Ethical and Legal Dilemmas in School Counseling

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This presentation is intended to raise awareness of ethical, legal, and professional issues in school counseling, and reduce the risk of unethical or unlawful behavior that might result in legal complications for certified school counselors (CSCs).

Participants will be asked to be actively involved in group discussions pertaining to ethical dilemmas. Guidelines and recommendations for ethical decision-making will also be provided.
Overview

- Definitions
- Ethical Decision Making Model
- Meta-Ethical Principles
- Case Studies of Ethical Dilemmas
Morality – Morals influenced by cultures and beliefs
Ethics – Set of ideal standards and rules of conduct expected of individuals in specific professions
Law – Rules of society enforced by government
Best Practice – Practicing in the most competent way possible, through regular professional development
Reasonableness Standard - Each person owes a duty to behave as a similar, reasonable person would under the same or similar circumstances
Professionalism – Abiding by moral principals, ethical codes, legal statutes, best practice, a strong ethical decision making model, and the reasonableness standard
Ethical Decision Making Model

- Identify the Problem
- Apply Meta-Ethical Principles
- Apply Strictest, Current Ethical Code
- Apply School/District/Agency Policy
- Consult with a Supervisor or Colleague
- Consider All Consequences
- Define Course of Action

Corey, Corey, & Callanan (2010)
Issues & Ethics in the Helping Professions. 8th ed.
Meta-Ethical Principals

- Autonomy: Freedom of choice & control of one’s life
- Beneficence: Do good to benefit society
- Nonmaleficence: Do no harm to clients
- Justice: Fairness and equitability
- Fidelity: Responsibility of trust & faithful commitments
- Veracity: Truthful and honesty

Corey, Corey, & Callanan (2015)

American School Counselor Association (ASCA, 2010). *Ethical Standards for School Counselors.*


Revised from 2004 to 2010
American Counseling Association

- American Counseling Association (ACA, 2014). ACA code of ethics.
- Revised 2005 to 2014
Texas State Board of Examiners of LPCs


- [http://www.dshs.state.tx.us/counselor/lpc_ethics.pdf](http://www.dshs.state.tx.us/counselor/lpc_ethics.pdf)

- Revised from 2010 to 2013
Core Tenants

- The counseling relationship
- Confidentiality and privacy
- Professional responsibility
- Relationships with other professionals
- Evaluation, assessment, and interpretation
- Supervision, training, and teaching
- Research and publication
- Distance counseling, technology, and social media
- Resolving ethical issues

(ACA, 2014)
Why Ethical Codes?

- Standards of conduct & guidelines for addressing issues
- Protect the counselor from malpractice suits
- Protect clients from unethical behavior
- Address legal statutes & community standards
- Conflicts may exist between ethical codes, legal statutes, and school/district/agency policies
- Consider best practice, professionalism, and the reasonableness standard
- All issues certified school counselors (CSCs) encounter may not be addressed in ethical codes
Considerations

- Welfare and best interest of the client
- Your values & impact on the client
- Cultural perspectives
- Harm to self or others
- Freedom of choice
- Fairness and Equity
- Best Practices & the Reasonableness Standard
- Consult with supervisors and colleagues
- Purchase liability insurance
- Seek legal counsel
Legal References for CSCs

- Family Educational Rights & Privacy Act
  - Parental access to their child’s education records
- Health Insurance Portability & Accountability Act
  - Right to privacy of health care records
- Texas Health & Safety Code, Chapter 611
  - Provisions related to mental illness or intellectual disability
- Texas Family Code, Chapter 261
  - Child Abuse & Neglect
- Texas Human Resources Code, Chapter 48
  - Abuse & Neglect of the elderly or disabled
Legal References for CSCs

- Texas Health & Safety Code, Chapter 161.132
  - Abuse or neglect of hospital or facility inpatients
- Texas Health & Safety Code, Chapter 161.201-204
  - Medical & mental health records
- Texas Health & Safety Code, Chapter 181
  - Privacy of medical records, including mental health
- Title 22 Texas Administrative Code, Part 30, Chapter 681
  - LPC Board Rules (12/01/2013)
- Texas Occupations Code, Chapter 503
  - Licensed Professional Counselors Act
Ethical Dilemma #1

Two female students were making out in the hallway. Your principal brought the two girls to his office and called their parents and explained the student code of conduct violation and told the parents the gender of the student with whom their daughter was engaged in a public display of affection (PDA). One of the girls is suing the school district and the principal citing a violation of her privacy rights. Will the courts determine that she lost her right to privacy when making out in the hallways or will they conclude that a privacy claim is a valid premise on which she can pursue a court challenge? If you had known in advance of the principal’s plan to out these students to their parents, what advice if any would you have given to the principal?
Mia, one of your seniors, asks you for a letter of recommendation. You have not worked with Mia other than a brief conversation over a schedule change. You asked a teacher who happened to be in the school counseling office what he thought of Mia. His opinion was that Mia excels academically (as confirmed by her transcript) and athletically but lacks character; “always in it for herself, not a team player.” This teacher appeared to know what he was talking about so you sent the university a letter emphasizing Mia’s self-centeredness. Are there any legal and/or ethical issues that may arise from this process?
The liaison officer for homeless students attended the most recent districtwide meeting for school counselors to issue the directive that all school counselors are to report to her office when they learn a child is living in a homeless situation. The officer explained that some of the school counselors were refusing to provide her office with the information on the grounds that homelessness does not meet the ethical imperative of breaching to prevent a “clear imminent danger.” The homeless liaison officer has explained that the information is needed for children and their families to receive transportation, free meals, health care and other essential services. You tend to agree that her office should be notified to help homeless children, but you also appreciate that homelessness is sensitive information for some students, and they may not want this shared beyond their school counselor. The ethical imperative of establishing and maintaining a trusting relationship with students is in your opinion a serious matter, but you also understand if there are legal imperatives they supersede ethical ones. Is this one of the times in which the law trumps ethics?
Heather has been referred to you because she was overheard saying she was going to take her dad’s gun and blow her brains out. You immediately reach out to Heather, who assures you she did not mean it and that she was just blowing off steam. You call Heather’s mother and explain what has been going on, and you tell her you believe her daughter is fine and she does not have to come and get her. You also explain to Heather’s mother that you have completed a suicide or no-harm contract with Heather. You had Heather write on the contract the name of a friend she could turn to if she ever felt like harming herself. She listed another student in your school. Are there any legal or ethical concerns in how this case is handled?
Heather has been referred to you because she was overheard saying she was going to kill herself with her dad’s gun. Heather assures you she did not mean it, that she was just angry and aggravated. You spend some time with Heather, and she convinces you all is well. You send her back to class and go on with the day’s activities. You did not notify her parents or check in with your supervisor. Are there any legal or ethical concerns in this case?
You are working with a student who you suspect might be anorexic, and many factors are causing her to spiral downward, including a recent breakup with her boyfriend who dumped her and put cruel postings about her weight on Facebook, knowing this is her Achilles heel. Her friends say these posts are causing her tremendous anxiety, and they are worried about her. This young woman appears dangerously underweight and is, in your professional judgment, in trouble. She seems to be changing right before your eyes. What do you do?
One of your counselees, Rachel, comes to you distraught that she was being called a “slut with herpes” by her classmate Sarah online. Sarah asked others to join her online in humiliating Rachel. You assure Rachel that something will be done to help her. You take her case to the principal, who expresses concern for Rachel and disciplines Sarah with in-school-suspension. Rachel and her parents are tremendously relieved and thank you and the principal.
Ethical Dilemma #8

You are working with a group of students who clearly need additional supports. Unfortunately, no matter how much you ask administrators and teachers, the students do not receive the help you need. Your principal says he wants to help the students, but instead of providing additional resources, he asks you to keep him informed about every student you see and the presenting problem. He is a strong child advocate and a good administrator, but on this directive you disagree. You have explained your ethical confidentiality imperative. Although he listens intently, he does not relent except to say he will also respect the students’ confidences unless there is a compelling reason why he must involve their parents or teachers. You do not believe he means any ill will, but you do not believe he understands your ethical dilemma. Can you legally and ethically refuse to cooperate?
A student confided in his teacher that he was homosexual and that he was having a difficult time negotiating a same-sex relationship. The teacher suggests the student talk to you, the school counselor, about his difficulties in his relationship. You inform the teacher that due to a conflict in your values you will be unable to provide counseling services to this student and since there are no other counselors in the school you will find an outside referral resource for this student. Are there any legal and ethical concerns regarding your behavior?
Ethical Dilemma #10

You are a school counselor who works diligently on behalf of students. Your students have greater challenges than most students in your school system of 19 high schools, including a higher retention rate and very few four-year university admissions. Your school’s practice when a student retakes and passes a previously failed course is to change an F grade to the new grade; therefore, many F’s are permanently deleted from student transcripts. This is not a district practice or policy, but it has worked for your students and been silently blessed by your school’s administration. Your school’s practice has resulted in more students being given an opportunity to graduate and/or attend a four-year university. Are there any legal or ethical concerns with the schools practice?
Your school district was challenged by an angry parent who felt her daughter’s school counselor should have informed her when her daughter sought counseling about her pregnancy. In response, the district has issued a new policy saying school counselors must try to get students to inform their parents about their pregnancy, and failing this the school counselors must inform parents. Are there any legal or ethical concerns regarding this policy?
Whitney, a 17-year-old student in your school, comes to your office distraught. Between tears, she tells you she went to a party last weekend with Derrick, another student her age, and ended up passed out in an upstairs bedroom. She was awakened by Derrick forcing himself on her. She protested loudly, but said that no one came to help her. Whitney says you are the only person she has told that she was raped. For the past five days, she has endured the snickering and sneering of Derrick and his friends in the hallways “as they smugly march around with their worlds intact” while she “dies a little more inside each day.” She says she has been having trouble focusing on school, and she blames herself for the incident, saying she drank way too much even though she doesn’t think she had very much to drink that night. She wonders aloud to you if she could have been drugged. She begs you not to tell anyone, especially her parents. We know our advocacy and ethical role but what is our legal role?
Ethical Dilemma #13

A school counselor calls the ASCA office concerned about a colleague who administered a suicide assessment, deemed a child not suicidal and sent him home on the school bus. A mother is distressed when her daughter is named as her friend’s “safe person” in a suicidal contract. An administrator reaches out following the suicide of a student whose disturbing journal entries weren’t recognized as suicidal ideation.
Eric, a student you’ve been working with, was living with his aunt when it was discovered his cousin had a methadone laboratory in the woods behind the aunt’s house. You receive a subpoena to appear for a deposition in the prosecution’s bid to learn what Eric has told you about the circumstances of his aunt’s home. In the three years you have known Eric he has been kicked from pillar to post, in and out of foster care and relatives’ homes.
Scenario: Recently, I have had some difficulties with my administrator. She has accused me of keeping secrets from her. She feels I need to share with her all that is going on in my school counseling office so she is updated. She indicates that to be an effective leader she needs to be informed of what is happening in the school since she will ultimately be held responsible. I have tried to explain to her that what happens in my office is confidential. This has caused a big rift in our working relationship, and yet, I don’t want to betray the confidentiality of the students who come to me. Any suggestions?
Ethical Dilemma #16

You are a school counselor who has built a good working relationship with your principal except for one area. Your principal is adamant that he wants to be in charge of making all child abuse reports to Child Protective Services (CPS). You have doubts that he will call CPS on all suspected abuse cases because of derogatory remarks he has made in passing about CPS and how, “We should handle some cases with families who trust us as CPS will only make matters worse.” Up to this point he has called in all suspected abuse cases that you have passed along to him, but you worry it is just a matter of time before he takes matters into his own hands.
Scenario: A student, Beth, came into my office with a letter from her best friend, Janey. The letter suggested Janey wanted to hurt another female student. In the letter, Janey implied that the girl who was being threatened might have been the cause of the breakup between the Janey and her boyfriend. Janey was very descriptive about the violence she wanted to inflict upon the other girl. Since I know Janey fairly well, I was sure she wouldn’t do such a thing. However, since the threat was made in written form and given to me, do I have to tell the administrator since this was supposed to be confidential? I don’t want to get Janey in trouble. She has enough issues in her life without being suspended.
Scenario: You have counseled Cedric for two years. He pops in for counseling whenever something is on his mind, and this can include late afternoons after wrestling practice when he sees you are still plugging away in your office. You try to show loyalty to him by never turning him away regardless of the time or place. Additionally, you seek him out to check on him when a week or two goes by and he has not made an impromptu visit to your office. You consider these exchanges with Cedric important as his chaotic family life makes him especially vulnerable. He has never known his dad, his mother is an infrequent presence due to drug abuse and his grandmother, who is his most constant, is frail and physically limited. Cedric is a talented wrestler and seems to find a healthy escape in the sport, but no one in his family has ever seen him wrestle. You have decided you will go to his next match, which is 140 miles away to be held at 7 p.m. on a Saturday night.
Ethical Dilemma #19

Scenario: My school counseling colleague and I were recently having lunch together when she began to tell me about a 15-year-old student she was working with who identified as gay. As she told me about this student she described how strongly her religious beliefs went against everything this boy was talking about. She said that based on her religious beliefs she felt compelled to counsel the boy “out of being gay.” She shared that normally she keeps her religious beliefs out of the school counseling office, but in this case she sees her efforts worth saving this boy. To me this seems unethical. How should I approach this?
Ethical Dilemma #20

Scenario:
You’ve noticed several changes, both physical and mental, in one of your colleagues. You’re concerned about her drastic weight loss and have also noticed her difficulty in maintaining a conversation. This colleague currently shows a lack of focus and a lack of empathy for the students under her care, which is a drastic change from her previous commitment to her students. She has shared with you how much stress she is going through at home and at work. This stress has affected her relationship with her students, her colleagues and her family, resulting in poor professional performance.
Scenario:
You are a school counselor with a 23-year-old colleague who is in her first year as a school counselor. In January, the school discovers through text messages that she has been having a sexual relationship with one of her 17-year-old students. You are outraged that she has abused her student and her position of trust in such a grievous way and stunned when you learn that she will not be criminally charged. How can it be that no laws have been broken?
Scenerio: Tom, 16, attended a party in which the host’s parents supplied drugs and alcohol. Tom become intoxicated, and his friends rushed him to the hospital. He was diagnosed with alcohol poisoning. A caseworker previously assigned to Tom for other reasons comes to the school to talk to the school counselor about Tom’s hospitalization. The caseworker asked the school counselor who Tom’s friends were, since the police were trying to track down which parent might have contributed to the delinquency of a minor. The school counselor refused to give this information to the caseworker, claiming HIPAA prohibited the school counselor from sharing this information.
Ethical Dilemma #23

Scenario: You are a dedicated, accomplished professional. You go above and beyond to deliver a responsive school counseling program, and no one ever doubts your motives or effectiveness. You would never do anything to diminish the hard-earned respect and shining reputation you enjoy from your school community. In your personal life, you are in a long-term relationship and you have fun with your significant other through playful responses such as sexting (the passing of nude or partially nude photos). One day, you receive a sextext from your boyfriend, and before you can dismiss it your attention is diverted by a squabble in the hallway. You quickly place your phone face down on your desk and investigate the hallway noise to find all is under control with your administrator taking action. The student left waiting for you in your office absentmindedly starts fiddling with items on your desk and when she picks up your phone it comes to life, and there in the palm of her hands is the naked picture of your boyfriend. The fallout results in your dismissal. Should you have lost your job for something that was personal and would never have happened if the student had not meddled with your things?
Scenario: Your school board/employer recently voted to move from an abstinence-only approach to a comprehensive sex education curriculum, which includes information on contraceptives. This is an affront to your religious beliefs, and when provided with the newly approved materials you tossed them and replaced them with abstinence-only literature. You also believe that praying with students is appropriate at times, and although you use this technique sparingly and only with students’ permission, you have on several occasions prayed with distressed students. Is your behavior ethical? Legal?
Some of my students recently talked to me about another student they’re worried about. On several occasions they had witnessed “Beth” making herself throw up after eating. She asked them not to tell anyone. However, she continues the behaviors and is losing more weight. I spoke with Beth, and she has assured me she doesn’t have a problem and denies the behaviors. We talked about what eating disorders are and my concerns for her. Now I am not sure what is ethically appropriate at this point. Although I don’t think she has an eating disorder, I really don’t know that much about the topic. Should I, ethically, contact her parents?
Ethical Dilemma #26

I have set up a Facebook page for my school counseling department. I’m careful to keep my personal Facebook account totally separate from my school one, and I don’t accept friend requests from any students on my personal account. However, via the school counseling Facebook account, sometimes I see things on students’ Facebook pages that concern me, such as inappropriate pictures, status updates about underage drinking or bullying comments about other students. What is my role, if any, in addressing these issues?
I have been involved in a difficult situation, and I am not sure how to proceed. One of my elementary school students was turned into Child Protective Services as a sexual perpetrator last year. CPS has been involved with this child since that report. The mother of another one of my students, who is autistic, has recently decided to allow her son to learn how walk home from school with the aid of a peer. The peer, a next-door neighbor, happens to be the sexual perpetrator child. I am concerned about the safety of the autistic child; however, when I told the administrator of my concern, he said it wasn’t our problem since the walking home is technically off school property. Ignoring this potentially risky situation doesn’t seem like the correct course of action. Do you have any suggestions on what I should do?
Recently in my school a group of fourth-grade boys attacked a fifth-grade African-American girl on the playground after school one day. They kicked and hit her and called her racial slurs. She ended up in the hospital for a few days. The boys were expelled from the school; however, one of the boys' parents demanded their son be able to come back to school. (The reason for this demand is unknown). The girl had returned to school by this time, and she had been told the boys had all been expelled. I wanted to talk to the girl before this particular boy was allowed to return so she could at share how she was feeling and how she might respond to his return. However, administration told me I couldn’t discuss this boy’s return with her because of some legal issues. And the district lawyer said she couldn’t be warned because she had said some things back to the boys during the attack and therefore didn’t warrant any notice of the boy's return to school. This decision disturbs be greatly; not being allowed to talk with the girl about the pending return of her attacker seemed unethical.
I reported an abuse of one of my students to both law enforcement and the Department of Human Services. However, once the police became involved and came to the school for questioning, I was told I was not to speak to the student (only if she came to me and even then, I could not discuss the case). In other settings I have always been able to ask students if they would like me in the room while they are being questioned. I obviously don’t speak for students, and I would never have asked leading questions that could jeopardize the investigation. I want to be an advocate for my students. Where is the line between advocacy and interference?
Our district counseling director, who isn’t a school counselor, recently told us that school counselors are required to use our district's new student data program to log in all students we see. We will be logging their first and last names, as well as the general reason we are seeing them. We have been told that only our building principal and the counseling director will have access to print reports and view this information. I want to make sure that following my district directives will not pose an ethical conflict.
Ethical Dilemma #31

Picture this: A student enters the school with a weapon, threatening to kill another student who has bullied him in the past. An adolescent with whom you have been working attempts or completes suicide. An unknown man enters the school and takes students hostage, threatening to kill the students.
Ethical Dilemma #32

As the school counselor, you have been asked by a grade-level team of teachers to sit in on a retention meeting for an underperforming second-grade student and his parents. There has been little discussion between the team, you and the parents regarding retention. However, the teachers are adamant this child should be held back. What is your role as the school counselor, and what are the ethical issues surrounding retention?
Ethical Dilemma #33

One of your ninth-grade students (A.J.) was sexually abused by a cousin from the time he was in seventh grade. The cousin gave A.J. elaborate gifts, watched pornographic videos with him and provided him with prostitutes. The cousin’s conduct escalated to sexual molestation. The cousin was arrested, tried and with the help of A.J.’s testimony, sentenced to six years in prison. Following the conclusion of the court case, A.J.’s parents asked that you bring A.J. before the Student Evaluation Team for possible placement into the emotionally handicapped class. A.J.’s parents and his social worker attended the SET meeting, and during discussion, you revealed the details of A.J.’s sexual abuse to the social worker and later to the school psychologist evaluating A.J. Was your behavior legal? Ethical?
You work in a school with a principal uses his own judgment about whether or not to call child protective services about suspected child abuse. There are many times when black eyes and bruised cheeks go unreported because the principal knows the child’s parents and says they shouldn’t be reported. The reasons he gives for not reporting usually involve protecting the school/parent relationship to better serve the children. For example, the principal calls in the parents when abuse is suspected, gains the parents’ trust and lets the family know the school won’t tolerate abuse. He feels parents will move their children to another school if reported to child protective services and believes the children are better off in this school. The principal says he can do far more good for the children by preserving and building relationships with the families. He works hard to help the children in this troubled community, and the school has a reputation of being an oasis in a community fraught with social ills, including a high incidence of problems including child abuse.
Hansen has been in and out of foster homes all his life. In the three years you have known him, he’s been in three questionable foster homes. He has a difficult time trusting adults and is guarded. You have painstakingly built a bond with Hansen, and even though it is a fragile bond, it is probably the strongest bond he has formed with an adult. One of Hansen’s former foster families is being investigated for receiving and selling stolen property, and you receive a subpoena from the prosecution to give testimony about your confidential conversations with Hansen. Hansen was, in the words of the prosecution, “noncommunicative and evasive” in his deposition, and the attorneys are hoping you learned more from him about his time in this home. What are your legal responsibilities to the court? What are you ethical responsibilities to Hansen?
Your assistant principal asks you for a list of all students in the school that you know are pregnant. He says he wants to notify these students about an alternative school for pregnant and parenting teens and encourage them to go there. Do you have any concerns about this request? Must you comply with this request?
A teacher reports to you that Donnell, one of her eighth-grade students, had a bandaged wrist and that she overheard her telling someone she decided to experiment with cutting just “to see what it would feel like.” At the teacher’s request you talk to Donnell, who admits the cutting but says she was only experimenting and that it was horrible and she never plans to do it again. She explains that her friend Catherine, another eighth-grader in your school, cuts all the time. Do you call Donnell’s parents? Catherine’s parents?
You are in a school with a deeply divided faculty. Two strong, charismatic faculty members are in control and decide if a faculty member will be embraced or ostracized. Members of the “in” group socialize together and offer strong support to each other. The faculty members that have been branded as “outcasts” spend some lonely hours at the school. It is not apparent why some people are accepted and others are rejected, but what is clear is that these two strong personalities make the decisions and everyone else falls in line. You have been chosen to be included, and you love having the warmth of the camaraderie of a large portion of the faculty. The fact that you are accepted helps you accomplish what you need to for students. However, the good that comes from having such support is tempered by the constant reminder that some faculty members are ignored. Your suggestions to include those who are left out are met with silence and warning signs that you could be pushed out if you continue along this path. How can you deal with this ethical dilemma?
Justina, who lives with her mother, has a history of conflicts with her mother and is often in your office distraught over their latest verbal bout. A teacher comes to you worried about Justina who “isn’t herself.” When you talk to Justina, you too become worried; she appears withdrawn, distracted and depressed. You suggest to Justina that you need to talk to her mother so Justina can get some help, but she begs you to call her father instead. After consulting your supervisor and discussing the issue with Justina, you honor her wishes and call her father, the noncustodial parent. He immediately responds by coming to the school to discuss Justina and picking up copies of her educational records to take to a psychologist whose help he will seek. He says he will contact Justina’s mother and the two of them will set up an appointment for Justina. Justina’s mother calls you furious that you contacted Justina’s father and says she is refusing to allow you or any other school representative to ever again contact the father or give him information about Justina.
You are a high school counselor in an urban school with a diverse student population. One of your seniors, Sidney Ferguson, comes to you and requests your help with her application to Harvard. Sidney has an 86.6 average, is on the yearbook staff, has spent two years on the track team and is enrolled in four advanced placement classes. Sidney says, “I know Harvard may not be a sure thing, but I have to try.” Your frustration rises as once again you are forced to look a student in the eye and explain that it is the practice and policy of the school’s administration that only the top five students in each graduating class can apply to an Ivy League school. How do your profession’s ethical codes support you to advocate for a change of policy?
Dear School Counselor: Please join us for an all-expenses paid weekend to visit the Central University of the South. Accommodations will be in a well-known local inn. Recreational activities will include golfing at a country club and a trip to the racetrack, where you will have dinner in the clubhouse and receive a $50 stipend to gamble on the horses. The purpose of the trip is to familiarize you with our university. It is not our intent to unduly influence your college advising role or to seek an unfair advantage for our university. Our intention in having you visit is to have you learn about our university so you will be able to speak with first-hand knowledge about the fine programs we have to offer your students and make sure you have a good time in the process.

Sincerely, Your College Admissions Representative
You love being a school counselor, especially for a select group of students that you describe as bright, engaging, accomplished students. It is this group of students that receives most of your time and attention. You believe these students have tremendous potential and are destined to make a considerable contribution to society. Further, you believe that with your limited time, it is in the best interest of the future of society to give most of your time and attention to the students you consider to be the future of America. For this select group you seek optimum schedules with the best teachers and frequent academic advising sessions. Because of your efforts these students have all the information they need to choose from a wide array of post-secondary education opportunities.
Your eagerness to interact with this select group of students is demonstrated by frequent attendance at their extracurricular events such as piano recitals, tennis tournament and soccer games. You communicate and joke with these students as you would adult friends, encourage these students to call you by your first name and give them your home phone number and home e-mail address. You make certain you are extraordinarily responsive to the parents of this group and encourage their praise, gifts and invitations and accept personal favors such as the attorney parent who helped you free with a real estate closing. Are there any ethical and legal problems with your behavior?
Emily is applying to a competitive university, and your letter of recommendation will be a critical part of her admission packet. Emily’s freshman year was dismal academically. She confided in you that she was being physically abused by her boyfriend during her freshman year but ended the relationship after seven months. Emily has been a stellar student since her sophomore year and is not the same person who allowed herself to remain in an abusive relationship. You are considering explaining all this in your letter of recommendation in hopes that Emily will only be judged based on what she has done since leaving this abusive relationship. Legally and/or ethically can you include this information in a letter of recommendation?
Regina is 16 years old and pregnant. She is considering an abortion and comes to you, her school counselor, seeking help. Regina says she really needs to talk her options over with an adult who is “outside of her family.” Can you discuss Regina’s pregnancy and her consideration of an abortion with her? Are you required to call Regina’s parents and tell them about her pregnancy?
You have been seeing Stephen off and on for the first three months of the school year. You have received a request from Stephen’s mother for copies of your case notes. Are you legally required to provide her with your case notes?
You have been told by a student that her friend Jocelyn, a counselee of yours, is threatening suicide. When you call Jocelyn in, she vehemently denies any consideration of suicide, scoffing at the idea that she would ever harm herself. You are convinced and you drop the issue without discussing it with anyone. She later commits suicide. Do your actions pose an ethical or legal dilemma? What if it turned out that she wasn’t a suicide risk but you informed her parents that she was? Do your actions then pose an ethical or legal dilemma?