ms. Ward from the School Counseling Program because her Christian beliefs and views regarding homosexual behavior are contrary to the EMU counseling department's views regarding homosexual behavior, compelling Ms. Ward to change her beliefs and views regarding homosexual behavior to be consistent with those of the EMU counseling department, denigrating Ms. Ward's Christian beliefs and views, and favoring Christian views that are consistent with the EMU counseling department's affirming views regarding homosexual behavior over Ms. Ward's Christian views that are contrary to the department's views, among other things, Defendants by policy and practice have discriminated against Plaintiff based on the viewpoint of her speech.

148. By conditioning Ms. Ward's ability to obtain a master's degree in School Counseling on her willingness to affirm or validate homosexual behavior within the context of a counseling relationship, which would be a violation of Ms. Ward's religious beliefs and views, Defendants by policy and practice have imposed unconstitutional conditions on Ms. Ward, and unlawfully compelled her to speak a message with which she disagrees.

149. By conditioning Ms. Ward's ability to obtain a master's degree in School Counseling on her willingness to change her religious beliefs and views regarding homosexual behavior to the EMU counseling department's affirming point of view regarding homosexual behavior,

Defendants by policy and practice have imposed unconstitutional conditions on Ms. Ward, and unlawfully compelled her to speak a message with which she disagrees.

150. Defendants' policies and practice impose an unconstitutional prior restraint because they vest EMU officials with the unbridled discretion to punish protected religious expression subject to no standards or guidelines.

151. Defendants' policies and practice are additionally overbroad because they sweep within their ambit protected First Amendment expression.

152. The overbreadth of Defendants' Policies and practice chills protected speech by discouraging students from exercising their First Amendment rights based on the fear that they will be punished for exercising their rights.

153. Defendants' policies and practices outlined above are not the least restrictive means to serve any legitimate, let alone compelling, interest which Defendants seek thereby to secure.

154. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have engaged in actions that have deprived and are depriving Plaintiff of her clearly established rights to freedom of speech and expression secured by the First Amendment to the United States Constitution.

155. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

156. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her First Amendment rights and an injunction against their actions.

Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

**Second Cause of Action:**

**Violation of First Amendment Right to Be Free from Retaliation for Exercise of First Amendment Freedoms**

157. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

158. Defendants, pursuant to EMU policies and practice, retaliated against Plaintiff for exercising her First Amendment rights to free speech and free exercise of religion by dismissing her from the School Counseling Program.

159. Plaintiff's expression of her religious beliefs and views to Defendants regarding homosexual behavior, her unwillingness to change her beliefs and views to conform with the EMU counseling department's affirming point of view regarding homosexual behavior, and her decision not to affirm or validate homosexual behavior in the context of a counseling relationship, are speech and conduct protected by the First Amendment.

160. It is beyond the authority of Defendants to compel Plaintiff to express a view regarding homosexual behavior that is contrary to her religious views on that matter, to compel Plaintiff to change her religious beliefs and views regarding homosexual behavior so that they conform to those of EMU's counseling department, or to punish Plaintiff for so exercising her First Amendment rights.

161. Defendants' action, taken pursuant to EMU policies and practice, of dismissing Ms. Ward from the School Counseling Program based on her religious speech and conduct would deter a person of ordinary firmness from continuing to engage in that speech and conduct.

162. Defendants' decision to dismiss Ms. Ward from the School Counseling Program was motivated entirely by the Plaintiff's protected speech and conduct.

163. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have engaged in actions that are retaliatory and therefore have deprived and are depriving Plaintiff of her clearly established rights to freedom of speech and free exercise of religion secured by the First Amendment to the United States Constitution.

164. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

165. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her First Amendment rights and an injunction against their actions. Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

**Third Cause of Action:**  
**Violation of the Free Exercise Clause of the First Amendment**

166. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

167. Plaintiff's views regarding homosexual behavior, and refusal to advocate views regarding homosexual behavior contrary to her own, are based on her sincerely held religious beliefs.

168. Defendants, acting pursuant to EMU policies and practice, substantially burdened Plaintiff's free exercise of religion by conditioning receipt of a master's degree in School Counseling on her willingness to violate and/or change her religious beliefs and views.

169. Defendants' actions imposed an unconstitutional choice on Plaintiff, forcing her either to adhere to her religious beliefs and views and forgo a master's degree in School Counseling or, alternatively, to violate her religious beliefs and views and receive the master's degree.

170. Defendants' actions impose special disabilities on Plaintiff due to her religion and her intent to engage in religious expression.

171. The special disabilities Defendants are placing on Plaintiff are neither neutral nor of general applicability.

172. These special disabilities target only Plaintiff's religious speech and exercise, and no other speech.

173. Defendants' policies and practices outlined above are not the least restrictive means to serve any legitimate, let alone compelling, interest which Defendants seek thereby to secure.

174. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have engaged in actions that discriminate against Plaintiff's religious beliefs and views and therefore have deprived and are depriving Plaintiff of her clearly established right to free exercise of religion secured by the First Amendment to the United States Constitution.

175. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

176. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her First Amendment rights and an injunction against their actions. Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

**Fourth Cause of Action:**  
**Violation of the Equal Protection Clause of the Fourteenth Amendment**

177. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

178. The Equal Protection Clause of the Fourteenth Amendment requires that the government treat similarly situated persons equally.

179. By dismissing Ms. Ward from the School Counseling Program because her Christian beliefs and views regarding homosexual behavior are contrary to the EMU counseling department's views regarding homosexual behavior, compelling Ms. Ward to change her beliefs and views regarding homosexual behavior to be consistent with those of the EMU counseling department, denigrating Ms. Ward's Christian beliefs and views, and favoring Christian views that are consistent with the EMU counseling department's affirming views regarding homosexual behavior over Ms. Ward's Christian views that are contrary to the department's views, among other things, Defendants by policy and practice have treated Plaintiff different than similarly situation persons based on her fundamental rights to free speech and free exercise of religion.

180. When government regulations, like the Defendants' polices and practice challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

181. Defendants' policies and practices outlined above are not the least restrictive means to serve any legitimate, let alone compelling, interest which Defendants seek thereby to secure.

182. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have therefore engaged in actions that have deprived and are depriving Plaintiff of her clearly established right to equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution.

183. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

184. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her Fourteenth Amendment rights and an injunction against their actions. Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

**Fifth Cause of Action:**  
**Violation of the Establishment Clause of the First Amendment**

185. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

186. The First Amendment's Establishment Clause prohibits governmental hostility toward religion.

187. Defendants, acting under color of state law, and pursuant to EMU policies and practice, targeted and punished Plaintiff's particular religious beliefs and views regarding homosexual behavior, and therefore demonstrate impermissible hostility toward religion.

188. The Establishment Clause also prohibits the government from preferring some religious views over others.

189. Defendants, acting under color of state law, and pursuant to EMU policies and practice, favor Christian and other religious views that comport with the EMU counseling department's affirming point of view regarding homosexual behavior, and denigrate and punish Christian views, like Plaintiff's, which hold that homosexual behavior is immoral.

190. No compelling state interest exists to justify the Defendants' hostility toward religion, or their preference of some religious views over others.

191. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have therefore engaged in actions that have deprived and are depriving Plaintiff's rights under the Establishment Clause of the First Amendment to the United States Constitution.

192. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

193. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her First Amendment rights and an injunction against their actions. Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

**Sixth Cause of Action:**  
**Violation of the Due Process Clause of The Fourteenth Amendment**

194. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

195. Defendants' policies prohibiting the "[i]nability to tolerate different points of view," "imposing values that are inconsistent with counseling goals," and "condon[ing] . . . discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law" are vague, overbroad, and allow for unbridled discretion in determining what protected expression and conduct fall under their prohibition.

196. Defendants' policies thereby limit constitutionally-protected speech and conduct without providing any objective guidelines by which Plaintiff or other students can guide their speech and behavior.



197. The vagueness, overbreadth, and lack of guidelines in Defendants' policies also permit Defendants to enforce the policies in a discriminatory and arbitrary manner against protected expression and conduct.

198. Defendants, acting under color of state law, and pursuant to EMU policies and practice, have therefore violated Plaintiff's right to due process under the Fourteenth Amendment to the United States Constitution.

199. Because of Defendants' policies and actions, Plaintiff has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

200. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants violated her Fourteenth Amendment rights and an injunction against their actions, including an injunction against any enforcement of its unconstitutionally vague and overbroad policies. Additionally, Plaintiff is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys' fees.

### **VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for judgment as follows:

A. That this Court issue a preliminary and permanent injunction restraining Defendants, their officers, agents, employees, and all other persons acting in active concert with them, from enforcing their policies prohibiting "[u]nethical, threatening or unprofessional conduct," "[i]nability to tolerate different points of view," "imposing values that are inconsistent with counseling goals," and "discrimination based on . . . sexual orientation" against Ms. Ward to

punish and retaliate against her based on her religious beliefs and expression regarding homosexual behavior, and ordering Defendants to immediately reinstate Ms. Ward into EMU's School Counseling Program;

B. That this Court enter a Declaratory Judgment declaring unconstitutional the application of Defendants' policies prohibiting "[u]nethical, threatening or unprofessional conduct," "[i]nability to tolerate different points of view," "imposing values that are inconsistent with counseling goals," and "discrimination based on . . . sexual orientation" against students so as to punish and retaliate against them based on their religious beliefs and views regarding homosexual behavior;

C. That this Court issue a permanent injunction restraining Defendants, their officers, agents, employees, and all other persons acting in active concert with them, from enforcing their policies prohibiting the "[i]nability to tolerate different points of view," "imposing values that are inconsistent with counseling goals," and "condon[ing] . . . discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law";

D. That this Court enter a Declaratory Judgment declaring facially unconstitutional the Defendants' policies prohibiting the "[i]nability to tolerate different points of view," "imposing values that are inconsistent with counseling goals," and "condon[ing] . . . discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law";

E. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment;

F. That this Court grant an award of compensatory and/or nominal damages to Ms. Ward against the individual Defendants in an amount to be determined by the evidence and this Court;

G. That this Court grant an award of punitive damages to Ms. Ward against the individual Defendants for their actions in wantonly violating Ms. Ward's First and Fourteenth Amendment rights;

H. That this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;

I. That this Court award Plaintiff's costs and expenses of this action, including a reasonable attorney's fees award;

J. That this Court issue the requested injunctive relief without a condition of bond or other security being required of Plaintiff; and

K. That this Court grant such other and further relief as the Court deems equitable, just, and proper in the circumstances.

Respectfully submitted this the 2nd day of April, 2009.

By: /s/David A. French

DAVID A. FRENCH  
TN Bar No. 16692, KY Bar No. 86986  
ALLIANCE DEFENSE FUND  
12 Public Square  
Columbia, TN 38401  
(931) 490-0591; (931) 490-7989 Fax  
dfrench@telladf.org

STEVEN M. JENTZEN, MI Bar No. P29391  
ATTORNEY AT LAW  
106 S. Washington  
Ypsilanti, MI 48197  
(734) 482-5466; (734) 482-2440 Fax  
smj@jentzenlaw.com  
*Local Counsel*

BENJAMIN W. BULL, AZ Bar No. 009940  
*(Of Counsel)*  
JEREMY D. TEDESCO, AZ Bar No. 023497  
Alliance Defense Fund  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020 (480) 444-0028 Fax  
jtedesco@telladf.org

*Attorneys for Plaintiff*

**DEMAND FOR JURY TRIAL**

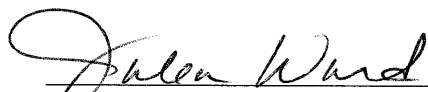
Plaintiff demands trial by jury of all matters so triable herein.

By: /s/David A. French  
David A. French  
*Attorney for Plaintiff*

**VERIFICATION OF COMPLAINT**

I, Julea Ward, a citizen of the United States and resident of the State of Michigan, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged are true and correct.

Executed this 1st day of April, 2009, at Bellville, Michigan.

  
Julea Ward

**INDEX OF EXHIBITS**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>	<b><u>Bates Number</u></b>
1	Excerpt from Eastern Michigan University Counseling Student Handbook	1-17
2	February 19, 2009 letter from Dugger to Ward informing Ward of the date set for the formal review hearing	18-20
3	Transcript of the March 10, 2009 formal review hearing	21-61
4	February 9, 2009 email and letter from Ward to Dugger requesting a formal review hearing	62-66
5	March 12, 2009 letter from Ametrano to Ward dismissing Ward from the School Counseling Program	67
6	March 20, 2009 letter from Ward to Polite appealing her dismissal from the School Counseling Program	68-70
7	March 26, 2009 letter from Polite to Ward denying Ward's appeal	71
8	Excerpt from Marianne Schneider Corey & Gerald Corey, Becoming a Helper 220-241 (2007)	72-83

FINDING YOUR WAY:  
THE COUNSELING STUDENT  
HANDBOOK



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Counseling Program  
Department of Leadership and Counseling  
Eastern Michigan University

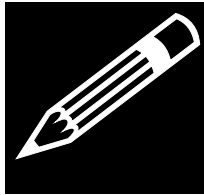
Published Winter 2007; Supersedes versions dated 1997, 1998, 2001, 2004

## Chapter

## 5

## Policies Related to Program Completion

### Transfer Credits



Students may take courses at other universities with the approval of their faculty advisers. A maximum of twelve semester hours of graduate credit from other accredited institutions can be transferred into a master's program at the discretion of the adviser. A grade of "B" or better must have been earned in the course for the credits to be transferable. Courses taken on a pass/fail or credit/no credit basis are not transferable. Typically, these courses are in the cognate and elective areas and do not include experiential courses such as COUN 505, 510, practicum or internship. A maximum of six credits earned in previously completed master's degree or doctoral programs may be applied to the master's degree program.

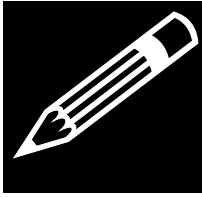
### Course Validation/Updating



A student must graduate within six years of the semester in which the first course on the program was taken. Coursework that is more than 6 years old is considered out-of-date and must be updated in order to be used toward the degree. This rule does not apply to courses taken from previously completed master's degrees. It is the student's responsibility to begin the course validation process by obtaining the appropriate form from the Graduate School. A fee must be paid at that time. The student then must identify a faculty member who will work with him/her to update the course. If the student cannot identify a faculty member, he/she should contact the department head in the department in which the course was taught. The department must approve all course validations.



## Prerequisite Policy



Several interrelated courses build on one another and must be taken in a particular sequence. For example, EDPS 677 or EDPS 667 must precede COUN 520 and 686. COUN 505 is a prerequisite for most COUN courses. The Department of Leadership and Counseling is enforcing the prerequisite requirements for enrollment in all classes. Prerequisite requirements are located in the *Graduate Catalog* as well as the *Directory of Classes*. Students who do not meet the prerequisites for course work will be dropped from the appropriate class. In the event that students can provide proof of meeting the prerequisites (e.g. transfer work, equivalents approved by an adviser, etc.), they may be reinstated with the approval of the Department. Before a student is dropped, support staff members check the student's program of study. Please be sure all equivalents are stated on programs to ensure as little error in this process as possible.

## Override Policy

The Department Head and the faculty members in the Department of Leadership and Counseling do not approve overrides into closed classes except under very exceptional circumstances. If a student believes that he or she has an exceptional reason for being allowed to enroll in a closed class (e.g. the last class needed to graduate/to achieve endorsement), he or she should contact the full-time faculty member involved or in the case of a visiting lecturer, the Department Head, explaining the rationale for admission to the class. If the faculty member or Department Head determines the reason cited is sufficient to justify an override, the student may be given permission to enroll in the class. If not, the request will be denied.

## Departmental Student Disciplinary Policy

The University and the Department's Counseling Program expect conduct of all students that is consistent with the law, all relevant University policies and rules, including the University Student Conduct Code (included in "Policies Affecting you at EMU" document), and the American Counseling Association (ACA) Code of Ethics and Standards of Practice (2005) (see Chapter 13 of this handbook).

### **A. NON-ACADEMIC BEHAVIORS RESULTING IN UNIVERSITY DISCIPLINARY ACTION**

Any conduct by a student that is a violation of the University Student Conduct Code may be referred to the Student Judicial Services office for campus disciplinary action, in addition to any actions taken by the Counseling Program. The Conduct Code outlines the kinds of student behaviors that will result in disciplinary action, including possible dismissal from the University. Conduct violations by a student off-campus in university related activities (e.g. internship) will be handled the same as if the violation had occurred on-campus.

### **B1. Academic Behaviors Resulting in Disciplinary Action by the Counseling Program**

The ACA Code of Ethics states that counselors (counselor educators) must provide students and supervisees with periodic performance appraisal and evaluation feedback throughout their training programs (Standard F.2.c). Specifically, Standard F.3.a. states that “through ongoing evaluation and appraisal, counselors 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.” In this on-going evaluation of students in the program, the faculty will consider performance or behavior of students that provides relevant information as to their likely performance as professional counselors as an academic progress matter. When a student’s behavior or performance raises concerns about the student’s ability to perform satisfactorily in the practice of counseling, that behavior or performance will be considered as grounds for academic discipline, in accordance with the procedures outlined in this document.

Academic disciplinary action may be initiated when a student exhibits the following behavior in one discrete episode that is a violation of law or of the ACA Code of Ethics and/or when a student exhibits a documented pattern of recurring behavior which may include, but is not limited to the following:

- *Performance or behaviors that demonstrate poor interpersonal skills and an inability to effectively communicate with others, often evidenced by repeated complaints from the field supervisor, other students or departmental faculty*
- *Unethical, threatening or unprofessional conduct*
- *Behaviors that place clients at risk during field placement, including current substance abuse problems; exploitation of clients; emotional, physical or verbal abuse; vindictive action toward clients; or stealing from clients*
- *Behavioral displays of mental or emotional difficulties that represent a risk to others*
- *Consistent inability or unwillingness to carry out academic or field placement responsibilities*
- *Frequent excuse making when tasks, assignments, tests, appointments are not completed in a timely manner or require rescheduling*
- *Consistent non-attendance and/or tardiness in classes, at field placement and other required departmental functions*
- *Lack of insight into negative consequences of own behavior and frequent blame of others or external factors for failures and difficulties in the academic or field placement environment*
- *Inability to tolerate different points of view, constructive feedback or supervision*
- *Failure to maintain regular contact with supervisors, which includes keeping them apprised of clinical and ethical issues pertaining to clients.*
- *Dishonest academic practices, including but not limited to, plagiarism, cheating, fabrication, aiding and abetting deception or dishonesty, and the falsification of records or official documents*
- *Verbal or physical aggressiveness toward others*

**B2. Procedures for Handling Academic Behavior Issues**

When a faculty member (or an internship/field placement supervisor) has a concern about a student's academic behavior or performance OR when a student has been denied admission to Counseling Practicum, Counseling Internship or Fieldbased Experience, the faculty member will notify the student's advisor who will then convene an informal review conference. The purpose of this meeting is not to be interpreted as disciplinary but rather as an effort to assist the student in finding ways to improve his/her performance or to explore the option of the student voluntarily leaving the program.

In cases of a faculty concern, the informal review conference will consist of the student, the student's advisor and the faculty member. If the faculty member with the concern is also the student's advisor, the faculty member and the student can mutually agree to either meet without a third person, ask another faculty member to sit in on the meeting or take the issue directly to the formal review process.

In cases of a denial of admission into the Counseling Practicum or Internship, the informal review conference will consist of the student, the student's advisor and one other faculty member from the student's program area.

At the conclusion of the informal review conference, the advisor and faculty member will either refer the student to the formal review process or will work with the student to develop a remediation plan. A written copy of the plan, documenting the outcome of the informal review conference, including a copy of any remediation plan, signed by the student's advisor, the faculty member, and the student, will be given to the student and a copy will be placed in the student's departmental file.

**B3. Formal Review Process**

Composition of the Formal Review Committee – The Formal Review Committee will consist of two (2) COUN faculty members, one (1) EDLD faculty member and one (1) COUN student. The departmental faculty will appoint the Formal Review Committee annually and will select the following: two (2) COUN faculty members for the committee plus one (1) COUN faculty member as an alternate; one (1) EDLD faculty member for the committee plus one (1) EDLD faculty member as an alternate; and one (1) COUN student for the committee plus one (1) COUN student as an alternate. Upon their appointment, the four members of the Formal Review Committee will then select one member to serve as chair for the academic year.

A review committee member must have no prior involvement in the case, must be impartial and able to render a just and fair decision. A member not able to do so should recuse him/herself from the review. In addition, the student undergoing review may challenge any member of the Review Committee on grounds of bias and request the removal of that particular member from the review meeting. If this occurs, the review committee shall deliberate in private and determine, by majority vote (excluding the member being

challenged), whether the member should be excused from that particular case. If the vote is to remove the member, the review will continue with a committee of the remaining three members.

Notice to Student - The advisor will notify the student, in writing, at least two weeks before the review date, that there will be a formal review by the Formal Review Committee. The notice will be sent to the student's last known address registered with the Office of Records and Registration and will set forth the following:

1. the date, time and place of the review meeting
2. the allegations against the student, stated with specificity and detailed particulars
3. the student's rights during the review meeting (Appendix B)
4. the possible evidence to be presented and witnesses likely to be called during the review

Review Meeting - During the review, the individual who raised concerns about the student's behavior or performance will summarize the concerns to the committee. The student and/or his advisor will have the right, within reason, to question anyone presenting information to the committee during the review. In addition, the student will have the opportunity to speak on his/her behalf, bring witnesses to testify at the review, and present any written or other type of evidence to be considered by the Review Committee. If the student does not attend the scheduled meeting, the Formal Review Meeting will proceed as scheduled.

After the review meeting, the committee will determine whether or not the allegations have been substantiated by "clear and convincing" evidence. If the committee determines that the evidence is lacking, the case will be dismissed. If the evidence is sufficient, the committee will make a recommendation about the student, which can include, but is not limited to:

1. requiring that a course be satisfactorily repeated.
2. placing the student on a behavioral contract with stipulated conditions for remaining in the program.
3. suspending a student for a specified or unspecified length of time with or without stipulated conditions for re-admission to the program.
4. permanently dismissing the student from the program.

The Chair of the Formal Review Committee will notify the student, in writing, of the decision within five calendar days of the review. Right to Appeal - Within ten days of the date that the committee's notification is sent to the student, the student may appeal, in writing, to the Dean of the College of Education. The Dean may accept, reject or modify the decision of the committee. The Dean's decision is final.

### **C1. Scholastic Performance Issues Resulting in Departmental Action**

A student who receives one of the following deficient grades will be placed on Departmental Scholastic Probation:

1. A grade lower than a “B” in COUN 505 Counselor Development: Basic Skills. A student who receives a grade lower than a “B” in COUN 505 may not enroll in COUN 510 Counselor Development: Counseling Process until the student is removed from Departmental Scholastic Probation.
2. A grade lower than a “B” in COUN 510 Counselor Development: Counseling Process; OR
3. A grade of “No Credit” in either Counseling Practicum or Counseling Internship

A student on departmental scholastic probation will be dismissed from the program if the student receives a second deficient grade in any of the above courses, including receiving a second deficient grade in one of the above courses that the student is repeating.

### **C2. Procedures for Handling Departmental Scholastic Performance Issues**

The instructor issuing the deficient grade will notify the student and the student’s advisor within five business days of issuing the deficient grade. Within ten business days of returning for his/her next semester on duty, the advisor will notify the student in writing of his/her academic status as it pertains to “departmental scholastic probation” or “dismissal.” A student who is being placed on departmental academic probation must meet with the faculty member who has issued the deficient grade and with the student’s advisor. If the faculty member who has issued the deficient grade is also the student’s advisor, the faculty member and the student can mutually agree to either meet without a third person or ask another faculty member to sit in on the meeting. The purpose of the meeting is to assist the student in finding ways to improve his or her performance or to explore the option of the student voluntarily leaving the program.

A student who is dismissed from the program because of a departmental scholastic performance deficiency may request that the Department Head review the dismissal. The student must submit the request, in writing, to the Department Head within 10 calendar days of being notified of the dismissal. The Department Head will schedule a meeting with the student, the student’s advisor and the Counseling Program Coordinator as soon as possible. The Department Head will notify the student, in writing, within two weeks of the review meeting whether the dismissal is being upheld. The Department Head’s decision is final.

### **D. University Grade Point Requirement**

In addition to the departmental scholastic requirements, graduate students must also meet the university’s grade point standard in order to remain at Eastern Michigan University. As per the EMU Graduate Catalog, the requirement is as follows:

Students are placed on academic probation at the end of any semester in which their cumulative EMU grade point average in courses taken for graduate credit is below 3.0. Students must complete six graduate credit hours at EMU before being subject to academic probation. Students are notified in writing each semester of their status,

and enrollment is only permitted on a semester-by-semester basis until the probation is removed. Probationary students who do not return to good standing by the end of the next two enrollment periods (spring and summer sessions equal one enrollment period) are dismissed from the University and are so notified in writing.

Students whose cumulative honor points are 15 or more below those required for a "B" in all completed graduate-level courses are subject to dismissal at any time. For instance, a student with 20 completed graduate credit hours must have 60 honor points to maintain a "B"; if the student has less than 45 honor points, the student is subject to dismissal.

A student who has been dismissed is entitled to a dismissal appeal. Refer to Appendix B for a copy of the Graduate School Dismissal Appeals Process.

### **E. Grading Policies**

Grades and expectations of students in Counseling courses will be determined by the individual instructor of each course and outlined in the course syllabus.

As per University Policy, a student may pursue a grade grievance for any final grade that he/she believes was assigned capriciously or unfairly. See the "Policies Affecting You at EMU" document for a copy of the Grade Grievance Procedures.

### **APPENDIX A:**

2005 ACA Code of Ethics and Standards of Practice: See Chapter 13 of this handbook

### **APPENDIX B:**

#### **Rights of Students During a Formal Review**

In order to protect a student's legal rights and guarantee adequate due process during a Department of Counseling Program Formal Review, the student is entitled to the following:

1. The student shall have the right to remain silent during the review.
2. The student shall have the right to a voluntary advisor of his/her choice. This advisor may be an active participant in the review. The advisor must be a member in good standing of the University community (i.e. any person who is an EMU student, faculty member, staff member or any other person employed by the University). The student does not have the right to have an attorney present at the Formal Review unless that attorney is also a member in good standing of the University community as defined in this section of the policy.
3. The student undergoing review may challenge any member of the Formal Review Committee on grounds of prejudice or impartiality and request the removal of that particular member from the review meeting. The challenge will be submitted, in writing, to the chair of the Formal Review Committee at the beginning of the review.

4. The student and/ the advisor will have the right, within reason, to question anyone presenting information to the committee during the review.
5. The student will have the opportunity to speak on his/her behalf, bring witnesses to testify at the review, and present any written or other type of evidence to be considered by the Review Committee. All evidence must be presented at the review in order to be considered.

## **APPENDIX B:**

### **Graduate School Dismissal Appeals Process**

After dismissal, students may appeal to the Graduate School for readmission by submitting a petition to the Dean's Office. This petition should state the cause(s) of the student's academic problems, changes in the student's situation that may rectify those problems, and a proposed plan of action to ensure success in graduate studies.

Upon receipt of the petition, the Graduate School will initiate the appeals process with the Academic Dismissal Appeals Board of the Graduate Council. A review by the board may not be considered for dismissed students whose GPA is less than 2.0 unless extreme circumstances can be documented.

The Graduate School will notify the chair of the Academic Dismissal Appeals Board and a hearing will be held within 30 days of receipt of the student's petition. The appeals hearing will adhere to the following guidelines:

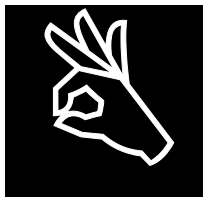
- a) A detailed record shall be kept of the hearing, preferably a taped recording.
- b) The student is allowed an adviser who will be a member of the University community (faculty, full-time staff or student).
- c) The hearing shall be open unless the student requests a closed hearing.
- d) The student may call witnesses and board members may question them.
- e) All deliberations of the board will be in executive session.

The Academic Dismissal Appeals Board consists of a chair and four members, who serve for one year and are selected by the dean of graduate studies and research. The chair is a member of the Graduate Council; two members are faculty; and two are student members of the Graduate Council. The chair does not have voting rights except in the case of a split decision.

An additional appeal will be considered only if new evidence is presented.

# Chapter 13

## Ethical Standards



All students in enrolled in a Counseling program are expected to be familiar with the ACA Code of Ethics and Standards of Practice. Reading the following material is therefore essential. This material will provide you with information about the principles and values upon which the counseling profession is based and about the ethics that guide our decision-making. Discussion of ethical issues will be infused throughout the COUN curriculum. It is important that you refer back to these materials frequently over the course of your studies. In addition, there may be other codes of ethics with which you should familiarize yourself. Future school counselors should also read the ASCA code of ethics and future student affairs practitioners should also read the ACPA code of ethics.

### ACA Code of Ethics and Standards of Practice (2005)

#### CODE OF ETHICS

##### Preamble

The American Counseling Association is an educational, scientific, and professional organization whose members work in a variety of settings and serve in multiple capacities. ACA members are dedicated to the enhancement of human development throughout the life span. Association members recognize diversity and embrace a cross- cultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts.

Professional values are an important way of living out an ethical commitment. Values inform principles. Inherently held values that guide our behaviors or exceed prescribed behaviors are deeply ingrained in the counselor and developed out of personal dedication, rather than the mandatory requirement of an external organization.

##### ACA Code of Ethics Purpose

The ACA Code of Ethics serves five main purposes:

1. The Code enables the association to clarify to current and future members, and to



those served by members, the nature of the ethical responsibilities held in common by its members.

2. The Code helps support the mission of the association.
3. The Code establishes principles that define ethical behavior and best practices of association members.
4. The Code serves as an ethical guide designed to assist members in constructing a professional course of action that best serves those utilizing counseling services and best promotes the values of the counseling profession.
5. The Code serves as the basis for processing of ethical complaints and inquiries initiated against members of the association.

The ACA Code of Ethics contains eight main sections address the following areas:

Section A: The Counseling Relationship

Section B: Confidentiality, Privileged Communication, and Privacy

Section C: Professional Responsibility

Section D: Relationships With Other Professionals

Section E: Evaluation, Assessment, and Interpretation

Section F: Supervision, Training, and Teaching

Section G: Research and Publication

Section H: Resolving Ethical Issues

## **SECTION A: THE COUNSELING RELATIONSHIP**

### Introduction

Counselors encourage client growth and development in ways that foster the interest and welfare of clients and promote formation of healthy relationships. Counselors actively attempt to understand the diverse cultural backgrounds of the clients they serve. Counselors also explore their own cultural identities and how these affect their values and beliefs about the counseling process.

Counselors are encouraged to contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (pro bono publico).

### A.1. WELFARE OF THOSE SERVED BY COUNSELORS

- a. Primary Responsibility. The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.
- b. Records. Counselors maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institution procedures. Counselors include sufficient and timely documentation in their client records to facilitate the delivery and continuity of needed services. Counselors take reasonable steps to ensure that documentation in records accurately reflects client progress and services provided. If errors are made in client records, counselors take steps to properly note the correction of such errors according to agency or

- institutional policies. (See A.12.g.7, B.6.g., G.2.j.)
- c. Counseling Plans. Counselors and their clients work jointly in devising integrated counseling plans that offer reasonable promise of success and are consistent with abilities and circumstances of clients. Counselors and clients regularly review counseling plans to assess their continued viability and effectiveness, respecting clients' freedom of choice. (See A.2.a, A.2.d., A.12.g.)
  - d. Support Network Involvement. Counselors recognize that support networks hold various meanings in the lives of clients and consider enlisting the support, understanding, and involvement of others (e.g., religious/spiritual/community leaders, family members, friends) as positive resources, when appropriate, with client consent.
  - e. Employment Needs. Counselors work with their clients in considering employment in jobs that are consistent with the overall abilities, vocational limitations, physical restrictions, general temperament, interest and aptitude patterns, social skills, education, general qualifications, and other relevant characteristics and needs of clients. When appropriate, counselors appropriately trained in career development will assist in the placement of clients in positions that are consistent with the interest, culture, and the welfare of clients, employers, and/or the public.

#### A.2. INFORMED CONSENT IN THE COUNSELING RELATIONSHIP

(See A.12.g., B.5., B.6.b., E.3., E.13.b., F.1.c., G.2.a.)

- a. Informed Consent. Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both the counselor and the client. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.
- b. Types of Information Needed. Counselors explicitly explain to clients the nature of all services provided. They inform clients about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the counselor's qualifications, credentials, and relevant experience; continuation of services upon the incapacitation or death of a counselor; and other pertinent information. Counselors take steps to ensure that clients understand the implications of diagnosis, the intended use of tests and reports, fees and billing arrangements. Clients have the right to confidentiality and to be provided with an explanation of its limitations (including how supervisors and/or treatment team professionals are involved); to obtain clear information about their records; to participate in the ongoing counseling plans; and to refuse any services or modality change and to be advised of the consequences of such refusal.
- c. Developmental and Cultural Sensitivity. Counselors communicate

information in ways that are both developmentally and culturally appropriate. Counselors use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by counselors, they provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors consider cultural implications of informed consent procedures and, where possible, counselors adjust their practices accordingly.

- d. Inability to Give Consent. When counseling minors or persons unable to give voluntary consent, counselors seek the assent of clients to services, and include them in decision making as appropriate. Counselors recognize the need to balance the ethical rights of clients to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect these clients and make decisions on their behalf.

### A.3. CLIENTS SERVED BY OTHERS

When counselors learn that their clients are in a professional relationship with another mental health professional, they request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

### A.4. AVOIDING HARM AND IMPOSING VALUES

- a. Avoiding Harm. Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.
- b. Personal Values. Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees, and research participants.

### A.5. ROLES AND RELATIONSHIPS WITH CLIENTS

(See F.3., F.10., G.3.)

- a. Current Clients. Sexual or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited.
- b. Former Clients. Sexual or romantic counselor–client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. Counselors, before engaging in sexual or romantic interactions or relationships with clients, their romantic partners, or client family members after 5 years following the last professional contact, demonstrate forethought and document (in written form) whether the interactions or relationship can be viewed as exploitive in some way and/or whether there is still potential to harm the former client; in cases of potential exploitation and/or harm, the

- counselor avoids entering such an interaction or relationship.
- c. Nonprofessional interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships). Counselor-client nonprofessional relationships with clients, former clients, their romantic partners, or their family members should be avoided, except when the interaction is potentially beneficial to the client. (See A.5.d.)
  - d. Potentially Beneficial Interactions. When a counselor-client nonprofessional interaction with a client or former client may be potentially beneficial to the client or former client, the counselor must document in case records, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit. (See A.5.c.)
  - e. Role changes in the Professional Relationship. When a counselor changes a role from the original or most recent contracted relationship, he or she obtains informed consent from the client and explains the right of the client to refuse services related to the change. Examples of role changes include:
    1. Changing from individual to relationship or family counseling, or vice versa;
    2. Changing from a nonforensic evaluative role to a therapeutic role, or vice versa;
    3. Changing from a counselor to a researcher role (i.e., enlisting clients as research participants), or vice versa; and
    4. Changing from a counselor to a mediator role, or vice versa. Clients must be fully informed of any anticipated consequences (e.g., financial, legal, personal, or therapeutic) of counselor role changes.

#### A.6. ROLES AND RELATIONSHIPS AT INDIVIDUAL, GROUP, INSTITUTIONAL, AND SOCIETAL LEVELS

- a. Advocacy. When appropriate, counselors advocate at individual, group, institutional and societal levels to examine potential barriers and obstacles that inhibit access and/or the growth and development of clients.
- b. Confidentiality and Advocacy. Counselors obtain client consent prior to engaging in advocacy efforts on behalf of an identifiable client to improve the provision of services and to work toward removal of systemic barriers or obstacles that inhibit client access, growth, and development.

#### A.7. MULTIPLE CLIENTS

When counselors agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), counselors clarify at the outset which person or persons are clients and the nature of the relationships they will have with each involved person. If it becomes apparent that counselors may be called upon to perform potentially conflicting roles, they clarify, adjust, or withdraw from roles appropriately. (See B.2. and B.4.d.)

#### A.8. GROUP WORK (See B.4.a)

- a. Screening. Counselors screen prospective group counseling/therapy participants. To the extent possible, counselors select members whose needs

and goals are compatible with goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.

- b. Protecting Clients. In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma.

#### A. 9. END-OF-LIFE CARE FOR TERMINALLY ILL CLIENTS

- a. Quality of Care. Counselors strive to take measures that enable clients
  1. to obtain high quality end-of-life care for their physical, emotional, social, and spiritual needs;
  2. to exercise the highest degree of self-determination possible;
  3. to be given every opportunity possible to engage in informed decision making regarding their end-of-life care; and
  4. to receive complete and adequate assessment regarding their ability to make competent, rational decisions on their own behalf from a mental health professional who is experienced in end-of-life care practice.
- b. Counselor Competence, Choice, and Referral. Recognizing the personal, moral, and competence issues related to end-of-life decisions, counselors may choose to work or not work with terminally ill clients who wish to explore their end-of-life options. Counselors provide appropriate referral information to ensure that clients receive the necessary help.
- c. Confidentiality. Counselors who provide services to terminally ill individuals who are considering hastening their own deaths have the option of breaking or not breaking confidentiality, depending on applicable laws and the specific circumstances of the situation and after seeking consultation or supervision from appropriate professional and legal parties. (see B.5.c., B.7.c.)

#### A.10. FEES AND BARTERING

- a. Accepting Fees From Agency Clients. Counselors refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the counselor's employing agency or institution. The policies of a particular agency may make explicit provisions for agency clients to receive counseling services from members of its staff in private practice. In such instances, the clients must be informed of other options open to them should they seek private counseling services.
- b. Establishing Fees. In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, counselors assist clients in attempting to find comparable services of acceptable cost.
- c. Nonpayment of Fee. If counselors intend to use collection agencies or take legal measures to collect fees from clients who do not pay for services as agreed upon, they first inform clients of intended actions and offer clients the opportunity to make payment.
- d. Bartering. Counselors may barter only if the relationship is not exploitive or

harmful and does not place the counselor in an unfair advantage, if the client requests it, and if such arrangements are an accepted practice among professionals in the community. Counselors consider the cultural implications of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.

- e. Receiving Gifts. Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and showing gratitude. When determining whether or not to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, a client's motivation for giving the gift, and the counselor's motivation for wanting or declining the gift.

#### A.11. TERMINATION AND REFERRAL

- a. Abandonment Prohibited. Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness and following termination.
- b. Inability to Assist Clients. If counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors should discontinue the relationship.
- c. Appropriate Termination. Counselors terminate a counseling relationship, securing client agreement when possible, when it is reasonably clear that the client is no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client, or another person with whom the client has a relationship, or when clients do not pay fees agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.
- d. Appropriate Transfer of Services. When counselors transfer or refer clients to other practitioners, they ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.

#### A.12. TECHNOLOGY APPLICATIONS

- a. Benefits and Limitations. Counselors inform clients of the benefits and limitations of using information technology applications in the counseling process and in business/billing procedures. Such technologies include but are not limited to computer hardware and software, telephones, the World Wide Web, the Internet, online assessment instruments and other communication devices.
- b. Technology-Assisted Services. When providing technology-assisted distance counseling services, counselors determine that clients are intellectually,

whose interests and activities are consistent with those of ACA but are not qualified for professional membership.

C.5. NONDISCRIMINATION

Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/ spirituality, gender, gender identity, sexual orientation, marital status/ partnership, language preference, socioeconomic status, or any basis proscribed by law. Counselors do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

C.6. PUBLIC RESPONSIBILITY

- a. Sexual Harassment. Counselors do not engage in or condone sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and that either
  1. is unwelcome, is offensive, or creates a hostile workplace or learning environment, and counselors know or are told this; or
  2. is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context in which the behavior occurred. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.
- b. Reports to Third Parties. Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others. (See B.3., E.4.)
- c. Media Presentations. When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, technology-based applications, printed articles, mailed material, or other media, they take reasonable precautions to ensure that
  1. the statements are based on appropriate professional counseling literature and practice,
  2. the statements are otherwise consistent with ACA Code of Ethics, and
  3. the recipients of the information are not encouraged to infer that a professional counseling relationship has been established.
- d. Exploitation of Others. Counselors do not exploit others in their professional relationships. (See C.3.e.)
- e. Scientific Bases for Treatment Modalities. Counselors use techniques/ procedures/ modalities that are grounded in theory and/or have an empirical or scientific foundation. Counselors who do not must define the techniques/ procedures as “unproven” or “developing” and explain the potential risks and ethical considerations of using such techniques/procedures and take steps to protect clients from possible harm. (See A.4.a., E.5.c., E.5.d.)



## EASTERN MICHIGAN UNIVERSITY

February 19, 2009

Julea Ward  
49206 Sonrisa Street  
Belleville, MI 48111

Dear Ms. Ward:

I am writing to inform you that a formal review meeting has been scheduled for 3:30 p.m. on March 10, 2009. The meeting will be held in the Conference Room located in 304 Porter. This meeting is being held as a follow up to the informal review meeting that was held on February 3, 2009 to address Dr. Callaway's concerns about your performance in Practicum in the Winter 2009 semester. This meeting is considered disciplinary in nature.

As stated on page 14 of the Student Handbook,

*Academic disciplinary action may be initiated when a student exhibits the following behavior in one discreet episode that is a violation of law or of the ACA Code of Ethics and/or when a student exhibits a pattern of recurring behavior which may include, but is not limited to the following:*

- *...Unethical, threatening or unprofessional conduct...*
- *Failure to tolerate different points of view....*

The formal review process is described in detail in the Counseling Program Student Handbook which is available on-line at [http://www.emich.edu/coe/lc/docs/coun/coun\\_student\\_handbook\\_2007\\_winter.pdf](http://www.emich.edu/coe/lc/docs/coun/coun_student_handbook_2007_winter.pdf). For your convenience, I have also included a copy of these pages with this letter.

This meeting will be conducted by the Department of Leadership and Counseling's Formal Review Committee, consisting of Dr. Ametrano (COUN), Dr. Francis (COUN), Dr. Marx (EDLD), and Ms. Stanifer (student representative). Dr. Callaway will also be present in order to share her concerns with the committee and I will also be present as Dr. Callaway has asked me to be available and perhaps to provide testimony. You may also bring a voluntary advisor of your choice. This advisor must be a member of good standing of the University community.

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COLLEGE OF EDUCATION - DEPARTMENT OF LEADERSHIP AND COUNSELING  
John W. Porter Building, Suite 304 • Ypsilanti, Michigan 48197  
Phone: 734.487.0255 FAX: 734.487.4608

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The allegations to be addressed in this meeting include your violation and your stated intention to continue violating the American Counseling Association Code of Ethics. The specific ethical code violations are:

Section A – The Counseling Relationship

A.4. – Avoiding Harm and Imposing Values

A.4.b. Personal Values: Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees, and research participants.

Section C – Professional Responsibility

C.1. Knowledge of Standards: Counselors have a responsibility to read, understand, and follow the *ACA Code of Ethics* and adhere to applicable laws and regulations.

C.5. – Nondiscrimination

Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference.

Section F – Supervision, Training and Teaching

F.8. Student Responsibilities

F.8.a. Standards for Students

Counselors-in-training have a responsibility to understand and follow the *ACA Code of Ethics* and adhere to applicable laws, regulatory policies and rules and policies governing professional staff behavior at the agency or placement setting. Students have the same obligation to clients as those required of professional counselors.

Further, your stated unwillingness to intentionally and competently provide counseling services to individual clients who identify as gay, lesbian, bisexual or transgendered is not only of grave concern, but also a violation of ethical code:

A.1. Welfare of Those Served by Counselors

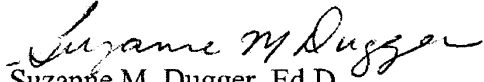
A.1.a. Primary Responsibility: The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

Also of concern are your statements and responses to feedback about working with individual clients who identify as gay, lesbian, bisexual or transgendered delivered in COUN 571 – Cross Cultural Counseling (Fall 2007 semester); individual supervision meetings (1/20/09 and 1/27/09); and the informal review meeting (2/3/09). These concerns are summarized in the letter you received following the informal review meeting held on February 3, 2009.

If necessary, Dr. Callaway has indicated that she may ask me to provide testimony due to the fact that I was present for the informal review meeting.

During this Formal Review Meeting, you have some specific rights. These are delineated on pages 18-19 of the in the Counseling Program Student Handbook which is available on-line at [http://www.emich.edu/coe/lc/docs/coun/coun\\_student\\_handbook\\_2007\\_winter.pdf](http://www.emich.edu/coe/lc/docs/coun/coun_student_handbook_2007_winter.pdf). For your convenience, I have also included a copy of these pages with this letter.

Sincerely,



Suzanne M. Dugger, Ed.D.

Professor

School Counseling Program Coordinator

cc: student file, Dr. Callaway, Formal Review Committee (Drs. Ametrano, Francis, and Marx);  
Paula Stanifer (Formal Review Committee student representative)

**TRANSCRIPT OF  
FORMAL REVIEW HEARING  
MARCH 10, 2009**

1 IRENE AMETRANO: This is a formal review hearing of the counseling program March  
2 10, 2009. Um, I'm going to a ... we'll start with introductions. I'm Irene Ametrano, professor  
3 in the leadership and... professor in the counseling program and I'm serving as the Chair of the  
4 formal review committee.

5 GARY MARX: My name is Gary Marx. I'm, uh, with the Ed Leadership here,  
6 professor.

7 AMETRANO: OK.

8 YVONNE CALLOWAY: My name is Yvonne Calloway. I'm the faculty representing  
9 any concerns for today's hearing.

10 SUZANNE DUGGER: I'm Suzanne Dugger and I'm a witness.

11 Perry Francis: Perry Francis, Associate professor of counseling, coordinator of  
12 counseling in the clinic.

13 PAULA STANIFER: I'm Paula Stanifer, and I'm a student, and I'm in the student  
14 representative.

15 JULEA WARD: Julea Ward.

16 AMETRANO: OK. Let me... I will review the process that we are going to go through  
17 today. Uh, we will begin with a presentation of the faculty members' concerns. Dr. Callaway  
18 will present her concerns, um, and she has a witness, Dr. Dugger, who will also present. The  
19 review committee will then have an opportunity to ask questions. And then Ms. Ward will  
20 present her response to Dr. Callaway's concerns. And the committee will have an opportunity to  
21 ask Ms. Ward questions. We will adjourn the hearing and then the review committee will  
22 deliberate in closed session. So, I will begin by asking Dr. Callaway to present her concerns.

23 CALLAWAY: Uh, I requested the hearing because of Ms. Ward's, um, stated intention

1 to violate and to continue violating the American Counseling Association's code of ethics. Uh,  
2 these violations are based on her stated unwillingness to intentionally and competently provide  
3 counseling services concerning relationship issues to clients who identify as gay. Uh,  
4 specifically on January 26th of this year, Ms. Ward was assigned a client who identified as such,  
5 a gay client wanting, uh, to work in counseling on relationships. It was a returning client to the  
6 clinic. She called and asked that I reassign the client ,which I did. Um, I explained to her that  
7 this was a violation of the ethical codes. The specific violations are in section A of the  
8 counseling relationship, A.1., which speaks to the welfare of those served by counselors. Their  
9 primary responsibility being to respect the dignity and promote the welfare of clients, avoiding  
10 harm and imposing values, uh, also in section A, A.4.b., personal values. Counselors are aware  
11 of their own values, attitudes, beliefs and behaviors and avoid imposing values that are  
12 inconsistent with counseling those. Counselors respect the diversity of clients and Section C,  
13 professional responsibility, knowledge of standards. Counselors have a responsibility to read,  
14 understand and follow the ACA code of ethics and adhere to applicable laws and regulations.  
15 Section C.5., non-discriminations. Counselors will not condone or engage in discrimination  
16 based on age, culture, disability, ethnicity, race, spirituality of religion, gender, gender identity,  
17 sexual orientation, marital status, partnership and language preferences. And finally Section F,  
18 supervision and training and teaching. F.8, students responsibilities. Counselors in training have  
19 a responsibility to understand and follow the ACA code of ethics and adhere to the applicable  
20 laws, regulatory policies and rules and policies governing professional staff behavior. Students  
21 have the same obligation to clients as those required of professional counselors.

22 On, um... prior to the reassignment of the client I had spoken, uh, with Ms. Ward in  
23 individual supervision meetings on January 20th, where we had a discussion about...um... her

1 not putting this statement of her Christian beliefs in her informed consent statement. At that time  
2 we had a rather lengthy and serious discussion and she explained that, um... she questioned the  
3 ACA's authority, uh, to regulate her behavior in that way and as close as I can recall, the  
4 conversation was, "Well who's the ACA to tell me what to do. I answer to a higher power and  
5 I'm not selling out God." Um... and the "selling out God" is a... is a quote, specifically. Um...  
6 so again, after her refusal to see the client on the 26th, we met again on the 27th, and that's when  
7 I explained to her that I would be requesting an informal hearing at which, uh, Dr. Dugger and  
8 myself, uh, were present.

9 FRANCIS: I'm sorry, what was that date?

10 CALLAWAY: Uh, that was on the 27th of January.

11 FRANCIS: Thank you.

12 CALLAWAY: The informal hearing was in schedule, or the review meeting was  
13 scheduled for February 3rd and basically, uh, each conversation has been a reiteration of the  
14 conversation previous to that. In the initial supervision meeting on January 20th, I reminded Ms.  
15 Ward of dialogue that we had had on more than one occasion and counseling 571, which is of  
16 course where I bring up both the visible and invisible cultural differences that are unacceptable  
17 and non-negotiable in terms of professional counseling. And I stated very plainly, at that point,  
18 that it requires, um, a non-discrimination approach and that we service all clients competently  
19 and professionally based on those clients goals and outcomes without regard to sexual  
20 orientation and that was a position that I saw as untenable and non-negotiable and that  
21 professional counseling was not the place where such attitudes would be condoned. That's it.

22 AMETRANO: Questions? For Dr. Callaway?

23 Could you... actually, could you give us just a little bit of going over... just give us sort

1 of the context of... in which... um, Ms. Ward refused to see the client?

2 CALLAWAY: OK, um, well she called me. I give all my CIT's my cell phone number  
3 so particularly in the early parts of practicum, if they have questions or concerns they can reach  
4 me. So, she called me and said that she had reviewed the case notes for a returning client and he  
5 was gay. He was presenting relationship issues and she would not be able to counsel him  
6 accordingly. At that time, I spoke with Gail, um, I asked her to speak with Dr. Francis and to  
7 have the client reassigned and explained that I would be meeting with the student... the next day,  
8 because this was on a Monday. I'm not on campus, but on Tuesday, for our regular supervision  
9 meeting we talked again about the ethical codes and the requirements.

10 AMETRANO: OK, thank you. Other questions?

11 FRANCIS: I don't have any right off the bat - I'm pondering.

12 AMETRANO: OK.

13 Are you going... Dr. Dugger's going to present something also, so we could do that and  
14 then if you... if any of us has questions for Dr. Callaway or Dr. Dugger, we can come back.

15 CALLAWAY: I asked Dr. Dugger to be a witness today because of her presence at the  
16 informal hearing.

17 AMETRANO: OK.

18 DUGGER: And I prepared a statement that I will read to you. I've also provided a copy  
19 of that statement. So, uh, as Dr. Callaway said, um, on February 3, 2009, I facilitated a informal  
20 review meeting between Dr. Callaway and Ms. Ward. At that meeting, Dr. Callaway expressed  
21 concerns regarding Ms. Ward's performance and practicum. Specifically, she reported that Ms.  
22 Ward refused to accept a client of practicum on the basis that the client identified as gay and  
23 expressed interest in relationship counseling. Ms. Ward confirmed that this occurred and

1 explained that she did this on the basis of religious beliefs. During the same meeting, however,  
2 Ms. Ward denied that there were any other issues that a client could bring into counseling that  
3 would result in her being unable to set aside her religious beliefs and therefore refusing to see  
4 them. Additional details of the meeting are captured in the February 4th letter which is attached  
5 to the statement. That letter has also been placed in the student file in accordance with our  
6 policy. Um, my professional opinion – all students in EMU’s counseling program are informed  
7 via the counseling program’s student handbook and other sources that they are expected to  
8 adhere to the ACA code of ethics. Ms. Ward was... would also have been informed of this via  
9 the practicum manual. Both sources caution a student about disciplinary consequences of a  
10 failure to adhere to this code of ethics. Included in the code of ethics, is a counselor’s quote –  
11 “avoid imposing values that are inconsistent with counseling goals” and that is section A.4.b. and  
12 that they “do not condone or engage in discrimination based on, among other things, ... sexual  
13 orientation.” You’ll see that I used the ellipses, um, also included in that are age, sex, race, etc.  
14 It is my professional opinion that Ms. Ward has violated both of these ethical standards. With  
15 regard to Section A.4.b., her client expressed a goal of receiving assistance with a same sex  
16 relationship. And Ms. Ward imposed values inconsistent with this goal by refusing to see him  
17 due to her religious objections to the nature of the client’s relationship. With regard to C.5., Ms.  
18 Ward has demonstrated discriminatory behavior toward gay clients. Although Ms. Ward seems  
19 to have conceptualized this issue as being one only of religious values, I do not concur. Rather, I  
20 conceptualize this as discrimination. My reason, is that Ms. Ward specifically stated that there  
21 were no other issues that would prompt her to be unable to see a client due to religious reasons.  
22 In the informal review meeting, I offered examples, such as abortion, child abuse, murder. Ms.  
23 Ward identified herself as adhering to Christianity. Clearly, the Bible offers commandments



1 and/or prohibitions against killing, lying, stealing and many other behaviors the clients may talk  
2 about in counseling. The fact that Ms. Ward asserted that she could set aside her religious values  
3 in all of these instances but expressed a belief that she could not set aside her religious values in  
4 order to effectively counsel non-heterosexual clients constitutes discrimination. In other words,  
5 it is my professional opinion, that Ms. Ward is selectively using her religious beliefs in order to  
6 rationalize her discrimination against one group of people. You'll see in my recommendation  
7 that because Ms. Ward firmly indicated that she is unwillingly to reconsider her willingness to  
8 counsel gay clients about relationship issues and because such behavior violates ACA's code of  
9 ethics, it's my recommendation that Ms. Ward be dismissed from the counseling program.

10 [Coughing and discussion about water – not transcribed]

11 AMETRANO: We'll hold off until Dr. Callaway comes back.

12 [Discussion about health and water – not transcribed]

13 AMETRANO: Was there, um, any questions for Dr. Dugger?

14 FRANCIS: Let me ask a couple of questions just so that I can separate some things for  
15 me, for both of you. Is it appropriate in a setting where, uh, say a religious setting, that um might  
16 have a counseling center attached to it, that counselors who work in that setting put in their  
17 disclosure statement a statement about their religious beliefs and values?

18 CALLAWAY: No. I would hate to make a blanket statement but this did come up in our  
19 informal hearing. My notion is that my highest responsibility is to protect the emotional safety  
20 of a client.

21 FRANCIS: Uhum.

22 CALLAWAY: I think that that statement might be incendiary to some clients. Even  
23 clients that are Christian may in fact feel that they're going to be judged more with that title is

1 given. And so, I kind of have that dialogue, um... ah, my professional opinion is that if people  
2 seek pastoral counseling from a pastoral center that that would be the expectations set and that  
3 would be fine.

4 FRANCIS: Uhum.

5 CALLAWAY: Um, but when people are not seeking pastoral counseling, um, I think  
6 that that may in ways that we will not know ahead of time, jeopardize the client's sense of safety  
7 and comfort.

8 FRANCIS: So, you're making a distinction between professional counseling and pastoral  
9 counseling.

10 CALLAWAY: Yes, I am...um ...

11 FRANCIS: OK.

12 CALLAWAY: ... and I think our ethical codes, uh, do the same.

13 FRANCIS: Mmmm, OK.

14 MS. WARD: As far as questions are concerned, it is just...amongst...

15 AMETRANO: Just us...

16 MS. WARD: OK.

17 AMETRANO: And then you'll have an opportunity to respond... when we're done.

18 MS. WARD: OK.

19 AMETRANO: Other questions... from the committee to either Dr. Dugger or Dr.  
20 Callaway? I haven't had a chance... the... the letter that is attached is then a review of what  
21 happened in the informal review.

22 CALLAWAY: Mmm hmm.

23 AMETRANO: So, what I see, then, in the... in the kind of summary in the letter is that

1 in the informal review, basically, this... you kind of ag.... the three of you agreed that there was  
2 no remediation plan that was feasible.

3 CALLAWAY: Mmm hmm.

4 DUGGER: That's correct. The development of a remediation plan of course would, um,  
5 be contingent on Ms. Ward's recognition that she needed to make some changes. And, um, she  
6 did not, um, express that, in fact expressed just the opposite. And, um, communicated an attempt  
7 to maintain this belief system and those behaviors.

8 AMETRANO: OK.

9 Any other questions, for ... of the... that the committee has or anything that either Dr.  
10 Callaway or Dr. Dugger would like to add?

11 CALLAWAY: No.

12 [Coughing and discussion about it – not transcribed.]

13 AMETRANO: OK, are you okay if we move on then? Gary..... Dr. Marx?

14 Um, then I will ... turn it over to Ms. Ward and ... and I'll ask you to respond to the  
15 concerns that have been presented by Dr. Dall..., uh, Dr. Callaway and Dr. Dugger.

16 WARD: OK, and if I may, I have brought copies of the letter that I sent to Dr. Dugger in  
17 response to her notes, uh, about the informal hearing and if I can, I'd like this ...

18 DUGGER: I did not receive a letter from you.

19 WARD: No, well, this is the same letter that I did receive. It's dated for February 10th  
20 and so I just made copies. It's explaining my position and if I could I'd like to simply pass it out  
21 so everybody can have a copy...

22 FRANCIS: Yeah, but before you do that, I'm trying to understand. This is a letter that  
23 you sent to Dr. Dugger in response to her letter to you?

1 WARD: No, after the informal hearing ...

2 FRANCIS: Ah, OK.

3 WARD: ... I put together a letter that basically addressed my position ...

4 FRANCIS: OK.

5 WARD: and so what I'm asking is ...

6 AMETRANO: OK.

7 WARD: ... if I could distribute to all of you so that we're looking at the same thing.

8 AMETRANO: Yep.

9 FRANCIS: OK.

10 WARD: And then before I address some of the questions from the committee, if you  
11 don't mind, I'd like to read the letter.

12 FRANCIS: OK.

13 AMETRANO: Yes, OK.

14 [Copies of the letter are distributed]

15 MALE: We're short.

16 WARD: We're short?

17 FRANCIS: We're fine.

18 AMETRANO: Let me see, one, two, three, four, okay, alright, great, thank you.

19 FRANCIS: We're fine.

20 WARD: Alright, the letter is dated for February 10, 2009, and it states:

21 Dear Dr. Dugger,

22 I am writing this letter for several reasons. The first reason is to request that a formal  
23 review hearing be convened to address the allegations made against me by Dr. Callaway at the

1 informal review meeting that occurred on February 3, 2009 and to determine my status within  
2 the counseling program. As of right now, I have been suspended from practicum and will not be  
3 able to complete my Master of Counseling Degree since practicum is a prerequisite for the  
4 counseling internship and graduation. The outcome I desire from the formal review hearing is  
5 full reinstatement into practicum without any further cost if additional hours must be accrued  
6 during the spring/summer semester.

7 The second reason I am writing is to clarify my position on the allegations discussed at  
8 the informal review and to provide my perspective on the facts of this situation. Dr. Callaway  
9 alleges that in refusing to counsel individuals regarding their homosexual behavior as part of  
10 practicum, I am discriminating against persons based on their sexual orientation. This is not true.  
11 I told Dr. Callaway and restated in the informal hearing, that I would counsel individuals  
12 engaged in homosexual behavior regarding any issue unrelated to that behavior. The only thing I  
13 am unwilling to do is validate or affirm homosexual behavior, due to my religious beliefs.

14 As to my religious ideologies, I am a Christian and rely on the Bible as the source of my  
15 beliefs. The Bible teaches that God ordained sexual relationships between men and women and  
16 not between persons of the same sex. On several occasions, uh, in the Bible, homosexual  
17 conduct is described as immoral sexual behavior. The Bible also teaches that God created  
18 humans male and female, with a natural sexual desire for persons of the opposite sex. While  
19 people may struggle with homosexual inclinations and behavior, I believe (and the Bible teaches)  
20 that people should strive to cultivate sexual desires for persons of the opposite sex. I am morally  
21 obligated to adhere to these fundamental teachings of the Christian faith and to express the  
22 biblical viewpoint regarding proper sexual relationships. It would be a violation of my religious  
23 beliefs to be required to affirm or validate homosexual conduct.

1 As you are no doubt aware, I have respectfully and appropriately expressed my religious  
2 beliefs regarding this issue during several of my counseling classes. Sometimes when I did so, I  
3 was told that I had to conform to the counseling department and profession's affirming point of  
4 view regarding homosexual behavior and/or told that my religious beliefs were incompatible  
5 with the counseling department and profession. On one occasion, during my Counseling 571  
6 Cross Cultural Counseling class, taught by Dr. Callaway, she declared that they (Eastern  
7 Michigan's counseling department) advocated for everyone (including homosexuals) and that  
8 they would try to weed out those not on the same page.

9 Both in class and in personal conversations I have had with some professors, the  
10 counseling department has made it clear that if we are counseling a person regarding their  
11 homosexual behavior, we must affirm and validate that behavior. It has also been made clear  
12 that we cannot advise such a person that he or she should try to change their behavior. Requiring  
13 me to affirm and validate homosexual behavior forces me to violate my religious beliefs and  
14 conscience. It also requires me to express a point of view regarding homosexual behavior that I  
15 disagree with based on my convictions.

16 In light of the above concerns, I decided that during practicum, the best way to handle the  
17 remote possibility of getting assigned a person that wanted counsel regarding their homosexual,  
18 um, regarding their homosexual behavior, was to ask that such persons be referred to a different  
19 counselor. In doing so, I would avoid violating my religious beliefs by being forced to advocate  
20 a point of view about homosexual behavior I disagreed with. Also, I would not be discriminating  
21 against a person based on their sexual orientation because I would be willing to counsel that  
22 same person on any other matter unrelated to his or her homosexual conduct.

23 Now that I have given a broad overview of my religious beliefs and views, I will address

1 the specifics of this situation. Your letter regarding the informal review says that I stated in my  
2 professional disclosure statement for practicum clients that I was a Christian and that Dr.  
3 Callaway required me to remove that description from the statement. This is not true. I never  
4 included my Christian beliefs in my disclosure statement but merely asked Dr. Callaway if she  
5 thought I should. She said that I should not do so.

6 The previous week, during my individual supervisory meeting with Dr. Callaway, I told  
7 her that affirming or validating homosexual behavior violated my religious beliefs and that I,  
8 therefore, would not be able to counsel any clients seeking counseling regarding their  
9 homosexual behavior. Dr. Callaway told me that not all Christians believed as I did and laughed  
10 when I told her I would not sell-out God.

11 Dr. Callaway knew about my beliefs regarding this issue prior to our conversation in  
12 practicum, because I had expressed my religious views regarding homosexual behavior in her  
13 multicultural class. Nonetheless, the third client assigned to me in practicum was seeking  
14 counseling regarding homosexual behavior. In reading this person's file prior to my first  
15 appointment, I also noticed that the individual was a returning client and that the past counselor  
16 had affirmed this person's homosexual behavior, as the counseling department mandates  
17 counseling students to do. Because I knew I could not provide the same counsel without re...  
18 violating my religious beliefs, I called Dr. Callaway prior to my first appointment to ask if I  
19 should keep the initial appointment with the client and refer him or her if it became necessary or  
20 simply cancel the appointment. Dr. Callaway told me to have Gail, one of the schedulers, assign  
21 the client to a different practicum student. The client was reassigned.

22 The next day, as soon as I sat down for my individual supervision with Dr. Callaway, she  
23 exclaimed, "This is not going to work!" and informed me that an informal review meeting would

1 be scheduled to discuss the situation. She then asked me what date next week would work best  
2 for me. I told her Wednesday, February the 4th. Rather than scheduling the informal review for  
3 that date, it was scheduled for February 3rd at 4 P.M., the time I met with Dr. Callaway for  
4 individual supervision. As you know, it was at this meeting that I was suspended from all  
5 practicum duties.

6 I would like to address another aspect of the informal review. I was questioned at that  
7 meeting about whether I could counsel someone who was thinking about seeking an abortion. I  
8 said I could because if the person decided to have an abortion, that person was making the  
9 choice, not me. Also, with such a person, I am allowed to discuss many options other than  
10 abortion, like having the baby and raising it, having the baby and giving it up for adoption, and  
11 other options that are consistent with my religious beliefs regarding the sanctity of human life.

12 Counseling a person seeking advice about homosexual behavior is a very different  
13 situation because I am only allowed to affirm and validate homosexual behavior. As I said  
14 previously, the counseling department has made it clear that I am prohibited from providing  
15 counsel that is consistent with my religious beliefs. The department, through various professors,  
16 has denigrated my beliefs and told me I must compartmentalize my values and adopt the  
17 department and the counseling profession's views on homosexual conduct. Essentially, the  
18 choice I have in counseling someone about abortion is not available when counseling someone  
19 about homosexual behavior. The choice has already been made for me; I can only affirm the  
20 person's homosexual behavior.

21 In closing, I would like to note that it would be very easy for the department to  
22 accommodate my religious beliefs on this issue. Hundreds of clients come to the counseling  
23 clinic during a semester and a very slim percentage of these persons are seeking advice regarding



1 homosexual behavior. There are about 15 students participating in practicum, each of whom  
2 handles 5 to 8 clients at a time. The small percentage of persons seeking counseling regarding  
3 homosexual behavior could easily be assigned to another practicum student who is not prohibited  
4 by his or her religious beliefs from affirming homosexual behavior. Assigning this small  
5 percentage of clients to these other 14 students would respect my religious beliefs and would not  
6 pose any burden on any of the other students because I would still take on my full share of the  
7 workload. Also, clients are in no way prejudiced by being assigned to a different counselor,  
8 especially when that assignment is made before any meeting with the client.

9         Instead of taking this reasonable action, the department has suspended me from  
10 practicum because of my religious beliefs and has threatened to prohibit me from graduating  
11 with a Master's degree in Counseling. By this letter, I am requesting that the outcome of the  
12 formal review hearing be my reinstatement into practicum, that I not be required to pay for  
13 additional credit hours if I have to make-up hours during the spring/summer semester, and that I  
14 not be required to counsel any clients who are seeking advice regarding their homosexual  
15 behavior.

16         Lastly, I also request that this letter be treated as evidence in the formal review hearing,  
17 as it contains my statement regarding the allegations against me and an explanation of my  
18 religious beliefs. I look forward to receiving your letter giving me notice of the date of the  
19 formal review hearing at least two weeks prior to that date, as required by the student handbook.

20         AMETRANO: For the record, I would just like to note that this letter was not actually  
21 sent to Dr. Dugger. So, that this is the first time that Dr. Dugger or any of us is seeing this letter.

22         WARD: I would also like to note that I have record of the email that I sent that had this  
23 letter attached and I do have the record, a copy of that.

1 FRANCIS: Oh, so...

2 AMETRANO: So, you're saying that you did send this letter...

3 WARD: Yes.

4 AMETRANO: ... to Dr. Dugger?

5 WARD: Yes, yes I did.

6 FRANCIS: Oh, OK.

7 AMETRANO: And you're saying that you never received...

8 FRANCIS: And you sent it via email?

9 WARD: Yes.

10 FRANCIS: Ah... As an attachment.

11 WARD: Yes.

12 FRANCIS: Thank you.

13 DUGGER: I certainly received an email.

14 AMETRANO: OK.

15 DUGGER: Um, this is the first time I've seen that letter. It is possible, and I'll need to  
16 go back...

17 AMETRANO: OK.

18 DUGGER: ... but I certainly don't recall, um, an attachment being present, I'm  
19 generally pretty good about that.

20 FRANCIS: OK.

21 AMETRANO: OK

22 FRANCIS: Fine.

23 OK, that clears that. Now I have a clear understanding of that because I... I didn't know

1 that.

2 AMETRANO: Me too. I didn't understand.

3 FRANCIS: Yeah, I didn't understand. That's good.

4 WARD: OK.

5 AMETRANO: OK.

6 OK, um, is there anything you'd like to add before we ask questions?

7 WARD: Uh, well, I guess just a ... a ... couple of things, um, Dr. Callaway, uh,  
8 mentioned again today that, uh, when I came into her office, uh, she told me that I needed to take  
9 out the fact that I was a Christian counselor, um, I needed to remove that from my informed  
10 consent. And how this whole thing came up was I came in to see Dr. Callaway and was seeking  
11 advice from her as my advisor for practicum as to whether or not I should include the fact that I  
12 was a Christian since this was an informed consent. And so, she advised against that. There was  
13 nothing to take out because I never put it in there. Uh, the other thing is, uh, when I had the  
14 conversation with Dr. Callaway about the client that I found out I was given, um, the initial call  
15 was not to say Dr. Callaway, I am not going to see this client. The initial call was, I was calling  
16 her for advice. I wanted to know what Dr. Callaway, what should I do? Should I see the client  
17 or should the client before I even see him be given to somebody else? Because I knew that after  
18 reading his history, uh, because he was struggling with his homosexuality, I would not be able to  
19 affirm that. I had no problems seeing the client but it became a matter of alright do I see the  
20 client, establish repor, get to know him, and then end up feeling like I have to refer him because I  
21 can't help him, or do we as the code of ethics does state, uh, try to be careful not to do harm to  
22 the client and simply refer the client before any type of relationship is established. So, I wanted  
23 to reiterate again when I spoke to Dr. Callaway, it was not – oh, I refuse to see this client, I was

1 asking her, should I do this or should I do that? And she stated to me that as ... as ... as was  
2 mentioned, the first concern is for the client and so since the first concern of the first priority is  
3 for the welfare of the client, that he needs to be reassigned before he even meets with you. And  
4 so I said, OK. Not a problem. Uh, also, Dr. Dugger had mentioned that if there were any other  
5 issues that might come up that would stand in the way of me being able to counsel somebody and  
6 I recall us speaking about abortion and I do not recall any comments about murder, um, you  
7 know, whether or not I could counsel somebody that had murdered someone. And, uh, in the  
8 letter that I sent to Dr. Dugger, I tried to explain why that would not be an issue. If somebody  
9 were to, um, come to me and they were seeking me ... seeking advice from me or wanting me to  
10 affirm their decision to have an abortion, no I would not do that because that does go against my  
11 Christian values. But, in terms of being able to sit, listen, um, offer alternatives, I am capable of  
12 doing that.

13 AMETRANO: Would you be able to help them fully explore the abortion option?

14 WARD: Would I be able to help them fully explore the abortion option – if they were  
15 interested in getting an abortion, no, because that goes against my religious beliefs. I would be  
16 able to sit and listen and offer, um, other suggestions, abortion is just one of them. Um, so, no, I  
17 ... you know I would ... I would not be saying yes an abortion is the best thing that you should  
18 do and it's my understanding that counselors are not supposed to do that anyway. We're ...  
19 we're not deciding for the client, we are presenting information to the client and then allowing  
20 them to make their own decision.

21 AMETRANO: But you just said that as one of the alternatives, in an abortion decision,  
22 the abortion option is not one that you would be able to fully explore with them.

23 WARD: I would not promote that Dr. Ametrano.

1 AMETRANO: I didn't say promote it, I said fully explore it.

2 WARD: OK, and so fully explore means ...

3 AMETRANO: Talk at length with them about having an abortion and about their  
4 feelings, and about the ramifications of it, and the pros and cons, and ...

5 WARD: I could talk to them. Yeah, I could do that. I could talk about their feelings  
6 about having an abortion. What I could not do is affirm, if ... you know... sit and say, well, you  
7 know, um, you mentioned that you want to have an abortion and that's the right thing to do. You  
8 should do that ...

9 AMETRANO: Do counselors do that?

10 WARD: They're not supposed to, no.

11 AMETRANO: Well yeah.

12 WARD: So that's, you know, again that's what I ... I establ..., that's the difference  
13 between counseling somebody that is seeking an abortion and counseling somebody that, um, is  
14 having trouble within a homosexual relationship. I've been basically told that this is what you  
15 have to do when you're dealing with a homosexual client and you cannot deviate from that. You  
16 cannot talk about anything other than affirming this relationship. With abortion, there are other  
17 options that are available and so that's, you know again, I think that's a major difference.

18 AMETRANO: Hmm.

19 FRANCIS: Uh, uh, I've got a couple of questions.

20 WARD: OK.

21 FRANCIS: If you just ... hopefully you can entertain them.

22 WARD: OK.

23 FRANCIS: First, do you think that homosexuality is a choice?

1 WARD: Do I think that homosexuality is a choice? Yes.

2 FRANCIS: OK. Um, and ... and from listening to you, I'm... I ... I think I'm gathering  
3 from you that you really believe that, uh, one of the function of counselors is to promote human  
4 dignity.

5 WARD: Ahum.

6 FRANCIS: Would that be a fair statement?

7 WARD: Ahum.

8 FRANCIS: Good. Good. Um, how would you promote the welfare and advocate for a  
9 student who is ... and school counseling is your specialization, is that right?

10 WARD: That's my tract. That's correct.

11 FRANCIS: Yeah, your tract. OK. So, how would you promote the dignity and advocate  
12 for the rights of a student on campus in high school?

13 WARD: Ahum.

14 FRANCIS: ...at a high school, who's homosexual, who say is trying to start a ... a ... a  
15 ... a club, that doesn't promote or deny homosexuality but just seeks to gather people together  
16 who need support because they're homosexual.

17 WARD: Well, in that situation – and I do have students that are homosexual –

18 FRANCIS: Ahum.

19 WARD: OK. If I were a counselor and they were seeking to start a gay club, uh, because  
20 my religious beliefs don't affirm that type of relationship, that I would not be the counselor to  
21 help them do that. There are other counselors in the building, um, that could certainly support  
22 their efforts, but I'm not going to, um, be deceptive with a student if they come to me and they're  
23 wanting me to help them start, um, a gay club, knowing that that conflicts with my religious

1 beliefs.

2 FRANCIS: Let... let me take it down another path real quick – I’m just...

3 WARD: OK.

4 FRANCIS: I’m really just trying to get my mind a couple of different things that you’ve  
5 said.

6 WARD: OK.

7 FRANCIS: And I really want to hear, you know, hear it all.

8 WARD: OK.

9 FRANCIS: Um, one the things you said that causes me some consternation is that the  
10 department through various professors has denigrated my beliefs and told me I must  
11 compartmentalize my values.

12 WARD: Ahum.

13 FRANCIS: So, you in essence are telling us that you’ve been discriminated against in  
14 this department.

15 WARD: I believe so.

16 FRANCIS: OK. For your religious beliefs?

17 WARD: Yes.

18 FRANCIS: OK. Alright.

19 Um, and I really... and I get that you have strong values and some real strong beliefs.

20 How would you work with someone who said, um, well, I’ll start with the general and move to  
21 the specific. How about that?

22 WARD: OK.

23 FRANCIS: OK.

1 How would you work with somebody who had totally opposite views from you in the  
2 sense there either were an atheist or something to that nature that whose views are just totally the  
3 opposite of yours ...

4 WARD: Ahum.

5 FRANCIS: ...and whose struggle had to do with religious values.

6 WARD: Ahum.

7 FRANCIS: Could you work with that person?

8 WARD: Yes, Dr. Francis, I could work with that ... a... an individual that was an atheist  
9 or a Buddhist or, um, Jewish – that would not be a problem.

10 FRANCIS: OK.

11 Even if their issue had to do with their coming to terms with their religion?

12 WARD: Yes.

13 FRANCIS: OK. Now, let's say that somebody comes in to, um, work with you a high  
14 school student and they're in a sexual relationship with another high school student ...

15 WARD: Ahum.

16 FRANCIS: ... which I understand happens on a high school campus now and again.

17 Um, and they don't want to give that up. You know that ... and in fact, that's one of the things I  
18 want to talk to you about is trying to comes to term with that.

19 AMETRANO: Same sex?

20 FRANCIS: No, opposite sex.

21 WARD: OK.

22 FRANCIS: So, it's a ... it's a non-marital sexual relationship.

23 WARD: Ahum.



1 FRANCIS: Help me understand how you could work with that person who's unwilling  
2 to change that behavior, versus someone who is coming to you to discuss, uh, homosexuality.

3 WARD: So, what are they looking to get from me as their counselor? If they're just  
4 coming to talk with me and share their concerns, then I'm there to listen to them.

5 FRANCIS: OK.

6 WARD: I have students that talk with me...

7 FRANCIS: Uh huh.

8 WARD: ...and I listen.

9 FRANCIS: Uh huh.

10 WARD: That's how I would handle that.

11 FRANCIS: So you would just listen. So...

12 AMETRANO: Can I go off on that...

13 FRANCIS: Sure...

14 AMETRANO: ... question?

15 FRANCIS: ... yeah, go ahead, please.

16 AMETRANO: Because it's something I've wanted to ask is about same sex, about high  
17 school students, many of whom are struggling with their sexual orientation.

18 WARD: Ahum.

19 AMETRANO: Struggling with it – I mean it's a really critical time in their lives and that  
20 student comes to you – you're that student's counselor. What do you do?

21 WARD: Well, see, and I guess this is my point. Um, the counseling department does not  
22 offer any other alternatives but you are gay and so deal with it. They don't offer... you may  
23 have a student that doesn't want to be homosexual and any of the, um ... any of the theories or

1 any of the counseling that would be offered that would be leaning towards them not being  
2 homosexual are considered invalid. Um, they are not considered invalid, it's considered  
3 unmerited, it hasn't been, you know, studied, it's unreliable. So, I guess in answer to your  
4 question, if somebody is struggling with homosexuality, uh, I feel like the counseling department  
5 has limited choices for students because they say that you can only be this one way. So, if I have  
6 a student that's coming in, um, then I guess I'm going to want them to explore all options, if  
7 their... if their... if this is a struggle that they're having.

8 AMETRANO: Can you help them explore the option? I mean, again, I don't ...  
9 homosexuality, I think it's pretty well established is not a choice, but you see it as a choice.

10 WARD: Ahum.

11 AMETRANO: So, would you be able to help them explore the option of going with their  
12 sexual orientation and being gay? Would you be able to help them with that side of it?

13 WARD: Because of my religious beliefs, I would not be able to affirm...

14 AMETRANO: So...

15 WARD: ... with them homosexuality, no.

16 FRANCIS: So, I ... I ... I need to make sure about something here. So, you're unwilling  
17 to do that?

18 WARD: I am unable to do that because of my religious beliefs and my convictions, I  
19 cannot affirm homosexual behavior. It has nothing to do with whether or not I am able to  
20 counsel somebody that happens to be homosexual.

21 AMETRANO: But this student's struggling with it ...

22 WARD: OK.

23 AMETRANO: ... and so, you're saying you can't help them explore that ... their

1 orientation.

2 WARD: Now, when you say explore...

3 AMETRANO: Well, I say explore and you say affirm...

4 WARD: OK, would you...let me... OK, so would you mean when you say affirm...

5 AMETRANO: ... and I ... I don't see them as the same.

6 WARD: OK.

7 DUGGER: Explore would be with a client who is questioning, saying, whatever you are  
8 is OK. You may identify as gay, you may identify as lesbian, you may identify as bi, you may  
9 identify as heterosexual by the end of this questioning and exploration process. Whatever you  
10 are, I will affirm.

11 AMETRANO: Whatever you are is...

12 DUGGER: ...is OK.

13 AMETRANO: ...is what you decide you are. And I will help you to explore all of those.  
14 But, but I guess my question to you then is so what do you do with that student because you're in  
15 high school counsel ... you'd be in high school counseling, the student is there to talk to you,  
16 you can't, you're saying I can't fully ...

17 WARD: What I would tell that student...

18 AMETRANO: ... work with this person, so what would you do?

19 WARD: What I would tell that student, was I would need to, um, first of all, I would not  
20 say anything to the student that seems like I am rejecting the student, OK. I know, based on my  
21 religious beliefs, I would not be able to, um, affirm, support, um, homosexual behavior. But,  
22 what I would do is after I had concluded the discussion with the student, is I would find a  
23 counselor who would be able to offer support, and I would simply tell that student that I want

1 you to make... I want to make sure that you have the support that's needed, so I'm going to have  
2 so and so speak with you because they are in a better position to do that.

3 AMETRANO: How do you think that will feel for that student?

4 WARD: I think it's... it's all in how you do it. And all in how you say it. And not only  
5 that, um, in high school you have relationships with students, not just as counselors but as  
6 teachers and if a student knows that you care about them, that you've taken, um, a sincere  
7 interest in them in other situations, I think that the student will respect that. And I don't think ...  
8 knowing that you've maybe even gone out of you way to help them, I don't see it as being  
9 something detrimental. Again, it's all in how you do it. Now, OK.

10 AMETRANO: I guess my concern is that you seem to think that this doesn't come up a  
11 lot.

12 WARD: Ahum.

13 AMETRANO: And I think that that... I mean, I think that as a high school counselor it  
14 would come up a lot.

15 WARD: Ahum.

16 FRANCIS: Help me understand the difference between providing services to a student or  
17 client who's engaged in pre-marital or extra-marital affairs and someone who is homosexual.

18 WARD: Well, are you asking...if I have someone

19 FRANCIS: I'm asking, tell me the difference between providing services to a client  
20 who's engaged in behavior that is clearly talked about as wrong in a biblical context, according  
21 to you.

22 WARD: Ahum. Ahum. Dr. Francis, are you asking me would I be able to affirm a  
23 client that comes in that wants help with, uh, a relat... their married and they want help with a

1 relationship that's outside of their marriage – is that what you're asking?

2 FRANCIS: No, I'm asking for you to tell me the difference in providing services to  
3 someone who is engaged in either an extra-marital affair or a pre-marital affair...

4 WARD: Well, I think... OK.

5 FRANCIS: ... versus someone who's having a homosexual relationship.

6 WARD: I think the difference is what they're coming in for help. With the client that I  
7 was assigned, they were specifically concerned about their relationship. I could not help them.  
8 If it was for something else, I would have no problem with that. The same thing you...

9 FRANCIS: So, if they came in to talk to you about, um, ... the same client came in to  
10 talk to you about how to go along better with their live in lover who happened to be of the  
11 opposite gender, you'd be able to do that.

12 WARD: No, I didn't say that.

13 FRANCIS: Well, that's what I'm hearing.

14 WARD: Yeah. No, I didn't... no I didn't say that...

15 FRANCIS: I just wanted to make sure, that's why I'm trying make sure it's clear. Let's  
16 say you have a client who's coming in, who's there to talk about their relationship with their  
17 significant other...

18 WARD: Ahum.

19 FRANCIS: ... and that significant other ... their a male and their significant other is a  
20 female...

21 WARD: Ahum.

22 FRANCIS: ... and they're involved in a pre-marital sexual relationship and they have no  
23 intent on getting married.

1 WARD: Ahum.

2 FRANCIS: OK. And they're there to talk about their relationship and it may get into  
3 sexuality.

4 WARD: Ahum.

5 FRANCIS: That's another coin. Same issues, but they're same sex. Would you be able  
6 to help one and not the other? Both or neither?

7 WARD: Neither.

8 FRANCIS: Neither. OK.

9 WARD: Neither. Because of my religious beliefs.

10 FRANCIS: OK.

11 AMETRANO: So, that's another situation. I mean, you know, it sounds like in the  
12 informal review hearing you were pretty clear that the only thing you couldn't deal with was  
13 homosexual relationship issues, homosexual behavior, but now it sounds like we've covered  
14 difficulties around abortion and difficulties around...

15 FRANCIS: Extra-marital or pre-marital...

16 AMETRANO: ...extra-marital

17 WARD: I'm not describing them as difficulties. I addressed the items that Dr. Dugger  
18 brought up. She brought up abortion, so I addressed abortion. You brought up it sounds like  
19 fornication ...

20 FRANCIS: Ahum.

21 WARD: ... so I'm addressing fornication. And, uh, I will just again say this. I will not  
22 and cannot affirm any behavior that goes against what the Bible says as a Christian and so as a  
23 Christian, I'm not a Christian in name only. A Christian means that you live your life according

1 to the word of God, which is the Bible, so, um, in answer to your question that were, uh, an  
2 issue, Dr. Francis, no, I cannot affirm somebody's behavior if it is, uh, going against my  
3 religious beliefs.

4 FRANCIS: OK, good, I... I wanted to make sure I understood that and that was clear for  
5 me.

6 DUGGER: And is it my understanding, then, that if another person, another client who  
7 came in, who identified as Christian, didn't observe Christianity in the same manner you do...

8 WARD: Ahum.

9 DUGGER: ... for instance, Dr. Francis came to talk with you...

10 WARD: OK.

11 DUGGER: ... and he identifies as Christian and you identify as Christian...

12 WARD: OK.

13 DUGGER: ... that you would see your brand of Christianity as superior to his because  
14 you are not just a Christian in name only.

15 AMETRANO: Wait a minute, I don't... I don't think that you're allowed...to ask  
16 questions.

17 DUGGER: Oh, sorry. I with... I, um, ... I withdraw my question.

18 AMETRANO: OK, yeah.

19 FRANCIS: OK, and let me... let me take it another direction,

20 DUGGER: ... my apologies...

21 FRANCIS: Let me take it another direction here because I ... I'm going to get some  
22 other things and I'm gonna take it on a little bit of a theological bout.

23 WARD: OK.

1 FRANCIS: OK. Um, is anyone more righteous than another before God?

2 WARD: Is anyone more righteous than another before God?

3 FRANCIS: Yeah.

4 WARD: God says that we're all the same.

5 FRANCIS: Yeah.

6 WARD: That's what God says.

7 FRANCIS: OK, so, if that's your direction...

8 WARD: Ahum.

9 FRANCIS: ... how does that then fit with your belief that ... and I understand that  
10 you're not, because the word you keep using is affirming, you're not, which comes across as I'm  
11 not going to condone that behavior, I'm not going to affirm it, so I'm not going to go that way.

12 WARD: OK.

13 FRANCIS: If that's true, then aren't you on equal footing with these people? With, with  
14 everyone?

15 WARD: Absolutely, Dr. Francis.

16 FRANCIS: OK.

17 Then doesn't that mean that you're all on the same boat and shouldn't they be accorded  
18 the same respect and honor that God would give them?

19 WARD: Well, what I want to say is, again, I'm not making a distinguishable difference  
20 with the person.

21 FRANCIS: OK.

22 WARD: I'm addressing the behavior.

23 FRANCIS: OK, so it's love the saint condemn the sinner, or condemn the sin - I'm sorry.



1 WARD: If that's the wording you want to use.

2 FRANCIS: What wording would you use?

3 WARD: What I've just said. I'm not opposed to any person.

4 FRANCIS: Uh huh.

5 WARD: OK? I believe that we all are, um, God loves us all, is what I believe.

6 FRANCIS: OK. Good. I ... I just want to make sure I understand where you're coming  
7 from.

8 WARD: OK.

9 AMETRANO: I'm conscious of the time and I just, um, I think some people, there are  
10 some classes that are going to be starting, but I just want to make sure we have covered  
11 everything. So...

12 MARX: I want to ask a question.

13 AMETRANO: Yes, OK, Dr. Marx.

14 MARX: Um, talk to be about your awareness of the code of ethics from the American  
15 Counseling Association.

16 WARD: Ahum.

17 Dr. Marx, um, there are several statements that are made in the code of ethics in terms of  
18 respecting the dignity and promoting the welfare of clients, avoiding harm, uh, it also mentions,  
19 uh, referrals. Uh, if anything, I think that I've done nothing but respect the code of ethics. And I  
20 say that because I have not done any harm. As a matter of fact, I try to take great measure to  
21 make sure something like that did not happen by, um, asking if I should include that I was a  
22 Christian in my informed consent, by asking if the client should be referred before I enter into a  
23 counseling relationship. So, when I say that I'm... I feel like I have, um, not done anything in

1 violation of the code of ethics. I stand ... I stand to that.

2 MARX: But you also state in the ... in the letter, in the statement that you wrote...

3 WARD: Ahum.

4 MARX: ... you indicated that a number of different times that people have told you that  
5 your position that you were taking was inconsistent with the profession with reference to the  
6 specific areas of the code. Like the ... the ... the code talks about clients, I'm sure, but ...

7 WARD: Ahum.

8 MARX: ... it, it specifically addresses issues of sexual orientation and it's a professional  
9 code.

10 WARD: Ahum.

11 MARX: So I guess what I am trying to figure is how someone with such strong religious  
12 beliefs would enter a profession that would cause you to go against those beliefs ...

13 WARD: Well...

14 MARX: By ... by its stated code of ethics.

15 WARD: I...

16 MARX: That's what I don't understand...

17 WARD: I think...

18 MARX: Why would you put yourself in that position?

19 WARD: I think that this is based on interpretation. For example, when I look at the  
20 provision that talks about, uh, reasons that you can give a referral, and it says, recognizing the  
21 personal, moral and competence issues related to end of life decisions.

22 MARX: Ahum.

23 WARD: Again a counselor is allowed, I guess, um, they're allowed this provision if it's

1 an end of life issue. The end of life issue that the counselor is struggling with is still a moral  
2 issue.

3 MARX: Ahum.

4 WARD: So, in going through the program, you know, nobody said if you're a Christian,  
5 you cannot get a degree from Eastern Michigan University. And whenever I read the code of  
6 ethics, I did not see that communicated.

7 MARX: But did you see the code where it says that you shall not discriminate against  
8 people based on sexual orientation?

9 WARD: I'm not... I'm not discriminating. I'm not discriminating against people based  
10 on their sexual orientation.

11 MARX: But, you are aware of that section.

12 WARD: Yes, I have read it.

13 MARX: And you were aware based on your own statement – is what ... this is what  
14 I'm... I'm seeing – is that there were...

15 WARD: OK.

16 MARX: ... a number of times as you were in the program that people said that your  
17 position is in conflict with the code of ethics for the profession that you're trying to enter.

18 WARD: Ahum.

19 I looked at that as being their opinion – you know when you go to a university there  
20 someth... you're supposed to be able to share ideas. You're supposed to be able to have a  
21 opposing views. That's one of the nice things about going to a university. I've been to many  
22 universities. Eastern is not the first. So, this... you know... just because people don't agree  
23 doesn't mean that they should be put out of a program.

1 MARX: But it's also... it's also, to me, though, it's not just the disagreement because I  
2 agree that ... you know, a situation where what you have is an exchange of ideas and so on is  
3 part of what makes university what university is.

4 WARD: Ahum.

5 MARX: But there is also the relationship between professor and student and the  
6 situations and when someone who represents the profession, preparing others to enter into the  
7 profession, raises an issue of what a violation of a code of ethics that is in conflict with religious  
8 beliefs that's stated a number of different times, it just... you know, that what just doesn't make  
9 sense to me. That you can continue to put yourself into a position where you say I want to be in  
10 a profession where I know I'm going to have this conflict.

11 WARD: Ahum. Well, Dr. Marx, I guess I looked at the provision again in terms of  
12 referring. They said that if there ... you know, and I've read, um, in some of the courses that I  
13 take that value conflicts come up. And when value conflicts come up, you do the right thing so  
14 as not to do harm to the client and you refer. So, that's what I always considered would be, um,  
15 the way to resolve this issue. Is to refer. Um, not only that, I've done ... I've done pretty, uh,  
16 good in my counseling classes so that there was never a reason for me to say this is something I  
17 cannot do.

18 MARX: Did you have any conversation with people on that interpretation – that there  
19 are various areas, because what I... what I hear you saying it sounds to me and you can confirm  
20 it...

21 WARD: OK.

22 MARX: ... is that you appear to be in compliance with some areas of the code of ethics  
23 but not in compliance with others.

1 WARD: No, that's not what I am saying.

2 MARX: OK.

3 WARD: As far as I'm concerned, I in compliance with all aspects of the code of ethics.  
4 Somebody may have a different interpretation but as I interpret this, I am in compliance.

5 MARX: OK. Including compliance with the reference to providing services to people  
6 with, uh, ...

7 WARD: homosexual

8 MARX: ...homosexual orientation.

9 WARD: Yes, I am because I have not said that I will not counsel a homosexual client.  
10 What I said is that I cannot affirm their homosexual relationship. I'm willing to counsel with any  
11 client.

12 MARX: But I don't see where ... that's the other thing I don't understand is I don't see  
13 where this says that you must affirm, it says that you need to counsel...

14 WARD: Ahum.

15 MARX: And...

16 WARD: Well....OK, I'm sorry.

17 MARX: ... that it says if... if somebody comes and you're going to counsel then you  
18 counsel.

19 WARD: Ahum.

20 MARX: It doesn't say you have to affirm. Like I don't see how...

21 WARD: Well...

22 MARX: To me, where it's ... where it's confusing to me and it really is confusing at this  
23 point, is how you feel you're not affirming an abortion for example...

1 WARD: Ahum.

2 MARX: ... and ...

3 FRANCIS: Let me stop you there real quick. Just want to note that Dr. Dugger is having  
4 to leave to go to a...

5 DUGGER: I have another appointment at 4:30, my apologies.

6 FRANCIS: Yeah, just wanted to make sure that's in the record.

7 CALLAWAY: I have a class shortly. I was just wondering since there's nothing else,  
8 we don't ask questions...

9 FRANCIS: Uh, uh.

10 AMETRANO: Right, and we don't ask you questions...

11 CALLAWAY: ...so, unless you have any final questions for me, I'd like to be excused  
12 as well.

13 AMETRANO: Any other questions for Dr. Callaway?

14 FRANCIS: No.

15 AMETRANO: Dr. Callaway is excused to go to class.

16 CALLAWAY: Thank you.

17 FRANCIS: OK.

18 FRANCIS: Sorry to interrupt, Gary.

19 MARX: Sorry.

20 WARD: Dr. Marx, that's OK. Um, what ... what I had mentioned before is with  
21 abortion, you have options which you can offer. With a client that's struggling with  
22 homosexuality, there are no options. So, it's just, OK, this is who you are, so we're only going  
23 to deal with helping you feel comfortable with who you are. You cannot discuss any other

1 treatment plans that would, um, bring them out of that particular lifestyle. That's the difference.

2 FRANCIS: OK. I... I need to follow-up here because I want to follow-up to a  
3 conclusion ... to your conclusion.

4 WARD: OK.

5 FRANCIS: OK. Therefore, if somebody comes in and let's say you have a high school  
6 student comes in, and is questioning their sexuality...

7 WARD: Ahum.

8 FRANCIS: ... and thinks that they're leaning towards homosexuality...

9 WARD: Ahum.

10 FRANCIS: ... uh, it would then be OK to suggest therapy for them that is specifically  
11 designed to say that they're not homosexual. To lead them to that conclusion.

12 WARD: If a student felt that they were struggling with homosexuality, and they felt like  
13 this is something that, um, wasn't going to change, then I would refer that student. What I'm  
14 saying...

15 FRANCIS: But that's not what I'm asking...

16 WARD: OK, Dr. Francis.

17 FRANCIS: What I'm asking is, and I'm not asking it about you...

18 WARD: OK.

19 FRANCIS: I'm asking, would it be OK in that situation to refer that client or to provide  
20 counseling to that client that specifically would address their homosexual... homosexuality as  
21 wrong or unhealthy.

22 WARD: I think this goes back to what I originally said about that kind of situation. My  
23 religious beliefs and values will not allow me to affirm homosexual relationships.

1 FRANCIS: And I appreciate that and I hear that. What I'm asking is given that, is it  
2 appropriate to say to someone or to offer services that would specifically try and change their  
3 perceived sexual orientation – from homosexual to heterosexual.

4 WARD: Yes, I believe that there are options you should offer, um, I believe you should  
5 offer all options.

6 FRANCIS. Ahum. And is that one of the options?

7 WARD: Them being able to change? That is an option. It's not an option that's  
8 accepted by the counseling department but it is still an option.

9 AMETRANO: It's not the counseling department, it's the American Counseling  
10 Association, and we talked about this in one of the classes you were in with me.

11 WARD: Ahum.

12 AMETRANO: The American Counseling Association years ago...

13 FRANCIS: And the American Psychological Association and the Social ...

14 AMETRANO: ... put out a position paper saying that's unethical to refer clients to have  
15 their sexual orientation changed. Reassignment, re... whatever they called it.

16 FRANCIS: Reparative therapy...

17 AMETRANO: Reparative therapy. That it's unethical to refer. So, what I heard you just  
18 saying is that you wouldn't do it because, you know it's unethical by the

19 WARD: What, I'm sorry, what...

20 AMETRANO: ... according to the counseling department, it's not the counseling  
21 department, it's the American... that you know you're not supposed to refer people for sexual  
22 reassignment therapy...

23 WARD: Ahum.



1 AMETRANO: ...because, because you're saying we told you it was wrong. The ACA's  
2 position is that it is unethical.

3 WARD: Ahum. Now ...

4 AMETRANO: I gave that out in class.

5 WARD: Yeah, it was my understanding that they were voting on that – trying to decide.

6 AMETRANO: Oh, no!

7 FRANCIS: Oh, no! That's not a vote.

8 AMETRANO: That was a very clear polic... 5 page policy position statement.

9 WARD: OK.

10 FRANCIS: Yeah, that was ... that was never brought up for a vote. It was just a  
11 policy...

12 WARD: Then I guess this goes back to what I said initially. If that were the situation  
13 and I were dealing with a student that was expressing that concern, I would refer them.

14 FRANCIS: Gary, I'm sorry, Dr. Marx, I cut you off, did you have more?

15 MARX: No. No, I'm set.

16 FRANCIS: OK.

17 AMETRANO: Unless the committee has any other questions, I think we need to adjourn  
18 or is there anything you would like to ...

19 WARD: No, that's it.

20 AMETRANO: OK, we will adjourn according... well, before we adjourn, according to  
21 the, um, student disciplinary policy, you will hear from us within five days...

22 FRANCIS: Five business days.

23 AMETRANO: ... five business days. Within five business days we will send a letter.

1 WARD: OK.

2 AMETRANO: Informing you of the committee's decision.

3 WARD: OK.

4 FRANCIS: And we'll also, as we said, we'll get a copy of this to you ASAP.

5 WARD: OK, OK. Thank you Dr. Francis.

6 FRANCIS: Yeah, oh yeah.

7 WARD: Pleasure meeting you Dr. Marx...

8 MARX: Good to meet you.

9 WARD: And thank you Dr. Ametrano, nice to see you again.

10 AMETRANO: Thank you for coming. Yes.

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CERTIFICATE

I, Maria Sifert, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of all of the audio recording of the March 10, 2009 formal review hearing, and that said transcript was prepared under my direction and control.

Dated at Scottsdale, Arizona, this 1st day of April, 2009.

  
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Maria Sifert, Paralegal

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--- On **Mon, 2/9/09, Darryl Ward** <[dejc@sbcglobal.net](mailto:dejc@sbcglobal.net)> wrote:

From: Darryl Ward <[dejc@sbcglobal.net](mailto:dejc@sbcglobal.net)>  
Subject: Formal Review Hearing Request  
To: "Suzanne Dugger" <[emudugger@yahoo.com](mailto:emudugger@yahoo.com)>  
Date: Monday, February 9, 2009, 9:23 PM

Dear Dr. Dugger,

I have attached my request for a formal review hearing.

Sincerely,

Julea Ward

49206 Sonrisa St.  
Belleville, MI 48111

February 10, 2009

Dr. Suzanne M. Dugger, Ed.D  
Professor  
College of Education  
Department of Leadership and Counseling  
John W. Porter Building, Suite 304  
Ypsilanti, MI 48197

Dear Dr. Dugger:

I am writing this letter for several reasons. The first reason is to request that a formal review hearing be convened to address the allegations made against me by Dr. Callaway at the informal review meeting that occurred on February 3, 2009 and to determine my status within the counseling program. As of right now, I have been suspended from practicum and will not be able to complete my Master of Counseling Degree since practicum is a prerequisite for the counseling internship and graduation. The outcome I desire from the formal review hearing is full reinstatement into practicum without any further cost if additional hours must be accrued during the spring/summer semester.

The second reason I am writing is to clarify my position on the allegations discussed at the informal review and to provide my perspective on the facts of this situation. Dr. Callaway alleges that in refusing to counsel individuals regarding their homosexual behavior as part of practicum, I am discriminating against persons based on their sexual orientation. This is not true. I told Dr. Callaway and restated in the informal hearing, that I would counsel individuals engaged in homosexual behavior regarding any issue unrelated to that behavior. The only thing I am unwilling to do is validate or affirm homosexual behavior, due to my religious beliefs.

As to my religious ideologies, I am a Christian and rely on the Bible as the source of my beliefs. The Bible teaches that God ordained sexual relationships between men and women and not between persons of the same sex. On several occasions in the Bible, homosexual conduct is described as immoral sexual behavior. The Bible also teaches that God created humans male and female, with a natural sexual desire for persons of the opposite sex. While people may struggle with homosexual inclinations and behavior, I believe (and the Bible teaches) that people should strive to cultivate sexual desires for persons of the opposite sex. I am morally obligated to adhere to these fundamental teachings of the Christian faith and to express the biblical viewpoint regarding proper sexual relationships. It would be a violation of my religious beliefs to be required to affirm or validate homosexual conduct.

As you are no doubt aware, I have respectfully and appropriately expressed my religious beliefs regarding this issue during several of my counseling classes. Sometimes when I did so,

I was told that I had to conform to the counseling department and profession's affirming point of view regarding homosexual behavior and/or told that my religious beliefs were incompatible with the counseling department and profession. On one occasion, during my Counseling 571 Cross Cultural Counseling class, taught by Dr. Callaway, she declared that they (Eastern Michigan's counseling department) advocated for everyone (including homosexuals) and that they would try to weed out those not on the same page.

Both in class and in personal conversations I have had with some professors, the counseling department has made it clear that if we are counseling a person regarding their homosexual behavior, we must affirm and validate that behavior. It has also been made clear that we cannot advise such a person that he or she should try to change their behavior. Requiring me to affirm and validate homosexual behavior forces me to violate my religious beliefs and conscience. It also requires me to express a point of view regarding homosexual behavior that I disagree with based on my convictions.

In light of the above concerns, I decided that during practicum, the best way to handle the remote possibility of getting assigned a person that wanted counsel regarding their homosexual practicum, was to ask that such persons be referred to a different counselor. In doing so, I would avoid violating my religious beliefs by being forced to advocate a point of view about homosexual behavior I disagreed with. Also, I would not be discriminating against a person based on their sexual orientation because I would be willing to counsel that same person on any other matter unrelated to his or her homosexual conduct.

Now that I have given a broad overview of my religious beliefs and views, I will address the specifics of this situation. Your letter regarding the informal review says that I stated in my professional disclosure statement for practicum clients that I was a Christian and that Dr. Callaway required me to remove that description from the statement. This is not true. I never included my Christian beliefs in my disclosure statement but merely asked Dr. Callaway if she thought I should. She said that I should not do so.

The previous week, during my individual supervisory meeting with Dr. Callaway, I told her that affirming or validating homosexual behavior violated my religious beliefs and that I, therefore, would not be able to counsel any clients seeking counseling regarding their homosexual behavior. Dr. Callaway told me that not all Christians believed as I did and laughed when I told her I would not sell-out God.

Dr. Callaway knew about my beliefs regarding this issue prior to our conversation in practicum, because I had expressed my religious views regarding homosexual behavior in her multicultural class. Nonetheless, the third client assigned to me in practicum was seeking counseling regarding homosexual behavior. In reading this person's file prior to my first appointment, I also noticed that the individual was a returning client and that the past counselor had affirmed this person's homosexual behavior, as the counseling department mandates counseling students to do. Because I knew I could not provide the same counsel without violating my religious beliefs, I called Dr. Callaway prior to my first appointment to ask if I should keep the initial appointment with the client and refer him/her if it became necessary or

simply cancel the appointment. Dr. Callaway told me to have Gail, one of the schedulers, assign the client to a different practicum student. The client was reassigned.

The next day, as soon as I sat down for my individual supervision with Dr. Callaway, she exclaimed, "This is not going to work!" and informed me that an informal review meeting would be scheduled to discuss the situation. She then asked me what date next week would work best for me. I told her Wednesday, February 4. Rather than scheduling the informal review for that date, it was scheduled for February 3<sup>rd</sup> at 4 P.M., the time I met with Dr. Callaway for individual supervision. As you know, it was at this meeting that I was suspended from all practicum duties.

I would like to address another aspect of the informal review. I was questioned at that meeting about whether I could counsel someone who was thinking about seeking an abortion. I said I could because if the person decided to have an abortion, that person was making the choice, not me. Also, with such a person, I am allowed to discuss many options other than abortion, like having the baby and raising it, having the baby and giving it up for adoption, and other options that are consistent with my religious beliefs regarding the sanctity of human life.

Counseling a person seeking advice about homosexual behavior is a very different situation because I am only allowed to affirm and validate homosexual behavior. As I said previously, the counseling department has made it clear that I am prohibited from providing counsel that is consistent with my religious beliefs. The department, through various professors, has denigrated my beliefs and told me I must compartmentalize my values and adopt the department and the counseling profession's views on homosexual conduct. Essentially, the choice I have in counseling someone about abortion is not available when counseling someone about homosexual behavior. The choice has already been made for me; I can only affirm the person's homosexual behavior.

In closing, I would like to note that it would be very easy for the department to accommodate my religious beliefs on this issue. Hundreds of clients come to the counseling clinic during a semester and a very slim percentage of these persons are seeking advice regarding homosexual behavior. There are about 15 students participating in practicum, each of whom handles 5-8 clients at a time. The small percentage of persons seeking counseling regarding homosexual behavior could easily be assigned to another practicum student who is not prohibited by his or her religious beliefs from affirming homosexual behavior. Assigning this small percentage of clients to these other 14 students would respect my religious beliefs and would not pose any burden on any of the other students because I would still take on my full share of the work load. Also, clients are in no way prejudiced by being assigned to a different counselor, especially when that assignment is made before any meeting with the client.

Instead of taking this reasonable action, the department has suspended me from practicum because of my religious beliefs and has threatened to prohibit me from graduating with a Master's degree in Counseling. By this letter, I am requesting that the outcome of the formal review hearing be my reinstatement into practicum, that I not be required to pay for additional credit hours if I have to make-up hours during the spring/summer semester, and that I not be required to counsel any clients who are seeking advice regarding their homosexual

behavior.

Lastly, I also request that this letter be treated as evidence in the formal review hearing, as it contains my statement regarding the allegations against me and an explanation of my religious beliefs. I look forward to receiving your letter giving me notice of the date of the formal review hearing at least two weeks prior to that date, as required by the student handbook.

Sincerely,

Julea Ward





## EASTERN MICHIGAN UNIVERSITY

March 12, 2009

Julea Ward  
49206 Sonrisa St.  
Belleville, MI 48111

Dear Ms. Ward,

I am writing to convey to you the decision of the Formal Review Committee (Dr. Irene Ametrano, Dr. Perry C. Francis, Dr. Gary Marx, and Ms. Paula Stanifer) regarding the concerns about your behavior in COUN 686 Counseling Practicum that were presented by Dr. Yvonne Callaway.

It was the unanimous opinion of the committee that clear and convincing evidence was presented that, by your behavior, you have violated the ACA Codes of Ethics including, "Counselors...avoid imposing values that are inconsistent with counseling goals" (A.4.b) and "Counselors do not condone or engage in discrimination based on age, culture.....sexual orientation..."(C.5). Additionally, by your own testimony, you declared that you are unwilling to change this behavior. Your stance is firm despite information provided directly to you throughout your program and discussions you acknowledge having with faculty regarding the conflict between your values that motivate your behavior and those behaviors expected by the profession. It is, therefore, the Committee's unanimous decision that you be dismissed from the School Counseling Program, effective immediately.

You have ten days to appeal the Committee's decision, in writing, to the Dean of the College of Education. The Dean may accept, reject, or modify the decision of the Committee. The Dean's decision is final. You may also wish to contact Dr. Jaclynn Tracy, Leadership and Counseling Department Head, to discuss options for using your coursework to fulfill the requirements for an individualized study master's degree program.

Sincerely,

A handwritten signature in cursive script that reads "Irene Mass Ametrano".

Irene Mass Ametrano, Ed. D., Chair  
Leadership and Counseling Formal Review Committee

49206 Sonrisa St.  
Belleville, MI 48111

March 20, 2009

Dr. Vernon C. Polite  
Dean, College of Education  
Eastern Michigan University  
John W. Porter Building, Suite 304  
Ypsilanti, MI 48197

Dear Dean Polite,

By way of this letter, I am appealing the recent decision of Eastern Michigan University's Department of Leadership and Counseling Formal Review Committee to dismiss me from the School Counseling Program. I have enclosed a copy of the decision for your convenience.

My specific requests are that you: 1) reverse the committee's decision; 2) immediately reinstate me in the program; 3) not require me to pay for additional credit hours if I have to make up hours during the spring/summer semesters due to the department's wrongful ouster of me from the practicum course; and 4) allow me to finish the program without having to counsel any clients where I would have to validate or affirm their homosexual behavior, which is a violation of my religious beliefs.

I would like to address two main points in this appeal letter. First, I would like to discuss the committee's charge that I violated the American Counseling Association's (ACA) Code of Ethics provision stating that counselors "do not condone or engage in discrimination based on . . . sexual orientation . . ." This is not true. As I told the committee throughout the Formal Review hearing, I will counsel a person who identifies as a homosexual on any issue that would not require me to affirm or validate his or her homosexual behavior or relationship. I also made this point clear in my letter requesting a Formal Review, which I have also enclosed for your consideration.

The reason I cannot affirm homosexual behavior or a homosexual relationship is that doing so would require me to violate my religious beliefs. I am a Christian, and I base my religious convictions on the teachings of the Bible, which states clearly that homosexual behavior is immoral. I explained my religious beliefs in my letter requesting a Formal Review (enclosed), and so I will not rehash them in this letter. The bottom line for me is that the counseling department requires me to affirm homosexual behavior if a client wants advice about his or her homosexual relationship. I cannot do so without violating my religious beliefs and without being forced to say something I disagree with. My conscience and religious convictions will not allow me to do this.

In light of this conflict, I believed the best approach for me to take if I was assigned a client who wanted counseling regarding his/her homosexual behavior/relationship during the counseling program's practicum course, was to ask that such a person be referred to a different counselor. Even though the possibility of such a client being assigned to me was very remote, the third

client I was assigned during practicum desired counseling regarding a homosexual relationship. I learned this prior to any face to face meeting with the potential client and immediately called my supervisor, Dr. Yvonne Callaway. I asked Dr. Callaway if I should keep the initial appointment with the client and refer if it became necessary, or if I should just cancel the appointment before establishing rapport. Dr. Callaway told me to have the client assigned to a different counselor, which is what occurred.

I do not believe I engaged in any wrongdoing by asking if the above mentioned client should be assigned to a different counselor. First, because I would have counseled the individual on any issue other than their homosexual relationship, I was not engaging in sexual orientation discrimination. Second, in the context of the practicum course, the appropriate thing for me to do when I have a question on how to handle a particular aspect of a counseling relationship, is to ask my supervising professor. I did this, and Dr. Callaway told me that I should not meet with the client at all, but rather have the secretary on duty reassign the client to a different counselor. Now I am being dismissed from the program, despite having followed the advice of my supervising professor.

This brings me to the second point I would like to make. The committee charges me with violating the ACA Code of Ethics provision that states, "Counselors . . . avoid imposing values that are inconsistent with counseling goals." I have reviewed the Code of Ethics, and I believe the committee is wrong, and that my refusal to enter into a relationship where I must affirm homosexual behavior is actually consistent with the code.

One of the main responsibilities of a counselor under the code is to "promote the welfare of clients." (A.1.a). One of the main ways of achieving this goal is for counselors to avoid counseling relationships where they are unable "to be of professional assistance to clients." (A.11.b). If such a situation arises, the counselor is to make an "appropriate referral." (A.11.b). The code even recognizes that a counselor's personal and moral beliefs may result in the counselor choosing "to work or not to work with terminally ill clients who wish to explore their end-of-life options." (A.9.b). If a counselor chooses not to work with such a client based on his or her personal, moral beliefs, the counselor must provide an "appropriate referral." (A.9.b).

I see no difference between myself and the counselor whose personal, moral beliefs prohibit him or her from advising a client about end-of-life decisions. My personal and moral beliefs, which are derived from my religious faith, prevent me from being of professional assistance to clients who desire to have their homosexual behavior affirmed. Under the code's provisions I outlined above, the appropriate thing for a counselor to do in such circumstances is to not enter into the counseling relationship and refer the person to another counselor. As I discussed above, this is what Dr. Callaway advised me to do, yet now I am being punished for following her advice.

My religious convictions create a conflict of interest between myself and a client who is seeking advice regarding homosexual behavior/relationships. This conflict could ultimately harm the counseling relationship. I believe the best course of action in such a situation is to refer the client to a counselor who does not share my religious convictions. This referral is consistent with the code's provisions I discussed above which states that counselors should avoid doing harm to their clients. (A.4.a). No harm was done to the client who was assigned to me in practicum because the client was reassigned to another counselor prior to our first meeting. Dr.

Callaway would likely not have advised that the client be reassigned if it would have harmed the client.

In light of the above, I do not think I am guilty of “imposing values that are inconsistent with counseling goals.” I think my actions were consistent with the goals of counseling I discussed above and especially the goal of promoting a client’s welfare and best interests.

In closing, I would like to note that I was asked several times at the Formal Review hearing why I did not voluntarily remove myself from the program since I knew that my views regarding homosexual behavior were inconsistent with the views of the counseling department regarding the same issue. To be candid, I could not believe I was asked this question. Is it really the position of Eastern Michigan University that it is a student’s responsibility to remove himself or herself from an academic program if the student finds out that his or her views are different from those of their professors? What happened to academic freedom? What happened to debate and dialogue? I find it ironic that the committee charges me with discrimination, when it is the Counseling Department that is discriminating against me based on my religious beliefs. The committee’s decision to dismiss me from the program violates the very provision of the Code of Ethics regarding nondiscrimination that they are charging me with violating.

In considering my appeal, I request that you review this letter, the two enclosures to this letter, and the tape recording of the Formal Review hearing. The Counseling Department should be able to provide you with a recording of the Formal Review hearing. I look forward to your prompt decision on this important matter, my immediate reinstatement into the program, and a full reimbursement of practicum tuition cost wasted as a result of this dismissal.

Sincerely,

Julea Ward

Enclosures: (2)

cc: Dr. Irene Mass Ametrano, Chair, Formal Review Committee

**EASTERN**  
MICHIGAN UNIVERSITY  
*Education First*

OFFICE of the DEAN, COLLEGE of EDUCATION  
*emich.edu*

Thursday, March 26, 2009

Ms. Julea Ward  
49206 Sonrisa Street  
Belleville, MI 48111

Dear Ms. Ward:

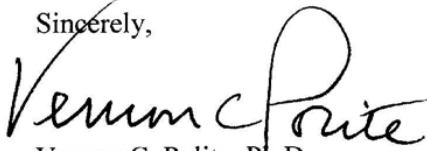
Kindly be advised that I have carefully and thoroughly reviewed your written appeal of program dismissal. Based on the related documentation provided, including your written justification of your conduct while in *COUN 686: Counseling Practicum*, the appeal is denied. Pursuant to the *Eastern Michigan University 2005-2007 Graduate Catalog* (the catalog related to your matriculation), the following guidelines pertaining to program expectations for *all* students and cause for program dismissal are clearly appropriate in your case:

After formal review, program faculty may recommend that a student leave the program....Students in counseling programs are expected to conduct themselves in a responsible and professional manner at all times. The student, as professional-in-training, must adhere to the code of ethics of the American Counseling Association (ACA). (p.118)

As indicated in the letter addressed to you from Dr. Irene Mass Ametrano dated March 12, 2009, you may wish to speak with Dr. Jaclynn Tracy, Department Head, to discuss future options within the Department of Leadership and Counseling and/or the College of Education.

If I can be of any further assistance, please contact me at 734-487-1414.

Sincerely,

  
Vernon C. Polite, Ph.D.

CC: Dr. Jaclynn Tracy  
Dr. Suzanne Dugger  
Dr. Irene Mass Ametrano  
Dr. Perry Francis  
Dr. Gary Marx  
Ms. Paula Stanifer

## ◀ Aim of the Chapter

This chapter is designed to help you clarify your values and identify how they are likely to influence your work as a helper. Toward this end, we explore how values operate in the helping relationship and process. Our focus is on the critical distinction between making your values known to a client and indoctrinating the client with a particular set of beliefs or philosophy of life. To assist you in clarifying your values and identifying ways in which they might interfere with effective helping, we describe practical situations about which you may find yourself perplexed.

Conflicts between clients and helpers often surface in situations involving sexual orientation, family values, gender-role behaviors, religious and spiritual values, abortion, sexuality, and end-of-life decisions. Value issues pertaining to multicultural populations are so important that we devoted Chapter 7 to this subject.

## ◀ The Role of Values in Helping

Although the professional literature reveals an interest in the role values play in the helping process, no consensus has been reached on which values are essential to helping or on how values should be used in the helping relationship (Bergin, 1991). Bergin compares the helping process to what occurs with effective parenting: After trust has been established in the relationship, helpers deal with values in a respectful way and offer guidance that allows for growth. Through the helping relationship, clients learn how to clarify and test their value choices, and they experiment with new behaviors and ideas until they become more mature and autonomous. As the person receiving help becomes stronger and more independent, the helper reduces external guidance. Helpers do not do for their clients what clients are capable of doing for themselves.

Values are embedded in therapeutic theory and practice. A national survey of the mental health values of practitioners (Jensen & Bergin, 1988) found a consensus that certain basic values are important for maintaining mentally healthy lifestyles and for guiding and evaluating the course of treatment. These values include assuming responsibility for one's actions; developing effective strategies for coping with stress; developing the ability to give and receive affection; being sensitive to the feelings of others; practicing self-control; having a sense of purpose for living; being open, honest, and genuine; finding satisfaction in one's work; having a sense of identity and feelings of worth; being skilled in interpersonal relationships, sensitivity, and nurturance; being committed to marriage, family, and other relationships; having deepened self-awareness and motivation for growth; and practicing good habits of physical health. These are seen as universal values on which helping relationships are based.

Complete the following self-inventory as a way of focusing your thinking on the role your values will play in your work. As you read each statement, decide

the degree to which it most closely identifies your attitudes and beliefs about your role as a helper. Use this code:

- 3 = This statement is true for me.
  - 2 = This statement is not true for me.
  - 1 = I am undecided.
1. I believe it is my task to challenge a client's philosophy of life.
  2. I would work objectively and effectively with clients who have values that differ sharply from my own.
  3. I believe it is both possible and desirable for me to remain neutral with respect to values when working with clients.
  4. Although I have a clear set of values for myself, I feel quite certain that I could avoid unduly influencing my clients to adopt my beliefs.
  5. It is appropriate to express my views and expose my values as long as I don't impose them on clients.
  6. I might be inclined to subtly influence my clients to consider my values.
  7. If I discovered sharp value conflicts between a client and myself, I might refer the person.
  8. I have certain religious views that would influence the way I work.
  9. I would not have any difficulty counseling a pregnant adolescent who wanted to explore abortion as one of her alternatives.
  10. I have certain views pertaining to gender roles that might affect the way I counsel.
  11. I would not have problems counseling a gay couple.
  12. I see the clarification of values as the central task of the helping process.
  13. My view of family life would influence the way I would counsel a couple considering divorce.
  14. I would have no trouble working with a woman (man) who wanted to leave her (his) children and live alone, if this is what my client decided.
  15. I have generally been willing to challenge my values, and I think I have largely chosen them for myself.
  16. I might be willing to work in individual counseling with a married client who was having an affair, even if the client was not willing to disclose the relationship to his or her spouse.
  17. I feel quite certain that my values will never interfere with my capacity to remain objective.
  18. I think I will work best with clients who have values similar to mine.
  19. I think it is appropriate to pray with my clients during a session if they request this of me.
  20. I could work effectively with a person with AIDS who contracted the disease through IV drug use or unprotected sex.

There are no "right" or "wrong" answers to these statements. The inventory is designed to help you think about how your values are likely to influence the way you carry out your functions as a helper. Select a few specific items that catch your attention, and talk with a fellow student about your views. As you read the rest of the chapter, assume an active stance, and think about your position on the value issues we raise.

## Exposing Values Versus Imposing Them

The clients with whom you work ultimately have the responsibility of choosing what values to adopt, what values to modify or discard, and what direction their lives will take. Through the helping process, clients can learn to examine values before making choices. At times it may be appropriate to engage in a discussion with a client about values that includes revealing certain of your own values. If you do disclose your values, it is critical that you assess the impact this might have on your client. It is important that you avoid sharing a particular value you hold as a way to steer your client toward embracing your value. Reveal your values in a way that does not communicate, either directly or indirectly, that the client should adopt your values. In this way values can be discussed in an open and noncoercive manner, which can assist clients in exploring their own values and the behaviors that stem from these values.

At times, you may not agree with the values of your clients, but it is essential that you respect the rights of your clients to hold a different set of values. Richards, Rector, & Tjeltveit (1999) do not think helpers should attempt to teach their clients specific moral rules and values because doing so violates clients' diversity and prevents clients from growing by making their own choices based on their values. In agreement with this view is Patterson (1989), who argues against indoctrinating clients or attempting to inculcate a value system or a philosophy of life in them. Patterson rightly emphasizes that because the values helpers hold cannot be kept out of their work, they should not refuse to discuss their core values. He believes it is appropriate for practitioners to make their values known when a client requests it, when they determine that it is necessary or desirable, or when they judge that the helping process will be improved by it.

Even if you think it is inappropriate to impose your values on clients, you may unintentionally influence them in subtle ways to embrace your values. If you are strongly opposed to abortion, for example, you may not consider that your client has a right to believe differently. On the basis of such convictions, you may subtly (or not so subtly) direct your client toward choices other than abortion. Indeed, some researchers have found evidence that clients tend to change in ways that are consistent with the values of their counselors, and clients often adopt the values of their counselors (Zinnbauer & Pargament, 2000). It is now generally recognized that the therapeutic endeavor is a value-laden process and that all counselors, to some degree, communicate their values to clients (Richards & Bergin, 2005). An abundance of evidence shows that the helping process is not only value laden but that counselors and clients often share different value systems (Zinnbauer & Pargament, 2000). According to Falender & Shafranske (2004), the assumption that counseling is value-neutral is no longer tenable. Thus, it is essential that you take into consideration the ways you are likely to influence your clients.

It is unfortunate that some well-intentioned helpers think their task is to help people conform to acceptable and absolute value standards or to prescribe a particular direction for their clients. It will be a challenge to avoid communicating your values to your clients, even if you do not explicitly share them. What you pay attention to during counseling sessions will direct what your clients choose to explore. The methods you use will provide them with clues to what you value. Your nonverbal messages give them indications of when you like or dislike what

they are doing. Because your clients may feel a need to have your approval, they may respond to these clues by acting in ways that they imagine will meet with your favor instead of developing their own inner direction.

We hope that there would be very few instances where you would have to tell clients that you could not work with them because you do not agree with their value system. Your job is not to judge your clients' values but to help them explore and clarify their beliefs and apply their values to solving their own problems. The American Counseling Association (2005) states this clearly: "Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals" (A.4.b.). Helpers do indeed have personal values that influence their professional work. From an ethical perspective, it is imperative that helpers recognize the impact their values have on their professional work and that they learn the difference between imposing and exposing values.

## Our Perspective on Values in the Helping Relationship

In our view it is neither possible nor desirable for helpers to remain neutral or to keep their values separate from their professional relationships. Because values have a significant impact on the helping process, it is important to express them openly when doing so is appropriate. If you pay attention to your clients and why they are coming to see you, you will have clues to guide you in such disclosures.

There are certainly helpers who do not agree with our position about the role of values. At one extreme are those who see helping as very much a process of social influence. Some helpers, for example, have definite and absolute value systems, and they believe it is their proper function to influence their clients to adopt this view of the world. At the other extreme are helpers who are so concerned about unduly influencing their clients that they remain scrupulously neutral. Out of fear that their views might contaminate the client's decision, these helpers make it a practice not to expose their values. Or they err by assuming that by concealing their values they have not committed themselves to any set of values, when, in fact, some values are fundamental to the healing process.

Our position is that the helper's main task is to provide those who seek aid with the impetus needed to look at what they are doing, determine the degree to which what they are doing is consistent with their values, and consider whether their current behavior is getting them what they want. If clients conclude that their lives are not fulfilled, they can use the helping relationship to reexamine and modify their values or their actions, and they can explore a range of options that are open to them. Clients must ask themselves who and what they are, and they are the ones who will determine what they are willing to change.

## Value Conflicts With Clients

If you find yourself struggling with an ethical dilemma over value differences, we encourage you to seek consultation. Supervision is often a useful way to explore value clashes with clients. After exploring the issues in supervision if you find

that you are still not able to work effectively with a client, the ethical course of action might be to refer the client to another professional.

Yarhouse and VanOrman (1999) contend that value conflicts in the therapeutic relationship are inevitable. Merely having a conflict of values does not necessarily imply the need for a referral, for it is possible to work through a conflict successfully. Challenge yourself to determine what it is about a client or a particular value difference that prompts you to want to make the referral. Why is it necessary for you to embrace a client's values? Or why is it a requirement that your clients accept your values in a particular area of living?

If you find it necessary to make a referral because of value conflicts, we are convinced that *how* the referral is discussed with the client is crucial. Make it clear to the client that it is *your* problem as the helper, not the client's. In short, if you feel a need to refer a client, the problem is likely to reside more in *you* than in a particular client. We hope that you would not be too quick to refer and that you would consider a referral only as the last resort.

In the remainder of this chapter, we consider some value-laden issues that you are likely to encounter in your work with a range of client populations. Some of these areas include concerns of lesbian, gay, and bisexual individuals; family issues; values pertaining to gender-role identity; religious and spiritual values; abortion; sexuality; and end-of-life decisions.

## Lesbian, Gay, and Bisexual Issues

The concept of human diversity encompasses more than racial and ethnic factors; it encompasses all forms of oppression, discrimination, and prejudice, including those directed toward age, gender, religious affiliation, and sexual orientation. Working with lesbian, gay, and bisexual (LGB) individuals often presents a challenge to helpers who hold conservative values. Many helpers have blind spots, biases, negative attitudes, and misconceptions about lesbian, gay, and bisexual issues. Negative personal reactions, limited empathy, and lack of understanding are common characteristics in practitioners who work with LGB clients (Schreier, Davis, & Rodolfa, 2005). Helping professionals who have negative reactions to homosexuality are likely to impose their own values and attitudes, or at least to convey strong disapproval.

If you hope to work effectively with these clients, it is absolutely essential that you begin by becoming aware of and challenging your own attitudes and assumptions about homosexuality and bisexuality. It is also essential that you identify your own biases, challenge any myths and misconceptions that you might hold, and that you be open to understanding how your values regarding sexual orientation are likely to affect your work.

Imagine that you are counseling a gay man who wants to talk about his relationship with his lover and the difficulties they have communicating with each other. As you work with him, you become aware that it is difficult for you to accept his sexual orientation. You find yourself challenging him about this rather than concentrating on what he wants to work on. You are so focused on his sexual orientation, which goes against what you think is morally right, that you and your client both recognize that you are not helping him. What steps could you

take in addressing these value differences? What would you be willing to do to explore the impact of your values on your interventions with this gay man?

**Case example: Confronting loneliness and isolation.** Consider how your values are likely to influence the way in which you would work with Art, a 33-year-old gay man. You are doing an intake interview with Art, who tells you that he is coming to counseling because he often feels lonely and isolated. He has difficulty in intimate relationships with both men and women. Once people get to know him, Art feels they will not accept him and somehow won't like him. During the interview, you find out that Art has a lot of pain over his father, with whom he has very little contact. He would like a closer relationship with his father, but being gay stands in the way. His father has let him know that he feels guilty that Art "turned out that way." He just cannot understand why Art is not "normal" and why he can't find a woman and get married like his brother. Art mainly wants to work on his relationship with his father, and he also wants to overcome his fear of rejection by others with whom he would like a close relationship. He tells you that he would like those he cares about to accept him as he is.

**Your stance.** What are your initial reactions to Art's situation? Considering your own values, do you expect that you would have any trouble establishing a therapeutic relationship with him? In light of the fact that he lets you know that he does not want to change his sexual orientation, would you be able to respect this decision? As you think about how you would proceed with Art, reflect on your own attitudes toward gay men. Think especially whether you might be inclined to impose any of your values, regardless of your stance. For example, if you have personal difficulty in accepting homosexuality on moral or other grounds, might you encourage Art to become heterosexual? Think about some of the issues you might focus on in your counseling sessions with Art: his fear of rejection, pain with his father, desire for his father to be different, difficulty in getting close to both men and women, sexual orientation, and values. With the information you have, which of these areas are you likely to emphasize? Are there other areas you might want to explore with Art?

**Discussion.** Lasser & Gottlieb (2004) identify sexual orientation as one of the most chronic and vexing moral debates plaguing our culture. They state that many people believe that homosexual or bisexual behavior is morally wrong. Many lesbian, gay, and bisexual (LGB) individuals have internalized such views, and some are significantly troubled regarding their sexual orientation. Lasser and Gottlieb add that therapists are faced with various clinical and ethical issues in working with LGB clients. One of these ethical issues involves therapists confronting their own values regarding homosexual-bisexual desire and behavior. Schreier, Davis, & Rodolfa (2005) remind us that no one is exempt from the influence of societal negative stereotyping, prejudice, and even hatefulness toward LGB people. Furthermore, many LGB people internalize these negative societal messages and experience psychological pain and conflict because of this.

Although you may tell yourself and others that you accept the right of others to live their lives as they see fit, you may have trouble when you are in an actual encounter with a client. There could be a gap between what you can intellectually accept and what you can emotionally accept. If your value system is in conflict with



accepting lesbian, gay, and bisexual people, you will likely find it a challenge to work with them.

Homosexuality and bisexuality were assumed to be a form of mental illness for more than a century. Today, all major American mental health professional associations have affirmed that homosexuality is not a mental illness, and the American Psychological Association's Division 44 (2000) has developed a set of guidelines for working with lesbian, gay, and bisexual clients. But bias and misinformation about homosexuality and bisexuality continue to be widespread in society, and many lesbian, gay, and bisexual people face social stigmatization, discrimination, and violence, sometimes from therapists. Oftentimes families of origin are unprepared to accept a lesbian, gay, or bisexual family member because of familial, ethnic, cultural, or religious beliefs. Families may need assistance in developing new understandings of sexual orientation (APA, 2000).

Helpers who may work with lesbian, gay, and bisexual people are ethically obligated not to allow their personal values to intrude into their professional work. Note that the ethics codes of the ACA (2005), the APA (2002), the AAMFT (2001), the Canadian Counseling Association (CCCA, 1999), and the NASW (1999) clearly state that discrimination, or behaving differently and usually unfairly toward a specific group of people, is unethical and unacceptable. Although space restricts the full discussion this topic deserves, we present a few guidelines from APA's Division 44 (Committee on Lesbian, Gay, and Bisexual Concerns Joint Task Force on Guidelines for Psychotherapy with Lesbian, Gay, and Bisexual Clients). These guidelines address attitudes toward homosexuality and bisexuality, relationships and families, issues of diversity, and education.

- Psychologists are encouraged to recognize how their attitudes and knowledge about lesbian, gay, and bisexual issues may be relevant to assessment and treatment and seek consultation or make appropriate referrals when indicated.
- Psychologists strive to understand the particular circumstances and challenges faced by lesbian, gay, and bisexual parents.
- Psychologists are encouraged to recognize the particular life issues or challenges that are related to multiple and often conflicting cultural norms, values, and beliefs that lesbian, gay, and bisexual members of racial and ethnic minorities face.
- Psychologists strive to understand the special problems and risks that exist for lesbian, gay, and bisexual youth.
- Psychologists are encouraged to increase their knowledge and understanding of homosexuality and bisexuality through continuing education, training, supervision, and consultation.
- Psychologists make reasonable efforts to familiarize themselves with relevant mental health, educational, and community resources for lesbian, gay, and bisexual people.

If you do not have the knowledge and skills to work with lesbian, gay, and bisexual clients, take advantage of continuing-education workshops in coming to a fuller understanding of these special client populations. If you do not possess knowledge and training about a specific group, ethically you are required to seek consultation and consultation before counseling these clients.

You might well be unaware of your client's sexual orientation until the therapeutic relationship develops. If you expect to provide services in a community agency with diverse client populations, you need to have a clear idea of your own attitudes and values relative to issues associated with sexual orientation.

As a way of clarifying your values pertaining to homosexuality, complete the following inventory, using this code:

- 3 = I agree, in most respects, with this statement.  
 2 = I am undecided in my opinion about this statement.  
 1 = I disagree, in most respects, with this statement.
1. Lesbian, gay, and bisexual clients are best served by lesbian, gay, and bisexual helpers.
  2. A counselor who is homosexual or bisexual is likely to push his or her values on a heterosexual client.
  3. I would have trouble working with either a gay male couple or a lesbian couple who wanted to adopt children, even if they were fit parents.
  4. Homosexuality and bisexuality are both abnormal and immoral.
  5. A lesbian, gay, or bisexual person can be as well adjusted (or poorly adjusted) as a heterosexual person.
  6. I would have no difficulty being objective in counseling lesbian, gay, and bisexual clients.
  7. I have adequate information about referral sources in the local gay community.
  8. I feel a need for specialized training and knowledge before I can effectively counsel lesbian, gay, and bisexual clients.
  9. I expect that I would have no difficulty conducting family therapy if the father were gay.

After you finish the inventory, look over your responses to identify any patterns. Are there any attitudes that you want to change? Are there any areas of information or skills that you are willing to acquire?

### Family Issues

Values pertaining to marriage, the preservation of the family, divorce, traditional and nontraditional lifestyles, gender roles and the division of responsibility in the family, child rearing, and extramarital affairs can all influence the helper's interventions. The value system of helpers has a crucial influence on their formulation and definition of the problems they see in a family, the goals and plans for therapy, and the direction the therapy takes. Helpers may take sides with one member of the family against another; they may impose their values on family members; or they may be more committed to keeping the family intact than are the family members themselves. Helpers who, intentionally or unintentionally, impose their values on a couple or a family can do considerable harm. Consider the following case examples.

*Case example: Counseling a restless mother.* Veronika has lived a repressed life. She got married at 17, had four children by the age of 22, and is now going back to college at age 32. She is a good student—excited, eager to learn, and

discovering all that she missed. She finds that she is attracted to a younger peer group and to professors. She is now experiencing her second adolescence, and she is getting a lot of affirmation that she did not have before. At home she feels taken for granted, and the members of her family are mostly interested in what she can do for them. At school she is special and is respected for her intellect.

Ultimately, Veronika becomes involved in an affair with a younger man. She is close to a decision to leave her husband and her four children, ages 10 to 15. Veronika comes to see you at the university counseling center and is in turmoil over what to do. She wants to find some way to deal with her guilt and ambivalence.

**Your stance.** If Veronika were asking for your advice, what would you be inclined to say? What are your thoughts about her leaving her husband and her four children? Would you encourage her to "do her own thing"? If Veronika gave this matter considerable thought and then told you that, as painful as it would be for her, she needed to leave her family, would you be inclined to encourage her to bring her entire family in for some counseling sessions?

**Discussion.** For a moment, consider your own value system. What values do you think you might push, if any? If Veronika said that she was leaning toward staying married and at home, even though she would be resentful, what interventions might you make? If you had been left yourself, either as a child or by a spouse, how might this trauma affect you in working with Veronika?

**Case example: A family in crisis.** A wife, husband, and three adolescent children come to your office. The family was referred by the youngest boy's child-welfare and attendance officer. The boy is acting out by stealing and is viewed as the problem person in the family.

The husband is in your office reluctantly. He appears angry and resistant, and he lets you know that he doesn't believe in this "therapy stuff." He makes excuses for the boy and says he doesn't see that there is much of a problem, either in the marriage or in the family.

The wife tells you that she and her husband fight a lot, that there is much tension in the home, and that the children are suffering. She is fearful and says that she is afraid of what might happen and is willing to work on the relationship, reporting herself and her three children and is willing to work on the relationship.

**Your stance.** How would you be affected by having this family in your office? What course of action would you take? How would your values pertaining to family life influence your interventions with this family? Would you expose your own values in this case, even if the family members did not ask you? If they asked you what you thought of their situation and what you thought they should do, what would you say?

**Discussion.** Even if you do not impose your values in working with this family in crisis, what you say to each family member is likely to be influenced by your core values. For instance, if you believe that the wife should be assertive with her husband in this situation, you might encourage her to challenge him and even risk losing the relationship.

**Case example: Confronting infidelity.** A couple seeks your services for marital counseling. The husband has confessed to his wife that he is having an affair, and the incident has precipitated the most recent crisis in their relationship. Although the

wife is highly distraught, she wants to stay married. She realizes that their marriage needs work and that there is a lack of emotional connection between the two of them, yet she thinks it is worth saving. They have children, and the family is well respected and liked in the community.

The husband wants to leave and live with his newfound lover, yet he is struggling with conflicting feelings and is not sure what to do. He is very confused and says he still loves his wife and children. He is aware that he is going through a midlife crisis, and each day he comes up with a different decision. His wife is in a great deal of pain and feels desperate. She has been dependent on him and has no means of support for herself.

**Your stance.** What are your values pertaining to affairs in a marriage? What would you want to say to the wife? to the husband? Should a helper counsel a couple to stay together or get divorced?

**Discussion.** In thinking about the direction you might pursue with this family, consider whether you have ever been in this situation yourself in your own family. If so, how do you think this experience would affect the way you worked with the couple? If the husband said he was confused, desperately wanted an answer, and was hoping that you would point him in some direction, would you be inclined to tell him what he should do?

## Gender-Role Identity

All helpers need to be aware of their values and beliefs about gender. Helpers who work with couples and families can practice more ethically if they are aware of the history and impact of gender stereotyping as it is reflected in the socialization process in families, including their own. The way people perceive gender has a great deal to do with their cultural background. You can become a more effective practitioner if you are willing to evaluate your beliefs about appropriate family roles and responsibilities, child-rearing practices, multiple roles, and nontraditional careers for women and men. You will be challenged to be culturally sensitive, gender sensitive, and to avoid imposing your personal values on individuals, couples, and families.

**Case example: Working mother or homemaker?** John and Emma recently entered couples therapy for help resolving conflict over Emma's recent return to work after several years as a full-time mother and homemaker. Both report that they "argue a lot about this issue." John states that he prefers to have Emma stay home full time and care for their two young children and the household responsibilities. Emma reports feeling happier when she works part time and contributes financially to the family. It also helps them afford extra help for household tasks and child care. She loves her work and the social interaction with her colleague and does not want to give it up. John believes mothers are better for children than babysitters, and since he has a greater earning capacity, Emma should be the one to stay home. Emma states her perception that it is more important for children to have a happy mother than a full-time mother, and her desire to have an outside work interest above and beyond her family should not be tied to income. Both John and Emma are very invested in the marriage, but they can't get past this hurdle.

Your stance. How might your own personal values regarding parenting and gender roles influence your assessment and approach to working with John and Emma? What are the ethical boundaries regarding the therapist's values in such a case? How do you avoid imposing your own beliefs and persuading or directing this couple?

**Discussion.** If you had strong personal values about gender roles in marriage and family, it might be easy for you to impose your own values in this case. For instance, a belief that women should have choices and not be bound by traditional family roles might lead you to align with Emma and try to persuade or convince John of this. Conversely, a view that children should have a mother at home versus another caregiver may lead you to try convincing Emma she needs to be home and to abandon her own personal goals, resulting in alignment with John. As a couple's therapist, it is unethical for the therapist to determine the goals of the individuals involved, with the exceptions of abuse and danger. Alignment, collusion, or triangulation are all unhealthy possible outcomes when imposing our own values, and they could clearly cause more harm than good to the marriage in this case.

**Case example: Parenting in a traditional family.** Fernando and Elizabeth describe themselves as a "traditional couple." They are in marriage counseling with you to work on the strains in their relationship that arise from rearing their two adolescent sons. The couple talk a lot about their sons. Both Elizabeth and Fernando work full time outside the home. Besides working as an elementary school principal, Elizabeth has another full-time job as mother and homemaker. Fernando says he is not about to do any "women's work" around the house. Elizabeth has never really given much thought to the fact that she has a dual career. Neither Elizabeth nor Fernando shows a great deal of interest in critically examining the cultural stereotypes that they have incorporated. Each of them has a definite vision of what women and men "should be." Rather than talking about their relationship or the distribution of tasks at home, they focus the attention on troubles with their sons. Elizabeth wants advice on how to deal with their problems.

Your stance. If you become aware of the tension between this couple over traditional gender roles, will you call it to their attention in your counseling with them? Do you see it as your job to challenge Fernando on his traditional views? Do you see it as your job to encourage Elizabeth to want more balance of responsibilities in their relationship? If you were counseling this couple, what do you think you might say to each of them? How would your values influence the direction in which you might go? What bearing would your own gender-role conditioning and your own views have on what you did?

**Discussion.** If you will be working with couples and families, it is essential that you appreciate the fact that gender-role stereotypes serve a purpose and are not easily modified. As a helper, your role is to guide your clients in the process of examining their gender-role attitudes and behaviors if doing so is relevant to the problem for which they are seeking your services. Effective communication between you and your clients can be undermined by stereotypical views about how women and men think, feel, and behave. You need to be alert to the particular issues women and men struggle with and the ways their own views about gender keep them locked in traditional roles. You can offer assistance to both female and

male clients in exploring and evaluating cultural messages they received about gender-role expectations. Without deciding for them what changes they should make, you can facilitate awareness on the part of your clients, which will open up new possibilities for making self-directed choices.

Margolin (1982) provides some recommendations on how to be a nonsexist family therapist and to confront negative expectations and stereotyped roles in the family. One suggestion is that helpers should examine their own behavior and attitudes that would imply sex-differentiated roles and status. For example, helpers can show their bias in subtle ways by looking at the husband when talking about making decisions and looking at the wife when talking about home matters and rearing children. Margolin also contends that practitioners are especially vulnerable to the following biases: (1) assuming that remaining married would be the best choice for a woman, (2) demonstrating less interest in a woman's career than in a man's career, (3) encouraging couples to accept the belief that child rearing is solely the responsibility of the mother, (4) showing a different reaction to a wife's affair than to a husband's, and (5) giving more importance to satisfying the husband's needs than to satisfying the wife's needs. Margolin raises two critical questions for those who work with couples and families:

- How does the counselor respond when members of the family seem to agree that they want to work toward goals that (from the counselor's vantage point) are sexist in nature?
- To what extent does the helper accept the family's definition of gender-role identities rather than trying to challenge and eventually change these attitudes?

## Religious and Spiritual Values

Effective helping addresses the body, mind, and spirit. The helping professions have been slow in recognizing the need to address spiritual and religious concerns. There is now widespread interest in the role of spirituality in both assessment and treatment. Evidence for this interest is found in the many books and articles written on spiritual and religious values in counseling. Helpers ask just about every imaginable question about a client's life, yet often do not inquire about the influence and meaning of spirituality and religion in an individual's life. If helpers do not raise the issue of how spirituality influences clients, their clients may assume that such matters are not relevant in the helping relationship.

Religion and spirituality are oftentimes part of the client's problem, and they can also be part of the client's solution. Because spiritual and religious values often play a major part in human life, spiritual values should be viewed as a potential resource in the helping relationship rather than as something to be ignored.

Religious faith, or some form of personal spirituality, can be a powerful source of meaning and purpose. For some, religion does not occupy a key place, yet personal spirituality may be a central force. Spiritual values help many people make sense out of the universe and the purpose of our lives on this earth. Spirituality and religion are critical sources of strength for many clients; they can be the bedrock

for finding meaning in life and can be instrumental in promoting healing and well-being. Exploring spiritual values with clients can be integrated with other therapeutic tools to enhance the helping process.

In clarifying your values pertaining to religion and counseling, consider these questions: Does an exploration of religion belong in formal helping relationships? Is the helping process complete without a spiritual dimension? If a client's religious needs arise in the therapeutic relationship, is it appropriate to deal with them? Are helpers pushing their values on their clients when they decide what topics can and cannot be discussed in counseling? Do you have to hold the same religious beliefs, or any beliefs at all, to work effectively with clients who have religious struggles?

**Case example: Finding comfort in spirituality.** Peter has definite ideas about right and wrong sin, guilt, and damnation, and he has accepted the teachings of his fundamentalist faith. When he encountered difficulties and problems in the past, he was able to pray and find comfort in his relationship with his God. Lately, however, he has been suffering from chronic depression, an inability to sleep, extreme feelings of guilt, and an overwhelming sense of doom that God is going to punish him for his transgressions. He consulted his physician and asked for medication to help him sleep better. The physician and his minister both suggested that he seek counseling. At first Peter resisted this idea because he strongly felt that he should find comfort in his religion. With the continuation of his bouts of depression and sleeplessness, he hesitantly comes to you for advice.

He requests that you open the session with a prayer so that he can get into a proper spiritual frame of mind. He also quotes you a verse from the Bible that has special meaning to him. He tells you about his doubts about seeing you for counseling, and he is concerned that you will not accept his religious convictions, which he sees as being at the center of his life. He inquires about your religious beliefs.

**Your stance.** Would you have any trouble counseling Peter? He is struggling with trusting you and with seeing the value in counseling. What are your reactions to some of his specific views, especially those pertaining to his fear of punishment? Do you have reactions to his strong fundamentalist beliefs? If you have definite disagreements with his beliefs, could you be accepting of him? Would you challenge him to think for himself and do what he thinks is right? Would you encourage him to question his religion?

Assume that you have a religious orientation, yet you believe in a God who loves whereas Peter believes in a God he fears. You let him know that you have differences in the way the two of you perceive religion. Yet you also say that you want to explore with him how well his religious beliefs are serving him in his life and also examine possible connections between some of his beliefs and how they are contributing to his symptoms. With these assumptions, do you think you could be helpful to Peter? Would you accept him as a client? Now assume that you don't share any of Peter's religious values, that you are intolerant of fundamentalist beliefs, and that you see such beliefs as doing far more harm than good for people. Given these values, would you accept a client like Peter? Would you be able to work with him objectively, or would you try to find ways to sway him to give up his view of the world?

**Discussion.** It is essential that helpers seek clarity about their own spiritual and religious beliefs if they hope to gain an in-depth appreciation of the beliefs and worldviews of their clients (Faiver, Ingersoll, O'Brien, & McNally, 2001). Ethical practice requires that you avoid indoctrinating clients with a particular set of spiritual or religious values. You have an ethical responsibility to be aware of how your beliefs affect your work and to make sure you do not unduly influence your clients.

Even if spiritual and religious issues are not the focus of a client's concern, these values may enter into the sessions indirectly as the client explores moral conflicts or grapples with questions of meaning in life. Can you keep your spiritual and religious values out of these sessions? How do you think they will influence the way you counsel? If you have little belief in spirituality or are hostile to organized religions, can you be nonjudgmental? Can you empathize with clients who view themselves as being deeply spiritual or who feel committed to the teachings of a particular church?

As you formulate your own position on the place of spiritual and religious values in the helping relationship, reflect on these questions:

- Is it appropriate to deal with religious issues in an open and forthright manner as clients' needs arise in the helping process?
- Do clients have the right to explore their religious concerns in the context of the helping process?
- If you have no religious or spiritual commitment, how might this hinder or help you in working with diverse clients?
- Are you willing to refer a client to a rabbi, minister, or priest if it appears that the client has questions you are not qualified to answer?

**Case study: Counseling spirituality.** Guiza is a student intern who feels deeply committed to spirituality and also claims that her religious faith guides her in finding meaning in life. She does not want to impose her values on her clients, but she does feel it is essential to at least make a general assessment of clients' spiritual/religious beliefs and experiences during the intake session. One of her clients, Alejandro, tells Guiza that he is depressed most of the time and feels a sense of emptiness. He wonders about the meaning of his life. In Guiza's assessment of Alejandro, she finds that he grew up without any kind of spiritual or religious guidance in his home, and he states that he is agnostic. He never has explored either religion or spirituality; these ideas seem too abstract to help with the practical problems of everyday living. Guiza becomes aware that she is strongly inclined to suggest to Alejandro that he open up to spiritual ways of thinking, especially because of his stated problem with finding meaning in his life. Guiza is tempted to suggest that Alejandro at least go to a few church services to see if he might find any meaning in doing so. She brings her struggle to her supervisor.

**Your stance.** Consider Guiza's situation as you reflect on how your values can influence your approach with clients. When, if ever, would you recommend to your client that he or she talk to a minister, priest, or rabbi? If you sought consultation from your supervisor, what key issues would you most want to explore and clarify? Could you maintain your objectivity? When would you consider suggesting a referral because of your problems with respect to the spiritual/religious beliefs and values of your client?

**Discussion.** You may experience conflicts in values with your clients in the spiritual realm. Holding a definite system of religious values is not a problem, but wanting your clients to adopt these values can be problematic. Without blatantly pushing your values, you might subtly persuade clients toward your religious beliefs or lead them in a direction you hope they will take. Conversely, if you do not place a high priority on spirituality and do not view religion as a salient force in your life, you may not be open to assessing your client's religious and spiritual beliefs.

Faiver & O'Brien (1993) have devised a form to assess the religious beliefs of clients for diagnostic, treatment, and referral purposes. They suggest that the assessment process can include questions pertaining to spiritual and religious issues as they are relevant to a client's presenting problems, questions about the roles religion and spirituality have played or currently play in a client's life, and questions about how spiritual/religious beliefs might be related to the client's cognitive, affective, and behavioral processes. Kelly (1995b) is in agreement with Faiver & O'Brien that a first step is to include the spiritual and religious dimensions as a regular part of the intake procedure and the early phase of the counseling process. Including questions pertaining to the client's spirituality and religion serves three purposes: (a) obtaining a preliminary indication of the relevance of spirituality and religion for the client, (b) gathering information that the helper might refer to at a later point in the helping process, and (c) indicating to the client that it is acceptable to talk about religious and spiritual concerns.

**Case study: Resolving a value conflict.** Yolanda is a devout Catholic. After a marriage of 25 years, her husband left her. She has now fallen in love with another man and very much wants a relationship with him. But because her religion does not recognize divorce, Yolanda feels guilty about her involvement with another man. She sees her situation as hopeless, and she cannot find a satisfactory solution. Living alone for the rest of her life scares her. But if she marries the man, she fears that her guilt feelings will eventually ruin the relationship.

**Your stance.** Consider these questions as a way to clarify how your values might affect your work with Yolanda. Do you know enough to inform Yolanda of the options available to her in terms of being remarried in a Catholic church? Would you recommend that Yolanda talk to a priest? Why or why not? If Yolanda asked you what she should do or what you think about her dilemma, how would you respond?

**Discussion.** There are many paths toward fulfilling spiritual needs, and it is not the helper's task to prescribe any particular pathway. However, we think it is the helper's responsibility to be aware that spirituality is a significant force for many clients. It is especially important for a practitioner to pursue spiritual concerns if the client initiates them. Practitioners need to be finely tuned to the client's story and to the purpose for which he or she sought professional assistance.

## Abortion

Abortion is an area where helpers may experience a value clash with their clients. Clients who are exploring abortion as an option often present a challenge to helping professionals, both legally and ethically. From a legal perspective, mental health professionals are expected to exercise "reasonable care," and if they fail to

do so, clients can take legal action against them for negligence. Millner & Hanks (2002) indicate that counselors can be charged with negligence when they (a) do not act with skill and withhold relevant information or provide inaccurate information, (b) do not refer a client, or (c) make an inadequate referral. For example, a counselor who makes a referral that supports his or her values rather than a referral in keeping with the client's values is vulnerable to a lawsuit. Stone (2002) takes the position that school counselors can discuss the topic of abortion with a student if the school board has not adopted a policy forbidding such a discussion. Stone adds that counselors who impose their values on a minor student are not acting in an appropriate, professional, or reasonable manner.

We suggest that you familiarize yourself with the legal requirements in your state that impinge on your work with clients, especially if you might be in a position of working with minors who are considering an abortion. The matter of parental consent in working with minors varies from state to state. It is also important to know and apply the policies of the agency where you work.

**Case study: Balancing contradictory advice.** Connie, a 19-year-old college student, seeks your assistance because she is contemplating having an abortion. Some of the time she feels that abortion is the only answer; other times she feels that she wants to have the child. She is also considering the option of having her child and giving it up for adoption. Connie contemplates telling her parents but is afraid they would have a definite idea of what she should do. She is unable to sleep and feels guilty for having gotten herself into this situation. She has talked to her friends and solicited their advice, and she has gotten many contradictory recommendations. Connie lets you know that she is not at all sure of what she should do and asks you to help her.

**Your stance.** With the information you have, what are some things you would say to Connie? Think about your values pertaining to abortion. Would you dissuade her from having an abortion and suggest other options? To what extent do you think you could keep your values out of this session?

**Discussion.** Sometimes we hear students say that they would refer a pregnant client who was considering an abortion to another professional because of their values. They would not like to sway the woman, and they fear that they could not remain objective. Does this apply to you? What would you do if a client of yours happened to get pregnant while she was in treatment with you? Would you refer her at this point? What if she felt that you were abandoning her?

## Sexuality

You may work with clients whose sexual values and behaviors differ sharply from your own. Ford & Hendrick (2003) conducted a study to assess therapists' sexual values for both themselves and their clients in the areas of premarital sex, casual sex, extramarital sex, open marriages, sexual orientation, and sex in adolescence and late adulthood. Their study also addressed how therapists deal with value conflicts as they arise in therapy.

Although helping professionals have personal values about sexual practices, the study found that when practitioners' beliefs conflict with those of clients, they

appear to be able to avoid imposing their personal values on clients. However, 40% had to refer a client because of a value conflict. This research supports previous conclusions that the practice of therapy is not value free, particularly where sexual values are concerned. Those who participated in this survey indicated that they valued sex as an expression of love and commitment, fidelity and monogamy in marital relationships, and committed life partnerships.

**Case study: Discussing sexuality in a sex-education program.** You are working in a facility for adolescents and doing a good deal of individual and group counseling. You discover that many young teenagers are sexually active and that a number of them have gotten pregnant. Abortion is common. Many of these young women keep their babies, whether they get married or do not. The agency director asks you to design a comprehensive education program for preventing unwanted pregnancy.

Your stance. In thinking about the kind of program you would suggest, consider these questions: What are your values with respect to teenagers' being sexually active? What are your attitudes about providing detailed birth-control information to children and adolescents? How would your own values influence the design of your program?

**Case study: Sex in a nursing home.** You are working in a nursing home and discover that several of the unmarried older residents have sexual relationships. At a staff meeting several workers complain that supervision is not tight enough and that sex between unmarried residents should not be permitted.

Your stance. What input would you want to have in this staff meeting? What are your thoughts about unmarried older people engaging in sex? How would your own values affect your recommendations to the staff?

**Assessing your sexual values.** Consider your values with respect to sexuality, as well as where you acquired them. How comfortable are you in discussing sexual issues with clients? Are you aware of any barriers that could prevent you from working with clients on sexual issues? How would your experiences in sexual relationships (or the lack of them) influence your work with clients in this area? Would you promote your sexual values? For example, if a teenage client was promiscuous and this behavior was in large part a form of rebellion against her parents, would you challenge her behavior? If a teenage client took no birth-control precautions yet was sexually active with many partners, would you urge him or her to use birth control or would you encourage abstinence? Would you recommend that he or she be more selective in choosing sexual partners?

Although you may say that you are open-minded and that you can accept sexual attitudes and values that differ from your own, it may be that you are inclined to try to change clients who you believed are involved in self-destructive practices. Assess your attitudes toward casual sex, premarital sex, teen sexuality, and extramarital sex. What are your attitudes toward monogamy? What do you consider to be the physical and psychological hazards of sex with more than one partner? How would your views on this issue influence the direction you would take with clients in exploring sexual concerns?

When you have made this assessment, ask yourself whether you would be able to work objectively with a person who had sexual values sharply divergent from

yours. If you have very conservative views about sexual behavior, for example, will you be able to accept the liberal views of some of your clients? If you think their moral values are contributing to the difficulties they are experiencing in their lives, will you be inclined to persuade them to adopt your conservative values?

From another perspective, if you see yourself as having liberal sexual attitudes, how do you think you would react to a person with traditional values? Assume your unmarried client says that he would like to have more sexual experiences but that his religious upbringing has instilled in him the belief that premarital sex is a sin. Whenever he has come close to having a sexual experience, his guilt prevents it from happening. He would like to learn to enjoy sex without feeling guilty, yet he does not want to betray his values. What would you say to him? Could you help him explore his own value conflict without contributing to his dilemma by imposing your own?

## End-of-Life Decisions

Mental health professionals must be prepared to work with those who are dying and with their family members. Herlithy & Watson (2004) maintain that helpers will need to struggle with the ethical quandaries of how to balance the need to protect client rights to autonomy and self-determination with meeting responsibilities to the legal system and remaining true to their own moral and ethical values. Herlithy & Watson emphasize the willingness of counselors to examine their own values and beliefs to determine if they are able and willing to consider a request for aid in dying. They state, "It is important that you have confronted your own fears about death and dying so that you do not project these onto your clients" (p. 179).

Psychological services are useful for healthy individuals who want to make plans about their own future care. Such services are also beneficial to individuals with life-limiting illnesses, families experiencing the demands of providing end-of-life care, bereaved individuals, and health care providers who are experiencing stress and burnout (Haley, Larson, Kasl-Godley, Neimeyer, & Kwilosz, 2003). Those in the helping professions need to acquire knowledge about the psychological, ethical, and legal considerations in end-of-life care. They can have a key role in helping people make choices regarding how they will die and about the ethical issues involved in making those choices (Kleespies, 2004).

Studies of attitudes toward suicide reveal sharp divisions of opinion regarding the meaning of the decision to end one's life. Some regard this as a basic personal right, and others consider it a sign of moral evil or societal pathology (Neimeyer, 2000). As a helper, you need to be willing to discuss end-of-life decisions when clients bring such concerns to you. If you are closed to any personal examination of this issue, you may interrupt these dialogues, cut off your clients' exploration of their feelings, or attempt to provide your clients with your own solutions based on your values and beliefs.

At this point in time, you might consider the following questions. What is your position on an individual's right to decide about matters pertaining to living and dying? What religious, ethical, and moral beliefs do you hold that would allow you to support a client's decision about ending his or her life under

certain circumstances? How might your beliefs get in the way of assisting your client in making his or her own decision? It is your responsibility to clarify your own beliefs and values pertaining to end-of-life decisions so you can assist your clients in making decisions within the framework of their own belief and value systems. Once you understand your own perspectives on end-of-life decisions, you can focus on the needs of your clients.

Imagine yourself in a rest home, growing more and more confused and demented. You are unable to read, to carry on meaningful conversation, or to go places, and you are partially paralyzed by a series of strokes. Do you think you would be able to find meaning through suffering in an extreme circumstance? Would you want to be kept alive at all costs, or might you want to end your life? Would you feel justified in doing so? What would stop you?

Now apply this line of thought to other situations in life. If you accept the premise that your life is yours to do with as you choose, do you believe it is permissible to commit suicide at *any* period in your life? Suppose you felt like ending your life even after trying various ways of making your life meaningful. Imagine you felt as if nothing worked and that nothing would change. What would you do? Would you continue to live until natural causes ended your life? Would you feel justified in ending your own life if your active search had failed to bring you peace?

*Case study: The right to choose to die.* A man in his 30s, Walfred discovers that he has tested positive for HIV. He says that he wants to participate in a physician-assisted suicide before he gets to an intolerable state. Many of his friends have died from AIDS, and he vowed that he would take active measures to be sure that he would not die in the same way. Because he is rational and knows what he wants, he believes that taking this action is reasonable and in accord with his basic human rights. He has been your client for several months and has been successfully exploring other issues in his life. When he suddenly learned of his HIV status, he saw nothing ahead for him except a bleak future. He does want your help in making a decision, but he is clearly leaning in the direction of ending his life.

**Your stance.** What would you say to Walfred? Because Walfred is rational and able to make decisions that affect his life, should he be allowed to take measures to end his life before he becomes terminally ill? Because he is not yet seriously ill, should he be prevented from ending his life, even if it means taking away his freedom of choice? Given the fact that you have been working with Walfred for some time, would you respect his self-determination, or would you press him to search for alternatives to suicide at this stage in his life? As a mental health worker, if there were no legal mandate to report his intentions, would you feel justified in attempting to persuade Walfred to change his mind?

**Discussion.** What is the role of mental health professionals in working with people who are considering some form of hastened dying? Is it the proper role of the helper to steer the client in a particular direction? Should the helper's personal values enter the picture? What is the ethical course to follow when there is a conflict between the therapist's and the client's values on this matter? Are you legally obliged to report a client who is seriously considering hastening the process of dying? Is your role to prevent the person from taking actions that would hasten his or her death?

*Case study: Confronting the right to die.* Esmeralda, who is in her early 40s, is suffering from advanced rheumatoid arthritis. She is in constant pain, and many of the pain medications have resulted in serious side effects. This is a debilitating disease, and she sees no hope of improvement. She has lost her will to live and comes to you, her therapist of long-standing, and says: "I am in too much pain, and I don't want to suffer anymore. I don't want to involve you in it, but as my counselor, I would like you to know my last wishes." She tells you of her plan to take an overdose of pills, an action she sees as more humane than continuing to endure her suffering.

**Your stance.** Think about how your values might influence your interventions in this case. To what degree can you empathize with Esmeralda's desire to end her life? What role would your beliefs play in your counseling?

What legal implications are involved here? Do you see any conflict between ethics and the law in this case? Do you have an ethical and legal responsibility to prevent Esmeralda from carrying out her intended course of action? From previous counseling sessions, you know that Esmeralda's parents believe it is always wrong to take your own life. Should you inform Esmeralda's parents about her decision to end her life? If you were in full agreement with her wishes, how would this feeling influence your intervention?

*Case study: The counselor's legal duty to report.* Peter, a 65-year-old former client of Dr. Park's, returns to see him. He is now widowed, his only child is dead, and he has no living relatives. He has been diagnosed with a slow, painful, terminal cancer. Peter tells Dr. Park that he is contemplating ending his life but would like to explore this decision. Dr. Park fears being put in a bind because of the potential legal requirement to report him if he decides to end his life. Peter comes weekly, discusses many things with his therapist, and talks lovingly of his deceased wife and daughter. He thanks Dr. Park for his kindness and his help throughout the years. He has made up his mind to end his life in the next few days, and after a last farewell he goes home.

**Your stance.** Do you think Dr. Park should make a report as a way to protect Peter? What would you do in this case? Explain your position in the context of your own values regarding end-of-life decisions.

*Case study: Counseling an ill teenager contemplating suicide.* Buford, a minor, cannot get along with his new stepfather, so he moves into his grandmother's apartment where she lives alone. Shortly thereafter, Buford develops an illness that attacks his nervous system, causing him to be too weak to attend school. The school assigns a home teacher who tells the school counselor that Buford is saying he does not want to live with this illness. The counselor visits Buford and is able to develop a relationship. Buford's mood seems to lift, but within 3 weeks he speaks again of suicide, indicating that he does not intend to die from this disease. He tells the counselor that he plans to take his grandmother's pills. Buford also states that if the counselor tells his grandmother or his parents he will kill himself for sure.

**Your stance.** How would you deal with the situation? What are the most salient issues involved in this case? Does the counselor have a responsibility to inform Buford's parents? Why or why not?



*Guidelines for dealing with end-of-life issues.* Werth & Holdwick (2000) suggest that mental health professionals whose values preclude consideration of hastened death should not be obligated to provide professional services to clients who want to explore this issue. However, for helpers who do counsel these clients, Werth & Holdwick provide these guidelines for dealing with end-of-life issues:

- Assess your personal values and professional beliefs regarding the acceptability of rational suicide.
- As a part of the informed consent process, give prospective clients information about the limitations of confidentiality as it applies to assisted death, if applicable.
- Make full use of consultation throughout the process.
- Keep risk-management-oriented notes.
- Assess your clients' capacity to make reasoned decisions about their health care.
- Review clients' understanding of their condition, prognosis, and treatment options.
- Strive to include clients' significant others in the counseling process.
- Assess the impact of external coercion on clients' decision making.
- Determine the degree to which clients' decisions are congruent with their cultural and spiritual values.

Consider these guidelines as you contemplate your own position with respect to key questions on end-of-life decisions? Do individuals have a right to decide whether to live or die? What religious, ethical, and moral beliefs do you hold that might enable you to support a client's decision about ending his or her life under certain circumstances? If your personal or professional value system is not accepting of an individual ending his or her own life, is it ethical for you to work with clients who may be contemplating some form of hastened death? How might your beliefs get in the way of assisting your client in making his or her own decision? Are you aware of the laws of your state and the ethical standards of your professional organization concerning an individual's freedom to make end-of-life decisions?

## By Way of Review

- Ethical practice dictates that helpers seriously consider the impact of their values on their clients and the conflicts that might arise if values are sharply different.
- Ultimately, it is the responsibility of clients to choose in which direction they will go, what values they will adopt, and what values they will modify or discard.
- It is neither possible nor desirable for helpers to remain neutral or to keep their values separate from their professional relationships.
- It is not the helper's role to indoctrinate clients or to push them to adopt the value system of the helper.
- At times, it can be useful for helpers to expose their values to their clients, yet it is counterproductive to impose these values on them.

- Simply because you do not embrace a client's values does not mean that you cannot work effectively with the person. The key is that you be objective and respect your client's right to autonomy.

- There are numerous areas in which your values can potentially conflict with the values of your clients. You may have to refer some clients because of such differences. However, a referral should be done with careful thought and is best considered as a measure of last resort.

## What Will You Do Now?

1. Spend some time reflecting on the role you expect your values to play as you work with a range of clients. How might your values work for you? against you? Reflect also on the source of your values. Are you clear where you stand on the value issues raised in this chapter? In your journal, write some of your thoughts about these questions. Under what circumstances might you be inclined to share and perhaps explore your values and beliefs with your clients? Can you think of situations in which it might be counterproductive for you to do so?
2. Consider a personal value that could get in the way of your being objective in working with a client. Choose a value that you hold strongly, and challenge it. Do this by going to a source that holds values opposite to your own. If you are strongly convinced that abortion is immoral, for instance, consider going to an abortion clinic and talking with someone there. If you are uncomfortable with homosexuality because of your own values, go to a lesbian, gay or bisexual organization on campus or in your community and talk with people there. If you think you may have difficulty with religious values of clients, find out more about a group that holds religious views different from yours.
3. For the full bibliographic entry for each of the sources listed here, consult the References at the back of the book. For books dealing with the role of spiritual values in the helping process, see Burke & Miranti (1995), Cashwell & Young (2005), Faiver, Ingersoll, O'Brien, & McNally (2001), Faiver & O'Brien (1993), Frame (2003), Kelly (1995b), Miller (1999), Miller & Thoresen (1999), and Richards & Bergin (2000, 2005).

## Ethics in Action CD-ROM Exercises

4. For supplemental activities that accompany this chapter, see Part Two (Values and the Helping Relationship) of the *Ethics in Action* CD-ROM. Before viewing role-play segments 4, 5, 6, and 7, complete the self-inventory provided in Part Two and bring your completed responses to class for discussion.
5. Complete the exercises and follow-up discussion questions after each of the role-play segments dealing with value conflicts in Part Two. To derive the maximum benefit, after viewing each role-play segment write out your reactions to the situation portrayed.