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When Values Blur the Lines: Navigating an Ethical Dilemma in School Counseling

Abstract

School counselors regularly face ethical dilemmas that surround child protection and the navigation of home and school communication. Many of these issues are impacted by the school counselors' abilities to acknowledge their own personal values while balancing ethical obligations and administrative boundaries. The following case highlights an untenured school counselor's inner thought processes as she manages an ethical dilemma involving allegations of child abuse. This article discusses ethical decision-making and recommends advocacy for further discussion in counselor preparation programs around clinical supervision and consultation.

Keywords

School Counseling, Ethics

Author's Notes

Portions of this manuscript were developed for another project under the guidance of Dr. Dana Heller Levitt, Associate Professor and Graduate Program Coordinator at Montclair State University and Dr. Holly J. Hartwig Moorhead, Licensed Counselor and Assistant Professor at Regent University. Thank you to both professors for their editorial assistance. Correspondence concerning this article should be sent to Sarah I. Springer at sspringe@monmouth.edu

School counselors are trained to be on the front lines of assessment and prevention efforts that enhance the lives of students within the school community. Their work with students, staff, and stakeholders encourages opportunities for strong home, school, and community partnerships. Personal values may influence the emotional lens through which counselors initially define a particular problem. Clinical supervision is therefore important in helping counselors to further identify and process these values and personal triggers (Bernard & Goodyear, 2009). Unfortunately, research suggests that clinical supervision in the schools is continually lacking (Agnew, Vaught, Getz, & Fortune, 2000; Dollarhide & Miller, 2006; Lambie & Williamson, 2004; Luke & Bernard, 2006; Perera-Diltz & Mason, 2012). This may have many consequences, including compromising the welfare of students through poor, autonomous decision-making. Because it is important for school counselors to adhere to the American Counseling Association (ACA) *Code of Ethics* (2014) and the American School Counselor Association's (ASCA) *Ethical Standards for School Counselors* (2010), clinical supervision and consultation represent ways to support accountability for ethical practice.

School counselors are in unique positions to help bridge the gap between the home and school environment, as well as the community of teachers and administration. This requires open and continued dialogue among these specific stakeholders. In many cases, school counselors must learn to navigate these relationships as the only school counselor in the building (Page, Pietrzak, & Sutton, 2001). Consequently, when faced with ethical dilemmas, decision-making becomes more challenging without access to regular clinical supervision and consultation.

Research continues to suggest the need to advocate for ways to support school counselors in gaining access to peer support and supervision (Perera-Diltz & Mason, 2012). The following case represents a school counselor's decision-making process in response to an ethical dilemma

involving allegations of child abuse. Sections reflect the background of the situation, the school counselor's response to the various facets of the situation, discussion of ethical responsibilities, and reflective analysis. School counselor preparation and supervision recommendations follow.

Case Study Background

Mrs. Kast—a White, middle class, second-year, untenured elementary school counselor in a school comprised of students from an upper-middle class suburban community—faced an ethical dilemma as she struggled to define and advocate for her role in the school setting. Much of this struggle reflected the distinct culture evident in the elementary school. The building principal and many teachers worked there for over twenty years, and much of that time was without a school counselor. As Mrs. Kast was hired, the job description for the elementary school counselor position was not solidified. Moreover, personnel did not engage in shared decision-making and lacked a clear understanding of the role of professional school counselors. As Mrs. Kast faced challenging decisions, she became charged with independently differentiating between decisions she should make autonomously and those that required principal approval. The following case demonstrates Mrs. Kast's struggle with the dilemma to assert her professional role as a school counselor and her ethical obligations at the expense of a potential confidentiality breach and/or a potential insubordination claim.

The Case

During Mrs. Kast's second year, a nine-year-old student, Jane Smith, was referred to the counseling office because of declining grades, a sullen affect, detached from peers. Jane shared her fears about her father's temper to Mrs. Kast, especially when he was not taking his medication. Mrs. Kast's attempts to clarify these specific behaviors and the father's medical condition were futile, as Jane was limited in her ability to express herself. However, Jane was

able to describe situations when she and her siblings would hide from their father until he was able to return to “normal.” Jane further mentioned how she would daydream in class instead of participating in discussion. During this conversation, Mrs. Kast wondered if Jane might be struggling with undiagnosed learning or emotional difficulties and planned to discuss her progress in school with both the classroom teacher and her mother later that week. Additionally, Mrs. Kast was concerned about Jane’s inability to provide clear details regarding her father’s behavior and home life. She was concerned about safety but recognized inconsistencies in Jane’s story. Mrs. Kast felt conflicted in making a rash decision that could have significant negative consequences for the home/school relationship, but she knew of her legal and ethical obligation to contact protective services if Jane was not safe.

This uncertainty prompted Mrs. Kast to invite Jane’s mother, Mrs. Smith, to her office for a meeting to discuss concerns about Jane’s classroom behavior and disclosures about her father. Mrs. Smith, a white, upper-middle class woman in her 40s, arrived for their meeting with a pleasant and welcoming disposition. Mrs. Smith expressed gratitude to Mrs. Kast for reaching out to Jane and encouraged her continued support of Jane’s academic and social development. However, as the conversation progressed, Mrs. Smith began to express sadness and clarified her daughter’s disclosures about Mr. Smith. Mrs. Smith tearfully shared incidents of spousal abuse and personal fears for her children’s safety when they were solely in the care of her husband. Mrs. Smith clarified her husband’s medical condition and discussed details about his behaviors that would occur when he was not consistently taking medications and when his sleeping habits were inconsistent. Mrs. Smith reported instances when she barricaded their bedroom door so her husband would not be able to reach the children. Mrs. Kast was equally sad and angry that Mrs. Smith continued to stay in a relationship that compromised their family’s

safety. Mrs. Kast's own values were influencing how she heard the conversation. Ethically, she knew of her need to process her feelings to ensure that they did not interfere with her decision-making.

Following Mrs. Smith's disclosures, Mrs. Kast agreed to continue working with Jane on a short-term basis and discussed her role in the school setting (ASCA, 2010). After expressing concern for Mrs. Smith and her children's safety, Mrs. Kast provided referrals to counseling resources that would support Mrs. Smith as well as her children on a longer term basis (ASCA, 2010). Mrs. Smith took the referrals, but from Mrs. Kast's perspective, she continued to make excuses for why she may not use them. Mrs. Kast thanked Mrs. Smith for coming in and requested to touch base the next day.

Ethical Dilemma

Immediately following Mrs. Smith's departure, Mrs. Kast reflected on their conversation and continued to realize the multiple issues that would need further attention. She realized she was concerning herself less with what she could and/or should do to immediately protect Jane (e.g., filing a report with Child Protective Services). Mrs. Kast felt that providing additional resources could put this responsibility in the hands of a more experienced counselor who could provide follow-up support for the family. In this time of reflection, Mrs. Kast felt guilty because she recognized a struggle between her personal values and her ethical and legal responsibilities.

Mrs. Kast also struggled with articulating her range of responsibilities (e.g., short term counseling, counseling referrals) with families and staff, especially considering their limited knowledge of the breadth of school counseling services. It was important to her that families felt supported, but students needing referrals to outpatient counseling can be stigmatized by others who find out about their needs . On occasion, Mrs. Kast found this unfair stigma drove a wedge

in the parent/counselor relationship and negatively affected their ability to effectively communicate. Given Mrs. Smith's perceived defensiveness about counseling referrals, Mrs. Kast decided not to discuss Child Protective Services as another resource. Mrs. Kast also never contacted Child Protective Services and felt unsure of how to explain the process to Mrs. Smith in a way that would be productive. Without access to clinical supervision, Mrs. Kast felt uncomfortable and helpless in supporting this family. Her fear of the potential consequences associated with contacting Child Protective Services (e.g. removal of children) and desire to remain in good standing with families and stakeholders complicated her dilemma.

Ethical Decision-Making

Mrs. Kast understood her legal and ethical duties as a mandated reporter of suspected child abuse, however she questioned her instincts. She wanted to consult with another trained professional before making such an important and far-reaching decision that would have implications for the family (ACA, 2014; ASCA, 2010). Mrs. Kast was also concerned about mentioning her desire to contact Child Protective Services to her building principal. Unfortunately, she was the only school counselor in the building and neither of the two other district school counselors, nor the director of counseling services could be reached. . All of these considerations amplified her desire to consult with a colleague who was respected by the principal. Mrs. Kast decided to confidentially consult with the school psychologist because she had the principal's respect and Mrs. Kast believed the consultation minimized the chance the principal would react to her independently making this important decision.

The school psychologist expressed concern for the safety of both Mrs. Smith and her children and encouraged Mrs. Kast to redirect her consultation to the principal, as this had been past practice. Mrs. Kast worried the principal would not trust her; the principal's authoritarian

leadership style made the anticipation of this conversation very intimidating for Mrs. Kast. These interpersonal and relationship dynamics ironically paralleled Mrs. Smith's presenting issues: both were worried, intimidated, and reluctant to engage in raising sensitive issues with important and influential people.

With trepidation, Mrs. Kast shared detailed concerns about Jane's safety with the principal and her desire to immediately contact Child Protective Services. The principal instructed Mrs. Kast not to report the concerns to Child Protective Services immediately. Instead, the principal instructed Mrs. Kast to call an afterschool meeting where the counselor, school psychologist, classroom teacher, and principal would discuss whether or not this was the appropriate decision. Mrs. Kast now faced two ethical dilemmas: (1) breaching confidentiality by sharing client information with the principal and classroom teacher; and, (2) not calling Child Protective Services regarding Jane's safety.

Mrs. Kast reluctantly scheduled the afterschool meeting; the principal instructed Mrs. Kast to contact Child Protective Services. Mrs. Kast documented the events of that day, feeling satisfied that the correct ethical and legal decision to contact Child Protective Services had been made. At the same time, she felt frustrated that her skills as a counselor were undervalued by administration and that this family's private affairs had ultimately been shared with the principal and classroom teacher (ASCA, 2010). Though the limits of confidentiality were provided to all district families in the counseling brochure at the beginning of the school year, Mrs. Kast realized she had not revisited these topics during her conversations with Jane or Mrs. Smith (ASCA, 2010). As a result, the issue of confidentiality weighed heavily on her mind (ASCA, 2010), especially as she considered how she might have handled this situation if the principal had not given her the directive to call (ACA, 2014; ASCA, 2010).

Ethical Obligations

School counselors are mandated reporters of suspected child abuse. By law, Mrs. Kast could have faced jail time and civil penalties had she failed to report suspected child abuse to proper authorities. However, the thought of being potentially reprimanded with insubordination in the future by calling Child Protective Services without the principal's approval further intensified this situation. Mrs. Kast also felt deeply conflicted with whether or not to continue to work in this school district the following year; she knew this would not be the last time a critical decision like this would need to be made. Mrs. Kast knew she could not risk losing her entire career if and when this type of situation happened again, even if school counselors' roles were not entirely understood in her district. Mrs. Kast was aware of her ethical obligation to adhere to both the *ACA Code of Ethics* (2014) and the *ASCA Ethical Standards for School Counselors* (2010), yet recognized future decision-making could be ambiguous.

Mrs. Kast would have benefited from using an ethical decision-making model to help navigate this situation (Stone, 2010). Having not used such a process, Mrs. Kast's decision-making is arguably questionable throughout this case. School counselors are required to protect clients from serious or foreseeable harm and to consult with others if confidentiality should be breached. Mrs. Kast faced the dilemma whether to share details from her conversation with Mrs. Smith's with the principal and classroom teacher during the afterschool meeting. Having chosen to share these details and not revisit informed consent and the limits of confidentiality (ASCA, 2010) highlighted Mrs. Kast's inexperience and her need for ongoing clinical supervision.

Mrs. Kast's consultation with the school psychologist is consistent with her ethical obligations (ACA, 2014; ASCA, 2010); however, the specific details addressed during the afterschool meeting could have been called into question (ASCA, 2010). The *ACA Code of*

Ethics (2014) and ASCA *Ethical Standards for School Counselors* (2010) may have actually deemed the discussion with the principal, school psychologist, and classroom teacher appropriate for consultation purposes. Although the principal and the classroom teacher were not involved in the counselor's discussions with the child or the mother, they were both a part of the consultation team meeting and informed of the family's medical history, previous familial difficulties, and information about other family members that attended the school. According to ACA *Code of Ethics* (2014) and ASCA *Ethical for School Counselors* (2010), a case could be made that the disclosure of confidential information violated the counselor's ethical responsibility to honor the student and family's confidentiality. With many follow-up questions from the principal throughout the meeting, Mrs. Kast arguably over-shared information in an effort to ensure the principal supported her desire to call Child Protective Services.

Mrs. Kast's ultimate fears were that the team would decide not to call Child Protective Services and she would need to challenge their decision to ensure the safety of her student. Legally, citizens are immune from being sued when justifiably contacting Child Protective Services; however, Mrs. Kast knew she could be relieved of her duties the following year, which could have implications for future job searches. Additionally, pressure to adhere to administrative culture and past practice compounded this dilemma. Mrs. Kast therefore made a decision to provide specific details to help better inform the team of the need to protect the Smith children, which ultimately resulted in compliance with mandatory reporting laws. These dilemmas demonstrate the importance and value of counselor supervision, consultation, and preparation for ethical decision-making.

The school counselor's decision to provide counseling and domestic violence resources to Mrs. Smith after listening to her needs is consistent with the ACA *Code of Ethics* (2014) and

ASCA *Ethical Standards for School Counselors* (2010), which encourage counselors to provide clients with referrals to appropriate resources. Mrs. Kast also honored the profession's ethical codes associated with competence by discussing her ability and willingness to provide short-term counseling support to Jane and how those services differ from those of clinical mental health

Mrs. Kast did not learn whether her suggested resources were ever used, as Child Protective Services investigated and concluded there was not enough information to substantiate an abuse claim. Mrs. Smith subsequently distanced herself from the school and Jane no longer spoke as freely about her situation to the classroom teacher or Mrs. Kast. In lieu of this situation and other building challenges, Mrs. Kast decided to seek employment elsewhere the following year.

Reflection

The positive rapport Mrs. Kast established with Mrs. Smith ultimately led to the disclosure of important information necessary to help protect the family. Mrs. Kast's consultation and eventual adherence to legal and ethical obligations resulted in a report to Child Protective Services. Yet, Mrs. Kast could have made several different decisions throughout this ordeal.

First, informed consent and the limits of confidentiality were not revisited throughout the dialogue between Mrs. Smith and Mrs. Kast (ASCA, 2010). Despite Mrs. Smith's resistance to the potential involvement of Child Protective Services, it would have been important for Mrs. Kast to continue this discussion. Additionally, Mrs. Kast could have consulted with other non-district school counselors and/or made follow-up attempts to contact the director of school counseling instead of, or in addition to speaking with the school psychologist (ASCA, 2010). This may have resulted in development of a definitive plan to contact Child Protective Services

consistent with the counselor's role in the school district and her legal and ethical obligations. This also may have helped the school counselor clearly advocate for her role as a mandated reporter to the building principal, prior to the afterschool meeting. In fact, Mrs. Kast may have chosen to use this opportunity to reference the *Family Education Rights and Privacy Act* (FERPA; 1974) that explicitly mandates schools to disclose relevant information when a child's health or safety is of concern (ASCA, 2010). Discussing FERPA at the onset of the conversation might have actually strengthened her advocacy efforts.

Mrs. Kast could have immediately and anonymously contacted Child Protective Services following her conversation with Mrs. Smith. In doing so, she may have been able to approach the principal with direct information that could have eliminated the need for a team meeting. Mrs. Kast's desire to maintain her good standing in the district—and more specifically with an unpredictable principal—contributed to more fearful and hesitant responses complicating these challenging ethical dilemmas. It is evident from this case that more well-developed relationships with district counselors and supervisors may have supported Mrs. Kast in navigating these dilemmas. As an untenured school counselor, it is also likely that Mrs. Kast's concern about the lack of support from her principal and lack of collaborative decision-making with the director of school counseling likely influenced hesitation and reactive decision-making.

Implications for School Counselors and Counselor Educators

This case was a learning experience for the school counselor in ways related to school counselor responsibilities, expectations, and adherence to ethical standards. It is important that school counselors' role and responsibilities be clearly defined and understood by supervisors, as recommended by the American School Counselor Association (ASCA, 2012). Confidentiality

can be addressed with the entire school staff at the beginning of the school year in the event that situations arise when staff may become aware of sensitive information (ASCA, 2010).

As the identity of the school counseling profession continues to develop, counselors are in an important position to advocate for the appropriate roles and responsibilities of the 21st century school counselor (ASCA, 2012; Lambie & Williamson, 2004). Counselor training should include a focus on the development of counseling, advocacy, and ethical decision-making skills. This is especially important when allied school personnel may not be aware of school counselors' training and ethical obligations. Graduate programs may consider partnering with local school counselors to provide training opportunities to staff and administrators about the limits of confidentiality and the appropriate roles of school counselors. This additional support may further the professional identity development of school counselors (Dollarhide & Miller, 2006) and lend itself to greater connections between practicing counselors and graduate programs.

Given the lack of available counseling supervision in the schools, one way in which school counselors can ensure they are practicing ethically is by participating in peer consultation (Perera-Diltz & Mason, 2012). There are a variety of ways school counselors find opportunities to receive peer consultation, many of which occur within in-service district meetings. Unfortunately, these opportunities may be dwindling as the ratio of students to school counselors increases (Akos, Hamm, Mack, & Dunway, 2007; United States Department of Education, 2013) and professional development release time is following suit (Perera-Diltz & Mason, 2012). Partnerships with graduate programs may increase networking, peer consultation, and even supervision opportunities for practicing school counselors.

Peer consultation, as well as resources through ASCA, state organizations, and local/regional counselor groups are especially important, as school counselors enter the field expected to share community resource referrals for families (ASCA, 2010). While some districts employ school counseling directors or lead counselors to serve as consultants and evaluators, other districts leave the responsibilities of counseling consultation and supervision to non-counseling supervisors (Perera-Diltz & Mason, 2012). This often results in counselors only receiving administrative supervision (Dollarhide & Miller, 2006; Lambie & Williamson, 2004). The challenge new school counselors have with navigating ethical dilemmas (e.g., breaking confidentiality, challenging district policy with ethical mandates) might be made somewhat less daunting with peer mentorship via graduate programs or in the community. Malpractice insurance for school counselors often offers opportunities for legal consultation, and local treatment centers may provide additional community training and consultation. However, without consistent counseling supervision, school counselors must find opportunities to share resources and consult to ensure that they maintain their professional competence and continue to make informed decisions that adhere to their ethical responsibilities.

The use of technology can be another tool to help facilitate peer consultation and supervision among school counselors (Perera-Diltz & Mason, 2012). The integration of online counselor consultation groups can help provide school counselors separated by distance with opportunities to share resources, discuss counseling trends, and increase their pool of peer consultants available when ethical dilemmas arise. These dialogues may also present opportunities for members to discuss ways in which counselors use technology in their work and support stakeholders with knowledge about the benefits and limitations of communicating student information. Examples and discussion specific to web-based peer supervision and

consultation models for school counselors can be found in recent literature (Lin, 2012); however, the need for continuing research around the efficacy of technology-based supervision and consultation is warranted.

Conclusion

Infusing case examples into coursework that represent value-laden, ethical decision-making dilemmas allows for pre-service school counselors to engage in meaningful dialogue with counselor educators and peers in a supported environment. While counseling students receive ethical decision-making training through introductory courses, continued ethical case conceptualization that highlights the influence of school culture should be integrated. During graduate training school counseling students receive significant supervision onsite and with university faculty. This level of support facilitates more opportunities to connect and process these issues with a more critical lens while practicing in the school setting. Likewise, practicing school counselors can use cases and problem-based studies during consultative meetings to assist in the development of ethical decision-making skills, strengthen professional identity, and encourage professional advocacy if school counseling supervision is not readily available.

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