

Protection of Conscience Project



www.consciencelaws.org

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For Students

by Sean Murphy
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Introduction

Conflicts of conscience can arise for a variety of reasons and in a variety of circumstances in nursing or medical practice, just as they arise in other walks of life. We are concerned here, however, not with working through ordinary ethical problems, but with the exercise of freedom of conscience that may generate an adverse and even hostile reaction from persons in positions of authority, colleagues, patients, or special interest groups. The following recommendations are meant to assist medical, pharmacy and nursing students faced with this kind of conflict.

Those who take issue with your position will most likely do so because they are working from beliefs and principles uncritically assimilated from the dominant social, legal and intellectual culture. You may have difficulty responding to them if you were raised in a similar environment, even if your religious or moral upbringing places you, in some sense, 'outside the culture.' Your religious or moral perspective may be sufficiently different from your colleagues to generate disagreement about ethics, but your philosophical or intellectual perspective may be so similar that you find yourself tongue-tied when attempting to explain your views.

Four points should be kept in mind throughout.

First: in an important sense, everyone is a believer. Everyone acts and lives according to some ultimate standard by which he distinguishes right from wrong. In this respect, an atheist is as much a believer as an observant Jew. To demand that someone surrender his religious or moral convictions and instead accept 'the ethics of the profession' does not exclude belief; it suppresses one kind of belief and replaces it with another. Absent the demonstrable moral superiority of the members of the profession, there is no valid reason to submit to this kind of coercion.¹

Second: the sciences that deal with material reality are not the only sources of knowledge, and certainly do not produce what is essential for the realization of human happiness through the correct ordering of society and human relationships. Love, justice, mercy, solidarity, wisdom and other virtues will make the most unscientific society a happy one, while the most scientific society will be rendered miserable by their absence.

Third: conscientious objection is a means by which a practitioner can preserve

his own integrity by refusing to facilitate or participate in an immoral act. It is not a means to control the conduct of the patient or convert patients or colleagues to one's views.

Finally: the following recommendations are not exhaustive, and they should be adapted to your circumstances, experience and personality.

Identify objectionable procedures

As a first step, you must identify practices, procedures, or services that may be expected of you, but to which you object for reasons of conscience. The most common controversies centre around issues at the beginning and end of life: abortion, contraception, euthanasia, assisted suicide. However, the morality of artificial reproductive technology and eugenic engineering is sharply contested, and you may also have concerns about research on human subjects. Students in some countries may have to consider what might be expected of them in relation to capital punishment, torture, or coercive interrogation of persons in state custody.

Articulate the basis for your objections

Having identified morally problematic procedures or services, which you may be able to do with little difficulty, it is not prudent to rest a claim to conscientious objection upon a generic and undeveloped appeal to religious belief or freedom of conscience. You must articulate the basis for your objections. There are three reasons for this.

First: even if the law in your jurisdiction recognizes freedom of conscience and religion, such freedoms are not unlimited in principle. Those who want to suppress freedom of conscience among health care workers are less likely to deny that freedom than to substantially restrict it. Thus, you must not only be able to identify a religious or moral basis for your objection; you must be prepared to argue that it is reasonable and possible to accommodate you.

Second: religious believers may find that nominal co-religionists do not share their judgement about the moral acceptability of a procedure. This can make it more difficult to credibly assert, for example, that "Christians do not do X" or "Muslims do not do Y", especially if the person opposing your views has some official religious status or authority. Additional complications arise within a denominational health care institution in this situation.

Third: people raised within a religious, moral or cultural tradition are more likely to live by their beliefs and principles than to analyse them. As a result, they may find it difficult to explain or defend them when pressed, even if those principles are solidly grounded in practical wisdom and tested by centuries of collective experience. They may also make contradictory or ill-founded statements when struggling to articulate their views. In consequence, they can lose credibility with colleagues or persons in authority, and significantly weaken arguments that might be made later in an appeal before an academic committee, a disciplinary hearing, or court case.

Carefully consider the religious doctrines or moral principles to which you adhere to ensure that you

understand them correctly, can apply them in practical situations and can explain them to others. As a conscientious objector, you must develop your ability to communicate with people who do not share your views, or who actively oppose them. Listen carefully to opposing arguments and prepare effective responses.

Establish the extent of your objections

An important reason for reflecting carefully upon how to apply your religious or moral convictions is that you must determine what kinds of actions would compromise your personal integrity. Some people consider themselves morally culpable only if they are direct participants in an immoral act, and do not object to referring a patient to someone willing to do what the patient wants. Others believe that it is immoral to facilitate a wrong by referral or other forms of assistance.² Conflicts frequently arise with respect to referral and the provision of some kinds of information, so you must determine, in advance, how you will approach these issues. You must also consider how you will respond when in doubt about significant facts or moral issues, particularly when life or health is imminently at risk.

Religious and ethical traditions frequently offer principles or guidelines to assist with moral reasoning. Be sure that you are aware of them, and be prepared to look to the insights offered by other traditions to supplement your own.

Know the science

Sound moral or ethical reasoning depends upon a complete and accurate grasp of relevant facts. For example: one cannot discuss the morality of embryonic stem cell research without a correct understanding of human embryology, and conscientious objection to euthanasia ought to be informed by adequate knowledge of palliative care. You may not be able to master all of the literature on a given subject, but you should take care to inform yourself fully about critical issues or points of contention. Demonstrate appropriate academic discipline and intellectual honesty in your adherence to or rejection of research findings.³

Distinguish between philosophy and science

Academic discipline requires an ability to distinguish between what lies within the province of science and what lies elsewhere. “Personhood” can have distinctive philosophical or legal meanings, but it is not a scientific concept at all. Whether or not something “ought” to be done is a subject for philosophy, religion, or ethics - not science.⁴

It is quite appropriate to challenge moral reasoning that is based upon erroneous science. But you should not tolerate bullying by professors, preceptors or colleagues who attempt to dismiss your moral convictions on the specious grounds that they are ‘unscientific’; their own moral convictions are equally unscientific, and cannot be otherwise.

Know relevant university policies

Universities ought to have fairly extensive policies on evaluations of academic progress and of

preceptorships. These policies should set out, in general terms, how the evaluations are to be done and how they may be appealed. A description of the appeal process ought to include the manner in which an appeal is to be launched, the stages through which it progresses, and the times within which each stage must be completed. Ideally, the policies will also set out the composition of the various committees or bodies hearing the appeal and the rights of students with respect to representation at the hearings. You should review these policies and ensure that you understand them and know how to access them.

Know relevant policies of the profession

Professional colleges and associations have codes of ethics and policies that touch on issues of concern to conscientious objectors. For example: the Canadian Medical Association does not require referral for morally controversial procedures. Obtain copies of these policies and study them. Pay particular attention to the policies of regulatory bodies like Colleges of Physicians, which have disciplinary and licensing authority, but do not ignore the policies of specialist associations that may have considerable influence in setting ‘standards of care.’

Know human rights law

You cannot be expected to master human rights jurisprudence, but you should read the statutes governing human rights law in your jurisdiction and make copies of relevant sections. Be aware that statutes are interpreted by courts in decisions that are reported in “case law,” and that a full understanding of the law requires knowledge of these cases. You are unlikely to have time for that kind of research. If a question arises about the application of part of a human rights statute to your case, you might begin by seeking help from a friend who is studying law. You might also be able to consult a paralegal service provided by a university law school, unless you believe that it may be unsympathetic or even hostile. If the issue is important or complicated, consult a lawyer.

Know freedom of information law

Many jurisdictions now have freedom of information statutes that give citizens the right to access any information about them held by state or institutional authorities. Depending upon the wording of a statute, such a law might be used to force the university to disclose any information it has in its files concerning you, including ‘confidential’ internal memos and e-mails. If there is a freedom of information law in your jurisdiction, obtain a copy of it and find out whether or not it applies to the university. You may be able to get this information easily if the university has a privacy or freedom of information officer responsible for complying with requests for disclosure.

Be alert

Having identified your concerns, you must be alert to any suggestion or inference that someone who can adversely affect your professional or educational standing has taken unfavourable notice of your views. The first indication could be as blatant as an expletive-filled remonstrance, or as subtle as a questioning glance. You must be on the lookout for any sign of approaching difficulty in order to take all appropriate steps to protect yourself.

Be respectful

Some objectors encounter problems primarily because of the way they communicate with patients, colleagues or others. If it is necessary to explain your position, do so in a way that refers to your own moral responsibility, not that of your patient or colleague. Avoid expressions that impute wrongdoing to others or that might come across as “preaching”.

Respond appropriately to signals of unease

Conscientious objection is likely to make colleagues who do not share your views uncomfortable because it implies that what they are doing is wrong. It is unwise to increase their discomfort by making statements that will be perceived as questioning their moral judgement, as they are then likely to become hostile. Take note of their discomfort - “You seem troubled/ disturbed/surprised” - and invite dialogue - “Have I offended you?”

This approach expresses concern for the other person and respect for his sensibilities, while providing an opportunity for discussion.

You should not become hypersensitive to what others might be thinking, since that will only cause needless anxiety. On the other hand, one should not ignore clear signals that something is amiss. Your ability to read those signals will depend upon how well you know the other person and your own experience. If in doubt, remain silent, but make a note of the incident. If a problem is developing, your notes will probably make it apparent to you in time.

Defuse confrontation

In addition to discomfort, you may encounter a belligerent challenge, contempt or condescension. If you are taken by surprise or find yourself flustered, no harm is done by admitting the fact and suggesting that you and your interlocutor should make time for an uninterrupted chat. If it is possible to make time for it then and there, do so. However, don’t rush into what might prove to be a contentious discussion simply because you feel the need to counter an offensive or ill-timed remark. You will do yourself and your colleague a favour by giving yourself even a few minutes to reflect and relax.

Begin by listening

Resist the urge to explain or defend yourself. Instead, ask your interlocutor to explain his concerns. Listen carefully, and ask questions, not to challenge his views, but to clarify the issues and identify any unexamined presuppositions that are governing his approach to them. This will give you the opportunity to settle some butterflies, organize your own thoughts and build your confidence. It should also diminish any antagonism felt by your critic, since he will see that you are listening to him and taking his concerns seriously. He may even feel that he is making a significant impact on you.

Nonetheless, the most important reason to begin by listening is that you cannot respond effectively if you do not know what case you have to answer. There is no point exasperating a colleague by attempting to argue from incorrect assumptions about what he knows or believes. Let him tell you.

Identify points of agreement and points of contention, and work together from there.

The notion of working together with your critic is important. The goal is authentic and respectful communication, even if it involves serious argument and fundamental disagreements.

Don't be in a rush

If you are uncertain about how to reply to facts or an argument presented by your critic, you should simply admit it and promise to continue the discussion after you have had time to think further about it or research the problem. Offer your critic the same courtesy, unasked for, if need be. There is no need to resolve everything at once. In fact, it may prove difficult to resolve even preliminary matters in the first encounter.

Be cautious if 'thinking out loud'

When serious discussion generates enthusiasm for enquiry you may find yourself 'thinking out loud' as you attempt to tease out the strands of your critic's argument or consider the significance of a fact he raises. When the issue is conscientious objection, this ordinarily harmless habit should be avoided, especially in conversation with persons in authority. If you sincerely say "A" to one person, and, upon reflection, later revise "A" to "B," you may be accused of duplicity or irrationality, or characterized as someone who doesn't know what he believes. Better to consider the issue privately or with the assistance of an ally than to speak to it prematurely.

Make notes of every incident

Make detailed notes each time you encounter criticism or questions about your views, even if the incident seems minor or unimportant. The real significance of an innocuous question in September may not become apparent until after a clash in February. You will never regret recording information, but you will certainly regret not having done so.

Do not rely on your memory even in the case of encounters that you are sure you will never forget. An appeal to an academic committee may not be heard for months; cross-examination before a court or human rights tribunal could come two years afterward. You *will not* accurately recall what was said unless you make notes of it at the time. Moreover, if the other parties to the incident made notes and you did not, it is probable that their accounts of what took place will be given much greater weight than yours.

If you cannot make detailed notes at the time or immediately afterward, make what notes you can, and expand them at the first reasonable opportunity that day. You will find a detailed discussion of note taking in Appendix "A."

You can use a hand-held tape recorder to make your notes, whether in short or expanded form. You should then transcribe the notes. Transcription will put the notes into a form that can conveniently be used by others and will prevent them from being lost by erasure or damage. However, transcription is time-consuming, so you should not procrastinate. You will not want to be struggling

to transcribe eight or nine hours of tape while studying for your final exams and preparing an appeal of your evaluation.

Obtain copies of critical documents

You should initial each page of an evaluation, memo or other document that refers to your conscientious objection. Initial below the last entry on each page or section, or strike a line from the last entry to the bottom of the page or section and initial there. Obtain a copy of the initialled document. This will prevent it from being changed later.

If university authorities refuse to give you a copy of the document, advise them that you believe that you are entitled to it because it is your information. Tell them that you would rather not mobilize the student body in support of students' right of access to their information, and would like to avoid a court confrontation to compel its release. This may result in a hurried conference and the making of "an exception" in your case, especially if the university policy violates freedom of information laws in your jurisdiction. If it does not, consult your contacts within the profession. If your university has a law school you may be able to access some form of para-legal assistance through senior students there; otherwise, see a lawyer.

Get help - *early*

It is important to connect with like-minded colleagues in the university so that you can discuss problems as they arise. It is even more important to remain in contact with sympathetic people already active in your chosen profession, as their experience and knowledge of its administration will likely be invaluable if you run into trouble. Seek their advice and assistance as soon as you encounter any significant criticism. When approached by a student in difficulty, the Protection of Conscience Project will immediately facilitate contact between the student and professionals who are willing to assist.

If you encounter opposition, criticism, unfair evaluations or other forms of repression from university authorities, professors or preceptors, *do not* assume that you will be able to work things through on your own, especially if you have to launch an academic appeal. You should seriously consider seeking legal advice if you encounter significant opposition. A failure in a key preceptorship or subject may nullify everything else you have accomplished. The harm done by losing an appeal at the first level may prove very difficult to undo in subsequent appeals or even through civil litigation.

Networking: doctors & nurses without borders

Anti-religious secularists often try to banish religion from the public square by claims that religious beliefs are intrinsically divisive and encourage differences that lead to violence. The example of friendly collaboration in matters of mutual interest among people of different faiths, disciplines and backgrounds provides a practical and powerful counter-witness to such assertions. This is one of the reasons that the Project Advisory Board consists of scholars from different disciplines and different faiths, including Judaism, Catholic and Protestant Christianity, the Latter Day Saints and Islam.

Long before a crisis looms you should seek the fellowship of students and professionals from other religious traditions (or none) who have a common interest in securing freedom of conscience in health care. You may be surprised to find that someone from a completely different faith and culture is more supportive of your views than a co-religionist who lives down the street.

If your university has a medical school, it may well have a law school and departments of philosophy and political science. You may find friends and supporters in all of these faculties.

Media: look before you leap

Be cautious if you are approached by the media, as media reports may well complicate resolution of your difficulty. The 'friendly' reporter may skewer you, or his editor may mangle story by cutting or changing it for publication. More commonly, the media often highlight controversy (conflict sells) and polarize opinion by simplistic reporting that fails to make appropriate distinctions or identify important issues. 'Advocacy journalism' from any perspective is potentially problematic; 'friendly fire' kills, too.

Television and radio interviews present particular problems because a lengthy interview may yield a five second sound bite unrepresentative of the discussion. These 'bites' can be sandwiched between other visuals or commentary to produce unpleasantly surprising results. It is also extraordinarily difficult to successfully convey a philosophical or moral argument on television because pictures - the very essence of TV journalism - are better at communicating emotion than logical thought.

You should not agree to an interview unless you are quite sure how much of the case you are prepared to discuss. If there are things that you don't want to talk publicly about, be sure that you can explain the reason(s) for your reticence to the reporter in advance. For example: you might think it safe to explain the principled basis for your objections, but not to discuss what took place between you and your colleague, preceptor or patient because of a pending review or hearing. If you attempt to pick and choose the questions you will answer, it is likely to appear that you have something to hide or are unsure of yourself. Do **not** answer a question with, "No comment." If you choose not to answer a question, explain why you cannot answer it.

Do not attempt to direct a reporter as to what angle he should take in a story or what he should write. *Never* ask a journalist to let you review his story before publication. Most will refuse, many will have nothing more to do with you, and not a few will make you the target rather than the subject of a column or editorial.

Reporters frequently tape record interviews, but are not obliged to notify you of the fact. Don't ask if you are being recorded (the question suggests you have something to hide) but assume that any conversation with a reporter is being taped. You may record your conversations and interviews with reporters, but always tell them you are doing so. One journalist consulted by the Project commented, "Your recording will keep an honest reporter honest, and scare the dishonest one straight."

If surprised by a call from a reporter, take his name and contact information and call him back after

you have settled your butterflies and considered your position. If you are not certain that you should speak to the media, do not do so. An unsolicited request for an interview can be courteously turned aside with the explanation that you hope to resolve the problem through the channels open to you, and you don't wish to complicate matters by speaking publicly. A good reporter will accept this, but will also try - politely - to get you to say something, perhaps in response to a hypothetical question. Don't take the bait. Take the reporter's name and contact information and tell him that you will call should you decide to speak publicly later on.

If, after an interview, you realize that you have made an error or believe that you didn't express yourself clearly, call the reporter to clarify your comments or correct your mistake; better to be considered sincerely mistaken than carelessly ignorant.

Beware of suggestions that you should 'go public'. Speaking to the media to garner sympathy or support for your position should only be attempted after careful consideration and consultation; it is normally inadvisable. Fear that you might launch a media initiative may encourage compromise by your opposition; a failed media initiative will only solidify their intransigence.

Conscientious objectors usually form a minority within a profession and the public at large, so even if the media take up the story and people take notice, it is likely to generate as much opposition as support. Moreover, opponents of freedom of conscience in health care tend to be well-funded and well-connected with media, government and the professions. Media attention may cause them to launch a campaign against you, and you may be hard-pressed to counter it.

Another point to consider is that the media, politicians and many members of the professions tend to be dismissive of anything to which a pro-life label is attached. If your objection concerns a pro-life issue, you will be able to secure the support of the pro-life community, but that may carry very little weight with the wider public or those handling your case, and may actually inflame prejudice against you.

If there is an internal review or appeal process available to you, that is the first place to make your case. You are likely to undermine your credibility if you appear to be seeking a verdict through the media rather than in the proper forum. Media reports, especially those that contain misquotes or other inaccuracies, can come back to haunt you during an academic appeal or judicial proceeding. You may find yourself being asked to explain something that you did not say, or (worse) something that you did say that was reported out of context, or (worst of all) something you regret having said that was not only accurately reported, but captured on tape.

Despite all of these arguments *against* 'going public', there are times when it may be productive to do so. For example: if the university were to refuse to give you a copy of your evaluation or some similarly important document, it is likely that most students would support your right of access, even if they disagreed with your ethical stance. In that case, however, one would highlight the issue of freedom of information, not conscientious objection.

Of course, not all media are hostile or unfair, and sometimes media attention can favourably influence the course of events. By all means, collaborate with others to develop a media strategy, but keep it in reserve until it is clear that it can be implemented safely and effectively. It might be prudent to first break the story with potentially sympathetic outlets or reporters who (one hopes) will report it fairly and accurately.

However, once you 'go public,' even with someone you think trustworthy, you will have no control over how the media handle the story. That is one of the reasons your opponents may be willing to compromise to avoid public exposure. They can't control the media, either.

The Protection of Conscience Project

The Victim Survey on the Project website can be downloaded or completed on-line. It is meant to help you to obtain and organize information pertaining to your case. Completing the survey before you see a lawyer or other professional will provide you with much of the information he may require in order to assess your position.

Use the Project website to obtain arguments and information relevant to your situation. Contact the Project Administrator if you cannot find what you need, or if you are encountering coercion or discrimination. Every effort will be made to provide you with support and assistance. The service is limited, but it is free.

Even if it had the resources, the Project has no standing to intervene with university authorities or appear before a tribunal hearing your case, but it may be possible to prepare a report on the matter. The report will be given to you, to be used in accordance with the rules of evidence in your jurisdiction and as you or your counsel think best. It will not be further disseminated without your permission. With respect to Project reports, please bear in mind the following.

- A report is only as good as the information upon which it is based.
- The preparation of a report is a painstaking and time-consuming process. One such report runs to 21 single spaced pages, with an additional 34 pages of appendices and 126 end notes. If a report is needed, all available information and documents should be forwarded to the Project as soon as possible.
- A Project report is not polemical whitewash. If it is to stand scrutiny, it must be based upon the evidence submitted. It may, therefore, include comments unfavourable to the objector.

Notes

1. Iain T. Benson, "There are No Secular 'Unbelievers.'" *Centrepoin*s #7, Spring 2000
<http://www.consciencelaws.org/Examining-Conscience-Issues/Ethical/Articles/Ethical10.html>

J. Budziszewski, "The Illusion of Moral Neutrality - Part IV." *First Things* 35

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<http://www.consciencelaws.org/Examining-Conscience-Issues/Ethical/Articles/Ethical37.html>

Sean Murphy, *Establishment Bioethics*.

<http://www.consciencelaws.org/Examining-Conscience-Issues/Ethical/Articles/Ethical16.html>

2. Sean Murphy, *Referral: A False Compromise*

<http://www.consciencelaws.org/Examining-Conscience-Issues/Ethical/Articles/Ethical12.html>

3. Dianne N. Irving, *The Woman and the Physician Facing Abortion: The Role of Correct Science in the Formation of Conscience and the Moral Decision Making Process*. Paper presented at "The Guadalupan Appeal: The Dignity and Status of the Human Embryo", Mexico City, Mexico, October 28, 1999.

<http://www.consciencelaws.org/Examining-Conscience-Issues/Ethical/Articles/Ethical08.html>

4. Dianne N. Irving, *Scientific and Philosophical Expertise: An Evaluation of the Arguments on "Personhood"*. *Linacre Quarterly* February 1993, 60:1:18-46 [Edited, September 20, 1996]

<http://www.consciencelaws.org/Examining-Conscience-Issues/Background/GenScience/BackGenScience06.html>

Appendix “A” Making Notes

Tape recording

Tape recorders can be used to make notes ‘on the fly’ and may be the most convenient way to record an incident during a busy day in class or on the ward. However, you must transcribe the recorded notes because

- it is easier to refer to and compare different parts of written notes than to skip back and forth through an audio tape;
- written notes can be reviewed by others;
- written notes can be consulted while you are giving evidence at a hearing;
- audiotapes can be damaged or erased.

Transcription is an exacting and time-consuming process, so it is not wise to let untranscribed tapes accumulate.

The laws about tape recording conversations vary from one jurisdiction to another. Regardless of the law, you should not electronically record a conversation without the prior consent of all of the parties involved. Moreover, you should *not* tape conversations, even with consent, except in very unusual circumstances. Bringing out a tape recorder will almost always be perceived as an indication of distrust. People may well take offence to it, and giving offence is not conducive to resolving conflicts. (Interviews with reporters constitute very unusual circumstances. See the section on media.)

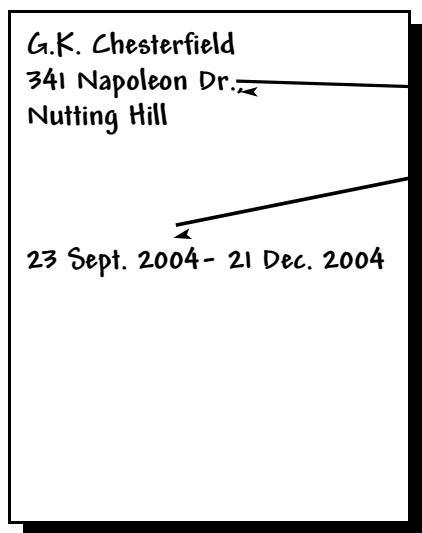
Materials

In a pinch, notes can be made on shirt sleeves, napkins, matchbooks or Visa receipts. However, a pocket notebook or some kind of bound journal is the preferred medium, and hastily scribbled notes should be transferred to it as soon as possible. Computers and similar devices can be used, but a current backup file should always be kept separate from the device as insurance against hard drive failure or theft. What follows assumes that some form of bound notebook will be used in most cases.

Structure of the notebook

Notes cannot always be made at the time of an incident or conversation. They often have to be written a few minutes later, or even a couple of hours later. Especially when under pressure, people make mistakes when writing notes. They become confused about a date or time; write one word when they mean another; write three lines, and then remember something else that was said between the first and second line.

Much will depend upon your credibility, and your credibility may hinge on the reliability of your notes, including the demonstrable integrity of your note-taking. You can structure your notebook and adopt consistent note-taking habits so that you will be able to explain the construction of your notes at any time. You are then less likely to be confused or shaken by questions about when the notes were written, or why or when corrections were made.

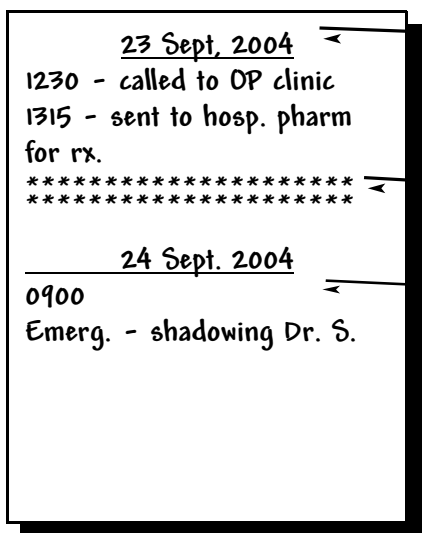


On the face of the notebook write

- your name and some contact information,
- the date of the first entry.

When you reach the end of the notebook, add the date of the last entry. This will allow you to keep a series of notebooks in order.

All entries should be in pen.



Each day you use the notebook, begin by writing the current date.

Use a clear, standard mark (like cross-hatching) at the end of a previous day's notes.

Each entry during the day must begin with the time you made the entry. This entry was made at 0900.

The time may be marked in the margin or as a sub-heading for the entry, depending upon the design of the notebook and your preference.

25 Sept. 2004
0900 OP Clinic
1030 @ 1015 pt. AB, 16 yrs.,
unp. int. with bf 8-10
hrs prev.

If you are making a note about something that happened earlier

- begin with the present (entry) time
- include the time of the incident in the body of the note.

By doing this you will always be able to distinguish the time of the entry from the time of the incident.

Do not backdate or backtime entries even with an innocent intention. Six months later you will not remember whether the entry was made at the time noted, or later. This will undermine the reliability of your notes and your credibility.

29 Sept. 2004
Re: OP Clinic
0900 -Start
0930 -Pt. DF, consent
surgery
+++++
Re: MAP
1045- @1030 Break@ cafet.
Convers. with RN
Jones re: pt. AB.
"What abt the MAP?
You sd you wdn't
presc for AB."

You can use captions to identify different subjects or activities.

Use some standard mark (like double lines) to divide one captioned section entry from another.

2 Oct. 2004
Re: Dr. Smith - Ethics
0915- @ 0830 met Dr. S. @
his off. Cld dr mtg.
S: "I wnt to talk to you abt
inf. con. ~~I'm nt sure~~
& pt. aut. I'm nt sure you
under. some issues."
M: "Okay."
S: "Ths came up wth pt AB
on Sat. @ Emerg." OPC
(Cor. 2004-10-03/0800)

Errors detected *while writing an entry* should be corrected by striking out the mistake with a single line and writing in the correction.

Errors detected later should be corrected the same way, but you should write the date and time of the correction next to it.

Do not use white-out, correcting tape or erasers, and do not blot out the mistake.

M: "The 16 yr old."
S: "Ys. Pt. has the rt. to make
dec. abt treat. To make dec,
she must hv comp inf. abt
altern. avail. Do you agree?"^①

If there is no room for the correction and/or the date and time, or if you need to correct an omission, use an end note.

① 2004-10-03, 0800.
S: "Ys. RN told me abt it.
Pt. has the rt. (etc)"

Place the date and time of the correction and the correction in an end note on the back page of your notebook. Add end notes as required, working from the back of the notebook to the front.

When to record

Ideally, you should make notes at the time that any incident, conversation or observation suggests to you that your conscientious convictions are in issue. However, you may be unable to do so, as others may be present, or you may be busy. In that case, make the notes as soon as possible thereafter: between patients, at coffee, at lunch, etc.

Notes made nearer in time to an incident will be considered more reliable than notes made later. This is especially true if something else happens between the incident and the note making that might give someone a motive to slant or falsify the record. If you see a patient in the morning and decline to provide procedure X, are confronted by a colleague in the afternoon, and make your notes

about the incident in the evening, it will probably be argued that your notes are unreliable because you only made them up as a result of your worries about points raised by your colleague. The same could not be said of notes made as a matter of course immediately after the patient interview.

Of course, if the later conversation with your colleague makes you aware that certain aspects of the patient interview need to be more fully addressed, you can do that by making notes of your conversation with your colleague and of the required clarifications. The original notes of the patient interview should be left intact. This is a natural kind of development that most people will be able to recognize from their own experience.

How to record

Use a pen, not a pencil (unless nothing else can be had). Since these are your notes, you are free to use any shorthand method or symbols you prefer. Make sure your notes are legible, as you may have to refer to them months later.

It may be possible to make some notes during a conversation, without introducing an element of distrust or confrontation. For example, if your preceptor refers to a particular research paper or book, it would be natural to ask for the title or citation and write it down.

What to record

In addition to the date and time of the incident it will be helpful to record the location and names of other persons present.

Notes are notes, not mini-essays. They are used to refresh your memory when writing a detailed account of the incident later, when discussing the situation with someone else, or when giving evidence. Notes should primarily record key information.

In cases of coercion or discrimination arising from conscientious objection, it is likely that what you said or what someone else said will be of great importance. Special attention must be paid to making notes of the **verbatim content** of conversations. Consider the following dialogue:

Pt: "If you won't do it, refer me to someone who will."

Dr: "I'm afraid I won't do that, either. If I help someone to do something that I think is wrong, I would share responsibility for it."

Pt: "How could you be responsible?"

Dr: "It would be like me helping someone to rob a bank by giving him the plans of the building and directions to get there."

Pt: "Bank robbery is illegal. This isn't."

Dr: "It isn't illegal. But I consider it to be wrong, so I don't want to be involved with it."

If later asked to write down what was said, or, at a hearing, to relate what was said, it is very likely that the parties to the conversation would produce accounts from two different perspectives in the following form:

Pt's Account

She said she would refuse to help me find another doctor because what I was doing was wrong, like bank robbery. If she referred me she would be just as guilty as me for doing it. She wouldn't help a bank robber, and she wouldn't help me.

Dr's Account

I told him that I would not amputate a healthy limb, nor refer him to someone who would. I explained that it would be wrong for me to refer him to someone else, and used the example of aiding and abetting a bank robbery to make the point.

The problem is that, while these paraphrases are honest interpretations of what was actually said, they fail to accurately convey the full sense of the exchange. Important nuances are lost. Someone hearing the patient's account might conclude that the physician was moralizing or overbearing, and there isn't enough detail in the physician's account to preclude this conclusion.

The example should suffice to illustrate the importance of making notes that allow a conversation to be reproduced as nearly as possible in its original form. This enables one to draw conclusions from what was actually said, rather than from what could be self-interested paraphrases of a discussion.

You can use a personal shorthand when making notes of a conversation, but you should make the notes in the form of the dialogue, including important statements or phrases *verbatim* and enclosing them in quotation marks. If you are not sure that your record is exactly right, word for word, you can use the following form (drawing from the example above):

“Bank robbery is wrong. This isn't.”[WTE]

WTE signifies, “or words to that effect.” It means that you have reproduced the actual words as best you can, but, if there is a minor error in your recollection, you have accurately conveyed the meaning.

Recapitulation

In some cases you may be able to make a few notes at the time of an incident, perhaps recording several different things very briefly. You may not be able to make detailed notes until later. At that time, you should make an entry headed, “Recap,” and, referring back to your brief notes, expand them to capture all of the relevant information. If you are interrupted, continue the recapitulation at the next opportunity, again identifying the entry as retrospective.

Narrative expansion

Using your notes, an important incident or conversation should be expanded to a full narrative while it is fresh in your mind, including details about manner of expression, emotion, and other things that

one might not include in notes about the essentials. The expanded narrative may prove to be particularly important later. You can use a tape recorder to dictate an expanded narrative, but be aware of the need to transcribe the tape and the time that will be required to do so.