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Maintaining Confidentiality with Minors: Dilemmas of School Counselors

This article examined the attitudes of 195 school counselors in Israel regarding (a) the decision to maintain or breach confidentiality in a variety of ethical dilemmas, and (b) the reasons given for justifying their decisions. Eighteen ethical dilemmas in three domains were presented to respondents in a questionnaire. School counselors were most willing to breach confidentiality regarding dilemmas in the domain of dangerous behaviors or situations, less willing in the domain of unlawful behaviors, and least willing in the domain of personal and family information. Ethical reasons, legal and procedural reasons, and professional-personal priorities of counselors were the three types of reasons used by counselors, although they varied in the use of each type of reason according to their decision and the domain of the dilemmas.

Maintaining clients' confidentiality is considered a cornerstone of the counseling profession "and should be guarded at extreme costs, lest the profession redefine itself" (Mitchell, Disque, & Robertson, 2002, p. 158). Establishing trust between counselor and client is critically important in ensuring the success of the entire counseling process (e.g., Achmon, 2004; Davis & Ritchie, 2003; Glossoff, Herlihy, & Spence, 2000). However, the management of confidentiality is often fraught with conflicts and ethical dilemmas for most counselors. When the client is a student and a minor, the issue is even more complex because school counselors must balance the rights of minor clients' confidentiality with the legitimate rights and concerns of parents and other stakeholders and the counselor's commitment to act in a minor's best interest (Glossoff & Pate, 2003; Mitchell et al.; Stone, 2005).

The centrality of confidentiality with all clients appears clearly in the ethical codes of counselors' professional associations in the United States (e.g., American Counseling Association [ACA], 2005, B.5.a) as well as in other countries (e.g., Achmon, 2004; Bond, 1992). The ethical code of the American School Counselor Association (ASCA, 2004) states that the "primary obligation for confi-

dentiality is to the student but [the professional school counselor] balances that obligation with an understanding of the legal and inherent rights of parents/guardians to be the guiding voice in their children's lives" (Section A.2.g, p. 2). In addition, Section B.1.a indicates that the school counselor "respects the rights and responsibilities of parents/guardians to facilitate the student's maximum development." Similar statements are included in the ethical code of the Israeli Association of School Counselors (IASC, 2001, Preamble). These conflicting statements can be a source of confusion for school counselors when they are trying to have a collaborative relationship with parents and at the same time honor student confidentiality.

Breaching confidentiality is allowed by ethical codes in special or extreme circumstances. For example, in Israel, the IASC (2001) ethical code states that breaching confidentiality can be considered in the following cases: (a) according to the requirements of law; (b) when there is imminent danger to self or others; (c) in educational settings, where counselors will reveal only necessary information to role partners and stakeholders; (d) in a legal trial in which the counselor is the defendant and only for the duration of the trial and after receiving informed consent of students and/or legal guardians; (e) after communicating clearly the extent of the confidentiality the counselor is offering to students; or (f) when release of information is to the student's family, is done with the student's consent, and is in the best interest of the student (B.2.a-f).

However, beyond these few explicit instances for breaching confidentiality, there is ambiguity in Israel, as in the United States, regarding who has the right of receiving information provided by minors in counseling sessions (Achmon, 2004; Mitchell et al., 2002; Weil, 2004). At times ethical standards collide with the law or with the requirements and expectations of administrators, parents, and other stakeholders. Even in the case of exceptions in which breaching confidentiality is required, many questions related to the interpretation of these excep-

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tions arise, such as “What is necessary information?” and “What constitutes the best interest of the student?” The lack of a clear delineation of the confidentiality rights of minors by either law, ethical codes, or social standards, as well as some of the conflicting messages included in the ethical codes, emphasizes the fact that when confronted with ethical dilemmas on this issue, ultimately professional judgment on the part of counselors is required.

This article focuses on an examination of Israeli school counselors’ professional judgments regarding the decision to maintain or breach confidentiality in an array of school counseling situations. School counselors in Israel are required to have a graduate degree in order to receive a counseling license, and their work, as well as their ethical standards, is quite similar to that of their colleagues in the United States. The literature shows that dilemmas that school counselors must confront in different countries are similar (e.g., Bodenhorn, 2006; Bond, 1992; Weil, 2004), and although some studies regarding student confidentiality issues with minors have been reported in the literature (e.g., Davis & Mickelson, 2003; Isaacs & Stone, 2003), there is minimal empirical evidence available on the ways school counselors actually make decisions about ethical dilemmas involving confidentiality issues. Therefore, this study can be pertinent to school counselors in different parts of the world, by providing additional empirical data that might assist counselors in the ethical reasoning process needed for resolving dilemmas, thus enlarging the body of knowledge from an international perspective as well as enhancing cross-cultural feedback and collaboration.

CONFLICTING OBLIGATIONS RELATED TO MINOR CLIENTS’ CONFIDENTIALITY

The management of student confidentiality has been described as the primary ethical dilemma of school counselors (Bodenhorn, 2006; IASC, 2001) and is often considered as “the most difficult ethical issue facing school counselors” (Isaacs & Stone, 2003, p. 179), due to the need to concurrently take into account different, and at times conflicting, obligations.

Minors’ confidentiality in the United States is an ill-defined area not only from an ethical perspective (Bodenhorn, 2006) but also from a legal perspective, for even if there are applicable laws, they are varied (Baker, 1996), and compliance with them is not always ensured (Crenshaw, Lichtenberg, & Bartell, 1993). In Israel, the school counseling profession is not yet legally regulated by a specific licensing law although intensive efforts are being made on behalf of the adoption of the “School Counseling Law” by the Knesset (Israeli Parliament) in the near future. The behavior of school coun-

sors is ruled by the state’s civil and criminal laws mandated for all citizens as well as by some specific laws relevant to all helping professions and social services (e.g., laws for protection of minors and helpless people, privacy protection, medical confidentiality). Specific procedures for school counselors are generally provided by the Ministry of Education through the guidelines of the General Director Circular (e.g., Israeli Ministry of Education, 2001). These guidelines deal with issues such as child abuse, violence, teenage pregnancy, substance abuse, sexual injuries/harassment, suicidal students, and eating disorders.

However, school counselors in Israel are not always acquainted with all the laws and procedures relevant to their work and even when they are, they encounter difficulties in interpreting and applying them to specific ethical dilemmas. The more complex the dilemmas, the more difficult it is to strictly apply the law. Oftentimes going exactly “by the book” may not be perceived by school counselors as being in the best interest of the specific student (Weil, 2004), and counselors must decide what steps to take with each new case.

Issues related to the disclosure of student-provided information to parents, securing informed consent from students, assessment of the maturity level of students, and balancing confidentiality and the duty to warn and protect are among the sources of complex dilemmas for school counselors. There is no consensus in the literature regarding sharing information with parents, and how to respond when parents want more information than the counselor believes should be shared frequently creates dilemmas for school counselors in Israel (Achmon, 2004; Wasserstein-Fassberg, 2004) and in the United States (Glosoff & Pate, 2003; Isaacs & Stone, 2003; Mitchell et al., 2002). School counselors are expected to secure informed consent from their counsees although minors (under 18) cannot legally give informed consent. Some authors contend that parental rights supercede confidentiality (for reviews, see Hendrix, 1991; Ledyard, 1998), while others argue that students can assent to counseling without parents’ consent because counseling can be viewed as part of the school’s curriculum, as long as school counselors are treated by the law as teachers (as is also the case in Israel). In a survey of 218 school counselors in Ohio, fewer than 10% declared having received informed consent from parents (Ritchie & Partin, 1990).

The capability to give informed consent to counseling and the level of confidentiality afforded to minors are generally related to the age and level of maturity of the client. There seems to be a consensus that the older and the more mature the minor, the more rights are granted (Fisher & Sorenson, 1996; Welfel, 2002). Thus, for example, in Israel,

similarly as in the United States, teenagers (14 years and older) are afforded the right to seek help without parents' knowledge regarding issues of abortion and sexually transmitted diseases. As to adolescents between the ages of 11 and 14, it is recommended to assess their understanding of the counseling relationship according to their individual developmental level (Mitchell et al., 2002; Weil, 2004), although it is difficult for school counselors to discern when students are mature enough to handle dangerous situations without their parents' involvement. Furthermore, research on minors' opinions regarding confidentiality indicates that younger and older students alike view confidentiality as being extremely important (Collins & Knowles, 1995).

Balancing confidentiality and the duty to warn and to protect in case of danger to self or others is also a challenging ethical and legal issue. Given that in many situations it is not clear whether there is imminent danger, school counselors must judge if there are circumstances that justify breaching confidentiality (Capuzzi, 2002; Stone, 2000). Yet studies indicate that counselors may vary considerably in their perceptions of danger and in their justifications for breaching confidentiality (e.g., Froeschle & Moyer, 2004; Isaacs & Stone, 2003). In the ethical dilemmas related to confidentiality presented in Davis and Mickelson's (2003) study, there was less than 50% agreement among school counselors regarding the correct ethical or legal choice. Another complex issue is sharing information with educators who can be of assistance to students. It is not easy for counselors to find the right path between disclosing only minimal and necessary information and upholding confidentiality, because a culture of open communication regarding student information is quite common among educators in school settings (Mitchell et al., 2002; Weil, 2004). Counselors are required to be accountable to principals, and in addition, counselors often serve as consultants to other educators.

In sum, ethical dilemmas occur when two or more general ethical principles offer conflicting guidance. Because the multiple obligations that school counselors must consider when managing minor clients' confidentiality may compete with one another and create uncertainty and conflict, and as often there is no single right answer, a great amount of latitude is left to the professional judgment of school counselors, though it is important that the chosen course of action is justified (May & Sowa, 1992).

PURPOSE OF THE STUDY

Research on practicing school counselors' decision-making processes regarding student confidentiality may be beneficial to practitioners confronting similar dilemmas all over the world and to counselor ed-

ucators and supervisors when addressing the critical issue of confidentiality in training and professional development. This study was initiated to add to the sparse empirical data existing on these issues, and it addressed the following research questions:

1. In what types of situations would school counselors choose to breach confidentiality?
2. What are the reasons offered by school counselors for their decisions to either breach or uphold confidentiality in different types of situations?

METHOD

Participants

A national sample of 400 practicing school counselors was chosen from the 1,000 members of the IASC. The sample was selected on the basis of school sector (general Jewish, religious Jewish, or Arab) and school level (elementary, middle, or high school), according to the percentage of counselors in the different sectors and levels. Although 199 school counselors responded to the questionnaire, four of the questionnaires were incomplete and therefore were disqualified. The final sample consisted of 195 participants for a return rate of 49%.

Most of the participants (88.8%) were born in Israel and were women (92%). The average age was 45.4 ($SD = 10.70$); 84.3% were Jews while the other 15.7% were Arabs. Participants worked in elementary schools (32.1%), middle schools (26.5%), and high schools (41.4%), in mainstream education (93.9%) and in special education (6.1%). Most of the participants (69.7%) worked in secular Jewish schools, 15.7% worked in schools in the Arab sector, and 14.6% in religious Jewish schools. Participants had an average of 11.8 years of experience in school counseling ($SD = 7.91$) and 19 years of teaching experience ($SD = 9.78$). They worked an average of 16 hours ($SD = 5.4$) per week in counseling with an average workload of 12.3 classes ($SD = 5.89$), and they worked another average of 8 hours ($SD = 5.24$) per week as teachers. (A full-time counseling or teaching load generally consists of 24 weekly hours.) Additional positions held by the school counselors (homeroom teacher, grade-level coordinator, or vice principal) accounted for another average of 7.32 hours ($SD = 8.57$) of their working time.

The demographic traits and professional credentials of the schools counselors participating in this study matched those of school counselors in other studies in Israel (e.g., Tatar, 2000). Note that the high percentage of women is representative of the school counselors' population in Israel, where fewer than 7% of school counselors are men (Hadari Research and Development, 1996).

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Instrument

The research instrument was a questionnaire (the Minors Confidentiality Questionnaire) based on existing questionnaires (Davis & Mickelson, 2003; Isaacs & Stone, 2003) but modified for the present study. The first section consisted of 18 scenarios representing ethical dilemmas in school counseling. The counselors were asked to respond to two questions regarding each dilemma: (a) “Would you breach confidentiality?” (*yes* or *no*); and (b) “What are the reasons for your decision?” (an open question). The second part of the questionnaire included items relating to the demographic and professional background of the school counselors, as detailed above.

Three sources of information were used to select the dilemmas included in the study: (a) the most common dilemmas identified by a group of 40 school counselor practitioners for the purposes of this study; (b) a survey carried out by the IASC (2002), which asked for information about the most common dilemmas school counselors face in their work; and (c) the literature on issues in professional ethics (e.g., Achmon, 2004; Davis & Mickelson, 2003; Isaacs & Stone, 2003; Ledyard, 1998; Remley, Hermann, & Huey, 2003; Weil, 2004).

A pilot version of the questionnaire was administered to 36 school counselors throughout the country. In addition, the questionnaire was examined by four judges: two school counselor educators and two experts in research methodology. Following the results of the pilot study and the judges’ comments (90% agreement), the items of the questionnaire were refined and updated. In the final version, 18 dilemmas were selected out of the 22 dilemmas in the pilot study, a number of stylistic changes were made, and the entire questionnaire was edited for clarity and explicitness. The 18 dilemmas that were chosen (see a full description in Appendix A) were divided into three major domains:

- 1. Dangerous behaviors or situations.** The eight dilemmas in this domain included three subdomains: (a) students engaging in dangerous behaviors such as using drugs, drinking alcohol, and smoking cigarettes (dilemmas 10, 14, and 18); (b) students with emotional or health issues (dilemmas 9 and 17); and (c) students in dangerous situations such as the possibility of abuse in the family (dilemma 4), running away from home after a fight with parents (dilemma 16), and an HIV-positive girl engaging in sex with multiple partners (dilemma 13).
- 2. Unlawful behaviors.** Four dilemmas made up this domain: students engaging in theft

(dilemmas 8 and 12), cheating (dilemma 7), and vandalism (dilemma 2).

- 3. Personal and family information.** The six dilemmas in this domain dealt with students’ personal and family issues (dilemmas 1, 3, 5, 6, 11, and 15).

Procedure

School counselors were mailed a copy of the questionnaire with a cover letter that provided information about the purpose of the study and asked for voluntary participation. All participants were promised confidentiality and discreet use of research data, and it was emphasized that personal data would be used only for follow-up purposes. The forms were marked with a code number to allow for follow-up on questionnaires that were not returned. Two or three mailing notifications were sent in the course of the year, and finally personal contact was made with potential respondents. Confidentiality was strictly upheld.

Data Analysis

The quantitative data were summarized using frequency distributions. In addition, a qualitative content analysis was conducted of the responses to the open-ended question about the reasons presented for the *yes* or *no* answers to breaching confidentiality (Farber, 2006). Because categories in a content analysis should be completely exhaustive, an inductive content analysis using a step classification system was used (Patton, 2002). Each participant’s response, identified in terms of single words or phrases that described a reason for the counselor’s decision, was categorized into meaning units (“the smallest piece of information about something that can stand by itself”; Lincoln & Guba, 1985, p. 345). Dividing the information into meaning units identifies the meaningful features of the response while keeping researcher bias to a minimum (Seidman, 1991).

In order to increase reliability, the coding process was conducted by a team of two counselor educators (including the author) and a research methodologist. First, each member of the team independently conducted a preliminary content analysis, classifying all the responses into meaning units. Then the team worked together to review the coding of each researcher, standardize coding procedures, and complete the auditing of the data and verification of meaning units. After meaning units were coded and tabulated for all data, the team reexamined the coding for thematic meaning and clustered coded content into larger themes, creating broader categories.

The larger themes were identified from the most frequent responses emerging from the initial coding. For example, responses such as “It is my ethical duty to report because there might be danger to student and/or others” were coded into a broad category of

Table 1. Responses to Confidentiality Dilemmas

Dilemma Domain	Dilemma Subject	Dilemma Number	Maintain Confidentiality (%)	Breach Confidentiality (%)	Total (%)
<i>Dangerous behaviors or situations</i>	Drugs	10	60.00	40.00	100
	Cigarettes	14	56.52	43.48	100
	Alcohol	18	48.92	51.08	100
	Emotional or health issues	9	45.16	54.84	100
		17	65.36	34.64	100
	Dangerous situations	4	91.79	8.21	100
		16	73.40	26.60	100
		13	70.81	29.19	100
	Total dangerous situations		64.02	35.97	100
<i>Unlawful behaviors</i>	Theft	8	40.41	59.59	100
		12	24.18	75.82	100
	Cheating	7	31.77	68.23	100
	Vandalism	2	68.39	31.61	100
	Total unlawful behaviors		41.45	58.55	100
<i>Personal and family information</i>		1	34.54	65.46	100
		3	33.16	66.84	100
		5	6.77	93.23	100
		6	37.82	62.18	100
		11	36.36	63.64	100
		15	30.77	69.23	100
	Total personal and family information		29.83	70.17	100
	Total		45.10	54.90	100

ethical reasons; responses such as “No, because the school counselor may intervene here” were coded into a category of professional-personal priorities and values of counselors. The final clustering into categories and subcategories was completed after receiving feedback about the coding process and the category’s classification from the above-mentioned judges. There was 95% agreement among the judges regarding the categories. Most of the comments related to style, language, and names for categories, and in two cases the judges recommended merging categories. Finally, the explicit meaning units in each category were counted (Choudhory, Glauser, & Peregory, 2004). Responses that were considered irrelevant or did not fit any category were excluded from the analysis.

RESULTS

Table 1 summarizes the distribution of the *yes* or *no* responses to the question “Would you breach confi-

dentiality?” by the three major domains of the 18 dilemmas and their subdomains.

As Table 1 indicates, in the majority of cases the school counselors were more likely to maintain confidentiality than to breach confidentiality. Counselors were most willing to breach confidentiality in dilemmas in the domain of dangerous behaviors or situations (64.02%), less willing in the domain of unlawful behaviors (41.45%), and least willing in the domain of personal and family information (29.83%).

Reasons Given for Breaching or Maintaining Confidentiality

Content analysis of the respondents’ reasons for breaching or not breaching confidentiality yielded three types of reasons (see Table 2): (a) ethical reasons (15 subcategories), (b) legal and procedural reasons (5 subcategories), and (c) reasons reflecting professional-personal priorities and values of counselors (9 subcategories).

Use of the Three Types of Reasons

Table 2 presents the distribution of reasons provided by the respondents for breaching or upholding confidentiality, as organized by the three domains of the dilemmas. As shown in this table, ethical reasons were the most frequently provided by respondents for breaching confidentiality across all dilemmas (54.37%), followed by legal and procedural reasons (28.22%) and professional-personal priorities of counselors (11.99%). For maintaining confidentiality, ethical reasons were also the most frequently given rationale (47.89%), followed by professional-personal priorities of counselors (39.16%) and legal and procedural reasons (5.99%).

Counselors differed in the use of the three types of reasons according to their decision and the type of dilemma. For breaching confidentiality, in the domain of dangerous behaviors or situations, ethical reasons were the most frequent; in the domain of unlawful behaviors, legal and procedural reasons were the most frequent; and in the domain of personal and family information, ethical reasons were also the most frequent, although not to the extent as in the first domain.

For maintaining confidentiality, professional-personal priorities of counselors were the most frequent reasons in the domain of dangerous behaviors or situations and in the domain of unlawful behaviors, while ethical reasons were the most frequent for both breaching and not breaching confidentiality in the domain of personal and family information.

At times, the same type of reason was used to explain breaching and not breaching confidentiality. For example, “caring for the best interest of the student” was an ethical reason used to justify both kinds of decisions. Justifying a decision to breach confidentiality, one of the counselors said, “I will report because it is in the best interest of the student—it will help her cope with the problem.” Another counselor in favor of maintaining confidentiality said, “No need to report—the best interest of the girl is to get assistance in overcoming her drinking problem.”

The nonmaleficence reason also was used both for breaching confidentiality (“I must report in order to stop violence of father against son”) and for maintaining confidentiality (“No, because releasing information might harm the boy’s future and might lead to the opening of a police record”). The multiple use of the reason “to prevent repetition of misbehavior or deterioration” is also noteworthy. Almost the same percentage of this reason was used for breaching confidentiality (“information must be disclosed to prevent diffusion of misbehavior—drugs, alcohol—among other students”) and for maintaining confidentiality (“only by maintaining confidentiality I will be able to work with the student on pre-

vention”). In other words, school counselors using this reason agreed they must work on prevention; some of them thought they should do so by releasing information, while others thought they should do so by upholding confidentiality.

DISCUSSION

Several salient results emerge from the analyses. To begin with, there was no absolute consensus to maintain confidentiality. When school counselors perceived justified reasons for breaching confidentiality, they declared they would do so in a little less than half of the cases. The school counselors’ decisions were in part influenced by the type of dilemma. A hierarchy emerged: The highest likelihood that counselors would breach confidentiality was in dilemmas in the domain of dangerous behaviors or situations, results that are in keeping with previous studies (e.g., Davis & Mickelson, 2003; Isaacs & Stone, 2003), followed by dilemmas in the domain of unlawful behaviors, and finally by dilemmas in the personal and family information domain. However, there was no clear consensus regarding the decision to breach or not to breach confidentiality for most of the dilemmas. Note that over 75% of the counselors agreed on a particular decision in only 4 of the 18 dilemmas.

Furthermore, the lack of consensus is reflected clearly in the varied reasons given by the school counselors to justify their decisions. The three types of reasons that emerged from the responses seem to reflect two kinds of authority used by counselors in decision-making: external authority and internal authority. When counselors presented ethical and/or legal and procedural reasons, their decision was based on an external authority that guides their behavior. For example: “It is not ethical to disclose information because there is no informed consent”; or, “I have a legal duty to report because vandalism is a criminal behavior.”

In contrast, when counselors argued, for example, that they would apply counseling interventions instead of reporting, their decision was based on their professional-personal priorities and values, which at times were consistent with ethical guidelines and laws and at other times conflicted with the ethical guidelines and laws. Examples included maintaining confidentiality in cases in which students reported stealing, cheating, or using drugs and alcohol. These results mean that school counselors do not follow automatically ethical and legal guidelines but exercise their professional judgment regarding when, how, and in what way to apply them, with both external authorities and a sense of internal authority affecting their professional judgment. It seems that school counselors see themselves

Table 2. Percentage of Each Type of Reason for *Yes* or *No* to Breaching Confidentiality by Dilemma Domain

	All Dilemmas		Dangerous Situations		Unlawful Behaviors		Personal and Family Information	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>N</i>	195	194	195	181	153	180	156	194
Ethical reasons								
Confidentiality	0.44	14.22	0.29	10.53	0.00	3.08	1.75	21.65
Best interest of student	10.73	2.99	10.18	1.44	5.96	3.90	18.17	3.37
A new opportunity	0.40	5.17	0.27	8.86	0.18	1.94	0.84	5.34
Assistance of others	7.09	0.36	5.90	0.41	4.37	0.45	11.75	0.15
Nonmaleficence	1.01	3.97	1.06	4.62	0.46	4.02	1.06	3.52
Danger to student	23.36	0.90	27.95	0.60	9.40	0.76	23.11	1.31
No danger to student	0.07	3.21	0.00	0.75	0.11	2.63	0.16	4.30
Danger to others	5.93	0.25	8.80	0.85	4.50	0.08	0.11	0.18
No danger to others	0.04	1.04	0.00	0.79	0.22	1.40	0.00	0.61
Information for consultation	1.19	4.02	0.36	0.96	0.53	0.98	4.37	7.49
Information for treatment	2.64	0.85	0.79	0.55	2.14	0.64	8.26	1.04
Fidelity	0.10	7.10	0.00	6.20	0.33	9.57	0.09	5.83
Justice	0.02	1.50	0.00	1.14	0.00	2.01	0.09	1.18
No informed consent	0.01	2.10	0.00	1.83	0.04	0.53	0.00	2.64
Confidentiality boundaries	1.03	0.21	1.13	0.26	1.81	0.27	0.30	0.07
<i>Total ethical reasons</i>	54.37	47.89	56.73	39.79	30.05	32.26	70.06	58.68
Legal and procedural reasons								
Duty to report—legal transgression	13.81	0.22	11.47	0.61	34.00	0.77	2.40	0.00
Duty to report—procedure transgression	4.16	0.19	5.85	0.50	1.36	0.06	2.53	0.09
Duty to report to parents	10.25	0.92	9.77	1.12	5.93	1.27	15.18	0.85
No duty to report	0.00	3.01	0.00	0.68	0.00	0.12	0.00	5.49
Report to parents might harm	0.00	1.65	0.00	0.99	0.00	0.08	0.00	3.13
<i>Total legal and procedural reasons</i>	28.22	5.99	27.09	3.90	41.29	2.30	20.11	9.56
Professional-personal priorities of counselors								
Counseling interventions:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Clarifying	0.29	3.17	0.20	6.54	1.10	2.78	0.32	1.74
Treatment	1.61	8.41	1.50	7.96	2.07	13.65	1.07	6.34
Guidance	0.61	9.71	0.40	4.81	0.96	17.78	0.53	8.48
Explanation	0.73	3.93	0.23	2.93	3.06	3.74	0.11	3.89
Prevention	4.22	3.85	3.52	2.72	10.20	9.54	0.60	1.19
Referral to others	1.84	4.65	2.17	12.28	1.71	3.24	0.84	1.33
Not counselor's responsibility	1.37	4.01	1.52	9.72	1.37	1.65	0.75	2.45
Mitigating factors	0.06	1.29	0.00	0.18	0.33	5.44	0.00	0.10
No partnership—transgression	1.26	0.14	0.71	0.00	2.80	0.00	0.40	0.32
<i>Total professional-personal priorities of counselor</i>	11.99	39.16	10.25	47.14	23.60	57.82	4.62	25.84
No reason/other reasons	5.42	6.96	5.93	9.17	5.06	7.62	5.21	5.92
Total (%)	100	100	100	100	100	100	100	100

as a professional authority with the autonomy to decide in each specific case what constitutes the best interest of the student.

As to the meaning emerging from the reasons participants provided to explain their decisions, it appears that school counselors' judgments relied mainly on the central ethical guidelines of the counseling codes of ethics with regard to confidentiality. Counselors referred to the ethical duty to maintain confidentiality (e.g., ACA, 2005, B.5.a; ASCA, 2004, A.2.g; IASC, 2001, Preamble, p. 1) as well as to the duty to receive informed consent (e.g., IASC, 2.1.e), and they were aware of the exceptions in which they have to breach confidentiality, such as in cases of possible danger or harm to the student and/or others (e.g., IASC, 2.1.b). Counselors also referred to release of information for consultation or treatment (e.g., IASC, 2.1.c), to their duty to disclose only "necessary information" (e.g., IASC, 2.1.c), and to the duty to inform students about confidentiality boundaries (e.g., IASC, 2.1.d).

Moreover, the ethical reasons given by school counselors reflected in several ways the central moral principles of autonomy, beneficence, nonmaleficence, fidelity, and justice (Beauchamp & Childress, 1979/2001; Kitchener, 1984, 2000), principles that serve as a platform for many codes of ethics in counseling. Thus, for example, the autonomy principle was expressed in relation to students' right to make their own choices within the counseling relationship and to decide whether to share information about themselves ("It is a personal issue and only the student can decide whether to tell or not, and to whom"). Counselors also referred to the beneficence principle, either in a general way ("It is in the best interest of the student") or more specifically ("to give a new opportunity to the student," "to allow assistance of others," or "to release information in order to provide treatment for counselee"). Counselors related to the nonmaleficence principle quite directly: "Release of information will cause harm to student"; "I do not want to hinder student's chance to develop."

The fidelity principle was repeatedly presented in counselors' statements that they must keep the promises given to students and not violate their trust, for it might jeopardize the counseling relationship ("The student trusts me—I will not betray him"). The justice principle also was reflected in reasons that emphasize that "I must be fair with all my students." In other words, consistent with Davis and Mickelson's (2003) findings, the ethical reasons presented by school counselors to justify their decisions indicate an ethical orientation and an awareness of the ethical standards expected from them regarding the management of confidentiality, as well as the basic values and moral principles that lead the profession.

In contrast, an examination of the legal and procedural reasons provided by the school counselors in this study points at a more restricted picture. Counselors referred mainly to the duty to warn and protect according to laws and/or procedures. No specific laws or procedures were named but only referred to generally ("I am bound by the law to report"; "I am bound to report according to guidelines by the General Director Circular of the Ministry of Education"). It is not clear whether these findings reflect a lack of relevant legal and procedural knowledge or a restricted one, or whether counselors considered that merely stating that their decision was consistent with legal and/or procedural requirements constituted by itself a clear justification for their decision.

The most salient findings regarding participants' rationale were the reasons concerning disclosure of student information to parents. On the one hand, there were school counselors who supported disclosure of information to parents ("It is our legal duty to report to parents"). They expressed the opinion that the parents are responsible for their children as their legal guardians and it is their right to receive information about the counseling meetings, a stance that is consistent with similar positions in the literature (for reviews, see Bodenhorn, 2006; Mitchell et al., 2002). On the other hand, there were counselors who explicitly claimed that they would not follow the law because of concerns regarding possible harm to students ("In spite of the law, reporting to parents might cause harm to the student"), findings that are in line with studies indicating that even when laws exist, they might not necessarily be applied (Crenshaw et al., 1993; Lawrence & Kurpius, 2000). These latter counselors would put themselves at risk of violating legal guidelines to prevent possible harm to students.

These results relate to a central and much discussed conflict regarding student confidentiality: the duty to report to parents vis-à-vis the duty to maintain confidentiality, care for the best interest of the student, and prevent any harm (e.g., Hendrix, 1991; Mitchell et al., 2002). School counselors' responses illustrate that it is the counselors' interpretations of each case and its specific circumstances as well as their professional judgment regarding the possible implications of each course of action that guide them in their decision to apply laws and procedures.

Respondents' expressed rationale related to their professional-personal priorities deserves special attention. Many of these opinions reflect school counselors' perceptions and attitudes regarding their professional competence and responsibility as well as their professional authority to exercise professional judgment. The argument that "the counselor should intervene here" and suggestions for specific kinds of

Counselors who would breach confidentiality referred to reasons such as danger to the student, caring for the best interest of the client, and the need to release information for consultation and treatment.

interventions are prominent in these reasons. Counselors also often referred to prevention, one of the central roles of school counselors. In other words, in most cases counselors' reasoning reflected a sense of responsibility for their role domains. Even when they recommended referring the student to another therapist, they viewed it as a part of their role.

As to the school counselors' rationale for ethical decisions relative to the three domains of the dilemmas, in the domain of dangerous behaviors or situations, counselors' reasons for breaching confidentiality relied mainly on ethical and legal guidelines. The counselors who would breach confidentiality perceived danger in the situation significant enough to justify their decision according to the duty to warn third parties and protect the student and/others as well as the need to provide aid or treatment—findings that are consistent with previous research (e.g., Isaacs & Stone, 2003) and with counseling codes of ethics (e.g., IASC, 2001, 2.1.b). Counselors' reasons also included legal requirements to report student information to parents in case of danger, similar to findings of Davis and Mickelson (2003) and Isaacs and Stone. It should be noted that the minority of counselors who would not breach confidentiality in the dilemmas in this domain identified what they considered to be valid considerations for maintaining confidentiality.

In the domain of unlawful behaviors, most reasons for breaching confidentiality were based mainly on legal guidelines (i.e., "the duty to report because of legal transgression," "the duty to report to parents"). A different set of reasons tended to be provided for not breaching confidentiality in this domain, with reasoning based mostly on the professional-personal priorities and values of the counselors. Counselors who would uphold confidentiality considered that it was in the best interest of the client to employ intervention and prevention strategies rather than disclose information, even for decisions that were more clearly dictated by laws and procedures.

In the domain of personal and family information, in which school counselors were least likely to breach confidentiality, the high rate of ethical reasons used for justifying both breaching and not breaching confidentiality is noteworthy, although the ethical reasons used for both decisions are different. Counselors who would breach confidentiality referred to reasons such as danger to the student, caring for the best interest of the client, and the need to release information for consultation and treatment.

Among those counselors who would not breach confidentiality for dilemmas in this domain, a different ethical position appeared. These counselors reported that especially on personal and family issues, they should respect privacy and confidentiali-

ty, show fidelity to students, and allow students "to turn over a new leaf," emphasizing also that they did not perceive danger in these cases. These results are in line with studies indicating that children and youth, even if they are minors, see confidentiality as a basic condition for the continuation of the counseling relationship (Collins & Knowles, 1995; Glossoff et al., 2000).

CONCLUSIONS AND IMPLICATIONS

The overall picture that emerges from the findings of this study indicates that school counselors address the issue of confidentiality with extreme concern. They do not decide to breach confidentiality easily, and when they do, they provide what they believe to be sound and justifiable reasons for doing so, relying on ethical and legal standards as well as professional-personal priorities and values. The lack of consensus that characterized the school counselors' decisions and the varied reasons they presented to support their decisions emphasize that where ethical dilemmas are concerned, particularly those involving confidentiality, school counselors need to exercise careful and well-informed judgment in making their decisions. There are no ready-made or uniform answers. Even in those dilemmas where there seems to be a clear or unequivocal answer because the code of ethics and/or laws or policies seem to directly apply, a variety of conflicting considerations tend to arise, with confidentiality being balanced against both personal and professional values as well as other factors. As one of the counselors wrote, "Ethical dilemmas regarding confidentiality constantly emerge in my work and I keep asking myself every time and with regard to each case: How shall I act? What constitutes the best interest of the student?"

Several implications and recommendations can be drawn from this study. First, the findings can contribute to improving counseling services for students. Second, sharing the findings with all stakeholders can demonstrate school counselors' commitment to confidentiality as well as provide information about ethical, legal, procedural, or other conditions that may lead to breaching it, thus preventing some potential future conflicts. Sharing this information may enhance trust in school counselors as professionals who act according to ethical principles that are first and foremost in the best interest of the client, and therefore contribute to the enhancement of the counseling profession's status in general.

This study's findings also can be used by counselor educators to help trainees develop ethical awareness, ethical skills, and ethical behavior as well as increase self-efficacy from the very initial stages of their professional education. Because there is no consensus about maintaining confidentiality, coun-

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selor educators need to provide more than just a set of laws and ethics codes, but also exposure to dilemmas like the ones presented in this study, in order to help students with the process of ethical decision-making and enhance their capacity for exercising sound professional judgment. In addition, school counseling students as well as practitioners should be encouraged to regularly peruse the professional code of ethics and also consult the many sources of information available as they go through the process of making ethical decisions. These sources should include ongoing updates of laws, procedures and current policies, the latest professional literature, professional development activities, colleagues, supervisors, and the professional organizations.

The limitations of this study should be acknowledged. This is an Israeli-based research and it is possible that participants' responses were colored by the unique training, role concept, and cultural context of school counselors in that setting, although our results are consistent with past research thus strengthening and enlarging previous knowledge as well as providing an international scope. In addition, as in other self-report studies, there exists a possibility of a certain degree of social desirability and possible differences between declarations and actual behaviors of respondents.

Further research should solicit the perspectives of other stakeholders (students, parents, school principals, teachers, and counselors' supervisors) as well as examine differences regarding confidentiality beliefs among different ethnic groups and counselors working with different age groups. It is also recommended to conduct research examining the process of actual decision-making, including in-depth interviews with counselors, in order to better understand their positions and considerations. Collaborative studies with educational researchers in other countries may shed light on other common and unique aspects of this important issue.

Developing ethical sensitivity and responsibility is a never-ending process for school counselors. Even experienced professionals may have divergent methods of ethical decision-making, especially with regard to minor clients' confidentiality. School counselors' experiences and reflections can contribute to the enlargement of a body of case studies that can be used to enhance their professional judgment. School counselors need to constantly exercise conscientious and reflective decision-making in situations involving minors' confidentiality because of the many complex ethical and legal dilemmas involved. ■

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APPENDIX A

Description of the 18 Dilemmas by the Three Domains of the Dilemmas

Dangerous Behaviors or Situations

Dangerous Behaviors:

Dilemma 10: A 14-year-old says he used drugs once and will not do so again. The principal asks you whether you have any knowledge of drug use among students.

Dilemma 14: An 11-year-old reveals that he smokes cigarettes on a regular basis.

Dilemma 18: A 10th-grade student asks you for help in dealing with a severe alcohol problem. She asks you for a referral to a rehabilitation center without your disclosing any information to her parents.

Emotional or Health Issues:

Dilemma 9: An ex-anorexic girl has asked for your help in getting her enlisted in the military, which you do. Now we are concerned that the anorexic condition may have resurfaced. She and her parents deny this and ask you not to report your suspicions.

Dilemma 17: A 12th-grade student is shortly due to be enlisted into an army combat unit. He has disclosed to you but not to the military that he tried to commit suicide at age 16.

Dangerous Situations:

Dilemma 4: A student in seventh grade reveals that his father beats him every time he misbehaves.

Dilemma 16: A student in 11th grade tells you he is planning to run away from home because of a serious fight with his parents.

Dilemma 13: An HIV-positive student engages in sex with multiple partners without disclosing her condition but takes care not to infect her partners.

Unlawful Behaviors

Dilemma 8: A 12-year-old from an economically deprived family reveals that he steals small items (e.g., chocolates, a bag of rice) and makes you promise not to tell anyone.

Dilemma 12: A 15-year-old girl tells you that she does not get an allowance and therefore she sometimes takes money from her mother's wallet.

Dilemma 7: A learning-disabled student in 10th grade reveals that he paid another student to do an assignment.

Dilemma 2: A 14-year-old reveals that he vandalized his English teacher's car because of low grades.

Personal and Family Information

Dilemma 1: A student in 10th grade having emotional problems wants to transfer to a new school without having her problems disclosed. The new school counselor requests information about the girl.

Dilemma 3: A 13-year-old reveals that her parents are getting divorced but she doesn't want anyone to know. Her homeroom teacher says the girl's behavior is intolerable, and she wants to know why.

Dilemma 5: A 15-year-old girl from a religious home cuts classes in order to meet a boy her parents have forbidden her to meet.

Dilemma 6: A 16-year-old girl is planning an abortion without her parents' knowledge.

Dilemma 11: A 14-year-old girl reveals her sexual exploits, including having sex with a 21-year-old.

Dilemma 15: A 16-year-old who has recently tracked down her father cuts classes to meet him against her mother's wishes.