

## **Contents**

- I. Preface and Recommended Use**
- II. Introduction**
- III. Ethical Legal Issues and Leadership**
  - i. Discussion/Reflection**
  - ii. Strengths Assessment**
- IV. Before the Fact: Planning for Ethical and Legal Leadership**
- V. After the Fact: Self Reflection and Evaluation**
- VI. Print and Media Resources**
- VII. Cited References**

## **Leadership Skill Development Toolkit**

### **Preface**

Regardless of title or role, advanced practice nurses are leaders and need to assume responsibility for the development of self and other team member's leadership potential. This toolkit is intended for use by Gerontological Advance Practice Registered Nurses to cultivate their leadership potential. At its inception, the toolkit has been guided by feedback from the GAPNA membership on topics most important to developing leadership in their career trajectory. In combination with use of this toolkit, we strongly recommend users identify a leadership mentor: a leader who has led the path you want for yourself.

### **Toolkit Recommended Use**

This toolkit will guide GAPNA members in leadership issues by assessing and designing a leadership development plan through an individual process. Each module is self-paced and can be used to design a professional development plan. Discussion questions provide an opportunity for reflection and can be used individually for self-evaluation and professional development, during mentorship to expand experiential learning, or in a seminar group to promote dialogue and discussion.

### Ethical and Legal Issues Introduction

For over ten years nurses have been identified at the [most ethical profession](#) by the public (Riffkin, 2014). 2015 marks the "Year of Ethics" for nurses by the American Nurses Association (American Nurses Association, 2015). Guidance in ethical dilemmas and legal matters is essential not only in nursing practice but in leadership as well. As nurses are called on to transform health delivery and serve as equal partners in redesigning the US healthcare system, they can expect to encounter ethical dilemmas and legal issues. After completing this module, learners will be able to:

1. Define ethical and legal issues in leadership
2. Identify situations where ethical leadership can be strengthened.
3. Determine legal issues within leadership practice.
4. Assess strengths and areas for improvement in ethical leadership
5. Implement a plan for ethical leadership practice.
6. Promote self-evaluation in challenging leadership situations with ethical or legal implications.

<Embed you tube video here>

Ethical Issues in Nursing: Introduction

[https://www.youtube.com/watch?feature=player\\_detailpage&v=6wQWkKQ0ZMg](https://www.youtube.com/watch?feature=player_detailpage&v=6wQWkKQ0ZMg)

## Ethical Issues and Leadership

1. There are varying definitions of ethics and ethical leadership. While all definitions are not in total agreement, there is agreement that ethical leadership involves an understanding of values, morals and doing “the right thing” based on organizational and personal beliefs.
2. The study of ethics is about human relationships.

<Embed you tube video here>

Simon Sinek on Leadership, Vancouver BC, TED 2014

[https://www.youtube.com/watch?v=efGLdwPOWSw&feature=player\\_detailpage&list=PLs7otDhXYK-tuxImDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=efGLdwPOWSw&feature=player_detailpage&list=PLs7otDhXYK-tuxImDnU0Apwh_rKYMyAmr)

- a. What we should do and what we should be like as human beings, as members of a group or society, and in the different roles that we play in life.
- b. It is about right and wrong, and good and evil.
- c. Leadership is a particular type of human relationship.
  - i. Hallmarks of this relationship:
    1. power and /or influence
    2. vision
    3. obligation
    4. responsibility
  - ii. At the core of leadership is ethics (Ciulla, 2012)

3. To best develop your own awareness and understanding of ethics, you must analyze individual as well as the larger organization or system values, morals, and approach to decision making (Mullane, 2009).

<Embed you tube video here>

Fostering Ethical Conduct

[https://www.youtube.com/watch?feature=player\\_embedded&v=j9oALjYLtO4](https://www.youtube.com/watch?feature=player_embedded&v=j9oALjYLtO4)

4. Leaders are challenged with decisions every day; the way they make decisions as much as the decisions they make (University of Kansas Workgroup for Community Health and Development, 2013).
5. Ethical leadership includes care and respect for others, justice, and honesty (Ciulla, 2012).

### Legal Issues and Leadership

1. Legal issues within leadership
  - a. Guidance in legal issues is promulgated by the US Constitution, federal statutes, state constitutions and statutes, and court decisions and rulings.
  - b. Laws may vary from one state to the next and locally.
2. Legal issues are analyzed by examining the facts and the legal questions raised by the known facts.
3. Legal duties of leaders include (Not-for-Profit Practice Group, 2012):
  - a. Obeying instructions of superiors
  - b. Acting with skill
  - c. Loyalty
  - d. Protecting confidential information
  - e. Giving information
  - f. Accounting for monies spent
4. Six Elements of Malpractice include (Holder, 2005):
  - a. Duty owed- the legal responsibility owed by one person to the other
  - b. Breach of duty owed - failure to carry out responsibilities
  - c. Foreseeability-failure to meet minimum standards
  - d. Causation-Connection between failure to meet minimum standards and injury
  - e. Injury- result of failure to meet minimum standards

f. Damages- Compensation for injury

Ethical Dilemmas: A Conflict between Values and Decision Making

<Embed you tube video here> Bruce Weinstein, PhD "Ethics and Leadership" watch :17 through 4:23

[https://www.youtube.com/watch?v=qZsUCgWq5gc&feature=player\\_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=qZsUCgWq5gc&feature=player_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh_rKYMyAmr)

1. A framework for analyzing ethical problems was developed by the Josephson Institute of Ethics (2013).
  - a. The *Six Pillars of Character* can be used to make ethical decisions:
    - i. Trustworthy- acts with integrity, honesty consistency, loyalty, reliability and credibility
    - ii. Respectful-tolerant of differences, courteous, treats others as they wish to be treated
    - iii. Responsible- consistent, accountable, self-disciplined, considers actions and consequences
    - iv. Fair- open to others and listens, doesn't place blame, shows impartiality and equitable behavior
    - v. Caring- shows gratitude, compassion and forgiveness to others
    - vi. Good Citizen-Is informed and cooperative, shares information, law abiding, considers civic duty and environmental impact
2. The Josephson Institute of Ethics (2013) also developed a three step model for Ethical Decision Making (based on the *Six Pillars of Character*)
  - a. Decisions should consider and reflect the interest and well-being of all parties being affected.
    - i. Do no harm.
  - b. Always have ethical values and principles take precedence over non-ethical ones.

- i. Understand the difference between ethical and non-ethical values and decisions that may cause a clash.
  - c. Ethical principles may be violated when it is necessary to advance another greater ethical principle.
    - i. There may be times that one principle will be sacrificed for the greatest good and least harm for the most number of people.
- 3. How do you decide if your decisions and actions are ethical?
  - a. There are four questions you can ask yourself about any decision or action you take (University of Kansas Workgroup for Community Health and Development, 2013)
    - i. Would you do it if your kids were watching?
    - ii. Would you like to see it published on page 1 of your local newspaper?
    - iii. Would you be happy being on the receiving end of the decision?
    - iv. Would it be ok if everyone did it?"

<Embed You tube video here>

Three Ways of Cultivating a More Ethical Climate in Organizations

[https://www.youtube.com/watch?v=MI91mQkEw7o&feature=player\\_detailpage&list=PLs7otDhXYK-tuxImDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=MI91mQkEw7o&feature=player_detailpage&list=PLs7otDhXYK-tuxImDnU0Apwh_rKYMyAmr)

#### Discussion/Reflection: Identifying Situations to Strengthen Ethical Leadership

1. Think back to a time when you determined there was a conflict in a patient care situation, either with the patient, their family/friends, or a healthcare colleague. What would you change in the way you or the others involved handled the conflict? If you would not change anything, explain why.

2. Personal emotions can drive behavior. Describe a situation where you or a colleague allowed emotions to drive behavior or decisions. How did this affect leadership credibility and respect?
3. How does honesty impact leadership? Draw on your experience in patient care or administration when being honest and admitting a mistake fostered a positive ethical image.
4. Use the *Six Pillars of Character* to describe a specific example of how you can implement the six elements of this model into your leadership practice.
5. Should ethical leadership start at the top or bottom of an organization? Why? How do you view ethical leadership in your context (e.g. professional practice, place of employment, organization) top down or bottom up? What would you change if you could?

### Strengths Assessment

“It is curious that physical courage should be so common in the world and moral courage so rare.” — Mark Twain

Ask yourself, do I practice (Thomas, 2004):

#### 1. Moral Courage

- “In their commitment to an ethic of care, nurses practice with moral courage when they confront situations that pose a direct threat to care.” (Bjarnson and Lasala, 2011 p. 21)
- The willingness to directly question or challenge situations that pose a risk of harm
- The ability to advocate for patients
- The desire to stand up for the profession
- Actions are not based on impulse
- Requires careful deliberation of risks and consequences

#### 2. Moral Reasoning



- Judgment gained through education (intellectual development) and personal development
  - Improved through collaborative practice
  - Strengthened with shared decision making.
  - Centers on making decisions to act or not act
  - Choice to act is based on determination of right and wrong, also known as “doing the *right* thing”
3. “Ethical Fitness” – an everyday activity!
- Reflect on values
  - Awareness of personal beliefs
  - Understand your own biases; know yourself
  - Take responsibility
  - Be authentic
  - Would you be proud to tell your family or coworkers about your decision?

When I look at myself and my environment, can I:

4. Identify Barriers to ethical leadership?
- Lack of preparation in leadership
  - Lack of leadership mentors to model behavior
5. Identify Facilitators to good leadership practice?
- Educational opportunities
  - Collegial relationships
6. Identify personal traits of good leadership (Cassidy, 1994)
- Intelligence- use of good judgment
  - Personality- integrity in actions
  - Ability - to carry out tasks cooperatively

### Before the Fact: Planning for Ethical and Legal Leadership

“We do not act rightly because we have virtue or excellence, but we rather have those because we have acted rightly.”--Aristotle

1. Identify issue (Makaroff, Storch, Newton, Fulton, & Stevenson, 2010)
  - a. Be sensitive to a conflict
  - b. Recognize competing concerns (e.g. quality of service, costs, and resource allocation)
2. Foster an environment of growth and change
  - a. Empower peers and followers
  - b. Share power
3. Consider interprofessional and team relationships
  - a. Think through the needs and values of stakeholders and team members (Berendes et al., 2010).
    - i. Spend time developing common understanding between stakeholders about roles and responsibilities.
    - ii. Use language common to all involved.
    - iii. According to Makaroff, et al. (2010), consider the “unsaid, unsayable, and unspeakable.” (p. 573). Do not back away from topics which may be challenging to speak about or politically charged.
    - iv. When changes occur on a team, discuss and negotiate role changes.
    - v. Often, taking the time to initiate a conversation about a diverse opinion can result in shared understanding.
  - b. Maintain transparency through open dialogue.
4. Uphold Ethical Principles (Bjarnason & LaSala, 2011)
  - a. Justice- equality
    - i. Consider implications of decisions of all parties involved.

- ii. Distribute resources fairly.
- iii. Avoid discrimination in actions
- b. Autonomy
  - i. Protect and advocate for patient decision making
  - ii. Informed consent is an ethical and legal imperative.
  - iii. Provide information and allowing patients to make decisions
  - iv. Respect decisions although personal opinions may differ.
- c. Non-maleficence
  - i. Do no harm
  - ii. Take action when witness to unethical or illegal behaviors
- d. Beneficence
  - i. Act in best interests of patients
  - ii. Promote good
  - iii. Recommend solutions or resolutions to problems

#### After the Fact: Self Reflection and Evaluation

“To see what is right and not to do it is want of courage.” -Confucius

1. Code of Ethics- ultimately APN's are nursing professionals and guided by the nursing code of ethics (not medicine).
  - a. Use the code of ethics as guiding principles
  - b. Reflect on self.
2. ANA Code of ethics outlines nine areas that nurses can use a “moral compass” (Bjarnson & Lasala, 2011, p. 19) .
  - a. Link to the [ANA 2015 Code of Ethics](#)
    - i. Discussion questions (for use with the ANA 2015 Code of Ethics)

1. How can you create an ethical environment? How can you create a culture of civility and kindness, treating colleagues, coworkers, employees, students, and others with dignity and respect?
  2. Think of a time when a conflict of interest was identified. How did you fully disclose the conflict to all individuals involved? List the steps.
  3. Describe the organizational and state regulations for reporting and handling questionable practices in my region. Cite resources and how you found these.
  4. Ethical deliberations are an integral component of the technologically advanced healthcare environment. Identify a time you needed resources (e.g. policies, colleagues, evidence) beyond your own practice expertise to resolve an ethical dilemma. How did you identify the resources?
  5. How do I practice in a manner that avoids undue influence and coercion?
  6. Discuss each provision in the Code of Ethics and write a description of each in less than 100 characters.
  7. Identify a situation with a patient or family that requires the use of research to inform practice. How do (did) you relate the information in an unbiased, understandable manner?
  8. Discuss three ways to reduce healthcare disparities in your region.
  9. Name one professional organization you are involved in and how the organization promotes health policy.
3. link to [Practical Use of the Nurse Code of Ethics Part I](#)

4. link to [Practical Use of the Nurse Code of Ethics Part II](#)
5. American College of Healthcare Executives Ethics Self Evaluation
  - a. This tool is available on the internet and for personal use to consider ethics related leadership and actions. <http://www.ache.org/newclub/career/ethself.cfm>
6. Ethical Leadership Self- Assessment Tool
  - a. This tool is available on the internet and was developed to determine strengths and areas for improvement. <http://www.ethics.va.gov/ELSA.pdf>

## Resources

### **ANA Leadership Institute**

<http://www.ana-leadershipinstitute.org/>

### **The Nurse Manager Leadership Partnership (NMLP)**

<http://www.aone.org/resources/leadership%20tools/partnership.shtml>

### **GAPNA Position Statement (revised June 2012): Clinical Practice of Gerontological Nurse Practitioners**

[https://www.gapna.org/sites/default/files/clinical\\_practice\\_GNPs.pdf](https://www.gapna.org/sites/default/files/clinical_practice_GNPs.pdf)

### **For further information on ethical issues in leadership, refer to:**

[http://strandtheory.org/images/Ciulla\\_\\_Ethics\\_and\\_Leadership\\_Effectiveness.pdf](http://strandtheory.org/images/Ciulla__Ethics_and_Leadership_Effectiveness.pdf)

<http://ctb.ku.edu/en/table-of-contents/leadership/leadership-ideas/ethical->

[leadership/main](http://ctb.ku.edu/en/table-of-contents/leadership/leadership-ideas/ethical-)

[http://bus.miami.edu/\\_assets/files/executive-education/leadership-institute/ethics-and-](http://bus.miami.edu/_assets/files/executive-education/leadership-institute/ethics-and-)

[leadership.pdf](http://bus.miami.edu/_assets/files/executive-education/leadership-institute/ethics-and-)

### **For further information on ethical decision making and models, refer to:**

<http://blink.ucsd.edu/finance/accountability/ethics/core-values.html>

<http://www.scu.edu/ethics/practicing/decision/framework.html>

### **For further information regarding legal issues, refer to:**

<http://www.bignet.org/legal/legalOLT.pdf>

<http://quizlet.com/24568674/leadership-legal-ethical-issues-flash-cards/>

## Media Resources

Ethical Issues in Nursing: Introduction

[https://www.youtube.com/watch?feature=player\\_detailpage&v=6wQWkKQ0ZMg](https://www.youtube.com/watch?feature=player_detailpage&v=6wQWkKQ0ZMg)

Simon Sinek on Leadership, Vancouver BC, TED 2014

[https://www.youtube.com/watch?v=efGLdwPOWSw&feature=player\\_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=efGLdwPOWSw&feature=player_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh_rKYMyAmr)

Fostering Ethical Conduct

[https://www.youtube.com/watch?feature=player\\_embedded&v=j9oALjYltO4](https://www.youtube.com/watch?feature=player_embedded&v=j9oALjYltO4)

Ethical Dilemmas: A Conflict between Values and Decision Making

Bruce Weinstein, PhD "Ethics and Leadership" watch :17 through 4:23

[https://www.youtube.com/watch?v=qZsUCgWq5gc&feature=player\\_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=qZsUCgWq5gc&feature=player_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh_rKYMyAmr)

Three Ways of Cultivating a More Ethical Climate in Organizations

[https://www.youtube.com/watch?v=MI91mQkEw7o&feature=player\\_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh\\_rKYMyAmr](https://www.youtube.com/watch?v=MI91mQkEw7o&feature=player_detailpage&list=PLs7otDhXYK-tuxlmDnU0Apwh_rKYMyAmr)

## References

- American Nurses Association. (2015). 2015: The Year of Ethics Retrieved July 1, 2015, from <http://nursingworld.org/FunctionalMenuCategories/MediaResources/ANA-Speakers-Bureau/ANA-Presentations/2015-The-Year-of-Ethics.html>
- Berendes, D., Keefe, F. J., Somers, T. J., Kothadia, S. M., Porter, L. S., & Cheavens, J. S. (2010). Hope in the Context of Lung Cancer: Relationships of Hope to Symptoms and Psychological Distress. *Journal of pain and symptom management*, 40(2), 174-182. doi: <http://dx.doi.org/10.1016/j.jpainsymman.2010.01.014>
- Bjarnason, D., & LaSala, C. A. (2011). Moral Leadership in Nursing. *Journal of Radiology Nursing*, 30(1), 18-24. doi: <http://dx.doi.org/10.1016/j.jradnu.2011.01.002>
- Cassidy, V. R., & Koroll, C. J. . (1994). Ethical aspects of transformational leadership. *Holist Nurs Pract*, 9(1), 41-47.
- Ciulla, J. (2012). Ethics and leadership effectiveness. In D. Day & J. Antonakis (Eds.), *The Nature of Leadership* (pp. 508-542). Thousand Oaks: Sage.
- Holder, A., R., . (2005). Medical Errors. *Hematology Am Soc Hematol Educ Program*, 2005(1), 503-506. doi: 10.1182/asheducation-2005.1.503
- Makaroff, K. S., Storch, J., Newton, L., Fulton, T., & Stevenson, L. (2010). Dare we speak of ethics? Attending to the unsayable amongst nurse leaders. *Nursing Ethics*, 17(5), 566-576. doi: 10.1177/0969733010373433
- Mullane, S. (2009). Ethics and Leadership. The John Edison Leadership Institute: University of Miami.
- Not-for-Profit Practice Group. (2012). The Guide to Not-for-Profit Governance 2012. In G. M. L. Pro Bono Committee of Weil (Ed.).
- Riffkin, R. (2014). Americans Rate Nurses Highest on Honesty, Ethical Standards. *Social Issues*. Retrieved from [www.gallup.com](http://www.gallup.com) website: <http://www.gallup.com/poll/180260/americans-rate-nurses-highest-honesty-ethical-standards.aspx>
- The Josephson Institute of Ethics. (2013). Making Ethical Decisions: The Six Pillars of Character, from <http://josephsoninstitute.org/sixpillars.html>
- Thomas, J. (2004). Skills for the Ethical Practice of Public Health: Public Health Leadership Society.
- University of Kansas Workgroup for Community Health and Development. (2013). Community Toolbox: Chapter 13, Section 8. Ethical leadership, from <http://ctb.ku.edu/en/table-of-contents/leadership/leadership-ideas/ethical-leadership/main>.