

Discrimination And Ethics

written by Richard Leslie | May 24, 2016

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... A suggestion was made for me to write about a case where Eastern Michigan University (a public institution) dismissed a Christian student from its master's degree program in school counseling for refusing to counsel a homosexual client during the practicum course. The practicum course and student handbook required, among other things, that all students in the program adhere to the American Counseling Association's Code of Ethics and Standards of Practice, which, among other things, binds counselors to respect the diversity of clients, to not impose values upon clients inconsistent with counseling goals, and to adhere to a nondiscrimination policy in the delivery of counseling services to consumers. The student refused to provide relationship counseling services to the client because she believes that homosexuality is morally wrong and that it conflicts with her orthodox Christian beliefs. She would not engage in gay affirming counseling, and was dismissed from the program following an informal review and formal hearing process.

The graduate student sued the school in U.S. District Court (Eastern District of Michigan, Southern Division) claiming, among other things, that her dismissal from the program was wrong and that it violated her religious freedom. She claimed that her civil rights (e.g. the "free speech" and "free exercise of religion" clauses of the First Amendment) were violated by the dismissal from graduate school. This case (Ward v. Wilbanks, et al.) pits religious freedom principles against the rights of public universities to run their institutions as they deem appropriate – that is, in a manner that is best for the education of professionals, and ultimately, best for the public. Both the graduate student and Eastern Michigan University moved for summary judgment. The Court granted summary judgment in favor of the University and ruled against the student's motion for summary judgment. A motion for summary judgment is a procedural maneuver to promptly dispose of civil litigation without the necessity of a trial. Usually, there is no dispute as to the material facts of the case.

The District Court (the trial court) essentially ruled that the University was justified in removing the graduate student from the program and based its decision, in significant part, on the American Counseling Association's Code of Ethics provisions related to the prohibitions against discrimination in providing services to clients (the public). Most professional mental health associations have codes of ethics or standards that prohibit discrimination in the provision of professional services based upon race, religion, national origin, age, sexual orientation, gender, gender identity, disability, marital status, or disability. Other ACA standards were cited by the Court, such as, but not limited to, the more general duty to respect the dignity of clients and the duty to actively attempt to understand the diverse cultural backgrounds of clients.

The judge also ruled that EMU had a rational basis for requiring students to counsel clients without

imposing their own personal values. The Court also found that the University had good reason to adopt the ACA Code of Ethics as the standards applicable to its counseling degree program.

The decision states, in pertinent part:

"In sum, plaintiff unequivocally demonstrated her unwillingness to make any effort at working within the clients' value systems when they are not in accordance with hers. By insisting on undifferentiated referral of an entire class of clients, plaintiff violates the ACA Code of Ethics...."

The Court points out that the graduate student (the plaintiff):

"... was not required to change her views or religious beliefs; she was required to set them aside in the counselor-client relationship - a neutral, generally applicable expectation of all counselors-to be under the ACA standard."

The student's attorney asserts that this decision can result in Christian students across the country being expelled from public universities based upon their moral/legal beliefs. The trial court's decision is on appeal. [I will again write about the lawsuit when I am aware of a decision from the United States Sixth Circuit Court of Appeals.](#)