

Professional Development Activity on Confidentiality

The following activity will help the school counselor–administrator team prepare for situations in which it considers breaking a student’s confidentiality. Although each circumstance is different, a systematic approach will ensure equity when addressing a myriad of diverse student issues and will lay the groundwork for when the team must make a difficult decision by creating a process, or precedent, for future incidents.

Time Frame

The team should allow thirty to ninety minutes for this activity. The team can meet once for ninety minutes or three times for thirty minutes apiece.

Materials

This activity requires a copy of the confidentiality scenarios, a copy of the go, no go questionnaire, and a pen or pencil for each participant.

Process

If the team is two members only, the school counselor and administrator (or other team members depending on the local context) independently read each confidentiality scenario. If the team has more than two members, one person serves as the facilitator when comparing questionnaire responses.

1. Each team member independently completes the go, no go questionnaire for each scenario. Questions 1–3 are objective, and questions 4–11 are subjective. Each member provides a rationale for his or her decision.
2. The team shares results and discusses the rationale for each decision.
3. The team comes to consensus on whether to breach or to maintain the student’s confidentiality in each scenario, which team member would breach confidentiality, and with whom he or she would share the information.

Results

Participation in this activity strengthens the school counselor–administrator team and develops a baseline for approaching confidentiality issues. All team members will develop an appreciation for the values and decision-making rationale the other team members bring. This provides a lens of understanding when the team discusses each individual circumstance.

Confidentiality Scenario

Scenario One

You are the school counselor, and a second-year elementary teacher approaches you and is distressed. Over the course of several conversations, the teacher shares that she is having financial difficulties that have impacted her teaching and often distract her. As a school employee, you are aware that she earns more than enough for a decent standard of living in her community. The teacher further shares that she has been struggling with depression, which has led to increased alcohol use and weekend gambling (which is the root of her financial concerns). As the school counselor, you feel it would be beneficial for your administrator to know so he can emotionally support the teacher and provide additional insight about what is currently impacting her teaching. You feel she is an excellent teacher and has great potential to positively impact students. You do not want her teaching career to fail as a result of her immediate circumstances. You encourage her to talk with the administrator and offer to join and support her for the conversation. She declines, stating she can handle it herself.

Scenario Two

You are a middle school administrator who has developed a strong mentor relationship with an adolescent male student. Your relationship stems from his continual classroom disruptions, which led to discipline referrals to your office. Both you and the student identify as Catholic in a predominantly Catholic community, and you have built on this common identity to encourage positive classroom behavior. You know the student's family has strong Catholic values, provides for the student's basic needs, and is heavily involved in his schooling. The student discloses that he is struggling with sexual identity. He states that he is unsure about who he is attracted to and does not want his parents to know. He says he feels different from his peers, feels sad, and does not enjoy school. He seeks your advice. You suggest talking to the school counselor, and the student adamantly refuses. You feel this is beyond your knowledge base and do not want to give incorrect advice.

Scenario Three

You are a high school counselor who has spent a great deal of time and energy working with an eleventh-grade multiracial female student who lives with her grandparents in a predominantly Caucasian community. The student is a member of the dance team and generally maintains above-average grades. During the fall semester, you notice physical differences in her, including disheveled hair and clothes, about every other Monday morning. When you speak with the student, she discloses that over the summer, she began hanging out with a different group of friends. You are fully aware of this group's reputation for both alcohol and marijuana use. As the conversation continues, the student shares that when she is with the dance team, she makes more positive decisions, and when she is with the aforementioned friends, she has experimented with alcohol and marijuana. She discusses the difficulty of being abandoned by her parents, living with older guardians, and being the only multiracial student in the school. Your school has a drug-testing policy, but it clearly states that it is random. Substance abuse counseling is generally required for students who test positive on those tests. Although you feel she would benefit from substance abuse counseling, you cannot choose her for testing. Additionally, it is against school policy to use alcohol and marijuana. She would be removed from the dance team per school policy, eliminating her primary positive friends group. To date, she has not driven under the influence, but there is a risk it will happen in the future.

Go, No Go Questionnaire

1. Is there serious and foreseeable harm to this student?
2. Is there serious and foreseeable harm to another person?
3. Is there a legal requirement to breach confidentiality (such as one of the following)?
 - a. Federal or state mandate
 - b. Local school policies
 - c. Court order
4. What are the positive and negative implications or outcomes for breaching the student's confidentiality?
 - a. Positives
 - b. Negatives
5. How would this impact the school counselor-administrator team's relationship with parents or guardians?
6. How would this impact the school counselor-administrator team's relationship with teachers?
7. How would this impact team trust with other students?
8. How would district administration respond to the potential decision?
9. What core values drive your decision for this scenario? (These may be personal or related to your role in the school.)
10. What would be an optimal resolution for this circumstance? (Consider nothing but the ideal.)
11. What is a reasonable outcome for this circumstance? (Consider all factors.)

Go: We break confidentiality.

No go: We maintain confidentiality.