

This chapter reminds us of or maybe even enlightens our awareness about how we make decisions – ethical decisions – choosing between right and wrong. We will also discuss the importance of confidentiality and how it applies to not only our daily lives but its necessity to protect TYC youth and personnel.

## Ethics

All of us, at one time or another, have been in an ethical decision situation. However, we really make ethical decisions everyday.

- “How much should I tip the waitperson?”
- “Should I tip the waitperson?”
- “Should I tell my spouse I really spent \$100 on this item rather than just the \$60 I said it was?”
- “Although I am supposed to keep this to myself, can I tell my spouse what really happened at work?”

**ASK YOURSELF:** What does the word Ethics mean to you?

Some answers or definitions:

- Ethics has to do with what my feelings tell me is right or wrong.
- Ethics has to do with my religious beliefs.
- Being ethical is doing what the law requires.
- Ethics consists of the standards of behavior our society accepts.
- A person’s character is often represented by his/her ethical standards.

The exact definition of **ethics** is difficult to pin down and there are many unsure views about ethics.

One dictionary definition – *Natural Law*. Many people believe that ethics is based on religion; others tend to equate ethics with their feelings about issues; some consider that following laws prescribed by man (“the law”) defines ethics; and then other folks presume that the “standards accepted by society” are the ethical standards.

In many ways, ethics is all of these yet none of these specifically. If ethics was based solely on religion, then ethics would apply to only religious people. However, ethical standards are expected to be held by all people, atheists to saints.

Ethics refers to the beliefs of **right and wrong**. People displaying ethical behaviors own the ability to discern right from wrong and are committed to do what is right.

Also, people **regularly study** their basis of ethics and their daily conduct to ensure their ethical behaviors remain in check because laws, societal and group norms, religion or our feelings are not always synonymous with ethics.

To help us understand ethics, let's discuss the core values commonly associated with ethics:

- Trustworthiness
- Respect
- Responsibility
- Fairness
- Caring
- Citizenship

### ***Trustworthiness***

Trustworthiness is a combination of 4 values:

1. Honesty: In communication, do not mislead or misrepresent intentionally; be open to provide any information needed by another person. In conduct, do not steal, cheat, commit fraud or other forms of dishonesty to acquire anything of value.
2. Integrity: Consciously maintain consistency between words and actions; do what is right even when the circumstances make it difficult to do so; adherence to and soundness of moral principles and character; honesty.



3. Reliability: Keep promises; fulfill commitments; understand all issues before making commitments to avoid creating ethical obligations.
4. Loyalty: A special responsibility to promote the interests of certain persons or organizations without sacrificing ethical principles. Loyalties need to be prioritized rationally.

### **Respect**

Recognize and honor each person's right to autonomy and self-determination, privacy and dignity.

#### **Golden Rule**

"Do unto others as you would have them do unto you."

An ethical person exercises personal, official and managerial authority in ways that provide others with the information needed to make informed decisions about their own lives.

An ethical person treats others with consideration regardless of personal feelings. An ethical person may not have the same interests as others but still gives reverence to and admiration of others' contributions to the work environment or a special project.



A couple of quotes listed below are based on the importance of this core ethical value:

*"Respect yourself and others will respect you."*

**Confucius (551 BC–479 BC)**

*"Self-respect is the cornerstone of all virtue."*

**John Herschel (1792-1872)**

### **Responsibility**

Responsibility is an ethical quality that embodies many other values; some of which we have already discussed - honesty, reliability, and trustworthiness.

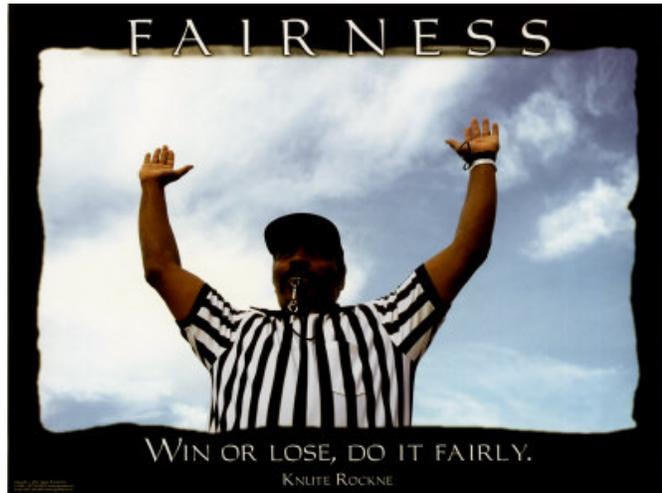
In addition, a person who is dependable, capable, competent and accountable for his actions owns the character trait of responsibility.

## ***Fairness***

Fairness is about making decisions with all available information in a manner that considers the impact on everyone involved.

- Open-mindedness - demonstrating a willingness to seek out and consider relevant information and each side of the story.
- Impartiality – making decisions is made based on consistent and appropriate standards; avoiding favoritism or prejudice.

For example, in TYC we teach staff to be fair, firm and consistent with the youth. This way, you don't show favoritism or change the rules according to your mood.



- Equity – demonstrate an appreciation for cultural diversity and the equal treatment of individuals.

Furthermore, by following policies and procedures, you are demonstrating equal treatment of youth. However, you must also add in the equity component to our fair and equal treatment.

## ***Caring***

Caring is feeling and exhibiting a genuine and continual interest in others along with concern and compassion for others. Compassion, a synonym for caring, is described as “an understanding of the emotional state of another.”

Caring or showing compassion is often characterized through actions when a person desires to help others and then compassionately acts to alleviate or reduce the pain and suffering of others.

Virtually every juvenile in the world, including you and me, has broken a rule of some kind at one time or another. Therefore, a degree of understanding and compassion must accompany our attitudes toward juvenile delinquency. After all, the youth committed to TYC are young boys and girls – human beings – needing a second chance. Although, you may not see some of the TYC youth as young boys or young girls because of their ages or what they have done, try to keep this in mind: **Each youth is somebody's child, away from home and essentially alone.** They were assigned to TYC for a reason; as a volunteer, it

is your job to bring caring to the TYC environment with you, just as you bring the rest of your ethical core values.

*“To the world you may be one person, but to one person you may be the world.”  
(Unknown)*

Given time, circumstances, opportunity, etc., it could have been you or someone you know; it could have been your brother or sister, son or daughter who was placed in a TYC facility. A degree of caring is necessary to help the youth work through the system and be successfully discharged from TYC.

### **Citizenship**

Citizenship is held by a person who lives in a country, state, county city, town, or community; the quality of an individual's response to membership in a community. Some people are active in many local projects; others tend to live a quiet life. Citizenship status often implies responsibilities and duties to the local area as well as the state and country. Citizenship provides the political rights of an individual within a society, derived from a legal relationship within the state.



Some citizens are active and demonstrate a social consciousness to the overall public good. *Active citizenship* implies working toward the betterment of one's community through economic participation, public service, volunteer work, and recognition of one's obligations and contributions to the overall good.

### Citizenship Responsibilities

- Respecting and protecting the rights and property of others
- Taking part in the voting process when making societal decisions
- Participating in actions that can improve the community
- Demonstrating responsibility through self-discipline and self-reliance
- Practicing honesty and trustworthiness
- Following the Golden Rule

Now let's examine TYC policy requirements related to ethics conduct and confidentiality.

### **Reporting Youth Mistreatment, Fraud, and Illegal Activities**

Volunteers are required to report suspected mistreatment of youth, incidents of fraud, and other job-related illegal activities to their chief local administrator (CLA) or to anyone with authority whom they feel comfortable reporting the incident.

### ***Cooperation with Investigation***

Volunteers are expected to fully cooperate with authorized personnel during the investigation of an administrative or criminal offense by answering all work-related questions, completely and honestly. Failure to cooperate fully can result in discharge or other discipline.

A volunteer accused of committing a criminal offense has the constitutional right to remain silent. Invoking this constitutional right will not be used against the employee for either criminal or employment purposes.

### ***Political Activity/Political Influence***

Volunteers are urged to participate in the political process; however, the volunteer is not allowed to campaign while at work. TYC rules will not affect volunteers' right to vote or rights as private citizens to express their opinions on political subjects or candidates.

### ***State Time, Property and Equipment***

It is a violation to use state property, facilities, or equipment for purposes other than official business.

### ***Work Behavior***

Your attitude affects your work behavior. The following statements describe what is expected from all employees while on duty:

- maintain a cooperative and helpful attitude toward fellow workers, supervisors, youth, and the general public;
- act in a manner, which neither disrupts nor causes others to disrupt the usual routine of business;
- be courteous to fellow workers, supervisors, youth, and the general public; and
- refrain from the use of profane, derogatory, or offensive comments regarding race or gender.

### ***Confidentiality***

Information concerning a youth in TYC is confidential as a matter of law. Registered TYC volunteers, on a need-to-know basis, may receive confidential information to enable them to better work with a youth. Volunteers are expected to carefully protect the legal confidentiality of the information they receive, just as staff are required to protect confidential information. Volunteers agree in writing to abide by agency policies, particularly those relating to the confidentiality of youth records and information and facility security. Volunteers enrolled with the agency are protected from civil liability as described by § 61.096, Texas Human Resources Code.

Confidentiality **does not apply** to communications by youth involving:

- confessions or allegations of abuse, neglect, or exploitation
- an imminent escape; or

- intent to harm self or others.

The requirement to report alleged abuse, neglect, or exploitation applies without exception to a volunteer whose personal communications may otherwise be considered privileged.

## **Work and Personal Conduct**

The Texas Youth Commission establishes standards of work and personal conduct for all volunteers. The standards are considered minimal requirements and are not to be considered all-inclusive. The following statements pertain to confidentiality and disclosure of information rules:

- Volunteers are expected to exercise reason and judgment within their positions and training. In the course of conducting TYC business, you will encounter confidential information about youth or personnel – and it must be kept that way.
- Volunteers are expected to maintain confidentiality regarding all agency records and information pertaining to youth, employees, and volunteers, except when ordered by the courts, specifically permitted by law or administratively approved for release. The discussion of such information, even between volunteers and employees, must be in the line of service, impersonal and discreet.

## **Youth Files (RE: GAP.99.1; GAP.99.9; GAP.99.11; GAP.99.19)**

Records and information concerning youth are confidential and may not be disclosed except as allowed by law. The youth's file, in its entirety, is a legal document marked "confidential" and kept in a secure location. Access to information in the youth's file is restricted in accordance with the Texas Open Records Act (Texas Public Information Act, Tex. Gov't. Code Ann. §§ 552.001-552.353 (Vernon's 1994)).

The Texas Open Records Act designates some information to be specifically public, yet prohibits the release of certain types of information, which requires a written request. All Open Records Requests are handled only by authorized personnel.

Furthermore, the Federal Confidentiality Law restricts the release of information regarding youth participating in TYC's chemical dependency and substance abuse programs, including screening, assessment, diagnosis, treatment or referral of chemical dependency or substance abuse. The only TYC staff, such

as the case manager, clinical professionals, etc., involved with the youth's participation in the program, have a NEED to know this information.

Key persons, such as judges, probations officers, professional staff or consultants of the juvenile court – and even parents/legal guardians may NOT have access to this information unless the youth has signed the LS-023, Youth's Consent for Disclosures Upon Initial Assessment. It doesn't matter about the youth's age. Youth under the age of 18 have the "authority" to decide whether or not and to whom this type of information can be released.

This means that you, a volunteer of TYC, **must not share** any information about a TYC youth with anyone outside of TYC. **Absolutely no one.** If you do, you will be violating federal law, in addition to state law. This is a legal issue, which is why ALL Open Records Requests are handled by **only authorized personnel.**

If you are ever asked anything about a youth, **ALWAYS** refer the person asking the questions to the **youth's case manager.** **Never give** any information about a TYC youth.

No employee, agent, consultant, volunteer, or other Texas Youth Commission person may release or divulge confidential information about TYC youth except as required or permitted by law. This also includes the federal law just discussed regarding the chemical dependency and substance abuse information about a youth.

Identifying pictures, appearances, films, or reports are not used without written consent of a youth and, if under age 18, of his or her parents, guardian, or managing conservator. **Volunteers are never permitted to bring a camera into a TYC facility or take photographs of youth.**

Only initials or a case number may be used when referring to a youth. TYC volunteers, consultants and others permitted access to confidential information or records shall sign a confidentiality agreement, agreeing not to disclose or divulge confidential information or records unless required or permitted to do so by law through the Texas Open Records Act.

Now that we have an understanding of confidentiality as it pertains to our youth entrusted in our care, let's go a little further and see how confidentiality applies to personnel files.

## **Personnel Files**

Texas Youth Commission maintains a current and accurate personnel file for each volunteer. The file, in its entirety, is a legal document and access to information in the personnel file is restricted in accordance with the Texas Open Records Act.

The executive director is the records custodian and assigns responsibility for personnel records to the director of the human resources department. Access is restricted. All inactive personnel files and related records are maintained by fiscal year for a minimum period of five years.

### **Disciplinary actions may be taken against a volunteer for performance and/or behavior including the following actions:**

- Violations of TYC standards of conduct.
- Violating agency, state or federal rules, regulations or laws or failing to comply with established policy, procedure or reasonable, proper instructions or directions of a supervisor.
- Violating written/published sources on confidentiality and disclosure of information.

The **General Administrative Policy Manual** (GAP) and the **Personnel Policy Manual** (PRS) are written and published sources regarding TYC's confidentiality policies and disclosure of information rules. You can locate these on TYC's Intranet.