Ethical Decision Making

in Applied Behavior Analysis

Ilene S. Schwartz & Elizabeth M. Kelly

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by

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The individuals described in this book are composites or real people whose situations are masked and are based on the authors' experiences. In all instances, names and identifying details have been changed to protect confidentiality.

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Preface

What does it mean to practice behavior analysis in an ethical manner?

How do we teach behavior analysts and those training to become behavior analysts to use ethical decision making in their everyday practice?

How do we teach behavior analysts to think about ethics broadly and not just as codes compiled by a certification board or items on a task list?

We were trying to answer those questions when we started to write this book. What we discovered, not surprisingly, is that there is no simple answer to any of them. In fact, in our early discussions, we raised many more questions than answers. We quickly discovered that ethics are not a set of discrete, observable behaviors that could be taught using behavior skills training. There are multiple definitions of ethics, and often it is difficult to get consensus on a firm definition.

What do we know about ethics? We know that ethics serve as a guiding moral compass that people follow in their lives. Personal ethics help individuals make decisions about what is right and wrong and guide them toward determining the right course of action. Personal ethics are moral codes that may be influenced by many factors, including family, culture, education, and religion. Personal ethics impact how an individual interacts with friends, neighbors, and family members. They may influence how one interacts as a colleague, a citizen, or even as a customer at the grocery store.

Professional ethics are somewhat different. Professional ethics are a set of standards that help guide professional behavior. These standards often distinguish one profession from another and can help to define what is important to members of a specific profession. Finally, professional ethical codes set standards that help guide their members' decision making. For example, on the first page of the American Medical Association's Code of Ethics, it states, "As a member of this profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self" (American Medication Association, n.d.). This strong statement sets the stage for physicians to understand that beneficence, caring for patients, and doing no harm are the most important parts of their job as physicians.

This clear statement also helps consumers understand the role of physicians and how they view and define their jobs.

Although professional ethical codes and guidelines may provide structure and inform the practice of members of that profession and information to consumers and stakeholders, they do not define ethics. Rigid adherence to an ethical code does not define ethical behavior. Ethical behavior involves making a decision for a specific patient (or case), considering the context, and weighing how these variables interact with moral principles and ethical standards.

So, what does this mean for behavior analysis? We know that

- Ethics are not a set of rules,

- Ethics are not a list of the right thing to do, and

- Ethics are not concrete.

High-quality applied behavior analysis (ABA) is ethical ABA, and ethical ABA is high-quality ABA. This book aims to help students and practitioners of ABA understand what it means to be an ethical behavior analyst. While the Ethics Code for Behavior Analysts is necessary for guiding professional behavior, adherence to the Code alone does not make an ABA practitioner ethical. To be clear, this does not mean that someone can violate the law or repeatedly behave in a manner contrary to what is outlined in the Ethics Code for Behavior Analysts (BACB, 2020b) and excuse their behavior by saying it fits with their personal interpretation of the Code and ethical principles. Professional ethics help professionals define how their members should behave and what stakeholders can expect from them. Professionals who consistently behave in a manner antagonistic to their professional code of ethics are not meeting their ethical or professional obligations.

Throughout this book we have added features to help behavior analysts in training learn to practice ethics in an active and reflective manner. Our ethical work is influenced by the ethicist Rushworth Kidder (1995) and his view of ethical fitness. Kidder believed that to act ethically, one needed to regularly interact with ethical issues, dilemmas, and discussions. We call these "ethical workouts." Kidder suggested that all professionals work to improve their ethical fitness by identifying their guiding ethical principles and standards and applying them in regularly scheduled and sometimes challenging situations.

Some of the learning activities that we have added to this book to help students and behavior analysts learn about ethics, and ethical decision-making, and improve their ethical fitness are the following:

- Pause and Reflect: These activities are embedded in chapters to encourage readers to stop and think about the section they just read and think about how the material applies to their own practice and beliefs about behavior analysis. We encourage readers to use these prompts to consider what this material means to them and how they can integrate it into their practice.

- Talk the Talk: These activities are designed to encourage role-play between students in or outside class. The best learning is active learning, so these activities let readers practice discussing common ethical dilemmas and difficult situations.

- Ethical Workouts: These activities are designed to help students improve their ethical fitness. These workouts are case studies describing real ethical challenges that provide students with a scaffold of the ethical decision-making process described in the text. As students use the process, their fluency and aplomb will improve, and they will become more confident in their ability to discuss ethical dilemmas and make decisions that benefit their clients.

OUR VISION FOR THE PRACTICE OF ABA

How we view and practice behavior analysis has influenced every part of this book.

- We believe that behavior analysis is ultimately an effective, optimistic, and compassionate approach to addressing socially important problems.

- We believe that quality of life should be the primary outcome variable for behavioral treatments.

- We believe that clients and their families, regardless of ability, diagnosis, background, or zip code, who want access to behavioral interventions should have access to well-trained behavior analysts.

These beliefs are our beliefs and do not need to be the beliefs of our readers. We want to be transparent about how these beliefs help form our ethical principles and help us translate the Ethics Code for Behavior Analysts (Behavior Analyst Certification Board, 2020b) from words into action. We hope that these words are helpful to readers, whether you are a student taking your first course on ethics or an experienced behavior analyst continuing to hone your ethical fitness. Our goal is to help support the next generation of behavior analysts as they provide effective, compassionate, and client-centered services.

Acknowledgments

As Hillary Clinton (2006) reminded us, "It takes a village" to accomplish most of the important tasks in life. Writing this book was no different. We were able to write this book because we were surrounded by loving families, amazing friends, wonderful colleagues, and students who asked great questions and were eager to learn. In our village(s), there was one person, however, who stood out from everyone else—Nancy Rosenberg. Nancy is our friend, teacher, student, colleague, and inspiration for this book. She is our best critic and fiercest advocate. Nancy supported our writing project because she wanted students, practitioners, and all behavior analysts to understand what it means to make hard ethical decisions, grapple with ethical dilemmas, and always put clients first. She wanted to be sure that we were preparing and supporting behavior analysts to become competent, compassionate, and ethical practitioners. She wanted to create a generation of behavior analysts who believe that high-quality ABA is ethical ABA and ethical ABA is high-quality ABA and that ethics is an ongoing process. Thank you, Nancy, for everything you have given us, your students, and the field of behavior analysis. Thank you for believing in us and this project.

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Introduction to Ethics in Applied Behavior Analysis

"The moral climate of any organization, larger than that of the individual, is created hour by hour through the multitude of choices and behaviors of its members."
—Rushworth Kidder

LEARNING OBJECTIVES:

1. Describe four common philosophical approaches.
2. Understand the reasoning for developing a discipline-specific ethics code.
3. Broadly describe the importance of studying and applying ethics in the field of applied behavior analysis.

Most people who enter the field of applied behavior analysis (ABA) want to help people. Their personal and professional identities may range in diversity from a woman who grew up in the rural southern part of the United States, happily attending church multiple times a week and becoming the first member of her family to attend college, to a Black man in the LGBTQIA+ community whose parents were university professors in a sprawling city on the west coast of the United States. But one thing all behavior analysts have in common is that they want to make a professional living helping others. And they want to help others in ways that are ethical. Most people want to be good people with a strong moral character. In fact, most people believe they *are* living an ethically sound life. But what does it really mean to be an "ethical" person? How do you know you are making ethically "good" choices that live up to your value of helping others? This book is for professionals who want to explore what it may mean to be an ethical behavior analyst. We intentionally chose the phrase "what it may mean" because we don't believe there are many exact answers in the world of ethics.

ABA is the application of behavioral principles to solve socially significant problems and improve the human condition. It is used in classrooms, clinics, hospitals, universities, homes, residential facilities, adult centers, businesses, and organizations across the globe to systematically improve the well-being of individuals with and without disabilities and thus society as a whole. ABA provides a systematic approach to improving the human condition by identifying and addressing the socially important problems that people want to improve. By using systematic observation, data collection, and analysis, behavior analysts identify the environmental factors that contribute to specific behaviors and develop interventions tailored to individual needs. These interventions can be applied at various levels, from individual therapy sessions to systemic interventions within organizations or communities. No matter the specific intervention, setting, or behavior, the overall goal of ABA should always be to enhance the quality of life for those receiving ABA services (Schwartz & Kelly, 2021).

The application of ABA, however, is not without its challenges and potential pitfalls. To ensure that behavioral interventions are implemented with regard to individuals' well-being and improved quality of life, an emphasis on ethics is vital. Ethics serves as the moral compass guiding behavioral researchers and practitioners. It provides the framework and standards by which behavior analysts operate, ensuring that their actions align with guiding principles such as beneficence, honoring respect and dignity, integrity, and professional competence. Without a firm grounding in ethics, ABA interventions can inadvertently cause harm or violate the principles of respect and dignity. It is through the lens of ethics that behavior analysts can navigate complex dilemmas, striking a balance between the rights of individuals and the goals of intervention, and make decisions in the best interests of those receiving ABA services.

This chapter explores the multifaceted nature of ethics within ABA by examining various European philosophical approaches such as deontology, utilitarianism, virtue ethics, and care ethics, as well as the purpose of professional and ethical standards. Finally, it sets the framing for interpretation of the current Ethics Code for Behavior Analysts in the context of serving autistic clients and students and those with intellectual and developmental disabilities (I/DD). While we acknowledge that behavior analysis can be applied to many different areas (e.g., organizational business management) and with many different types of clients (e.g., businesses, athletes), our focus is on ethical ABA service delivery for individuals with disabilities.

UNDERSTANDING ETHICS

Ethics is a branch of philosophy that deals with moral principles, values, and codes of conduct that govern human behavior (Kidder, 2009). It explores questions of right and wrong and good and bad and provides a framework for making ethical decisions. Ultimately, ethics aims to guide individuals in determining the right course of action. Several philosophical approaches that originated in European regions offer frameworks for understanding how professions in the

United States develop ethical principles and professional codes of conduct that influence professionals' ethical decision making. There are many legitimate and influential philosophical approaches that are non-European (e.g., Chinese philosophies such as Confucianism and Buddhism, and Indigenous philosophies). We provide an overview of four prominent approaches—deontology, utilitarianism, virtue ethics, and care ethics—based on their influence on professional ethics in the United States specifically. See Table 1.1 for a quick overview of these approaches.

Deontology

Deontology is an ethical theory that emphasizes an individual's actions rather than the consequences of their actions (Beauchamp & Childress, 2019; Kant, 1959). It suggests that individuals have certain duties and obligations that they must fulfill, regardless of the outcomes or consequences that may result. In deontological ethics, ethical rules are absolute and universally applicable. Individuals are bound by a set of ethical rules that govern their behavior, and they have an obligation to act in accordance with these rules, irrespective of the consequences. For example, a behavior analyst following a deontological ethics-based approach would make an ethical decision primarily based on a rule within the Ethics Code for Behavior Analysts, regardless of the context of a dilemma or the consequences of the decision.

Utilitarianism

Utilitarianism is an ethical theory that focuses on the "greater good." According to utilitarianism, the moral worth of an action is determined by its consequences and the extent to which it promotes the greatest amount of happiness

Table 1.1. Four Common Philosophical Approaches

Deontology	Utilitarianism	Virtue ethics	Care ethics
A deontological, or nonconsequentialist, approach focuses on following a universal set of rules or principles. A person using this approach might suggest we should make ethical decisions based on rules that apply to all people without regard to consequences.	A utilitarianism, or consequential, approach suggests that actions can be ethically assessed according to their outcomes. A person using this approach may suggest that we make ethical decisions based on whether they will result in the greatest good for the greatest number of people.	A virtuous approach focuses on developing and maintaining a positive moral character to guide ethical decision making. A person using this approach may make ethical decisions in accordance with their values rather than a preconceived set of rules or consideration of the possible consequences of their actions.	A care approach points to the importance of social relationships and interactions in the ethical decision-making process. A person using this approach may consider both the context of a situation and the relationship they have with others involved when making ethical decisions.

for the greatest number of people (Beauchamp & Childress, 2019). Key principles of utilitarian ethics include the pursuit of the greatest good or utility, the consideration of outcomes and consequences, and the assessment of actions based on their overall impact on well-being. In the context of ABA, a behavior analyst applying utilitarian ethics would strive to achieve the best possible outcomes for their clients, considering the client's overall well-being, quality of life, and social integration in their ethical decision making. It requires behavior analysts to consider the broader impact of their actions and interventions on the individuals they serve, their families, and the community at large.

Virtue Ethics

Virtue ethics focuses on the development of virtuous character traits (i.e., private events) to guide ethical behavior. It emphasizes the importance of developing moral or ethical values such as honesty, compassion, integrity, and wisdom as a foundation for ethical decision making (Beauchamp & Childress, 2019). Key principles of virtue ethics include the development of virtues, the pursuit of moral excellence, and the emphasis on character and integrity. Virtue ethics suggests that ethical actions should be driven by the inner character of individuals (i.e., private events) rather than strict adherence to rules or the weighing of specific outcomes. In the context of ABA, virtue ethics encourages behavior analysts to embody virtues such as empathy, cultural sensitivity, and professional integrity in their practice and demonstrate committed actions in alignment with those virtues. Applying virtue ethics in ABA involves prioritizing the development of soft skills in behavior analysts (i.e., active listening, compassionate responding), fostering a caring and compassionate approach, and promoting the well-being and growth of individuals receiving ABA services. It encourages behavior analysts to reflect on their own character and strive for moral excellence in their professional interactions and decision-making processes.

Care Ethics

Care ethics emphasizes the significance of interpersonal relationships in ethical decision making. Contrasting with other ethical approaches that center rules and utility, care ethics values the relational context in which ethical decisions are made, underscoring the importance of understanding and responding to the needs of others in a caring way (Gilligan, 1993). Practitioners of care ethics consider the specific circumstances of each situation and the mutual interdependence of the individuals involved in each ethical decision. They emphasize emotions, such as empathy and compassion, and perspective-taking in ethical reasoning. Care ethicists see individuals as often being motivated by relationships rather than rules or outcomes in ethical reasoning.

By exploring these philosophical approaches—deontology, utilitarianism, virtue ethics, and care ethics—behavior analysts can broaden their understanding of ethical considerations in ABA and draw upon different

perspectives to guide their ethical decision making. These approaches provide valuable insights and frameworks for analyzing ethical dilemmas and making ethical decisions in the field of ABA.

THE PURPOSE OF AN ETHICS CODE

Establishing ethical principles, professional standards, and ethics codes or guidelines within any field, including ABA, serves several primary functions (Allan & Love, 2010). First, an ethics code helps to establish a discipline as separate from others. To create a public-facing ethics code is to declare to others that a group of professionals (e.g., behavior analysts) practice within a legitimate discipline with an established scope. For example, the creation and dissemination of the first ethics code for behavior analysts, called "Guidelines for Responsible Conduct for Behavior Analysts" (Behavior Analyst Certification Board, 2001), helped to establish behavior analysis as a field of its own, related to, but separate from, psychology. Second, an ethics code is a public expression of the field's values. It communicates to the public, including consumers, how professionals are supposed to behave when delivering professional services. Third, an ethics code assists professionals in fulfilling their ethical and professional obligations by guiding their decision making. It provides behavior analysts with a framework for evaluating potential courses of action and considering the ethical implications of their decisions (i.e., utilitarianism). Ethical standards also offer a set of "rules" that professionals in the field must uphold (i.e., deontology). Finally, ethical principles are intended to cultivate shared virtues or values within each professional (e.g., compassion, respect, integrity). No matter a practitioner's individual learning history, practice setting, or other factors, it is expected that each will strive to embody a field's values in their professional behavior (i.e., virtue ethics).

Ensuring the Well-Being of Individuals

One of the fundamental reasons why ethics is crucial in ABA is to ensure the well-being of individuals who receive ABA services. The primary dependent variable of any ABA intervention should always be improved quality of life (Schwartz & Kelly, 2021). Ethical considerations play a pivotal role in safeguarding the rights, dignity, and overall quality of life of those receiving interventions based on ABA. Ensuring the well-being of individuals who receive ABA services is not only a moral imperative but is a cornerstone of effective and responsible practice. By prioritizing well-being, ABA practitioners acknowledge the dignity and worth of every client. The field of ABA recognizes that individuals have the right to live fulfilling lives, free from unnecessary restrictions, and to experience dignity and respect in all aspects of their daily activities (Bannerman et al., 1990). A strong ethical foundation provides practitioners with important tools to navigate the complexities of balancing individual client needs, preferences, and societal expectations, ultimately working toward the best interests of the individuals they serve.

ABA interventions address a wide range of behaviors and challenges such as communication, social skills, daily living skills, and academic performance. ABA interventions should not be designed just to effectively teach new skills but to foster personal growth, self-determination, and meaningful life outcomes. Ethical considerations guide practitioners to focus on interventions that improve the individual's overall quality of life, considering their physical, emotional, and psychological well-being. Furthermore, by prioritizing well-being, ABA practitioners are less likely to cause harm and more likely to design interventions in the best interest of clients. ABA practitioners should strive to create environments that promote the individual's comfort, safety, and emotional well-being throughout the intervention process.

Another crucial aspect of ensuring well-being in ABA is honoring the self-determination of clients and their families. Ethical guidelines underscore the importance of collaboration, communication, and shared decision making between clients, their families, and the providers that serve them. ABA practitioners should engage in open and honest discussions with individuals and their families, providing them with the necessary information and resources to make informed choices regarding their interventions. By partnering with individuals with disabilities and their families, practitioners can ensure that interventions align with client and family values, preferences, and goals and enhance the well-being and overall quality of life of those receiving ABA services.

Working with Vulnerable Populations

The ethical treatment of vulnerable clients with I/DD and autism must be at the center of all ABA services. These individuals often rely on the support and guidance of professionals to navigate their daily lives, making it crucial to maintain a high standard of practice. In fact, we argue that because of the population behavior analysts work with, they are held to a higher ethical standard than those who do not support vulnerable populations. Clients with I/DD or other vulnerabilities often face significant challenges in expressing their needs, wants, and concerns effectively with neurotypical populations. Consequently, ABA professionals bear a tremendous responsibility to ensure that their clients' voices are heard and that their rights are safeguarded throughout the treatment process. Additionally, the inherent power imbalance between an ABA practitioner and client, coupled with the advanced technologies that behavior analytic practitioners can access to influence individuals' behavior, requires careful attention to ensure that practitioners use ethical practices that protect the rights and dignity of all clients. Because ABA technologies possess the potential to shape and influence the behavior of others, therefore granting professionals a level of influence, there must be careful ethical consideration. It is imperative that this power is harnessed responsibly and ethically, avoiding any undue emphasis on convenience for caregivers, educators, or other service providers at the expense of the clients' rights and well-being. It is a delicate balance to leverage powerful behavior technologies to effect

behavior change and honor the rights and autonomy of clients who have historically been marginalized by systems, including systems that house ABA practices (i.e., intervention systems, education systems).

Emphasizing Social Validity and Ethics

Throughout the history of ABA, effectiveness—an observable, sustainable, and clinically significant change in the target behavior—has been the primary measure used to evaluate behavioral research and intervention. Although effectiveness is a fundamental dimension of ABA (Baer et al. 1968), maintaining a narrow focus on effectiveness in practice neglects other aspects of practice now critically important to the survival of ABA as a field, such as ethics, social validity, and compassion (Penney et al., 2023). Effectiveness, in isolation, fails to capture the multifaceted nature of ABA practice. Just because an intervention is effective does not make it ethical. To truly meet the needs of their clients, ABA practitioners must strive for a holistic approach to services that is socially valid, compassionate, and ethical in addition to being effective. Interventions based on behavioral principles can be all those things at once.

Protecting the Reputation of ABA as a Field

Ethics also serves as a safeguard for the reputation of ABA as a field. Adherence to ethical principles is essential for maintaining public trust and confidence in the practice of ABA, and it contributes to the credibility and professionalism of the field. When practitioners consistently demonstrate ethical behavior, it helps counteract negative perceptions and promotes the recognition of ABA as a legitimate and valuable discipline.

　　Ethical guidelines outline the expected conduct of practitioners, ensuring that they act in the best interests of the individuals they serve. This includes being honest, objective, and transparent in their practices, research, and dissemination of findings. Upholding these standards protects the reputation of ABA and fosters a culture of accountability, integrity, and continuous improvement within the field.

## HISTORICAL AND CURRENT CRITICISMS OF ABA

The history of ABA has not been without its share of ethical and legal challenges and controversies. Behavior analysts have acted in a manner in which the dignity and safety of their clients was violated, and this is never acceptable. Currently, there are some adults with autism and other advocates who believe that ABA is harmful (McGill & Robinson, 2020). It is important to learn about these historical and current controversies in the field. The overall quality and acceptability of research and practice cannot be improved without understanding the critical perspectives of adults with disabilities and their families. Learning about historical missteps and current criticisms can result in emotional responses and impact how budding practitioners feel about the field. It is often disconcerting for students who are beginning to learn about

ABA to understand that, despite the effectiveness of the intervention and life-changing outcomes for many individuals, there have been some serious missteps by behavior analysts, and harm has been done to some clients. Mature behavior analysts, however, must acknowledge and learn from mistakes that have been made in the past. It is necessary to understand the basics of ABA ethics before one can fully incorporate lessons from historical missteps into current practice. Therefore, we have thoughtfully decided to avoid including a lengthy discussion of these topics in this introductory chapter. However, you can find a discussion of some historical missteps within ABA as well as current criticisms in Appendix A, which also provides some ideas on how you can use the information to move your practices progressively forward.

LEARNING OBJECTIVES FOR READERS

We have several learning objectives for readers of this book. After reading this book, readers will be able to describe: (a) the most current Ethics Code for Behavior Analysts; (b) factors influencing ethical behavior, including individual learning histories, environmental variables, and competing values; and (c) historical events impacting the field. In addition, each chapter will have learning objectives specifically for that chapter.

Readers will use tools to work through difficult ethical dilemmas commonly encountered in the field, including an ethical decision-making framework, ethical case scenarios, discussion questions (Pause and Reflect), and roleplay scenarios involving difficult professional conversations (Talk the Talk).

Pause and Reflect   Talk the Talk
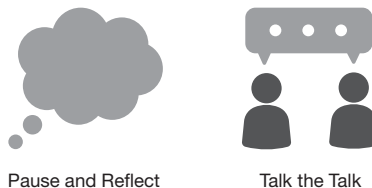
We know this book will not have all the answers you'll need as you navigate your professional career. But we are hoping it will give you the right start to your career as a humane, ethical, and compassionate ABA professional who always acts in the best interest of your clients.

"Full of real scenarios and practical guidance…this book will help us improve our ethical fitness and aid our efforts to provide high-quality interventions with integrity and humility."

—Shahla Alai-Rosales, Ph.D., BCBA-D, CBA-AP, Professor, University of North Texas

"A gift to the field of applied behavior analysis…. My students will benefit considerably from the perspectives and analyses in this book."

—Matthew T. Brodhead, Ph.D., BCBA-D, Associate Professor, Michigan State University

Prepare students in applied behavior analysis (ABA) programs to navigate the complex ethical issues they'll face in their professional practice. Aligned with the Behavior Analysis Certification Board's most recent ethics code, this is the most student-friendly, accessible, and up-to-date ABA ethics text available.

Comprehensive and expertly organized, this core text addresses the successes and controversies of ABA head-on, highlights current best practices, and prepares professionals to apply the BACB Ethics Code across clinical, school, community, and home-based settings. Readers will receive foundational knowledge on the diverse factors and considerations influencing ethical behavior in ABA, plus opportunities to interact with real case studies to help them practice decision making that centers their clients' well-being. Packed with engaging, interactive features, this book is also an invaluable professional reference to help behavior specialists address ethical issues in their everyday practice with clients of all ages.

Student-friendly features include:

- **Learning objectives:** Start each chapter with a clear outline of goals.

- **Pause and Reflect prompts:** Use these reflection exercises individually, in small groups, in class, or in online discussion forums.

- **Talk the Talk scenarios:** Practice how to approach difficult conversations from an ethical standpoint.

- **Ethical Workouts:** Use sample scenarios to practice step-by-step application of an ethical decision-making process.

- **Downloadable worksheet:** Get a six-step Ethical Decision-Making Worksheet, perfect for practice scenarios or use in the field.

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