

# When is it Ethical to Inform Administrators about Student Risk-Taking Behaviors? Perceptions of School Counselors

*School counselors from across the United States responded to a survey asking when they should break confidentiality and report student risk-taking behaviors to school administrators. Generally, counselors believed it to be more ethical to break confidentiality when the behaviors were directly observed (as opposed to reported by students) and when the behaviors occurred on school grounds during school hours. Results also suggest counselors were more willing to break confidentiality when their school had a written policy guiding their actions. All behaviors showed some variance among respondents, suggesting a lack of agreement regarding when it is appropriate to break confidentiality and report risk-taking behaviors to administrators. This article discusses implications and suggestions for school counselors.*

Confidentiality is an essential component of the counseling relationship (Glossoff & Pate, 2002; Lehr, Lehr, & Sumarah, 2007; Linde, 2007). All counselors are faced with difficult decisions concerning when and how to breach confidentiality; however, school counselors are often challenged with this decision daily (Bodenhorn, 2006). Confidentiality is a primary ethical dilemma, largely because school counselors work with a wide range of students and are accountable to a number of stakeholders (Isaacs & Stone, 1999; Remley, 2002). School counselors must balance the demands of parents, teachers, and administrators, all while respecting the right to privacy of their primary obligation, the students (American School Counselor Association [ASCA], 2010). Ethical and legal mandates offer some assistance in determining when to breach confidentiality and share information with parents (ASCA, 2010). In addition, numerous manuscripts have outlined best practices for notifying parents/guardians of

behaviors that may be considered as potentially causing clear and foreseeable harm (Bodenhorn; Glossoff & Pate; Mitchell, Disque, & Robertson, 2002; Moyer & Sullivan, 2008). However, guidelines and resources are lacking when school counselors face the decision of when to share information with school administrators.

Although the ASCA Ethical Standards for School Counselors (2010) offers some clarity on this issue, much is still open to interpretation by those practicing in the schools, which is true of all ethical codes and guidelines. Ethical codes outline procedures to follow when counselors are notified of potentially disruptive or damaging behaviors, but they do not offer clarification as to how school counselors should notify authorities other than to say that it should be done while honoring the confidentiality of the student. In addition, codes provide no explanation as to what constitutes a potentially disruptive or damaging behavior, and individual school counselors are likely to interpret this differently. For example, Moyer and Sullivan (2008) found that, many times, school counselors do not share the same interpretation of ethical standards and do not agree on when to break confidentiality and notify parents of an adolescent's risk-taking behaviors. Given the difficulty in determining when and how to break confidentiality and the lack of resources available to help guide one's behavior, school counselors may find it difficult to self-evaluate whether they are acting as another reasonable counselor would in a similar situation, as suggested by Remley and Herlihy (2001).

## Confidentiality and School Administration

Under the heading *Responsibilities to the School and Community*, ASCA (2010, Section D.1.b) directs counselors to inform school officials of any activity that may compromise the school's mission, personnel, or property while at the same time honoring students' confidentiality. Glossoff and Pate (2002) detailed the dilemma this presents by stating that, unlike their duty to inform parents of potential risk-taking behavior, school counselors are not legally

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obligated to violate students' confidentiality simply because they are in a school setting. Although parents have a legal right to know what is discussed in their child's counseling session (Remley & Herlihy, 2001), teachers and administrators do not share that same legal privilege (Glosoff & Pate). When reviewing the Family Educational Rights and Privacy Act (FERPA, 2002) under guidelines for breaching confidentiality with an administrator, the issue becomes even less clear. According to the health and safety exception of FERPA, school officials may share relevant information with appropriate parties; that is, those parties whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. § 99.36(a) U.S. Department of Education, 2002). FERPA also provides examples of who may be notified when confidentiality is breached under the health and safety exception: law enforcement officials, public health officials, and trained medical personnel (20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. § 99.36(a) U.S. Department of Education, 2002). Notably, school administrators are not included under this list of exceptions.

School counselors must consider the point at which school administrators have the ethical right to have access to confidential information (White Kress, Drouhard, & Costin, 2006). The issue is confounding because the administrator on campus is often the school counselor's direct supervisor. On one hand, counselors are ethically bound to keep information confidential (unless there is clear and imminent danger or the student gives consent), and on the other are obligated to inform administrators of behaviors since they may affect the overall school climate (Schmidt, 2003). By choosing to not share specific risk-taking behaviors, counselors may be seen as something other than a team player (i.e., school administrators may view school counselors' protecting the confidentiality of students as insubordination). School counselors are duty-bound to follow school policies and rules based on their acceptance of employment; however, those duties should not compromise their primary responsibility to the student (Huey, 1986).

### **Potentially Damaging or Destructive Behaviors**

The lack of clear guidelines regarding school counselors' decisions to inform school administration of students' risk-taking behaviors is complicated by the fact that no operational definition exists of what constitutes a potentially disruptive or damaging behavior. Each individual school district is allowed to determine what constitutes disruptive behavior, with autonomy given to some school principals. As such, it is often left up to the principal to determine

whether a behavior is disruptive or damaging within his or her own school (Romi, 2004).

All 50 states have adopted zero-tolerance policies that set forth punishment guidelines when students are found to be in possession of weapons or other banned materials, but those laws do not include guidelines or mandates for school counselors or others to report such behaviors (No Child Left Behind Act, 2001; Yell & Rozalski, 2000). Moreover, many risk-taking behaviors reported to or seen by school counselors (e.g., disrespectful behavior, skipping classes, cheating on exams, failing classes, plagiarism, self-injurious behaviors, and sexual behaviors) do not fall under the umbrella of zero-tolerance policies. Additionally, age of consent laws vary from state to state along with civil codes that describe mandatory reporters. Nonetheless, even states that mandate school counselors to report sexual activity by minors under child abuse laws most often only require that report to be made to Child Protective Services or a peace officer (Glosser, Gardiner, & Fishman, 2004). Thus, no legal precedent requires school counselors to specifically identify students to school administration. School counselors would be required to notify administration only if school or district policy compelled them to do so. Under the ASCA (2010) ethical standards, counselors are encouraged to comply with school policies, but are also directed to honor the confidentiality between student and counselor.

### **Previous Research**

Moyer and Sullivan (2008) noted that school counselors are commonly informed of student risk taking behaviors (e.g., substance use, sexual activity, self-injurious behaviors) within the context of their daily work with students. Although several empirical studies have documented school counselors' views on how and when confidentiality should be broken to report behaviors to parents (Isaacs & Stone, 1999; Moyer & Sullivan, 2008), only one (Lehr et al., 2007) has included information on when and how to inform school administration. With regard to school counselors' views on how and when to tell parents of their children's potentially dangerous behaviors, Isaacs and Stone determined that counselors were likely to breach confidentiality based on the perceived dangerousness of the behavior. Moyer and Sullivan looked specifically at counselors' willingness to breach confidentiality based on the frequency, duration, and intensity of the behaviors and found confidentiality was more likely to be broken when behaviors occurred more frequently and at more intense levels. Interestingly, both studies only examined counselors' responsibility to parents and therefore responses may have been affected by the legal rights parents have to access their children's counseling information.

**School counselors must balance the demands of parents, teachers, and administrators, all while respecting the right to privacy of their primary obligation, the students.**

**Ethical codes...do not offer clarification as to how school counselors should notify authorities other than to say that it should be done while honoring the confidentiality of the student.**

The one project identified in the literature that addressed the notification of school administration was conducted in Canada and consisted of responses from 43 middle and high school counselors (Lehr et al., 2007). Participants were contacted via phone interviews and asked to respond to several questions including how they deal with confidentiality when asked about specific students, how they deal with confidentiality at their schools, and difficulties they faced related to confidentiality. Participants' responses revealed frustrations with confidentiality and administrators, and counselors reported being hesitant to share information with administration even when there was mutual respect between the two parties (Lehr et al.). Although the study included aspects of breaching confidentiality and discussing students with administration, it centered more on when administrators ask about specific students and not when counselors voluntarily share information. In contrast, the current study looked at specific behaviors often encountered by school counselors (e.g., alcohol use, substance use, self-injury, and sexual activity) instead of focusing on more general questions. Similar to Moyer and Sullivan (2008), this project sought to understand when school counselors perceived it to be ethical to voluntarily share information when not asked about student behaviors. However, instead of breaching confidentially to notify parents, this project asked when school counselors would break confidentiality and notify school administrators. Primary research questions included:

1. To what extent do factors such as the counselor being a witness to the behavior versus students reporting the behavior impact the counselor's perception of the ethicality of breaking confidentiality to notify school administrators?
2. Are there differences in school counselors' perceptions of the ethicality of breaking confidentiality based on school counselors' level of professional practice (i.e., elementary school, middle school, and high school)?
3. Are there differences in school counselors' perceptions of the ethicality of breaking confidentiality based on whether or not they have a school policy that directs their behaviors related to specific student risk taking behaviors?
4. How do counselors rate the importance of certain considerations in making their decision to break confidentiality and notify administrators of behaviors?

## METHOD

### Sampling and Participants

The authors used a convenience sample to gather information about counselors' perceptions. The

presidents of state school counseling associations were contacted via e-mail to notify them of the research project. They were also invited to pass the opportunity to participate in the survey along to their membership. School counselors of all levels (elementary, middle, high school) were invited to participate. Counselors at each level were invited due to the nature of the behaviors included on the survey. Although not all behaviors are common for all levels, the majority of the behaviors presented are encountered to some degree across elementary, middle, and high school levels. For example, the pre-teen/teenage years are often the time when drug experimentation and self-injurious behaviors begin (Doweiko, 2002; Moyer & Nelson, 2007; White Kress, Gibson, & Reynolds, 2004). Similarly, skipping classes and cheating on exams are common at all school levels (Gottfredson, 2001; Lee & Smith-Adcock, 2005).

Only six presidents responded, with one indicating that he or she would invite the state association's executive board to participate, but did not feel comfortable forwarding the invitation to the entire membership. The other five presidents from various regions of the United States agreed to forward the invitation to participate and a link to the survey via the association's e-mail list. Based on membership statistics received from each of the responding school counseling associations, 3,952 school counselors were forwarded the opportunity to participate in the research. Overall, 567 school counselors responded to the survey (14.3%). Of the 567 submitted surveys, 189 were removed from the statistical analyses due to a high number of incomplete items (e.g., responding to only one or two of the first items and then discontinuing). A possible cause for the high rate of incomplete surveys may have been the time commitment necessary to complete all items. For the majority of incomplete surveys, participants only answered the first question related to the grade level of students with which they worked. The sample used for the statistical analyses included responses from the remaining 378 participants.

The distribution of returned surveys was as follows: elementary school ( $n = 104$ , 27.5%), middle school ( $n = 124$ , 32.8%), high school ( $n = 150$ , 39.4%). A total of 49 respondents (13%) were male and 278 (73.5%) were female; 51 (13.5%) participants did not respond to this item. The average age of the participants was 42.3 with a range of 22 to 74 ( $SD = 11.4$ ). With regard to ethnicity, the majority of participants described themselves as European American/White ( $n = 293$ , 77.5%). Other ethnic groups reported as follows: African American ( $n = 20$ , 5.3%), Native American ( $n = 9$ , 2.4%), Hispanic ( $n = 6$ , 1.6%), Asian/Pacific Islander ( $n = 3$ , 0.8%), other ( $n = 3$ , 0.8%), and missing

( $n = 44$ , 11.6%). Educational background (highest degree earned) data were as follows: master's degree ( $n = 277$ , 73.2%), doctoral degree ( $n = 20$ , 5.3%), other ( $n = 41$ , 10.9%), and missing ( $n = 40$ , 10.6%). Finally, the participants' mean number of years as a school counselor was 11.1 with a range of 1 to 41 years ( $SD = 8.4$ ).

### Procedures

Following approval by the authors' university Institutional Review Board, the survey (described below) was formatted for online distribution using Survey Monkey. Upon linking to the survey, school counselors were first asked to identify the primary population with which they work (i.e., elementary, middle, or high school). Counselors were then presented with the corresponding vignette (e.g., 10-year-old student for elementary, 12-year-old student for middle, and 16-year-old student for high school). This was done to facilitate respondents' identification with the student and situation presented in the vignette.

### Instrumentation

The measure used was based on the survey originally developed by Rae and colleagues for use with pediatric (Rae, Sullivan, Razo, George, & Ramirez, 2002) and school (Rae, Sullivan, Razo, & Garcia de Alba, 2009) psychologists. It was first adapted by Moyer and Sullivan (2008) to more closely reflect behaviors seen by school counselors in a school setting. For the present study, the wording and scenarios were adapted further to reflect situations that would more likely involve notifying school administration. The reliability and construct validity of the measure was not formally assessed before administration. The survey was adapted from Moyer and Sullivan's in five major ways. First, the authors removed questions about behaviors that would not likely occur on a school campus (e.g., stealing clothing from a store, stealing a car, and breaking into homes). Because they are unlikely to occur on school grounds, these behaviors would not fall into the school mission, school property, or school personnel category and thus would not involve school administration. Second, smoking, sexual activities, drug usage, and self-injurious behaviors were condensed into one category each instead of several categories differentiated by the intensity of the behavior. Third, all categories were adjusted to reflect behaviors school counselors observed or were notified of rather than only being notified of the behaviors. Fourth, response options were adjusted from varied intensity, frequency, and duration (e.g., once several months ago, monthly for several months, weekly for several weeks, nearly daily for the past year) to occurring on or off school grounds (e.g.,

outside of school, on school grounds before or after school hours, on school grounds during school hours). Fifth, the vignette was changed to better reflect the purpose and research questions of this study.

The survey presented a vignette to provide participants with a common context within which to respond to the survey. Erin, the name used for the student in the vignette, was purposefully chosen as a gender-neutral name. Age of the student in the vignette was manipulated as an independent variable, resulting in three forms of the instrument: a 10-year-old student, a 12-year-old student, and a 16-year-old student. These ages were chosen to represent students who would typically attend an elementary (10-year-old), middle (12-year-old), or high school (16-year-old). Other than these manipulations, the content of all three surveys was kept identical. The following vignette is from the middle school form:

Erin is a 12-year-old average student who is involved in several extracurricular activities at the school. You and Erin have developed a trusting relationship as Erin has come to visit with you several times throughout middle school with pressing issues. During the course of the year the following things happen with Erin.

After reading the vignette, participants were asked to respond to questions related to seven different domains (smoking, alcohol, sexual activity, drug use, self-injurious behaviors, skipping classes, and cheating on assignments/exams). With the exception of the cheating on assignments/exams domain (due to the fact that it may be difficult for a counselor to actually observe a student in the act of cheating on an assignment/exam) each domain included two Likert-scale items in which participants were asked to consider specific behaviors that they either (a) were notified of or (b) personally observed. Additionally, items under each of the Likert scales differed in where and when they took place: either on or off school grounds and during or before/after school hours. The items were designed to help the researchers discern the importance of observed versus reported behaviors and the importance of location and time of the behavior. Participants rated their beliefs about the degree to which it was ethical to break confidentiality using a 6-point scale ranging from 1, *unquestionably not ethical*, to 6, *unquestionably ethical*. A Likert scale was used in order to look at the strength of participants' beliefs. In a section directly following these questions, participants were asked to indicate whether or not they had policies in place at their school specifically addressing tobacco, marijuana, alcohol, self-injury, sexual behaviors, and

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**Table 1. Importance of Considerations in the Decision to Break Confidentiality: Percentages and Means**

Items	N	% Response						M	SD
		1	2	3	4	5	6		
<i>Smoking</i>									
1. Erin admits to smoking cigarettes									
A. Outside of School.	378	53.4	19	14.3	7.7	2.1	3.2	1.9	1.3
B. On school grounds during school hours.	378	22	12.7	14.3	13.2	15.9	22	3.5	1.9
C. On school grounds before or after school.	377	25.4	16.1	14.8	13.2	15.6	14.6	3.2	1.8
2. You personally see Erin smoking a cigarette									
A. Outside of school.	375	50.8	15.3	13.5	10.1	2.6	6.9	2.2	1.5
B. On school grounds during school hours.	375	7.9	4.0	7.1	15.6	21.4	43.1	4.7	1.6
C. On school grounds before or after school.	375	9.8	7.1	12.2	15.3	20.9	33.9	4.3	1.7
<i>Alcohol</i>									
3. Erin admits to using alcohol									
A. Outside of School.	378	38.6	13.8	17.5	13.2	6.3	9.8	2.6	1.7
B. On school grounds during school hours.	375	13.5	6.9	12.2	11.1	17.5	38.1	4.3	1.8
C. On school grounds before or after school.	378	14.8	8.7	12.7	14.3	18.5	29.6	4.0	1.8
4. You personally see Erin using alcohol									
A. Outside of School.	375	29.9	10.1	14.8	13.0	11.1	20.4	3.3	1.9
B. On school grounds during school hours.	378	3.7	0.8	4.0	10.6	16.4	64.6	5.3	1.2
C. On school grounds before or after school	377	4.5	2.1	5.6	13.2	18.5	55.8	5.1	1.4
<i>Substance Use</i>									
5. Erin admits to using marijuana									
A. Outside of School.	378	34.9	14.6	15.9	13.8	7.4	13.5	2.9	1.8
B. On school grounds during school hours.	378	12.2	5.6	10.1	12.2	18.3	41.8	4.4	1.8
C. On school grounds before or after school	376	13.0	7.7	11.1	13.2	18.3	36.2	4.3	1.8
6. You personally see Erin using marijuana									
A. Outside of School.	377	25.4	9.8	13.2	13.2	12.4	25.7	3.6	1.9
B. On school grounds during school hours.	376	3.4	0.8	3.7	9.8	14.8	66.9	5.3	1.2
C. On school grounds before or after school	376	4.2	1.9	5.3	11.6	17.5	59.0	5.1	1.3
<i>Self-mutilation</i>									
7. Erin admits to self-injurious behavior (cutting, scratching, or burning the skin)									
A. Outside of School.	377	18.8	9.3	11.9	15.3	13.5	31.0	3.9	1.9
B. On school grounds during school hours.	378	9.3	3.7	9.8	14.8	15.1	47.4	4.7	1.6
C. On school grounds before or after school	377	9.5	5.0	11.6	13.8	17.5	42.3	4.5	1.7
8. You personally see Erin with fresh cuts or the arms or legs									
A. Outside of School.	377	16.7	8.5	9.5	12.2	14.3	38.6	4.2	1.9
B. On school grounds during school hours.	378	7.1	2.9	9.5	13.0	14.6	52.9	4.8	1.6
C. On school grounds before or after school	377	7.9	4.0	9.5	13.5	15.3	49.5	4.7	1.6

**Table 1. Importance of Considerations in the Decision to Break Confidentiality: Percentages and Means, cont.**

Items	N	% Response						M	SD
		1	2	3	4	5	6		
<i>Sexual Behavior</i>									
9. Erin admits to engaging in sexual activities									
A. Outside of School.	377	43.9	14.0	16.1	11.6	6.6	7.4	2.5	1.6
B. On school grounds during school hours.	378	15.9	6.3	11.4	14.8	15.1	36.5	4.2	1.8
C. On school grounds before or after school	376	16.4	8.7	13.2	14.8	16.7	29.6	4.0	1.8
10. You personally see Erin engaging in sexual activities									
A. Outside of School.	375	31.2	11.4	14.6	11.9	9.0	21.2	3.3	1.9
B. On school grounds during school hours.	377	4.5	1.9	4.8	11.6	14.8	62.2	5.2	1.3
C. On school grounds before or after school.	375	5.3	3.4	8.2	12.7	15.3	54.2	5.0	1.5
<i>Classroom Behavior</i>									
11. Erin admits to skipping class									
A. Several times a day	377	22.0	8.7	13.2	17.5	15.3	23.0	3.7	1.9
B. Several times a week	377	21.7	9.3	14.8	20.6	13.2	20.1	3.6	1.8
C. Several times a year	376	26.2	13.0	19.6	14.8	10.6	15.3	3.2	1.8
12. You personally see Erin skipping class									
A. Several times a day	377	7.4	3.2	7.9	18.5	17.2	45.5	4.7	1.5
B. Several times a week	378	7.1	4.5	8.2	20.1	18.5	41.5	4.6	1.5
C. Several times a year	376	9.8	7.1	13.0	15.9	17.5	36.2	4.3	1.7
13. Erin admits to cheating on exams/assignments									
A. In one class	375	25.4	11.6	17.5	15.1	11.1	18.5	3.3	1.8
B. In several classes	375	22.8	11.4	13.0	17.7	12.7	21.7	3.5	1.9
C. In all classes	374	22.8	10.8	12.4	14.6	14.3	24.1	3.6	1.9

*Note.* Rating scale: 1 = unquestionably not ethical, 2 = ethical under almost no circumstances, 3 = ethical under rare circumstances, 4 = ethical under many circumstances; 5 = ethical under almost all circumstances; 6 = unquestionably ethical. Percentages that do not add up to exactly 100 are the result of missing data and rounding.

skipping classes. If participants indicated that they indeed had a policy specifically addressing the identified behaviors, they were then provided space to describe those specific policies. Finally, participants were asked to rate the importance of certain considerations in their decision to break confidentiality to report adolescent risk-taking behaviors to administrators (e.g., upholding the law, apparent seriousness of the risk-taking behavior, complying with school/district policy, protecting the student, not disrupting the process of counseling, likelihood that student will continue counseling after breaking confidentiality, maintaining relationships with administrators). Participants were invited to indicate the importance of each consideration by identifying it as

extremely unimportant, somewhat unimportant, neutral, somewhat important, or extremely important.

## RESULTS

The first research question posed by the present study was: To what extent do factors such as the counselor being a witness to the behavior versus students reporting the behavior impact the counselor's perception of the ethicality of breaking confidentiality to notify school administrators? Table 1 provides the mean rating of ethicality for each item across all three school levels and the percentage of respondents who chose each response option for each item.

**Counselors on one hand are ethically bound to keep information confidential and on the other are obligated to inform administrators of behaviors since they may affect the overall school climate.**

Based on the percentages shown in Table 1, participants perceived breaking confidentiality and notifying school administration to be more ethical for viewed behaviors than for reported behaviors. This pattern was seen across all domains. The percentages in Table 1 also indicate that participants had a higher belief in the ethicality of breaking confidentiality and notifying school administration for behaviors that were either reported to have happened or that they personally viewed on school grounds as opposed to those happening outside of school for the smoking, alcohol, substance use, self-mutilation, and sexual behavior domains. Across all domains, the percentage of participants indicating breaking confidentiality was unquestionably ethical was highest for those behaviors reported to have happened or viewed on school grounds during school hours. Similarly, the percentage of participants indicating it was unquestionably ethical to break confidentiality increased as the frequency of the behavior increased in the classroom behavior domain, which was measured differently (i.e., based on frequency) from the other domains because classroom behaviors occur only within the context of the school setting. Items under the alcohol, substance use, and sexual behavior domains had the highest percentage of participants indicating it was unquestionably ethical to break confidentiality and also had the lowest standard deviations, but only when the behaviors were personally viewed on school grounds. This suggests that school counselors had the most agreement on these behaviors under these conditions, as a high percentage felt it would be ethical to break confidentiality and notify administrators. However, when those same behaviors were reported by students and not personally viewed or when they were viewed off-campus, a larger percentage of participants indicated that they believe breaking confidentiality would be unethical and standard deviations were generally higher. This indicates that when the behavior takes place away from the school or when classes are not in session, counselors demonstrated less agreement on the ethicality of personally identifying students to administrators. The self-mutilation domain had the most consistency between viewed and reported behaviors with both having the highest percentage of participants indicating they perceived it to be unquestionably ethical to break confidentiality regardless of where or when the behaviors took place.

Next, the researchers computed overall means and standard deviations based on observed versus reported behaviors. Since cheating behavior was based on reported behaviors only, it was summed and reported by itself for only reported behaviors, thus overall creating thirteen new domains. New variables were created for each domain by summing

all responses within each domain. For example, for the alcohol domain, items 3a, 3b, and 3c (see Table 1) were summed and then divided by the number of items (3) in order to facilitate interpretation using the 6-point Likert-type scale; this procedure created an overall admitting alcohol variable (i.e., Admit Alcohol). A similar procedure was used with items 4a, 4b, and 4c (see Table 1) to create an overall observed alcohol variable (i.e., View Alcohol). These descriptive statistics provided the basis for the next step of analysis: looking at the influence of other independent variables.

The second research question posed by the present study was: Are there differences in school counselors' perceptions of the ethicality of breaking confidentiality based on school counselors' level of professional practice (i.e., elementary school, middle school, and high school)? For this question, the independent variable was school level (i.e., elementary school, middle school, high school) and the dependent variables were Admit Smoking, View Smoking, Admit Alcohol, View Alcohol, Admit Marijuana, View Marijuana, Admit Self-Injury, View Self-Injury, Admit Sex, View Sex, Admit Skipping, View Skipping, and Admit Cheating. For these analyses, alpha was set at .001 (based on the Bonferroni correction with an initial alpha level of .05 divided by 39 comparisons, with 3 levels of the independent variable and 13 dependent variables). Bonferroni post-hoc analyses were conducted in order to detect significant differences among the different levels of the factors. These analyses found significant main effects for the Admit Smoking [ $F(2, 373) = 17.82, p < .001, \text{partial } \eta^2 = .087$ ] and Admit Sex [ $F(2, 372) = 43.54, p < .001, \text{partial } \eta^2 = .094$ ] domains. Bonferroni post-hoc analyses with the Admit Smoking domain indicated that the perceived ethicality of breaking confidentiality was significantly higher for both elementary and middle school counselors over high school counselors; this same significant difference was found for the Admit Sex domain.

The third research question posed by the present study was: Are there differences in school counselors' perceptions of the ethicality of breaking confidentiality based on whether or not they have a school policy that directs their behaviors related to specific student risk taking behaviors? Thus, the independent variable was whether or not school counselors had a policy (either Yes or No) related to the specific behaviors at their school, and the dependent variables were the same 13 variables listed above for the second research question. For these analyses, alpha was set at .004 (based on the Bonferroni correction with an initial alpha level of .05 divided by 13 comparisons, with 2 levels of the independent variable and 13 dependent variables). These analyses found

**Table 2. Importance of Considerations in the Decision to Break Confidentiality: Percentages and Means**

Items	N	% Response					M	SD
		1	2	3	4	5		
1. Apparent seriousness of the risk-taking behavior	331	3.6	1.5	3.3	12.1	79.5	4.62	.91
2. Upholding the law	330	2.7	6.4	14.2	28.5	48.2	4.13	1.05
3. Frequency of the risk-taking behavior	332	2.7	9.0	9.6	40.7	38.0	4.02	1.04
4. Complying with school/district policies	332	3.9	8.7	13.3	36.4	37.7	3.95	1.10
5. Protecting the student	328	4.0	2.4	2.4	10.7	80.5	4.61	.95
6. Maintaining relationship with the student	329	1.8	7.9	11.6	44.7	34.0	4.01	.97
7. Not disrupting the process of counseling	329	3.0	15.5	22.5	42.2	16.1	3.52	1.05
8. Intensity of the risk-taking behavior	331	3.6	1.5	4.2	24.8	65.9	4.48	.93
9. Likelihood that student will continue counseling after breaking confidentiality	329	6.7	17.6	23.4	38.9	13.4	3.35	1.12
10. Duration of the risk-taking behavior	329	3.0	7.3	11.9	42.9	35.0	3.99	1.02
11. Maintaining relationships with administrators	329	19.1	20.7	30.4	22.2	7.6	2.78	1.21
12. Impact of the behavior on the student's performance in school	329	4.5	13.3	17.2	45.3	19.6	3.62	1.08
13. Gender of the student	331	65.9	3.6	25.7	2.4	2.4	1.72	1.07
14. Age of the student	328	27.1	14.6	16.8	29.3	12.2	2.85	1.41

*Note.* Rating scale: 1 = extremely unimportant, 2 = somewhat unimportant, 3 = neutral, 4 = somewhat important, 5 = extremely important. Percentages that do not add up to exactly 100 are the result of missing data and rounding.

significant main effects for the Admit Cheating [ $F(1, 321) = 31.11, p < .004, \text{partial } \eta^2 = .089$ ], Admit Skipping [ $F(1, 322) = 21.75, p < .004, \text{partial } \eta^2 = .063$ ], View Skipping [ $F(1, 321) = 19.45, p < .004, \text{partial } \eta^2 = .057$ ], View Self-Injury [ $F(1, 320) = 44.33, p < .004, \text{partial } \eta^2 = .122$ ], and Admit Self-Injury [ $F(1, 319) = 60.66, p < .004, \text{partial } \eta^2 = .160$ ] domains. For all domains, significant differences were in the direction of counselors finding it more ethical to break confidentiality when their school had a specific policy in place.

The fourth research question posed by the present study was: How do counselors rate the importance of certain considerations in making their decision to break confidentiality and notify administrators of behaviors? Counselors reported the apparent seriousness of the risk-taking behavior as most important, followed by protecting the student, intensity of the risk-taking behavior, upholding the law, frequency of the risk-taking behavior, and maintaining relationship with the student (see Table 2 for detailed results). Interestingly, participants generally rated maintaining relationships with administrators as less important than most of the other factors, and age was reported as one of the least important con-

siderations despite the significant differences by school level reported above. Gender of the student was seen as the least important variable.

## DISCUSSION

Although the behaviors included in this study may be more common at middle and high school levels than in elementary school, the behaviors are seen in elementary, middle, and high school settings and many are considered normal during various stages of a child's development and maturation process. All may also be considered to be compromising to a school's mission, personnel, or property, not to mention the child's health and academic performance. School counselors must therefore determine when and how to notify school administrators, in accordance with ethical standards, that these behaviors are occurring. School counselors also must decide if they will break confidentiality and specifically identify students as being associated with those behaviors. These results showed a high degree of variance in responses among all the behavior domains, although the authors observed more agreement for alcohol, substance use, and sexual

**Participants perceived breaking confidentiality and notifying school administration to be more ethical for viewed behaviors than for reported behaviors.**

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behaviors, when these behaviors were directly observed and occurred on school grounds.

The first research question asked: To what extent does the counselor being a witness to the behavior versus students reporting the behavior impact the counselor's perception of the ethicality of breaking confidentiality to notify school administrators? Interestingly, across all behavior domains, the percentage of counselors indicating they felt breaking confidentiality was unquestionably ethical was higher for behaviors directly observed than those simply reported by the student, indicating that counselors believed it to be more ethical to break confidentiality when they observed behaviors. Perhaps observing the behaviors directly made the danger appear to be more immediate and preventable, as opposed to listening to the student describe behaviors that have already happened. Across all domains, the percentage of counselors indicating that they perceived breaking confidentiality to be unquestionably ethical was highest for behaviors that were observed on school grounds during school hours, as opposed to behaviors that were observed either outside of school or on school grounds but before or after school hours. This pattern likely reflects that counselors acknowledge limits to their responsibilities for protecting the school's mission, personnel, or property.

The second research question asked whether there are differences in school counselors' perceptions of the ethicality of breaking confidentiality based on the school counselors' level of professional practice (i.e., elementary school, middle school, and high school). Only two significant differences appeared among the three school levels; both were in the direction of counselors believing that breaking confidentiality with younger students is more ethical than with older students, which is consistent with previous research (Isaacs & Stone, 1999; Moyer & Sullivan, 2008). Specifically, elementary and middle school counselors believed breaking confidentiality for behaviors related to sexual activity and tobacco use to be significantly more ethical than did high school counselors. These behaviors may be seen as more developmentally appropriate for high school aged students than those in elementary and middle school.

The third research question asked whether there are differences in school counselors' perceptions of the ethicality of breaking confidentiality based on whether or not they have a school policy that directs their behaviors related to specific student risk taking behaviors. For the Admit Skipping, View Skipping, Admit Cheating, View Self-Injury, and Admit Self-Injury variables, counselors were more likely to find breaking confidentiality and notifying school administrators ethical if they had a school policy in place that guided their decision. On the contrary, the

authors found no significant difference in counselors' views of breaking confidentiality for the variables Admit Alcohol, View Alcohol, Admit Marijuana, View Marijuana, Admit Smoking, and View Smoking based on whether or not they had a specific school policy related to these behaviors. A commonality among the latter behaviors is that they all fall under the safe and drug free schools act (No Child Left Behind Act, 2001). This may suggest that when federal legal precedence is in place, counselors are less likely to vary on the ethicality of breaking confidentiality regardless of the policy of their individual schools (i.e., the presence of federal policy trumps the presence or absence of school policy). When no such precedence exists, such as with self-injury, skipping classes, and cheating on exams, counselors are more likely to refer to school policy to help guide their decision making. Thus, decision making related to these behaviors is likely to depend largely on school policy. These findings match the participants' indications that upholding the law and following school/district policy are extremely important in making the decision to break confidentiality (see below), and also have implications for policy development in that, to some extent, administrators and policymakers can shape counselors' behaviors via policy. The impact of policy on behavior also suggests that school counselors should have a place at the table as policies are developed and revised.

Following policies and procedures is an expectation for anyone who accepts employment, regardless of the organization. However, while the results of this study indicate that school counselors do tend to follow school policy and legal mandates and look to those guidelines when considering their actions, some disagreement may exist on how to notify while still being mindful of how to "honor the confidentiality between student and counselor," as stated in the ASCA (2010, p. 3) ethical standards. This apparent conflict between school policy and professional ethics may explain some of the variance seen across all domains regardless of legal mandates or school policy. At the same time, the variance may not be in counselors' decision to report or not report the behaviors, but may be in *how* they typically report behaviors to administration. While some counselors may report the behaviors using general terminology and withhold specific student identifiers, others may report the behaviors including specific identifying information about the students involved. This is not meant to imply that counselors would purposefully act maliciously or act as informants for other school officials, but instead may suggest that counselors disagree on how to interpret the ethical code.

Finally, the fourth research question asked: How do counselors rate the importance of certain considerations in making their decision to break confiden-

tiality and notify administrators of behaviors? Counselors indicated that protecting the student, maintaining the counseling relationship, and having the student continue with counseling were all more important factors for them in making decisions to notify administrators than maintaining their relationships with administrators. This finding was somewhat surprising given the hierarchical nature of the counselor-administrator relationship and the potential pressure for counselors to act in ways that will result in favorable evaluations from administrators. Each counselor's interpretation may differ based on their own morals and beliefs related to the behavior being observed or reported. Moyer and Sullivan (2008) found that counselors often turn to their own beliefs and attitudes when interpreting the code of ethics without the help of specific guidelines. In this case, the lack of clarity on how to inform administrators while protecting the confidentiality of students may provide opportunity for counselors to again rely on their own experiences and attitudes to interpret the ethical code.

In conclusion, when looking at these results as compared to results in a similar study examining breaking confidentiality to report risk taking behaviors to parents (Moyer & Sullivan, 2008), the authors observed some notable similarities. Counselors' feelings related to the ethicality of breaking confidentiality and telling parents were similar to their feelings about the ethicality of breaking confidentiality and notifying administrators. In fact, for the majority of the domains observed by both studies, counselors reported believing that breaking confidentiality and notifying administrators is more ethical than breaking confidentiality and notifying parents. Despite this belief, parents/guardians have a legal right to know what their children are disclosing during counseling sessions, whereas administrators do not share the same legal privilege. However, administrators may often be a school counselor's direct supervisor and if counselors are not seen as "team players" they may face repercussions related to job security. Future research should look at other similar positions within a school (e.g., school psychologist, school nurse, school social worker) to see if others in similar positions may have the same views towards the ethicality of breaking confidentiality.

### Limitations

These results must be interpreted with caution in light of several limitations with this study. First, only 37 state school counseling associations received the invitation to participate due to the authors' inability to find contact information for all 50 state organizations. Second, the survey had a very low response rate. Of the 37 state associations contacted, only six

responded. Further, while 3,592 school counselors were given the opportunity to participate, only 567 school counselors responded to the survey, and 189 of these were removed due to a high number of incomplete items. Although the group of 378 participants who were included in the data analysis represents a low response rate, the sample size was adequate for the statistical analyses used. Due to dissimilar school schedules and the varying workloads of counselors, the authors had difficulty determining the best time of the school year to disseminate the survey to maximize the number of counselors who would have time to complete the it. Regardless of the reason for the low response rate, the external validity of these results, that is, the authors' ability to generalize the results back to the population of elementary, middle, and high school counselors, is very limited. Third, the instrument was not piloted or externally validated before the authors administered it to the sample. Going through the process of piloting and validation may have resulted in a stronger or more clearly written set of items. Fourth, the survey format did not include any contextual information regarding the student such as prior risk taking behaviors, academic success, peer group, and familial factors. This limitation is associated with the ex post facto design of this study, as the authors are unable to discern what respondents would actually do when faced with these decisions (and accompanying contextual information) in everyday practice. Finally, the developmental range of this research is ambitious; the dataset includes responses from counselors working with students in elementary through high school. The fictitious elementary student was 10 years old, which the authors understand would exclude a number of students with whom elementary counselors work on a daily basis. Furthermore, the concerns a counselor has working in an elementary school are not the same as a counselor working in a high school. All these factors would be taken into consideration as part of a school counselor's ethical decision making process to break confidentiality (see Sullivan & Moyer, 2008).

### Implications for Practice

Based on the results above, the authors offer the following suggestions to school counselors to best prepare themselves for handling ethical dilemmas. Given the limitations of this study, these practical recommendations should be considered tentative. First, school counselors might continuously dialogue with their administrators to ensure they are familiar with administrators' expectations and their administrators are familiar with school counselor ethical responsibilities. Gloffoff and Pate (2002) recommended that school counselors meet with administrators at the beginning and continuously throughout the year to

**Elementary and middle school counselors believed breaking confidentiality for behaviors related to sexual activity and tobacco use to be significantly more ethical than did high school counselors.**

**When federal legal precedence is in place, counselors are less likely to vary on the ethicality of breaking confidentiality regardless of the policy of their individual schools.**

discuss the benefits of counseling and the importance of student/counselor confidentiality. Schmidt (2003) encouraged counselors to keep lines of communication open with administrators by informing them of annual plans and essential services being offered to students and families. Second, if not already doing so, school counselors might consider participating in supervision with other counselors in their area (e.g., senior counselor or counseling mentor). In schools that do not provide regular supervision by a more experienced counselor, a suggestion would be to seek out a group of peers to engage in supervision and feedback. Remley and Herlihy (2001) pointed out that the best way for counselors to defend their actions is to act as other reasonable counselors would in similar situations. By discussing issues with others, counselors may become more aware of their own ethical decision making and how it fits with others' preferred practices in similar situations. More important, by discussing these and related issues with other counselors in their own school and/or district, school counselors may come to better understand and interpret ethical standards (e.g., ASCA, 2010) as they relate to local policy, thereby promoting the integrity of the profession and services they provide to students. Third, at a systems level, counselors may consider becoming involved in the development of school policy regarding the reporting of risk taking behaviors to administrators. The ASCA (2010, section D.1.d) ethical standards specifically states that school counselors should "inform appropriate officials of systemic conditions that may limit or curtail their effectiveness in providing programs and services" (p. 5). The results of this study suggest that policy had an impact on counselors' ethical decision making. By becoming more involved in policy development, counselors may have opportunities to shape such policies rather than simply comply with them. Last, counselors should always consider all possible consequences of their actions and go through a formal and documented decision making process before deciding to break or not break confidentiality when notifying administrators. This should include seeking supervision and advice from peers, mentors, supervisors, and other professionals within the field before making a final decision to breach confidentiality. ■

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