

## Making Ethical Decisions in Challenging Situations

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### Why is Training Needed?

- School psychologists' work with children in schools is especially vulnerable to ethical dilemmas:
  - We serve several populations whose interests may differ from one another
  - Schools are government agencies subject to regulation, employment law, etc.
  - Schools' primary concern is the development of academic skills

- Most school psychologists don't feel as if they are fully prepared to handle ethical dilemmas;

|                     | Ethical issues on the job | Administrative pressure | Unethical conduct by a colleague |
|---------------------|---------------------------|-------------------------|----------------------------------|
| Very prepared       | 63%<br>(n = 131)          | 65%<br>(n = 135)        | 38%<br>(n = 79)                  |
| Somewhat prepared   | 37%<br>(n = 77)           | 30%<br>(n = 63)         | 52%<br>(n = 108)                 |
| Not at all prepared | 0%<br>(n = 0)             | 5%<br>(n = 10)          | 10%<br>(n = 20)                  |

(Dailor, 2007)

- Ethical standards may be unclear or ambiguous;

For example, what, exactly, does this principle recommend?

"School psychologists consider children and other clients to be their primary responsibility, acting as advocates for their rights and welfare" (NASP, IV. A. 1.)

Who are "children and other clients?"  
What are appropriate forms of advocacy?

- Often, situations involve competing ethical principles;

"School psychologists understand their obligation to respect the rights of a child to initiate, participate in, or discontinue services voluntarily" (NASP, III. B. 3).

vs.

"School psychologists respect the wishes of parents who object to school psychological services" (NASP, III. C. 4.)

- Sometimes, ethical principles and legal requirements conflict with one another;

Jim Donaldson, the father of a 4<sup>th</sup> grade student who is being evaluated for a suspected learning disability, has decided to obtain an independent evaluation at his own cost. He called the school and spoke with the secretary, indicating that he would like to come in the following week to pick up a copy of the IQ test protocol used for his son's evaluation. The secretary relayed this request to the school psychologist.

- "Right to inspect" doesn't necessarily require a copy of the record;
- Courts might likely view the parent's right of access to supersede the publisher's copyright, especially if only the face sheet is copied; publishers, not school psychologists, pursue copyright violations.

### And ...

- The NSPCB requires ethics training for renewal of the NCSP credential (effective January, 2009); some state regulatory boards also require ethics training.
  - Your state credentialing authorities (Department of Education; Board of Psychology) may require ethics training, as well.

### What ethical dilemmas are most frequently reported by school psychologists?

A national survey conducted by Dailor (2007) asked school psychologists to report their "top three" concerns related to professional ethics.

This question also had been asked in a survey conducted by Jacob-Timm (1999).

#### Top Three Ethics-Related Concerns Reported by School Psychologists

(Dailor, 2007)

| Concern                          | % within Top 3 | N  |
|----------------------------------|----------------|----|
| Administrative Pressure          | 43             | 89 |
| Unsound Educational Practices    | 41             | 86 |
| Assessment related concerns      | 27             | 56 |
| Confronting unethical colleagues | 24             | 50 |
| Storage and disposal of records  | 22             | 45 |

#### Comparison of "Top Three" Ethics Concerns 1999 - 2007

| Dailor (2007)                                  | (Dailor, 2007)<br>Jacob-Timm (1999) |
|------------------------------------------------|-------------------------------------|
| Administrative pressure                        | Administrative Pressure             |
| Unsound Educational Practices                  | Assessment                          |
| Assessment                                     | Confidentiality                     |
| Confronting colleagues about unethical conduct | Unsound Educational Practices       |

### What ethical dilemmas are most frequently reported by school psychologists?

| Categories of Ethical Misconduct | % YES | n   |
|----------------------------------|-------|-----|
| Assessment                       | 86    | 178 |
| Intervention                     | 79    | 165 |
| Administrative Pressure          | 76    | 157 |
| Informed Consent                 | 51    | 105 |
| Parent Conflicts                 | 48    | 100 |
| School Records                   | 38    | 79  |
| Job Competence                   | 36    | 74  |
| Confidentiality                  | 33    | 69  |
| Conflictual Relationships        | 20    | 42  |

Dailor, 2007

### How do school psychologists decide how to handle ethical dilemmas?

|                                                   | %  | n   |
|---------------------------------------------------|----|-----|
| Peer consultation                                 | 66 | 137 |
| Consulted ethics codes, laws, or other guidelines | 42 | 88  |
| Thought about risks/benefits of actions           | 41 | 85  |
| Used systematic decision-making model             | 16 | 33  |
| Contacted a state professional organization       | 6  | 12  |
| Contacted NASP                                    | 2  | 4   |

Dailor, 2007

So, if it's true that school psychologists will make better decisions in situations involving ethical standards if they employ a systematic decision-making model, what kind of model is recommended?

First, let's distill ethical principles into the four general principles recommended by the Canadian Psychological Association. These principles represent the "knowledge base" required for ethical decision-making.

## Four General Ethical Principles

### 1. Respect for the Dignity of Persons

"School psychologists are committed to the application of their professional expertise for the purpose of promoting improvement in the quality of life for children, their families, and the school community. This objective is pursued in ways that protect the dignity and rights of those involved" (NASP, III. A. 1).

*Self-determination and autonomy*

*Privacy and confidentiality*

*Fairness and non-discrimination*

## Self-Determination and Autonomy

A 15 year-old male is experiencing confusion about his sexual orientation, and wants to see the school psychologist for counseling on the condition that his parents are not notified that he is being seen for counseling (From study of ethical dilemmas, Jacob-Timm, 1999).

## "Diminished Capacity" and Student Self-Determination

(Canadian Psychological Association, 2000)

- Consider whether right to self determination is *developmentally appropriate* for this child
- Consider impact on the child's welfare
- Seek willing and adequately informed consent from person of diminished capacity
- Proceed only if service is considered to be of *direct benefit* to that person

## Privacy and Confidentiality

- Neither seek nor maintain records of information that is not needed to provide services
- Obtain information in a legally and ethically appropriate manner, and from responsible sources
- Limit disclosure of confidential information

## Fairness and Non-Discrimination

School psychologists "are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status, and consider these factors when working with members of such groups ... (they) try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices" (APA Ethical Principle E)

## 2. Responsible Caring (Beneficence)

*Practice within the boundaries of competence*

"School psychologists recognize the strengths and limitations of their training and experience, engaging only in practices for which they are qualified" (NASP I A. 1)

*Accept responsibility for one's actions and decisions*

"School psychologists accept responsibility for the appropriateness of their professional practices" (NASP III A. 1)

"School psychologists maintain full responsibility for any technological services used" (NASP IV E. 4.)

## Four General Ethical Principles

### 3. Integrity in Professional Relationships

*Openness and honesty with others  
Faithfulness in carrying out duties*



## Four General Ethical Principles

### 4. Responsibility to Community and Society

"School psychologists attempt to resolve suspected detrimental or unethical practices on an informal level. If informal efforts are not productive, the appropriate professional organization is contacted for assistance, and procedures established for questioning ethical practice are followed" (NASP, III. A. 8)

## Confronting a Colleague with Concerns

### Concerns

- Respect for colleague's autonomy
- Concern about damage to reputation/image
- Concern about compromised working relationship
- Fear of reprisal

### Recommendations

- View situation as opportunity to assist colleague
- Avoid judgment
- Cite specific behaviors
- State expectations for behavior
- Seek advice from supervisor/colleagues
- Document conversations and actions taken

## Four General Ethical Principles

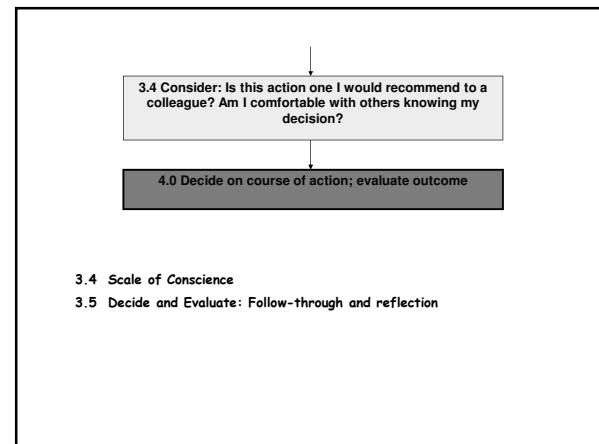
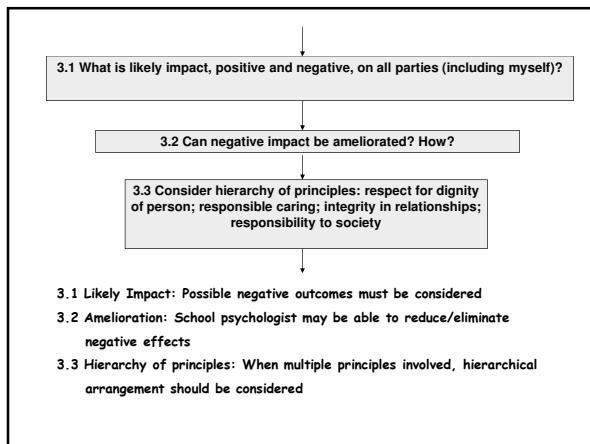
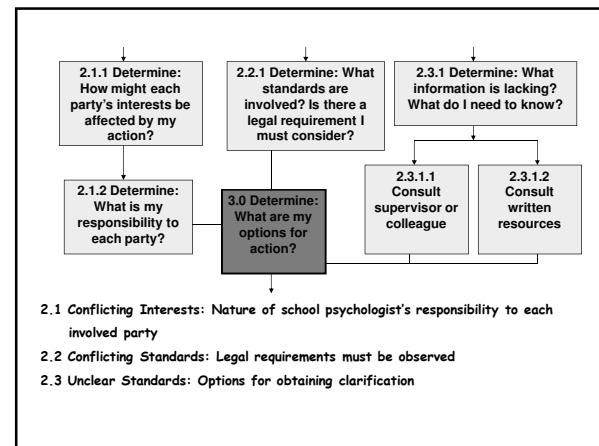
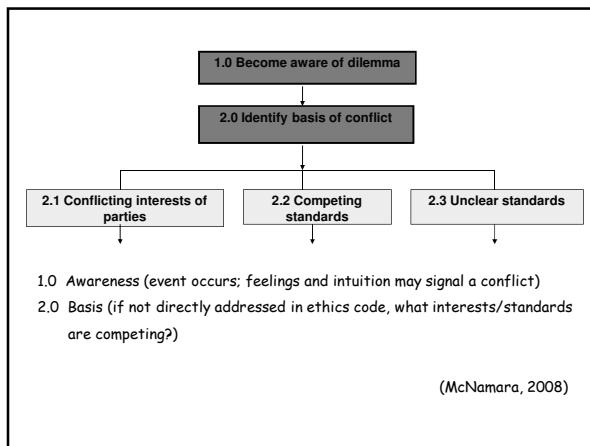
### 4. Responsibility to Community and Society

"School psychologists attempt to resolve suspected detrimental or unethical practices on an informal level. If informal efforts are not productive, the appropriate professional organization is contacted for assistance, and procedures established for questioning ethical practice are followed" (NASP, III. A. 8)

"School psychologists also are citizens, thereby accepting the same responsibilities and duties as any member of society ... (they) may act as individual citizens to bring about social change in a lawful manner ... (i) if regulations conflict with ethical guidelines, school psychologists seek to resolve such conflict through positive, respected, and legal channels, including advocacy efforts involving public policy" (NASP, III., D. 1, 2, 5)

## Responsibility to Community

Ann Evans is a school psychologist who lives in the school district where she works. She is concerned about the failure of the school board to address the problem of school bullying; in fact, she heard a radio interview in which a board member claimed that the district's bullying problem had been eliminated. Ann knows this isn't true, since an increasing number of students have reported bullying episodes during recess periods and on school buses. Her co-workers have advised her to keep quiet about the situation, since the board takes a negative view of employees who openly challenge school policies and practices. "Besides," they suggest, "parents will eventually insist that the district do something about the bullying problem."



Bobby is a relatively new student at East Elementary School (he transferred 3 months ago). According to his mother and school records, Bobby has always struggled academically and is currently reading at a pre-k level, though he has never been evaluated or identified with a disability nor has he ever had special education services. Bobby did not make any progress in his regular 4<sup>th</sup> grade classroom during his first few weeks at East. He was subsequently placed in a functional academics classroom comprised mostly of students with a SLIC disability. Since then, Bobby has made a significant amount of progress in all academic areas and appears very engaged. At an intervention team meeting, the principal told the school psychologist and other team members that Bobby must be placed back into the regular classroom immediately since he was never provided with Tier 2 interventions and thus did not have a chance to respond to such interventions prior to being placed in the FA classroom.

Mark T. is a school psychologist who works with students in an alternative school with students who have difficulties in learning, emotional issues, and, in some cases, in adapting to the rules of school or community.

On Friday, Mark emailed one of the counselors at the other high school, seeking advice about one of the students: "Shane Smith is so challenging. His IQ is only 78 and he struggles with following even simple directives. In our last counseling session, he told me that his mom is still drinking and that she seems angry all the time. He also told me that he wets the bed almost every night. I am not sure what to do about this. Any suggestions?".

Mark closed the email by asking the counselor to be sure to delete the string of emails to ensure confidentiality.

Over the summer, Susan, a school psychologist, worked with the regional special education director and a team of principals, teachers, and other support staff to develop a three-tier RtI model. Their cooperative includes a number of small, rural schools and consequently, some schools are served by itinerant school psychologists. In the initial discussion of the RtI, the principals suggested that they be responsible for observing teachers to monitor treatment integrity. Susan is concerned, however, that tensions may arise between the need to document treatment fidelity and teacher concerns that such data might be used inappropriately by school administrators to evaluate teachers (and perhaps discharge them). She is also concerned about the impact this will have on service delivery and meeting the needs of kids.

Jack Western was a capable and conscientious school psychology intern during his first semester as Pearl Meadow's supervisee. After winter break, however, Jack was often late to school, sporadically absent due to illness, and appeared disorganized and unprepared for meetings. When Pearl expressed concern about this change in his performance, Jack apologized, attribute his tardiness and disorganization to the stress of completing his master's thesis, and promised to do better. The following week, however, when reviewing a student assessment he completed, Pearl noticed that Jack failed to record any of the child's verbatim responses on several WISC subtests, and this his report was poorly written, with little attention to integration and interpretation of findings. Then, after lunch that day, Pearl thought she smelled alcohol on his breath. When Pearl asked Jack about the incomplete WISC protocol and hastily written report during their supervision meeting, Jack disclosed that his wife had left him over Christmas and that he was devastated by their separation. He had never administered all the WISC subtests, and had simply fabricated the scores. When asked whether alcohol was a problem, he confided that he had been drinking heavily (Jacob & Hartshorne, 2007, p. 307).

Charlie Maxwell, a school psychologist, overheard a conversation between a fellow school psychologist, Frank Brown, and a guidance counselor in the school district in which they both worked. Frank told the counselor that he didn't see much point in meeting with parents of students who were chronic behavior problems, since poor parenting skills obviously contributed to the problems of such students, and the parents were unlikely to be of any help in addressing their children's difficulties. When asked by the counselor how he got around the obligation to consult with parents of students who were referred to him, Frank said that, while he did ensure that he had a signed consent form from the parents, he made notations in his record that he had spoken with the parents, or attempted to contact them by phone, when in fact he had not.

Cindy, a troubled 14 year-old whom Hannah has seen previously for counseling, comes to her without an appointment. She is upset because two of her best friends, Tara and Trisha, have made plans to "ambush and beat up" another girl after school because of an argument about a boy. She knows that Tara and Trisha have been in trouble at school before for fighting, and she is worried they will be kicked out of school if they follow through on their plans, and that they may really hurt their intended victim (Jacob & Hartshorne, 2007, p. 228).

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