Ethical Decisions in School Psychology

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Learning Objectives

• Identify and define ethics and NASP ethical obligations
• Explain why ethics are foundational to school psychological practices
• Identify common ethical pitfalls and strategies to prevent these missteps
• Articulate and apply the 8-step ethical problem-solving model to address ethical dilemmas
WHAT ARE ETHICS?
Think – Pair – Share

What are *ethics* and why are they important?

**Ethics Broadly**
- A system of principles that guide behavior
  - Acceptable social and personal behaviors
- Distinct from morals, which are fundamental

**Applied Professional Ethics**
- A system of principles and rules for professional practice
- Guide conduct in professional interactions
- Protect the clients of the profession
Basis of Our Practice

Public trust

- Sensitivity to ethics
- Awareness of law
- Proactive conduct
Practical Definition of Ethics

Moral Judgment + Common Sense → Ethical Behavior

Application of moral values to daily decision making
Professional Ethics

Prescribe how professionals in a given field pursue their common ideals

Describe obligations to the profession, consumers, and the public

Contextualize our professional work

Are dynamic
Group Discussion

Why are ethical codes imperfect guides for our behavior as school psychologists?
Ethical Competence

- Informed
- Proactive and Positive
- Aware
- Analytic
- Reflective
- Flexible
- Committed
NASP ETHICS CODE REVIEW
NASP Ethics Code = School-focused Code

- School psychologists as state actors
- Obligation to protect all students
- Balancing parent and school authority
- Multidisciplinary problem-solving and intervention
What is enforceable?

**Principles**

**Standards**
Which theme?

RESPECTING THE DIGNITY AND RIGHTS OF ALL PERSONS

• School psychologists engage only in professional practices that maintain the dignity of all individuals. In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination, respect for privacy, and a commitment to just and fair treatment of all persons.
HONESTY AND INTEGRITY IN PROFESSIONAL RELATIONSHIPS

• To foster and maintain trust, school psychologists must be faithful to the truth and adhere to their professional promises. They are forthright about their qualifications, competencies, and roles; work in full cooperation with other professional disciplines to meet the needs of students and families; and avoid multiple relationships that diminish their professional effectiveness.
Which theme?

PROFESSIONAL COMPETENCE AND RESPONSIBILITY

• Beneficence, or responsible caring, means that the school psychologist acts to benefit others. To do this, school psychologists must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.
Which theme(s)?

**RESPECTING THE DIGNITY AND RIGHTS OF ALL PERSONS**

- School psychologists engage only in professional practices that maintain the dignity of all individuals. In their words and actions, school psychologists demonstrate a commitment to just and fair treatment of all persons.

**RESPONSIBILITY TO SCHOOLS, FAMILIES, COMMUNITIES, THE PROFESSION, AND SOCIETY**

- School psychologists promote healthy school, family, and community environments. They maintain the public trust in school psychologists by respecting law and encouraging ethical conduct. School psychologists advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base.
Respect for Dignity

- Promote improvement in quality of life
- Protect dignity and rights
  - Autonomy
  - Self-determination
  - Privacy
  - Confidentiality
  - Fairness
  - Justice
- Children’s interests and rights as the highest priority
Privacy & Confidentiality

When can information be released without the client/parent’s permission?

- Danger to self
- Danger to others
- Abuse/Neglect
Fairness & Justice

- Cultivate safe and welcoming school climates for all.
- Do not engage in or condone discriminatory practices or policies.
- Work to correct discriminatory practices.
Responsibility to Society

- Promote healthy environments
- Contribute to teaching, mentoring, supervision, and research
- Speak up for the needs and rights of children
- Know and respect federal and state laws and policies
Honesty & Integrity

Be truthful and open.

- Explain competence and services clearly.
- Engage in cooperative, respectful relationships.
- Avoid harmful relationships and conflicts of interest.
- Do not exploit others.
- Do not take credit for others' work.
## Accurate Presentation of Qualifications & Services

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<th>Accurately identify qualifications</th>
<th>Correctly identify misrepresentations</th>
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<td>Do not misrepresent affiliations</td>
<td>Don’t use affiliations to imply competence</td>
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| Accurately represent the scope and nature of services | Explain services  
| | Establish clear roles  
| | Explain commitment to children as clients  
| | Make priorities and commitments known |
Example: Goodtown Wellness Clinic

- James Dean, MA, LMFT, Couples and Family Therapy, (123) 456-0789
- Charlie Brown, RN, MA, Life Coach, (123) 456-9078
- Jane Doe, PhD, ABD, Licensed School Psychologist, Child Psychology, (123) 456-7890
- Kim Scott, CMT, Therapeutic Massage, (123) 456-8907
Example: Goodtown Charter

- James Dean, MA, School Psychology, (123) 456-0789
- Charlie Brown, BA, School Psychologist, (123) 456-9078
- Meredith Grey, PhD-ABD, Licensed School Psychologist (123) 456-7890
- Steven Tyler, EdS, NCSP, Psychologist, (123) 456-8907
Competence & Responsibility

Engage in practices that will benefit or at least do no harm.

- Practice within bounds of competence.
- Use scientific knowledge to help clients.
- Accept responsibility for work.
SCHOOL PSYCHOLOGISTS BEHAVING BADLY – COMMON MISSTEPS
Common Ethical Violations: State Boards

1. Dual relationships (sexual and/or nonsexual)
2. Unprofessional or negligent practice
3. Fraud
4. Conviction of crimes
5. Inadequate or improper supervision
6. Impairment
7. Confidentiality
8. Records and documentation
9. Using false information in applying for a license

Common Malpractice Claims

1. Sexual violations
2. Incompetence in developing or implementing a treatment plan
3. Loss from evaluation
4. Breach of confidentiality or privacy
5. Improper diagnosis
6. Other (a mysterious category of individual claims not falling into any other category)
7. Suicide
8. Defamation
9. Countersuit for fee collection
10. Violation of civil rights
11. Loss of child custody or visitation
12. Failure to supervise properly
13. Improper death of patient or third party
14. Violation of legal regulations
15. Licensing or peer review issues
16. Breach of contract
Ethical Transgressions Witnessed by School Psychologists

- **Assessment** – conditions, out-of-date tests, not providing interpretations, unsubstantiated recommendations, inappropriate test selection, blindly signing off on computer generated reports, allowing unqualified people to administer tests (86%)

- **Intervention** – failing to monitor interventions, making non-research-based recommendations, making punitive recommendations (79%)

- **Yielding to administrative pressure against best interests of child** (76%)

- **Yielding to parent pressure against best interests of child** (48%)

Dailor, A. N., & Jacob, S. (2011). Ethically challenging situations reported by school psychologists: Implications or training. *Psychology in the Schools*
Ethical Transgressions Witnessed by School Psychologists

- Record keeping – transmitting documents unsecured, withholding/destroying records before parent review (38%)
- Competence – failing to maintain, practice outside bounds of, misrepresenting (36%)
- Confidentiality – disclosing to others without need to know (33%)
- Dual relationships – providing services to friends/family; soliciting school clients to private practice, entering relationship with student (20%)
Ethical Transgressions among School Psychology Trainees

1. Services outside of competence
2. Sexual harassment
3. Academic misconduct – e.g., forgery, fabrication of assignments or hours, cheating, grade changing
4. Confidentiality – e.g., leaving files unattended, gossiping about client
5. Research misconduct – plagiarism
6. Improper complaints
7. Misrepresentation of qualifications
8. Failure to obtain informed consent

It’s Not Unethical If…

Common Ethical Fallacies

- The code never mentions it
- No law is broken
- We didn’t/couldn’t anticipate the consequences
- It would have been really hard to do it another way
- An administrator suggested it
- A consultant suggested it
- I read something suggesting it
- Others are doing it
- We didn’t mean to hurt anyone
- We got something really good out of it
- We are victims of something too

(Well, actually it is.)

It's Not Unethical If…

- We can say any of the following:
  - "What else could I do?"
  - "Anyone else would've done the same thing."
  - "It came from the heart."
  - "I listened to my soul."
  - "I went with my gut."
  - "It was the smart thing to do."
  - "It was just common sense."
  - "I just knew that's what the client needed."
  - "Look, I was just stuck between a rock and a hard place."
  - "I'd do the same thing again if I had it to do over."
  - "It worked before."
  - "I'm only human, you know!"
  - "What's the big deal?"

(Yep, still unethical.)
It’s Not Unethical If…

• We passively acknowledge it and move on
• We acknowledge the importance of judgment, consistently, and context
• The affected person wasn’t that great
• The affected person didn’t complain
• There isn’t definitive scientific proof that what we did was the cause of harm
• We’re an “expert” in it
• We know people high up

(Still unethical...)

Think – Pair - Share

- What factors can contribute to vulnerability to ethical missteps?

- How can we bolster our resilience?
What Interferes with ethics?

- Time
- Peer pressure
- Administrator pressure
- Cost
- Avoidance
- Arrogance
- Conflicting rules, standards, guidelines
- Ignorance
## Non-rational Processes

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Why should we attend to these processes?
How can we reduce the effects of these processes?
Continuum of Affected Functioning

- Stress
- Distress
- Impairment
- Improper behavior
- Intervention/Sanction
Potential Dilemmas

- Competing ethical principles
- Ethics-law conflict
- Conflicting interests
- Dual role conflicts
- Poor practices
- Applying broad principles to specific situations

➢ Think of an example of each.
ETHICAL DECISION-MAKING
3 Approaches to RESOLVING ETHICAL PROBLEMS

Common sense
- Common situations
- Minimal risks
- Often addressed without conscious deliberation

Simple resolution strategies
- Minimal conflict
- Relatively obvious solutions that are easy to implement

Systematic problem solving
- Significant conflict
- High stakes outcome
- Few clear-cut options for resolution
Ethical Decision-making

Actions should be:

- Principled
- Reasoned
- Universalized
So What Informs Ethical Decision-Making?

- Professional knowledge
  - Professional ethics
  - Reasoning
- Personal values
Think – Pair - Share

What are your core values as a school psychologist or school psychologist trainee?
When In Doubt, Consult

- Colleagues
- **APA Ethics Committee Members**
- **NASP Ethics and Professional Practice Committee**
- State Association Ethics Committee Members
- University Committees
- IRB
Map Your Network

In a crisis or dilemma, who or what would you consult?
Simple Problem Solving Steps

- What is the problem?
- What are my options?
- Decision & action
- How did it work?
1.0 Become aware of dilemma

2.0 Identify basis of conflict

2.1 Conflicting interests of parties
   2.1.1 Determine: How might each party’s interests be affected by my action?
   2.1.2 Determine: What is my responsibility to each party?

2.2 Competing standards
   2.2.1 Determine: What standards are involved? Is there a legal requirement I must consider?

2.3 Unclear standards
   2.3.1 Determine: What information is lacking? What do I need to know?
   2.3.1.1 Consult supervisor or colleague
   2.3.1.2 Consult written resources

3.0 Determine: What are my options for action?

3.1 What is likely impact, positive and negative, on all parties (including myself)?

3.2 Can negative impact be ameliorated? How?

3.3 Consider hierarchy of principles: respect for dignity of person; responsible caring; integrity in relationships; responsibility to society?

3.4 Consider: Is this action one I would recommend to a colleague? Am I comfortable with others knowing my decision?

4.0 Decide on course of action; evaluate outcome
8-Step Problem-Solving Model

1. Identify the problem
2. Identify potential ethical issues
3. Identify legal, case law, policy issues
4. Name potential resources and consultations
5. Identify rights and responsibilities of all parties
6. Generate several potential solutions
7. Identify potential positive and negative consequences of each solution
8. Choose a solution and explain why it is the best course of action
Other Resources

- http://wrightslaw.com/
- http://www.pacer.org/
- http://kspope.com
- http://ori.hhs.gov
In groups, apply the 8-step ethical problem-solving model to a common ethical scenario.
PROACTIVE ETHICAL PRACTICES
Continuous Ethical Development

- Always question
- Seek new information
- Be aware of vulnerabilities
- Think critically
NASP Essential Ethics: Developing Ethical Practice

- Develop a positive approach to ethics – strive for excellence
- Be ethically proactive
- Keep up to date in ethics and law.
- Use a systemic decision-making process
- Discuss confidentiality with every client at the outset and do as promised

NASP Essential Ethics: Developing Ethical Practice

- Define your role to encompass advocacy for evidence-based practice and adherence to ethics
- When advocating for changes, emphasize positives
- Work to build system capacity to support better outcomes
- Be clear about your role when speaking about policies and practices
- Be respectful of others at all times.

10 Ways to Avoid Ethical Pitfalls

1. Know what constitutes multiple relationships, how to analyze risks, and how to resolve issues

2. Protect confidentiality – discuss the limits, ensure appropriate storage, know the laws, obey mandatory reporting

3. Respect autonomy – strive for informed consent

10 Ways to Avoid Ethical Pitfalls

4. Know supervisory responsibilities – establish procedures for feedback, detail nature of relationship at outset, be transparent with clients, ensure appropriate delegation

5. Clearly identify client and roles – strive for transparency


10 Ways to Avoid Ethical Pitfalls

7. Only engage in work for which you have expertise
8. Know the difference between abandonment and termination
9. Stick to the evidence – base evaluations (in assessment, expert opinion, testimony) on the available data. Know the referral question, select appropriate tests, do thorough assessments, recognize limitations
10. Bill accurately – services, dates, diagnoses

Self-Check

1. Is the action fair?
2. Would I recommend it to a peer?
3. Would I want it made public?