GOSSIP AND THE GUIDANCE COUNSELOR: AN ETHICAL DILEMMA

Professional counselors are increasingly aware of ethical issues in their practices, and entire journals are periodically devoted to ethical topics (e.g., Larabee & Terres, 1985; Stadler, 1986). These special editions address important issues related to rights of parents, rights of students, and legal issues relating to confidentiality. Guidance counselors are often vulnerable to breaching confidentiality because of their close contact with teachers and other school personnel. In showing concern for students and their problems, counselors may violate these students’ right to privacy. The following situations are typical for a counselor. Are students’ confidences breached? Are these counselors violating ethical standards?

CONFIDENTIAL OR PUBLIC INFORMATION?

Scene 1

The guidance counselor sits down for a tasty school lunch at a table in the cafeteria.

Teacher: I am very concerned about the change in Nicki’s behavior lately. She can't seem to concentrate on her work.

Guidance Counselor: oh, didn’t she tell you? Her parents have recently separated and are seriously thinking about divorce. They have asked me to talk with her.

Scene 2

The guidance secretary brings in some papers for the counselor to sign.

Secretary: I have seen Becky around the office a lot lately. She really seems to need to talk.

Guidance Counselor: Yes. I'm really concerned about her. The poor girl has just found out that she is pregnant, and we are trying to look at her options.

Secretary: Do her parents know?

Guidance Counselor: Not yet. She's afraid to tell them.
Secretary: I sure would want to know if it was my daughter.

**Scene 3**

One of the guidance counselors drops with a sigh into a chair in the teachers' lounge.

Teacher: Did you see the ambulance at the school today? I understand the police were here too.

Guidance Counselor: Tommy Jones overdosed on drugs this morning. He passed out in first period, so he must have taken something before school. Since I've seen Tommy a lot, I was the one who had to talk with the police.

Teacher: That poor boy. I've heard his home life is just terrible. Of course, he's no angel to have in class.

Guidance Counselor: That's the truth! He's always being sent to my office for some trouble he's caused. I don't know what's going to happen with him.

Client confidentiality constitutes a dilemma for many guidance counselors. The counselor's job is to help the students with all resources available. In doing the job, a counselor may not even be aware of some ways that confidentiality is breached. The American Association for Counseling and Development (AACD, 1988) and the American School Counselor Association (ASCA, 1984, 1986) clearly address the issue of confidentiality. Applying the ethical principles in practice, however, requires further thought and delineation. This article focuses on the dilemma of applying the profession's ethical standards and makes recommendations for preserving confidentiality in the school setting.

### THE CONFIDENTIALITY DILEMMA

Confidentiality is apparently important to counselors (Wagner, 1978, 1981). In a 1978 survey of elementary counselors in the New England area, Wagner found that 89% believed in the importance of client confidentiality with children and that 78% reported maintaining this belief throughout the counseling process. In a similar study conducted in New York and Pennsylvania in 1981, 70% of elementary school, middle school, and high school counselors strongly agreed that they used the same level of confidentiality with students as with adults, although there was a significant difference in the level of functioning among the three groups (Wagner, 1981).

In her survey Wagner (1978) found that 78% of elementary school counselors seldom or never informally discussed their counseling with particular students. This finding indicates that 22% had engaged in informal discussion about children they had counseled. In the study of elementary school, middle school, and high school counselors (Wagner, 1981), 24% reported that they sometimes or frequently engaged in informal discussion about counseling information. Twenty-two to 24% of guidance counselors sometimes reveal confidential information, even though they may believe it is unethical. This finding contrasts with the response of 89% of those surveyed that they considered informal discussion of case material with someone not directly involved to be a violation of the student's right to confidentiality. The apparent discrepancy between belief and practice illustrates the problem of counselor confidentiality. Strategies are needed to help counselors put ethical standards into practice.
THE ETHICAL STANDARDS

The position of ASCA (1986) is very clear on the standard of behavior, as the following passage indicates: Where confidentiality is provided. ASCA recognizes that a counseling relationship requires an atmosphere of trust and confidence between the student and the counselor. A student has the right to privacy and to expect confidentiality. This confidentiality must not be abridged by the counselor, except where there is a clear and present danger to the student and to other persons (P 1).

The Ethical Standards for School Counselors (ASCA, 1984) provides guidelines to put confidentiality into practice. Statement 5 of the preamble emphasizes that "the counselor-client relationship is private and thereby requires compliance with all laws, policies, and ethical standards pertaining to confidentiality" (p. 1). Section A: Responsibilities to Pupils, Standard 8 states that the guidance counselor "protects the confidentiality of information received in the counseling process as specified by law and ethical standards" (p. 1). In Section B: Responsibilities to Parents, Standard 4 requires that the guidance counselor "treats information received from parents in a confidential and appropriate manner" (p. 1). Standard 5 of that section adds that the counselor "shares information about a counselee only with those persons properly authorized to receive such information" (p. 5).

Also related to the scenarios presented at the beginning of this article are the principles in AACD's (1988) Ethical Standards, Section B: Counseling Relationship. Section B, Standard 2 states that "the counseling relationship and information resulting therefrom must be kept confidential, consistent with the obligations of the member as a professional person" (p. 3). Section B, Standard 5 includes the following sentence: "Revelation to others of counseling material must occur only upon the expressed consent of the client" (p. 3). A final relevant statement is found in Section B, Standard 11:

The member may choose to consult with any other professionally competent person about a client. In choosing a consultant, the member must avoid placing the consultant in a conflict of interest situation that would preclude the consultant's being a proper party to the member's efforts to help the client. (p. 3)

The above standards indicate that all material from counseling relationships be kept confidential, within legal restrictions. Information is not to be released without the client consenting—certainly not without being informed. Discussion of counseling material may be done only for consultation with professionally competent persons (i.e., other teachers, counselors, psychologists, psychiatrists, or administrators).

These standards serve as a mandate for the counselor's responsibility to treat information about student clients in a confidential manner. Translating the standards into practice requires careful thought. When is an informal conversation about a student between a teacher and a counselor gossip, which is unethical, and when is it consultation? Is confidentiality breached by conversation in the hall, the cafeteria, or the teachers' lounge? Where consultations should take place, who should be involved, and what information should be shared are important questions for all counselors to address.

THE LAW

The counselor must live with the consequences of whatever decisions are carried out in relation to confidentiality. Restrictions on maintaining confidentiality include reporting when the student is a threat to himself/herself or others and testifying in court. Only 20 states have privileged communication statutes for guidance counselors. According to Sheeley and
Herlihy (1987). The states they listed are Connecticut, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Montana, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Washington, and Wisconsin. Counselors not living in the states listed should know their counseling is not privileged information in court. Counselors in states with privileged communication statutes need to check the limitations on privileged communication in the law. For instance, some states (Connecticut, Maryland, South Carolina, Washington, and Wisconsin) limit the privileged communication to alcohol and drug problems, while others do not specify limitations (Sheeley & Herlihy, 1987).

Denkowski and Denkowski (1982) reported that it is now easier for clients to take legal action for unwarranted breaches of confidentiality. "Under confidentiality statutes, the mere fact that a breach occurred establishes the client’s claim" (Denkowski & Denkowski, 1982, p. 374). In such a case it is also emphasized that a conviction for breach of client confidentiality can tarnish a counselor’s reputation even if monetary damages are not awarded. These authors argued that this fact should give counselors added incentive to become more aware of the legal scope of confidentiality in their states. It should also give counselors pause when tempted to talk casually about students' problems.  

**RECOMMENDATIONS**

Few suggestions appear in the literature to help counselors bridge the gap between ethical standards and everyday practice. The following recommendations may assist guidance counselors in resolving some of their daily dilemmas.

First, Wagner (1981) suggested that universities and professional associations provide preservice and inservice training in which guidance counselors can explore ways to confront ethical dilemmas, as in the scenes described earlier in this article. Inservice opportunities can be provided at state-level conferences of ASCA or AACD. In a workshop setting hypothetical situations can be shared and discussed (see Corey, Corey, & Callanan, 1988; Wagner, 1984).

Second, counselors in one school district or in contiguous districts can form a network for professional support and/or consultation to help with ethical issues. The group of colleagues can enhance professionalism and provide effective persons to act as sounding boards in difficult situations. Wagner (1978) suggested that scheduling regular consultations with a professional peer will give both professionals an opportunity to share without violating the client's right to privacy.

Third, counselors can identify problem areas in their practice. They can develop intentional plans or policies for dealing with these situations ethically. The counselor's plans could include a style of consultation that informs teachers and administrators of the ethical standards and how those standards will be practiced by the counselor. This style is described in Section C: Responsibilities to Colleagues and Professional Associates of the Ethical Standards for School Counselors (ASCA, 1984). Standard 2 states that the counselor "promotes awareness and adherence to appropriate guidelines regarding confidentiality, the distinction between public and private information, and staff consultation" (p. 1). Counselors can also become informed about literature related to when and how information should be released to parents or agencies.

**PUBLIC OR PRIVATE INFORMATION REVISITED**

The following responses in the initial scenarios would be more consistent with ethical standards. They would also protect the counselor from breaching client confidentiality.
Scene 1

In response to a teacher's concern, the counselor could have a policy of saying, "Will you send the child to my office to see what I can do? Then I will get back to you." This response allows the counselor to obtain the child's consent before talking with the teacher in a private place. The counselor when talking with Nicki might say, "It's important that your teacher know some things about what is happening in your life so he/she can help you too. What are some things you would like to tell him/her or that you would like me to share with him/her?"

Scene 2

The counselor's response to the secretary could be, "Yes, she does come in to talk a lot. Teenagers seem to go through phases when they need special attention. Thanks for bringing these papers in. How is your work going?"

Scene 3

In response to the teacher's inquiry, the counselor could make a general statement, "A student had a health problem this morning. Although I was there, the principal probably knows more than I do about the situation. He/she can tell you if it's one of your students. Personally, I'm not comfortable discussing it now."

CONCLUSION

As helping professionals, guidance counselors need to be concerned about ethical violations and work to prevent them. This concern includes greater awareness of possible breaches of confidentiality in conversations with others. Guidance counselors can improve their response to ethical dilemmas by applying the ethical standards of their profession in their specific situations through plans and interpretation to school personnel and by finding support through professional networking. Professional associations can offer workshops at conferences to help counselors practice ethical applications. Awareness and action can prevent unintentional ethical violations.

REFERENCES


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