

**An Ethics Challenge for School Counselors**

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### **Abstract**

Ethical issues arise more often for school counselors than for those who work in other settings (Remley, 2002). The challenge of working not only with minors but also with other stakeholders including parents, teachers, school administrators, and community members sets the stage for potential legal and ethical dilemmas. Awareness and adherence to ethical codes, therefore, is critical if school counselors are to make appropriate, ethical decisions (Bodenhorn, 2006; Capuzzi, 2002; Glosoff & Pate, 2002). This article enhances school counselors' knowledge of ethical codes by using actual cases as submitted by school counselors. The issues are presented in a quiz format to further discussion and relate each scenario to particular ethical codes.

## An Ethics Challenge for School Counselors

A review of the literature indicates several common ethical challenges faced by school counselors. Bodenhorn (2006) conducted a survey of school counselors and indicated major ethical concerns as those related to handling student confidentiality, parental rights, and acting on information regarding student danger to self or others. Other researchers list not only the aforementioned issues as the most challenging but also include issues related to dealing with a colleague's ethical breach, appropriately collaborating with educational associates, and sharing information with family members and school personnel (Capuzzi, 2002; Froeschle, 2006; Glosoff & Pate, 2002; Huss & Mulet, 2008; Lazovsky, 2008; Moyer & Sullivan, 2008; White Kress, Costin, & Drouhard, 2006; Wilczenski & Coomey, 2006). Stone (2005) describes potential ethical challenges faced by school counselors as related to privacy rights, status, and developmental levels of minors, values of school stakeholders, trust and confidentiality, issues related to informed consent, time constraints and number of students counseled.

### **Current Trends**

Solutions to the aforementioned problems have been suggested in the literature. For example, Froeschle and Moyer (2004) suggest explaining the limits of student confidentiality at the beginning of each counseling session. Further, these authors contend that parent/counselor discussions regarding the importance of student confidentiality occur such that trust is facilitated between stakeholders. For example, discussions facilitate understanding as to the importance of confidentiality within the counseling process and relationship. At the same time, parents are assured that crucial

information will be revealed. As such, a balance may occur between student confidentiality and parental rights.

When acting on information regarding student danger to self, the aforementioned strategy ensures parents are informed with necessary information, students are informed about possible breach of confidentiality in advance, and as much confidentiality as possible is maintained. It has been contended that students who indicate self harm be given choices as to how disclosure occurs. For example, students might call parents in the presence of the counselor, a student/parent/counselor meeting may be held, or the student may choose to have the counselor call parents on their behalf. Previous informed consent and the opportunity to make such choices may make the disclosure less traumatic for the self harming student as well as for those suffering harm via abuse (Froeschle & Moyer, 2004).

The *American School Counseling Association Code of Ethics* (2004) specifically states that imminent harm be considered as an exception to confidentiality. Further, all states require some form of reporting when a counselor suspects child abuse (Remley & Herlihy, 2007). As a result, it has been suggested that counselors suspecting abuse consider the welfare of students first and report despite concerns about violating student/counselor trust (Henderson, 2007; Remley & Herlihy, 2007).

The literature describes several additional strategies to prevent misunderstandings and manage ethical dilemmas. For example, publishing information and conducting staff trainings on informed consent, student confidentiality, and counseling services can be helpful for both parents and school faculty (Glosoff & Pate, 2002). Further, visiting classrooms and educating students about confidentiality and

counseling programs can proactively prevent future problems (Remley & Herlihy, 2007). Finally, the literature touts the use of decision making models as well as the importance of consultation with other professionals when managing ethical issues (Cottone, Tarvydas & Claus, 2007; Froeschle & Moyer, 2004; Remley & Herlihy, 2007).

Consulting with other stakeholders can be an invaluable tool in managing ethical dilemmas and serving the needs of students. While much is gained through these interactions, it is important to disclose private student or family information only on a need to know basis (Henderson, 2007). Disclosures should also take into consideration school personnel privacy rights. Again, it is crucial to reveal only necessary information as based on the best interest of the student or in consideration of legal constraints. School counselors should never disclose information to have their own needs met (Remley & Herlihy, 2007).

The school counselor's primary obligation is to the student (Froeschle & Moyer, 2004; Henderson, 2007; Remley & Herlihy, 2007). This includes advocating for students, defining the role of the counselor, and adjusting work assignments so student needs are met. Regular meetings between school counselors and school principals have been touted as effective catalysts toward redirecting assignments that are counterproductive to student needs (Froeschle & Nix, 2009).

It seems apparent that school counselors need viable methods to educate themselves about ethical conduct as well as to educate other stakeholders. Realistic scenarios are often difficult to encounter and might assist in the aforementioned tasks. This article was written to aid school counselors as they seek solutions to ethical

dilemmas as well as to provide a nonthreatening format in which to enlighten principals and parents about appropriate responses.

### **Description of Ethical Scenarios**

The following ethical issues described in this article were submitted anonymously by school counselors practicing in the panhandle of Texas. These cases were not solicited; rather, counselors sent them to counselor educators at a local university so they might receive consultation. Permission was given from each contributor to use the cases in this article provided confidentiality and anonymity were maintained. As such, the issues discussed are realistic dilemmas actually faced by school counselors.

This article utilizes the *American Counseling Association (ACA) Code of Ethics* (2005) and *American School Counselors' Association (ASCA) Ethical Standards for School Counselors* (2004) to arrive at answers in the ensuing discussions. While conclusive answers follow scenarios in the following cases, the quiz was written to offer an opportunity to evaluate knowledge of current ACA and ASCA codes of ethics and facilitate discussions concerning other appropriate alternatives. Answers are provided to help school counselors take a proactive rather than reactive stance when similar events occur (Calley, 2009). Nonetheless, school counselors are encouraged to consult state statutes, school board policies, and professional colleagues before accepting answers as conclusive.

### **Ethics Quiz for School Counselors**

The following scenarios actually occurred in the school setting (as submitted by school counselors) and are therefore, realistic events. Each case intends to acquaint school counselors with situations faced by peers while assisting in the evaluation of

personal knowledge of codes of ethics. Read each case below and determine the appropriate ethical/legal decision. Which ethical codes support your decision? Answers and a discussion for each case follow.

- 1) The school counselor has been asked by the principal to assist with a classroom lesson. Having agreed to assist, the counselor, principal, and teacher are concurrently in a classroom teaching a reading lesson to 30 students. Another teacher (employed in the same building) arrives outside the aforementioned classroom door. The principal and counselor go to the door in order to visit privately with the apparently distressed teacher. The teacher states, "The nurse says a student is in her office. She says he is very distraught and has cut himself intentionally. The nurse says she needs the school counselor to talk to this student right away." The principal responds, "The counselor is busy right now. We will be done here in an hour." What is the ethical response of this school counselor?

The school counselor might first consider, "Who is my client and therefore, my priority?" The ASCA *Ethical Standards for School Counselors* (2004) states that the professional school counselor:

- A1a. Has a primary obligation to the student, who is to be treated with respect as a unique individual.
- d. Delineates and promotes the counselor's role and function in meeting the needs of those served. Counselors will notify appropriate officials of conditions that may limit or curtail their effectiveness in providing programs and services.

The ACA Code of Ethics (2005) states:

A.1.a. The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

Consequently, the school counselor ideally will first serve the needs of the student. While it may be uncomfortable to disagree with the principal's initial statement, the ethical school counselor must find a way to place the student's needs first.

A few suggestions that may aid school counselors as they attempt to professionally overcome this obstacle are in order. First, the school counselor might reiterate the urgent nature of the request and say to the principal, "I know as a student centered principal, you would want this student to be cared for right away." Next, the school counselor might suggest that another teacher (the one at the door, perhaps?) help in the classroom while the school counselor assists the student. Froeschle and Nix (2009) explain methods for establishing counselor/principal relationships and offer specific strategies and discussions aimed at improving guidance programs. For example, complimenting and asking principals for advice can be followed by a discussion on counselor roles. Counselor/principal meetings that occur at the beginning of the school year can set the stage for later discussions such as the one described above.

- 2) The school counselor has been assigned to coordinate the TAKS test. The afternoon prior to the test, the assistant principal comes in and says to the school counselor, "A child has attempted to kill himself in the bathroom. I know you are very busy and since you are the only person who knows how to handle the TAKS

test, I (assistant principal) will talk to the child." What is the ethical decision for this school counselor?

Once again, the school counselor will ideally place the needs of the student first. The school counselor in this scenario could leave the testing duties immediately and assist this student. In addition to the codes of ethics listed above in the preceding case, the *American School Counseling Association's National Model* (2005) describes test coordination as an inappropriate duty for school counselors. Perhaps the assistant principal could take over testing duties while the school counselor helps this suicidal student.

- 3) A child walks into the school counselor's office and says, "I want to call CPS because my father says my mother is abusing me." His parents are in the middle of a divorce. He pulls a note out of his pocket that says (in his father's handwriting), "Number to call" along with the hotline number for reporting abuse. What is the ethical decision for this school counselor? Is it possible the child is being abused? Yes. Will harm come to the child by allowing him to call? It is doubtful. The *ASCA Ethical Standards for School Counselors* (2004) states that the professional school counselor:

B1b. Adheres to laws, local guidelines and ethical standards of practice when assisting parents/guardians experiencing family difficulties that interfere with the student's effectiveness and welfare.

The school counselor might call the abuse hotline, explain the situation factually, and follow the instructions of the case agent. The case agent may ask to speak to the child as first hand information is often especially valuable.

4) A child is cutting himself regularly. The school counselor has spoken with his parents for several weeks and has explained the severity of this child's problem. The child desperately needs help from a mental health professional. The parents refuse to take him for treatment and say they just want him to continue seeing the school counselor. What should this school counselor do?

In this situation, the student probably needs more help than the school counselor can offer. The *ASCA National Model* (2005) stresses the importance of working with all students. Time constraints faced by school counselors may not allow concentration on such in depth issues without neglecting the needs of other students. In addition, most school counselors are not specifically trained to work with those who self-injure. Per the *ASCA Ethical Standards for School Counselors* (2004):

E1a. The professional school counselor functions within the boundaries of individual professional competence and accepts responsibility for the consequences of his/her actions.

The *ACA Code of Ethics* (2005) states:

A.11.b. If counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships.

Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors should discontinue the relationship.

C.2.a. Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and

national professional credentials, and appropriate professional experience.

Counselors gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population.

The Child Welfare Information Gateway (2007) states that child abuse be considered if “the child has not received help for physical or mental problems brought to the parent’s attention” (p.1). Therefore, if the parents continue to refuse to take their child for treatment, the school counselor may be justified in reporting abuse.

- 5) A few teachers approach the school counselor and say, “We would really benefit from stress management techniques. Will you do it for us since you are a counselor?” The school counselor and this particular group of teachers work collaboratively within the same school. What should the school counselor do?

While stress management sessions appear harmless on the surface, the nature of any counseling relationship with educational associates may create unforeseen problems when working with students and parents. As a result, counseling educational associates is expressly forbidden. The *ASCA Ethical Standards for School Counselors* (2004) states that the school counselor:

- b. Avoids dual relationships with school personnel that might infringe on the integrity of the counselor/student relationship.

The ethical school counselor might, therefore, refer these teachers to another licensed counselor or collaborate with another licensed community counselor who conducts these sessions at school. The school counselor collaborates with but does not counsel educational associates (Gysbers &

Henderson, 2001). The school counselor could, however, teach stress management strategies for students within each teacher's classroom.

- 6) Just as the school counselor is preparing to leave her office for the day, a female student comes to the counseling office and says (to the school counselor), "I need to talk to you." The student starts crying and says, "My mother has been hitting me. I'm scared to go home because she was mad this morning when I left. I'm going to be late because I'm in here with you and that will make her even angrier." The student shows the school counselor severe bruising and injuries on her shoulders. The school counselor calls the state abuse hotline and is told, "We will send someone to the girl's house in the next couple of days. We don't have an available case worker until that time." The school counselor is afraid the student will be severely injured before a social worker is available to make a home visit and follow up on the report. What is the ethical decision for this school counselor?

The first consideration of the ethical school counselor is the safety and well-being of this student. The *ASCA Ethical Standards for School Counselors* (2004) states that the professional school counselor:

- A1a. Has a primary obligation to the student, who is to be treated with respect as a unique individual.
- d. Delineates and promotes the counselor's role and function in meeting the needs of those served. Counselors will notify appropriate officials of conditions that may limit or curtail their effectiveness in providing programs and services.

The ACA Code of Ethics (2005) states:

A.1.a. The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

The ethical school counselor, therefore, will probably call 911 if they believe this to be an emergency where the child will suffer imminent harm. While many counselors may show reluctance in reporting for fear of betrayal of trust, the welfare of clients is an important consideration both ethically and legally. Further, counselors are legally mandated to report cases of suspected child abuse and neglect in all 50 states (Cottone & Tarvydas, 2007; Remley & Herlihy, 2007).

- 7) A parent of an “emotionally disturbed” special education child (label given by the school district) walks into the school counselor’s office and says, “I want to show you something.” The parent places a piece of paper in front of the school counselor with these words highlighted, “Chances are (name of child) will never be successful in school.” You notice the piece of paper is a page taken from a psychological report prepared by an outside evaluator. The parent says to the school counselor, “I trust you and would never show this to anyone else in the building. I want you to see it because you are the person who always makes sure my child is given a fair opportunity. Please don’t share it with anyone else.” Later, during an annual review meeting for special education, the same report (as shared previously with the school counselor) is passed around the table. This time, however, the words seen previously by the school counselor are marked

out and therefore, not legible. The principal says, "It would help if we knew what that says." Should the school counselor tell?

Delineating boundaries between parental rights, student confidentiality, and a teacher's need to know can be difficult (Isaacs & Stone, 1999). Nonetheless, the ethical school counselor might consider the benefits/consequences of disclosure on the student. For example, is it helpful to the student for teachers to see this information? Is this information needed to help the student succeed? In this case, disclosing the information might not be helpful. In fact, this knowledge may make some teachers less motivated to work with the student. Finally, the parent has expressly told you this is not to be revealed. The *ASCA Ethical Standards for School Counselors* (2004) delineates several ethical codes related to this case. For example:

A2b. The professional school counselor keeps information confidential unless disclosure is required to prevent clear and imminent danger to the student or others or when legal requirements demand that confidential information be revealed. Counselors will consult with appropriate professionals when in doubt as to the validity of an exception.

A8b. The professional school counselor keeps sole-possession records separate from students' educational records in keeping with state laws.

C2a. The professional school counselor promotes awareness and adherence to appropriate guidelines regarding confidentiality, the distinction between public and private information and staff consultation.

b. The professional school counselor provides professional personnel with accurate, objective, concise and meaningful data necessary to adequately evaluate, counsel and assist the student.

B2d. The professional school counselor makes reasonable efforts to honor the wishes of parents/guardians concerning information regarding the student, and in cases of divorce or separation exercises a good-faith effort to keep both parents informed with regard to critical information with the exception of a court order.

The *ACA Code of Ethics* (2005) states:

B.1.c. Counselors do not share confidential information without client consent or without sound legal or ethical justification.

Glosoff and Pate (2002) tout the importance of maintaining student confidentiality when dealing with school personnel unless the information is essential or if the student and parent have given permission for disclosure. For this reason, the best course of action is probably silence. The principal can ask the parent to clarify the information or request a release for records from the professional who submitted the original form. In this way, the parent decides who receives the information rather than the school counselor.

- 8) A school counselor is asked by a counseling colleague employed and certified in another state if he will counsel one of his students (also residing in another state from the requested counselor) online. This out of state school counselor knows the requested school counselor has researched a particular issue and has the

type of expertise needed by this student. Should the school counselor assist this out of state student?

A few questions the ethical school counselor might ask are, "Does this out of state student have a counselor they can talk to?" In this case, the answer is yes. In other words, this student will not be abandoned or suffer a lack of assistance if the out of state counselor is unavailable. Another major question then becomes, "Is the school counselor licensed/certified to counsel a student from outside his or her state?" A few codes one might consider when making an ethical decision in this case are listed below.

The ACA *Code of Ethics* (2005) states:

A.12.e. Counselors ensure that the use of technology does not violate the laws of any local, state, national, or international entity and observe all relevant statutes.

The ethical school counselor understands that each state has separate certification and licensure rules. Therefore, unless the school counselor is licensed and/or certified in both states, the student might be referred to a competent professional licensed in his or her own state.

This quiz was designed to assist school counselors such that a potentially intangible concept, ethics, might be examined in a concrete explicit manner. It is hoped this examination aids school counselors in the creation of proactive future plans when faced with ethical situations. Discussions involving these and similar scenarios might be appropriate in counseling meetings, in school counseling courses, and may be examples for those facing difficult issues. Since all scenarios are actual cases, many in

the field may be facing similar issues and may use this quiz as an educational tool when determining an ethical course of action. While answers are conclusive in this quiz, school policies, specific state laws, and consultation with other professionals is advised before accepting answers as indisputable. Because no written quiz can offer indisputable answers, additional strategies are needed to overcome difficult ethical dilemmas. As a result, a few additional strategies follow to further aid school counselors facing difficult ethical issues.

### **Ethical Strategies for School Counselors**

Planning in advance can often alleviate future ethical problems. The strategies in Table 1 are intended to assist school counselors so that ethical dilemmas and legal difficulties are avoided or kept to a minimum.

**Table 1**  
*Ethical Strategies for School Counselors*

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1. Act in the best interests of the students at all times. Act in good faith and in the absence of malice (Froeschle & Moyer, 2004; Henderson, 2007).
  2. Inform student clients of possible limitations on the counseling relationship prior to the beginning of the relationship (Froeschle & Moyer, 2004; Moyer & Sullivan, 2008).
  3. Increase awareness of personal values, attitudes and beliefs; refer when personal characteristics hinder effectiveness (Henderson, 2007).
  4. Actively attempt to understand the diverse cultural backgrounds of the clients with whom you work, including your own cultural/ethnic/racial identity and its impact on your values and beliefs about the counseling process (Henderson, 2007).
  5. Function within the boundaries of personal competence. Be aware of personal skill levels and limitations (Froeschle & Moyer, 2004; Glosoff & Pate, 2002; Moyer & Sullivan, 2008).
  6. Be able to fully explain personal actions. A theoretical rationale should undergird counseling strategies and interventions. This rationale may be devised via a decision making model (Cottone & Taryydas, 2007; Cottone, Taryydas & Claus, 2007; Henderson, 2007).
  7. Encourage family involvement, where possible, when working with minors in sensitive areas that might be controversial (Henderson, 2007).
  8. Follow written job descriptions and school policies. Be sure what you are doing is defined as an appropriate function in your work setting (Henderson, 2007).

9. Read and adhere to the ethical standards of your profession. Keep copies of the ASCA *Ethical Standards for School Counselors* (2004) and ACA *Ethical Codes* (2005) on hand. Review them periodically and act accordingly (Henderson, 2007).
  10. Consult with other professionals (colleagues, supervisors, counselor educators, professional association ethics committee, etc.) Have a readily accessible support network of professionals (Froeschle & Moyer, 2004; Glosoff & Pate, 2002, Lambie, 2005).
  11. Join appropriate professional associations. Read association publications and participate in professional development opportunities (Henderson, 2007).
  12. Stay up-to-date with laws and current court rulings, particularly those pertaining to counseling with minors (Froeschle & Moyer, 2004).
  13. Clarify that consultation is on behalf of students and that only the students (not educational associates) are clients (Glosoff & Pate, 2002).
  14. Consult with a knowledgeable attorney, when necessary. In questionable cases, seek legal advice prior to initiating action (Remly & Herlihy, 2007).
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*Note.* The authors wish to acknowledge the work of Huey, W. C. (1986) and wish to thank him for allowing the use of his strategies in this article.

Each of the aforementioned strategies will aid school counselors as they face ethical issues. While these strategies are a good resource, they are not a substitute for a thorough knowledge of the codes of ethics, school policies, and state laws. School counselors must work to understand the intention behind codes of ethics so they are prepared to face unforeseen challenges. For this reason, school counselors are encouraged to review codes of ethics as they read and discuss both the strategies listed above as well as the aforementioned quiz. Several additional implications and uses for the quiz follow.

### **Implications**

School counselors have ethical responsibilities to self, parents, the profession, the school, colleagues and professional associates, and the community (Henderson, 2007). Difficult issues such as confidentiality, parent rights, legal issues, and consultation make knowledge of codes of ethics imperative. The aforementioned quiz was written to educate school counselors in training as well as those established in the

field. School counselors facing ethical dilemmas might consult with supervisors or others in the field using the quiz as a discussion guide. School counseling meetings might center on ethical discussions and how this quiz may or may not violate school policies or specific state laws.

Further, school counselors might discuss scenarios in the quiz with administrators or parents. Perhaps the quiz can serve as a catalyst for educating principals or even parents about appropriate or inappropriate methods of response. It may be easier to approach a principal or parents who insist on placing a school counselor in ethical dilemmas via reading material such as this. Finally, the quiz might aid counselor educators. The quiz allows school counseling class discussions to center around realistic scenarios. In short, the quiz can be an educational tool for school counselors and other stakeholders such that all stakeholders become active participants in ethical decision making.

### **Conclusion**

School counselors are part of an educational community. As such, they are exposed to ethical issues on a daily basis. This means consulting with teachers, administrators, and parents while serving the needs of students. Studying and understanding ethical codes can assist school counselors in attaining a proactive stance when faced with challenges. The quiz, discussion, and aforementioned strategies in this article may be beneficial to school counselors as they become proficient in handling difficult student issues. It is hoped the quiz and strategies become a catalyst for deeper discussions of ethical issues and aid in ethical knowledge and clarity for school counselors during counseling meetings and supervision sessions. In addition, the quiz

may enlighten school principals and other stakeholders in the school setting about appropriate ethical responses. Finally, the quiz can aid counselor educators as they strive to deepen ethical discussions in school counseling courses. These discussions might include current codes of ethics that outline the responsibilities of school counselors within the confines of the profession and school setting.

Counselors must have knowledge of codes of ethics as well as local, state, and federal laws; school policies; seek consultation; and stay informed of changes in order to make ethical decisions. Being fully informed helps school counselors be prepared in situations that demand careful judgment and protect the welfare of the children within the school. This quiz and the strategies mentioned previously can be a useful tool in achieving this goal.

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