Shedding Light on School Counseling Ethics

Your Presenters:

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The Plan...

*Time is flexible to meet the group’s needs.

Hour One: PowerPoint Presentation
Hour Two: Group Work in the Round
Hour Three: Open Panel Discussion
I should be teaching this!
I am familiar with the standards.
I heard about them and hopefully know a few to get by.
I never really covered ASCA Standards in my counselor education program.
You mean we have ethical standards?
I have concerns about ethical dilemmas presenting themselves in my practice and I’d like to get some insight on what to do.
do not exist within a vacuum

emerge, evolve, adapt within the sociocultural context of a particular society

Professional ethics began in the medical field resulting from discussions on research and healthcare provisions.

extended into other professions including counseling; written codes emerged

APA-1953; ACA-1961; NBCC-1982; ASCA-1984

Forming a code of ethics with new institutions is common practice today.
Codes of ethics developed to:

- identify purpose, goals, values of organization to members and those applying
- give rights and protect client and professional
- provide guidance for ethical decision making
- influence public perception, ensure public organization monitors itself
- inform law enforcement and government that organization can enforce rules and regulate itself
- differentiate comparable organizations
- provide a pathway to licensing
School counselors often face ethical issues when working with students ...because of specific cultural values, political preferences, customs and religious beliefs, counselors must address situations carefully to avoid any hint of prejudice. School counselors are required to maintain the highest level of integrity to protect each student's individual rights and must ensure that all students are treated fairly and appropriately.

~Kristine Tucker, Demand Media
How important are ethics in today's society?
The ASCA Ethical Standards counsel against the following except:

1. Relationships with students through a communication medium such as Facebook.
2. Dating a family member of a former student.
4. Using the position to recruit clients for a private practice.
School counselors may break student/counselor confidentiality in the following cases except:

1. When the student is a threat to others.
2. When preparing reports for the school administration.
3. When it falls within the parents’ legal and inherent rights to be the guiding voice of the child.
4. When providing need-to-know information that will aid in student’s success.
The Family Education Rights and Privacy Act (FERPA) specifies that:

1. Counseling records should not be transmitted electronically from school to school.

2. Parents have a voice in what information is shared with others concerning their child.

3. All counseling records are property of the school district.

4. All of the Above
The ASCA Ethical Standards for School Counselors recommend using caution when using assessment measures because of:

1. Confidentiality when using electronically based measures.
2. Performance of a population that is not the norm group on which the standardization is based.
3. Effects of the developmental age of the student in analyzing the results.
4. All of the above.
In the development of a school counseling program, the ASCA Ethical Standards for School Counselors advocate for all of the following except:

1. Ensure the values, beliefs, and cultural background of the majority of students are maintained.
2. Connect the school counseling program to the mission.
3. Develop a data-driven evaluation process.
4. Develop educational programs to meet students’ developmental needs.
When there is serious doubt about the ethical behavior of a colleague, what is the first step advocated by the ASCA Ethical Standards for School Counselors?

1. The school counselor should directly approach the colleague whose behavior is in question to discuss the complaint and seek resolution.

2. The school counselor should consult confidentially with a professional colleague to discuss the nature of the complaint to see if the colleague views the situation as an ethical violation.

3. The school counselor should inform the colleague’s supervisor: principal or counseling supervisor.

4. The school counselor should follow the guidelines for reporting incidents established by the school district.
The ASCA Ethical Standards recommend school counselors contribute to the profession by:

1. Sharing results and best practices.
2. Providing support and mentoring to novice professionals.
3. Actively participating in professional organizations.
4. All of the above.
The ASCA Ethical Standards specify that informing students of the limits of confidentiality may be difficult because:

1. You need to build a trusted rapport with the student before informing.
2. The developmental level of the student’s understanding.
3. Students’ general mistrust of authority figures.
4. All of the above.
The ASCA Ethical Standards recommend making referrals to other counseling professionals when:

1. The topics that need to be addressed are inappropriate for a school setting.

2. The counseling needs are beyond the capability of the individual school counselor.

3. The school counselor has a relationship with the student’s family that may impair the counselor’s objectivity.

4. All of the above.
The stated purpose of the ASCA Ethical Standards does not include:

1. Serve as a guide for the ethical practices of all professional school counselors, supervisors/directors of school counseling programs and counselor educators.

2. Provide professional school counselors and their supervisors the legal obligations and vulnerabilities inherent in a school counseling setting.

3. Provide self-appraisal and peer-evaluations regarding school counselors’ responsibilities to students, parents/guardians, colleagues and professional associates, schools, communities, and the school counseling profession.

4. Inform all stakeholders, including students, parents and guardians
Ethics defined:

- are agreed upon values, norms, customs and mores that have withstood the test of time (Fischer and Sorenson, 1996)
- result of values within a profession or organization and bind those who, by membership, ascribe to them
- provide a general framework for professional conduct (Stone, 2001)
- rarely provide black and white answers
Ethical standards are the ethical responsibility of school counselors.

Professional school counselors are advocates, leaders, collaborators and consultants who create opportunities for equity in access and success in educational opportunities by connecting their programs to the mission of schools and subscribing to the following tenets of professional responsibility:
Each person has the right to be respected, be treated with dignity and have access to a comprehensive school counseling program that advocates for and affirms all students from diverse populations including: ethnic/racial identity, age, economic status, abilities/disabilities, language, immigration status, sexual orientation, gender, gender identity/expression, family type, religious/spiritual identity and appearance.
Each person has the right to receive the information and support needed to move toward self-direction and self-development and affirmation within one’s group identities, with special care being given to students who have historically not received adequate educational services (e.g., students of color, living at a low socio-economic status, with disabilities and from non-dominant language backgrounds).
✓ Each person has the right to understand the full magnitude and meaning of his/her educational choices and how those choices will affect future opportunities.

✓ Each person has the right to privacy and thereby the right to expect the school-counselor/student relationship to comply with all laws, policies and ethical standards pertaining to confidentiality in the school setting.

✓ Each person has the right to feel safe in school environments that school counselors help create, free from abuse, bullying, neglect, harassment or other forms of violence.
The document specifies the principles of ethical behavior necessary to maintain the high standards of integrity, leadership and professionalism among its members.
Students...

A.1. Responsibilities to Students
A.2. Confidentiality
A.4. Dual Relationships
A.5. Appropriate Referrals
A.6. Group Work
A.7. Danger to Self or Others
A.8. Student Records
A.9. Evaluation, Assessment and Interpretation
A.10. Technology
A.11. Student Peer Support Program
Parents...

B.1. Parent Rights and Responsibilities
B.2. Parents/Guardians and Confidentiality
Colleagues/Professional Associates...

C.1. Professional Relationships

C.2. Sharing Information with Other Professionals

C.3. Collaborating and Educating Around the Role of the School Counselor
Schools, communities, families...

D.1. Responsibilities to the School
D.2. Responsibility to the Community
Self...

E.1. Professional Competence

E.2. Multicultural and Social Justice Advocacy and Leadership
Profession...

F.1. Professionalism

F.2. Contribution to the Profession

F.3 Supervision of School Counselor Candidates Pursuing Practicum and Internship Experiences

F.4 Collaboration and Education about School Counselors and School Counseling Programs with other Professionals
When there exists serious doubt as to the ethical behavior of a colleague(s)

When school counselors are forced to work in situations or abide by policies that do not reflect the ethics of the profession, the school counselor works responsibly through the correct channels to try and remedy the condition

When faced with any ethical dilemma school counselors, school counseling program directors/supervisors and school counselor educators use an ethical decision-making model
Ethical dilemma...

not a clear-cut breach of the law, but a muddy situation from which positive and negative consequences can result, depending on how the problem is handled (Stone, 2001).
Solutions to Ethical Problems in Schools...

- an ethical decision-making model
- developed by Dr. Carolyn Stone (2001)
- uses acronym of STEPS
The STEPS...

1. Define the problem emotionally and intellectually
2. Apply the “ASCA Ethical Standards” and the law
3. Consider the students’ chronological and developmental levels
4. Consider the setting, parental rights and minors’ rights
5. Apply the moral principles (Kitchener’s)
6. Determine your potential courses of action and consequences
7. Evaluate the selected action
8. Consult
9. Implement the course of action
Kitchener’s Five Moral Principles...

- **Beneficence**: continually seek ways to enhance opportunities for student success
- **Non-maleficence**: consider the impact of one’s action or lack of action to determine if potential harm will result
- **Loyalty**: remain steadfast in efforts to make systemic change for all students
- **Justice**: look at each individual’s unique needs and be able to justify treating students differently
- **Autonomy**: empower each and every child to become his or her own advocate
THE SCENARIO:

A school counselor was at a movie theater and saw a 12th-grade girl who attends her school coming out of the movies holding hands with one of the school’s teachers. How should she handle this situation? Does it warrant a report to child protective services? Should she tell the student’s parents? Should she just ignore it and pretend she did not see it?

This is the type of situation school counselors dread, responding to a teacher’s poor choices. This does require some action; the choices and consequences must be carefully considered. Leaping to assumptions might cause a knee-jerk reaction, but evaluating all the possibilities must be done.

Let’s try this one using STEPS...
1. **Define the problem emotionally and intellectually:**

How old is the student, and what is the age of majority? If state law is 18 for the age of majority and the senior student is that age, this is more likely to be viewed as an inappropriate act by a teacher, to which the school district might respond, rather than a sex crime. However, if the student is under the age of majority, then this situation could be a possible crime by a person “in position of trust.”

At minimum the teacher has made a poor personal and professional choice, even if the only thing that has happened is holding the student’s hand. If it has gone beyond just hand holding, no matter how old the student is, there is an issue of betrayal of trust by the teacher involved. In either case some type of response by the observer is mandatory.

Emotionally, students of any age are susceptible to educator’s ideas and suggestions. Therefore an ethical teacher should not take advantage of a vulnerable student.
2. **Apply the “ASCA Ethical Standards” and the law**

B.1.a: Respect the rights and responsibilities of parents/guardians for their children and endeavor to establish, as appropriate, a collaborative relationship with parents/guardians to facilitate students’ maximum development.

B.1.b: Adhere to laws, local guidelines and ethical standards of practice when assisting parents/guardians experiencing family difficulties interfering with the student’s effectiveness and welfare.

D.1.b. Inform appropriate officials, in accordance with school policy, of conditions that may be potentially disruptive or damaging to the school’s mission, personnel and property while honoring the confidentiality between the student and the school counselor.

Also take other state licensing board standards as well as state and federal laws into consideration.
3. Consider the students’ chronological and developmental levels

The student’s chronological and developmental levels will be a major factor in decision making. Is the student an adult or a minor based on state law? If the student is a minor, the response will be different than if she/he is legally considered an adult. However, you must also consider this student’s mental capabilities and emotional maturity regardless of chronological age.

4. Consider the setting, parental rights and minors’ rights

Decide who to inform regarding this situation. Parents’ rights are certainly important in this case; telling them before you report this to the department of human services may affect the investigation, as the parents may demand some type of recourse for their child. A professional school counselor must also consider the student’s rights and how to help this student in this difficult process. Talking to the student first, however, will also affect the investigation. Given this potentially volatile situation, it is important to alert a school administrator.
5. **Apply the moral principles (Kitchener’s)**

**Autonomy**: has been influenced by this teacher... minor or not, there is still a concern of manipulation to consider.

**Beneficence**: focus on protecting and promoting the good for the student in this case.

**Non-maleficence**: is doing harm. Will need to consult about the action that must be taken so that no further harm is done.

**Justice**: If student is considered an adult, the situation mandates a report to the administration. If the student is a minor, further reporting must be made. For justice to occur the most important decision may be the one you speak with first.

**Loyalty and fidelity**: Belongs to the student, not to the teacher, who has made a critical error in professional judgment.
6. Determine your potential courses of action and their consequences

Consider the pros and cons of each choice before making a final decision.

7. Evaluate the selected action

If student is a minor and requires a report to social services, don’t negatively affect the investigation by interviewing someone and possibly influencing it. Social services will want to complete their own interviews without any interference.

When preparing to notify the administrator, take into consideration the relationship between the administrator and the involved teacher. This relationship could influence an appropriate response to the situation. The administrator and teacher may have a personal friendship that might cause the administrator to minimize the situation.

Telling the parents about your observation prior to notifying social services most certainly will cause a reaction if the parents were unaware of the relationship. Notifying them prior to social services may in fact taint the investigation.
8. **Consult**

Consulting will be paramount in this precarious situation. Select professionals who have knowledge of the topic and the laws. You can also consult with social services with a hypothetical situation. However if the message from social services is clear that a possible crime has been committed, then you will need to file a report.

9. **Implement the course of action**

This case most likely will require some type of reporting. The student’s age is the key in your decision making. If this student is considered an adult having a consensual relationship with a teacher who is not being professional, you’ll need to notify an administrator. If this case involves a minor who is being exploited by a professional educator, reporting the incident to social service or the police is mandatory.

Be sure to document every consultation and how you made your decision!
The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal Law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

- gives parents certain rights with respect to their children's education records
- rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level
- have the right to inspect and review the student's education records maintained by the school (not required to provide copies of records unless they are impossible to review; schools may charge a fee for copies)
- have the right to request that a school correct records which they believe to be inaccurate or misleading (if school does not amend the record, the parent or eligible student then has the right to a formal hearing; after hearing, if school still decides not to amend, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information)
- schools must have written permission to release any information from a student's education record
FERPA allows schools to disclose records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- school officials with legitimate educational interest;
- other schools to which a student is transferring;
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid to a student;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- comply with a judicial order or lawfully issued subpoena;
- appropriate officials in cases of health and safety emergencies; and
- state and local authorities, within a juvenile justice system, pursuant to specific state law.
Schools may disclose, without consent, "directory" information:

- student's name
- address
- telephone number
- date and place of birth
- honors and awards
- dates of attendance

- must inform about directory information and allow reasonable amount of time to request that the school not disclose directory information about them;
- must give annual notification rights under FERPA (actual method at discretion of each school).
1. Act in best interest of student at all times, in good faith and in absence of malice.

2. Inform student of possible limitations of counseling relationship prior to beginning of relationship.

3. Increase awareness of personal values, attitudes and beliefs; refer when personal characteristics hinder effectiveness.
4. Actively attempt to understand diverse cultural background of student with whom you work, including your own cultural/ethnic/racial identity and its impact on your values and beliefs about the counseling process.

5. Function within boundaries of personal competence. Be aware of personal skill levels and limitations.

6. Be able to fully explain why you do what you do. A theoretical rationale should undergird counseling strategies and interventions.
7. Encourage family involvement, where possible, when working with minors in sensitive areas that might be controversial.

8. Follow written job descriptions. Be sure what you are doing is defined as an appropriate function in your work setting.

9. Read and adhere to the ethical standards of your profession. Keep copies of the ASCA Ethical Standards for School Counselors on hand, review them periodically and act accordingly.
10. Consult with other professionals (colleagues, supervisors, counselor educators, professional association ethics committee, etc.) Have a readily accessible support network of professionals.

11. Join appropriate professional associations. Read association publications and participate in professional development opportunities.

12. Stay up-to-date with laws and current court rulings, particularly those pertaining to counseling with minors.

13. Consult with a knowledgeable attorney, when necessary. In questionable cases, seek legal advice prior to initiating action.
Tips on being proactive...

~ Seek out a mentor (or two), someone who’s open to being asked questions on an ongoing basis. Keep a running list of questions as they surface and ask them...and continue to ask them!

~ Create healthy and positive relationships with everyone you can: students, staff, administrators, parents, local agencies, etc. If you invest the energy up front and have healthy relationships in place, you may have fewer challenges when ethical dilemmas do arise.

~ Get familiar with the neighborhood and community where your school is located. Ask your colleagues or supervisor what they believe is important for you to know as you work in your particular environment.
~ Get online and bookmark web pages that you’ll need later for reference. (Child Protective Services, Louisiana Counseling Association, Louisiana School Counselor Association, American School Counselor Association, LA State Legislature, LA State Department of Education.) They’re resources for you to draw on when an ethical dilemma presents itself to you.

~ Find out what curriculum and materials are available (anything related to school counseling) at your school or district office, or whether you’re expected to find or create your own. Find out what your colleagues use so you don’t have to create your own.

~ Find out exactly what your school or district expects of you in terms of documentation. If you know this ahead of time, you can save yourself problems later.
How to Adhere to Professional Ethics

Ethical Guidelines
✓ Most situations that can arise at work are not ethically complicated even if they can be ethically challenging.

(e.g., If a counselor finds himself romantically attracted to a client, he might feel tempted to violate professional ethics. This isn't an ethical dilemma, because the ethical guidelines of the profession strictly forbid such action. All he has to do to adhere to professional ethics in this case is to follow the established guidelines. Ethical problems only arise when two legitimate ethical duties contradict each other.)

Ethical Problems
✓ When two ethical duties conflict with each other, a professional must choose the least harmful course of action.

(e.g., School counselors are ethically obligated to inform parents and get their consent before establishing a professional counseling relationship with their minor child. However, if the counselor has reason to believe the student is a danger to himself or others, the counselor can intervene and begin counseling the student without getting parental consent first. A well written code of professional ethics will provide guidelines for most such situations.)
Ethical Reasoning

Some situations are so complex that even the most thorough set of professional guidelines cannot provide a clear answer to the dilemma. In these rare situations, three things to make the best decision under those circumstances are:

✓ Come up with a course of action that will satisfy both conflicting ethical duties to the greatest extent possible.
✓ Try to fulfill one duty first, then the other.
✓ If neither option is practical, decide which duty carries greater moral weight. Will be a personal and subjective decision, but upon reflection it should become clear which moral duty has priority.
How to Improve Professional Ethics

Develop Improved Codes of Ethics

✓ Effective means of improving professional ethical behavior (Lere and Gaumnitz, St. Cloud State University).

✓ Position specific, use real-world examples and avoid truisms like "be honest" result in greater adherence to the standards by employees.

✓ Clearly stated, easy to understand, appropriate level of detail. (Avoid excessively long ones.)

Emphasizing Ethics

✓ Make ethical behavior a core part of the profession.

✓ Must be done at all levels to inculcate ethical behavior.

✓ Require structured, collaborative decision-making.
Ethics Training Sessions

- Can be improved by employee training focused on making ethical decisions in practice.
- Should be as specific and focused as possible.
- Should be developed working closely with professional peers, resource professionals, or ethics consultants.
- A series over several months is likely to lead to the best results.

More Severe Consequences

- Consequences for violations encourage consistent ethical behavior.
- Effective codes of ethics include consequences: exclusion from a professional society, dismissal from a job, high probability that ethical violators will be caught.
- Can be accomplished by implementing robust complaint-based and audit-based enforcement systems.
Keep these in mind:

~ Assume nothing. Verify everything before you take action (exception: CPS referrals because they do investigation). Time and energy can be saved if you double check what you’ve been told.

~ Check for written policies and procedures on the issue at hand and with a colleague or your supervisor to see how similar issues are usually handled. Know your chain of command and follow those procedures.
~ If you need more information, search for online resources and contact local agencies who may be able to help. Whatever issue you are facing has almost certainly been faced before and someone has created materials or steps to address it.

~ Be precise and thorough with documentation (especially ones that involve alleged abuse, pregnancy or other sexual issues, alcohol or drugs, custody, potential for school violence, harm or potential harm to self or others, or any situation where a parent is particularly angry or volatile).
~ Document times and dates of all conversations and recommendations you made. Keep documentation neutral, but specific. (e.g., Write, “The student said, ‘I don’t ever want to spend the night at my dad’s house again,’” instead of, “The student doesn’t want to live with his raging, abusive father.”)

~ Don’t show your documentation to anyone. Even in court, you can read from your documentation instead of showing it to another person. Typically, once two people have seen any written documentation, it becomes public record and can be accessed by anyone. Follow your school’s guidelines, but keep this in mind.

~ If you don’t know what to do in a situation, talk with your mentors, colleagues, supervisors, and/or administrators before taking any action. Ask questions and keep asking them.
Applying ethical theories and decision-making is challenging.

Background of knowledge and understanding is essential to prevent struggles in making sound decisions when helping students and their families.

Ethical dilemmas differ but decision making based on ethical theories and models can provide a useful means for solving them.

When a dilemma occurs, hold on to your rope...ask for help!
Resources

Demand Media. Browne, Thompson, Tucker.
Hansen, Susan. School-Counseling-Zone.com
NetCE, Vol. 139, No. 16
“Solutions to Ethical Problems in Schools”. Williams, Dr. Rhonda, 2007
Round Table Group Work: Hour Two

The Procedure:

- Each table will be given ethical dilemma scenarios.
- A table leader and recording secretary will be selected by members at table.
- Leader will present scenario to group for discussion.
- Group will discuss scenario and resolve using STEPS.
- Recording secretary will take notes and write consensus.
- Leader will read scenarios to entire audience and present solution to scenario as discussed by group.
The procedure:

- Audience members who wish to share an ethical dilemma will stand when asked.
- Member will state name, place of employment, years of experience, and dilemma to be presented.
- Panel members will discuss dilemma and attempt to provide a viable solution. If another audience member has a question or wishes to add to the discussion, you must identify yourself as in bullet #2.

**DISCLAIMER:** Our panel members are not ethics experts. We are professional school counselors, like yourselves, who have expressed a professional interest in the topic and wish to share our experiences and thoughts with you. What we will say is not to be written in stone; they are our best responses based on ethical guidelines that we follow.