Pastoral & House Parent’s Duty to Report

An Ethical Dilemma

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As both a house parent and a pastor working in a residential treatment center I am faced with several ethical dilemmas. As a house parent, I am expected to report and share any and all information about students in my care. As a pastor, I am to protect the confidentiality of students in my care. My job title lists me as a house parent, but my licensing and commissioning is that of a pastor. So when do I break reporting in favor of moral ethics if ever? Is maintaining confidentiality possible in this role that I work in?

As a pastor, I have the role in protecting the confidentiality of my students. From a utilitarian standpoint, I have to analyze all options and try to determine which has the most significant impact. “Specifically, utilitarianism holds that the morally right course of action in any situation is the one that, when compared with all other possible actions, will produce the greatest balance of benefits over costs for everyone affected” (Velasquez, 2017, p.59). Confidentiality may be in the best interest of the student, in so as building trust and openness, but that interest may not be in the best interest of the community at large. Sometimes the hardest decision is not rather to report or not, but to determine who all is affected by whichever decision that is made.

As a house parent, the exact opposite scenario exists. When is it better to report, when does reporting serve the good of the majority? Which has the most significant need?

I can think of two scenarios that may go both ways. If a student comes to me and gives me contraband that he had. In full honesty and sincerity, he apologizes and states he recognizes he should not have the item. What is the utilitarian response? If the contraband was something dangerous or illegal, the utilitarian answer is to report it. However, I have a personal problem if a student does this and turns in a couple of ink pens, which is contraband. Am I now going to report this and get him caught up in a maximum offense for having ink pens? The more significant good to me is apparent to not report, by reporting the young man receives a maximum offense on his record, he extends his stay longer, and he doesn’t get his next homepass. No one wins in this scenario; everyone loses in this young man's life.

If that contraband was an illegal drug does that change things is the next question. If the young man is turning in the drugs and has sincere regret, should he pay the price that makes matters worse for the student? In my mind yes you do, this does affect the greater community, illegal drugs if taken have a ripple effect on a campus such as this. Not to mention we are identifying a possible route of narcotics into our campus.

“A person has a right when that person is entitled to act in a certain way or is entitled to have others act in a certain way toward him or her” (Velasquez, 2017, p. 73).

Are the rights of the student more important than the rights of the facility? Are the students entitled to this level of confidentiality and privacy? When we begin to look at this reality, we find that the student has minimal right to privacy. They are aware of this when they come in.

The students understand their rights to privacy, and their only main right is the privacy not to have their mail read. They know and understand that all they say and do is reported up the chain and eventually to their probation, parole, or DCS worker. The student has no right to privacy from others in the organization. As stated those rights were terminated when he broke the law and was arrested.

As a pastor I do maintain that I not only have the right not to report, I have an ethical responsibility not to report. That holds true in my congregation and those that seek pastoral counseling one on one with me. If I was to report something or tell someone of things said to me within a pastoral role, I could in actuality be sued and probably would lose. However, I have a right to protection from lawsuits for disclosing information about students under my care. In the end, the only one that has valid rights, in this case, is the institution its self.

The ethics of care is where the greyest area lies. Using the same example from earlier with the ink pens. What is the best interest of the student in that case? The best outcome for the student is apparently no punishment, but the overall best interest in some cases may be to punish him, so he learns a lesson that bad behavior has consequences. The best benefit for me depends once again in the role, if I am serving in a pastoral capacity, then the best interest is to ensure confidentiality, but in a house parent position, my best interest is to report. Rights are really of no issue in these scenarios.

The three main types of justice are distributive, retributive, and compensatory. In the scenarios posed in this writing, there are several ways justice could be achieved. “Retributive Justice concerns the justice of blaming or punishing persons for doing wrong” (Velasquez, 2017). Going under retributive justice, then the student who had the pens should be punished no different if he had not come forward, and that one form of contraband is no worse than another type of contraband. Christ also teaches that not one sin is higher than another, so how is stealing ink pens any less of a problem than having illegal drugs? According to retributive justice, they are equal offenses when following the rules and regulations of this institution. I wonder then is it even fair to give the same punishment for having a couple of ink pens as that was given to a student who had methamphetamines? On paper fairness states they should be the same punishable offense. This is where justice and fairness in my personal opinion contradict each other.

This brings us to another ethical dilemma, and is it fair to the student who brought in drugs if he is punished more for basically the same offense of possession of contraband? The system is flawed; the court system would handle a minor shoplifting charge a lot different than a drug possession charge, so why do we not? The reality is we do treat them differently even if it is unjust to the others. Knowing that justice and fairness should supersede utilitarian rule, we are unethical in a sense by treating both differently.

In a pastoral role I would not report this I would deal with it one on one, and go from there. As a houseparent role, I would report it but would advocate very hard for the student on the merits of his decision to bring it up. In the end, the punishment is mine to administer, rarely are direct members of the treatment team overridden.

Ethics of care “the view that we have an obligation to show special care to individuals with whom we have valuable close relationships” (Velasquez, 2017, p. 95). I have as both a house parent and as a pastor to care about my students and to keep their best interests at the forefront. The most laborious issue faced with ethics of care is finding where the line stops and ends between pastoral and house parent. Respect and trust is one of the most important things with the students within my care and is also two of the hardest things to gain. The way I handle my ethics of care can either entirely break that trust and respect or strengthen it.

Does breaking the rules which presumably are put in place to protect others, justify me maintaining confidentiality? Often maintaining this confidentiality will not harm others or even the student, but in many instances cause damage to the student. In the case of the ink pen scenario by reporting it is of my opinion that the ethic of care does justify not reporting. The protection in this scenario is to protect the student. By not reporting the student is not set back in the program, which does not create animosity towards staff or program. It builds more trust and respect as already discussed. It also shows the student that you genuinely care about them and their needs.

When weighing decisions based on ethics of care, there are many factors that I will take into consideration. The primary one is determining who all is affected, and responding to the situation that does have the best interest of the student at heart rather they see it or not.

In the creation of my potter box, I defined the definition as trying to determine which ethical code is to be followed regarding confidentiality between pastoral and house parent roles. Loyalties are two-fold, and I have loyalties to both the student and the residential institution, the problem is determining which loyalty is of greater importance.

Clergy is expected to honor confidentiality regardless of the content of the subject, as a pastor I value that confidentiality. By breaking the value of honoring confidence, I do everyone involved a significant injustice. On the other side, I as a house parent has the duty to the institution to make them aware of any misconduct whatsoever, from the tiniest infractions to the most severe.

Under Kant’s categorical imperative our text states “consider that Kant’s categorical imperative focuses on a person’s interior motivations and not on the external consequences of his or her actions” (Velasquez, 2017, p.79). This is an essential statement in the analysis of my ethics of care in any situation. I have to determine what the internal motivation is, are they just hoping to not get in trouble or are they genuine in their confession from a repentative standpoint?

The solution is quite easy, and it is one I make on a daily basis at work. I will always do what I feel is the best interest of my student. Sometimes the best interest does include consequences for them. All of my students know, that when they confide in me, that I have the duty to report, but that I will choose what I do and do not report. If my decision is one that will cause higher consequences, I will talk to the student about this at that time and explain why I am doing what I am doing. By maintaining communication, I am still providing a certain level of trust and respect, and typically they understand and will reciprocate.

The ink pen scenario was an actual real scenario that I was faced with recently. My end decision was to deliver consequences as I felt it was in the best interest of my student. This student in confidence has told me several times he is scared to go home on a home pass as he will probably relapse. The ink pen conversation happened two or three days before his scheduled home pass. It is my instinct he came forward so that he would get consequences which would prevent him from going home. This same student was supposed to go home this weekend for a visit but got into a fight the other day which resulted in a loss of home pass. This student will be within our program for around a year if not longer before he will be released, now keep in mind this is only a six-month program.

Perhaps the utilitarian view would suggest that giving this young man consequences is the best course of action after weighing all other actions and outcomes. One possible outcome is going home, relapsing then running at the age of 14. A very real outcome is an opioid overdose as his tolerance levels are way down and the levels that used to work will now kill him. So keeping him back protects him and those who do love and care for him.

In the end, my role at this institution is not of a pastoral position, but that of a houseparent, so any rights of confidentiality that is typically provided by clergy is of no value. Most of my students never even know that I am a pastor, and do not maintain that expectation. The ones that do know that is my life outside of this institution and that I know the difference between where that role begins and ends.

Note: I am unable to meet the desired length of 8-10 pages unless I begin to add rubbish as filler throughout the paper. Out of respect to you and myself I will not add rubbish as filler.

References

Velasquez, M. G. (2017). *Business ethics: concepts & cases* (Eighth Edition). New York: Pearson.