Ethical and Legal Issues for the School Counselor: School Bullying

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Introduction

School violence has been a growing issue in schools across the country particularly in the areas of bullying and teasing. Bullying has been recently deemed “contagious” in schools (Englander, 2007). School counselors play an important role in preventing and combating school bullying as a part of their overall role and obligations in the school setting, both legally and ethically. School counselors are integral in any bullying prevention and intervention program. When practicing prevention or intervention in the realm of bullying, school counselors must be mindful to maintain the ethical and legal standards of ASCA as well as the standards of the school district in which they work in.

School Bullying Defined

School bullying is often perceived as one of the oldest forms of school violence (Olweus, 2003). Although this is an old form of school violence, it has just begun to be looked at systematically as a problem in the United States in the 1980’s and 1990’s (Olweus, 2003). School bullying is often times underrated yet widespread and is frequently dismissed, denied, tolerated and ignored (Ross, 1996). School bullying is suspected to be increasing in both magnitude, frequency and likewise the effects of the bullying are becoming more concerning (Jacobsen & Bauman, 2007; U.S Department of Education, 2002). Stone (2009) states “one out of every ten students who drop out of school does so because of repeated bullying”.

Bullying in the school atmosphere was and sometimes is still considered a normal part of growing up which often leads to ignoring the problem (Jacobsen & Bauman, 2007). Research has concluded that bullying is not undamaging and can cause serious emotional, social problems for a student. These emotional and social issues can leak into a student’s academic life. The
Department of Education defines bullying as “intentional, repeated hurtful acts, words or other behavior, such as name-calling, threatening and/or shunning committed by one or more children against one another. These negative acts are not intentionally provoked by the victims, and for such acts to be defined as bullying, an imbalance of power must exist between the bully and the victim” (Department of Education, 2002).

**School Counselors & Duty to Promote School Safety**

School counselors are expected to promote a safe as well as respectful learning environment for students. Due to the nature of their work, school counselors are important in identifying students who may be bullies as well as students who are at risk of being bullied themselves (Stone, 2009). It is vital for students to feel safe in their academic environment to facilitate success in their education. Moreover, school counselors have an ethical code to uphold in regards to safety in the schools. Under American School Counselor Association (ASCA) Ethical Standards for School Counselors (2004), the professional school counselor “supports and protects the educational program against any infringement not in students’ best interest”. This includes threats or acts of bullying that would distract the child from their educational experience. Additionally, ASCA (2004) states that the professional school counselor reports to appropriate school officials any issue they feel will jeopardize the schools safety.

**Confidentiality & Bullying**

As described, the school counselor has an ethical standard to help promote a safe school environment. Although the school counselor should adhere to and uphold this ethical standard, school counselors also have the ethical standard of upholding confidentiality between what is
said by the students they work with. As one can see, these two ethical principles tend to conflict with one in the instance of hearing of a bullying instance or concern from a student. ASCA (2004) reads the school counselor “keeps information confidential unless disclosure is required to prevent clear and imminent danger to the student or others or when legal requirements demand that confidential information be revealed. Counselors consult with appropriate professionals when in doubt as to the validity of an exception” (ASCA, 2004). School violence including bullying generally falls under a duty to report what information the school counselor has been made aware of.

In the counseling relationship between the school counselor and student, the school counselor should have gone through a process of informed consent with their students. Informed consent is the legal and ethical principle that explains how counselors should inform the students of the risks, benefits and alternatives to counseling (Stone, 2009). Informed consent is usually an on-going process and not something that needs to be explained in depth with a student before every meeting. A school counselor should inform the student of the limits of confidentiality and when the confidentiality may be breached. Moreover, the school counselor should inform parents/guardians when there is a clear and imminent danger to the student or others. This should be done carefully and intentionally after possible consultation with other school counselors or supervisory staff (ASCA, 2004). School counselors should always have the child as the focus of their best interest. As such, school counselors should choose to minimize any threat to the child when disclosing information that the student tells them. The student should have a choice in how and to whom the breach of confidentiality will be made (ASCA, 2004). It is important to include the student in how they will want their parents informed of the school violence and/or bullying issue they are a part of.
Promoting Student’s Autonomy & Diversity

School counselors uphold the ethical standard of not imposing the counselor’s personal values onto the student they are working with (ASCA, 2004). School counselors should not tell students who are being bullied to change themselves in some way to fit in better. A victim of bullying is not at fault for being bullied and school counselors should not treat a victim of bullying as if they are being reprimanded. School counselors are in a great position to help change the school climate to be more sensitive as well as tolerant of individual differences, cultures, personalities and beliefs. School counselors should advocate for students of all social groups and remember what they do for one student they should do for all students to promote fairness in their ethical practice. School counselors can help change the school climate to promote diversity by means of small and large group guidance, collaboration with school personnel/community/parents and working with other schools to ensure all students in the district are receiving education on diversity and tolerance. By promoting diversity and tolerance, respect levels among peers may increase and less incidences of bullying may occur.

Group Guidance as a School Counselor on the Topic of Bullying

Group guidance, both large and small, can be used in bullying and school violence prevention. By working with a group guidance model, school counselors can help change the school climate and act as an agent of change in the school community. Ethical standards are also very important in the area of group work. Group guidance involves many students coming together, often times to discuss important issues which may be extremely sensitive to some students. Though group guidance can prove beneficial in drawing awareness about social issues,
such as bullying, group facilitators including the school counselor should take into account the ethical guidelines set forward by ASCA.

When creating a small group for students to discuss any issue, including bullying, a school counselor must screen prospective members. The school counselor should keep in mind what each member may need from the group and the ultimate goal they are trying to attain. ASCA Ethical Standards for School Counselors reads, “The counselor takes reasonable precautions to protect members from physical and psychological harm resulting from interaction in the group” (ASCA, 2004). It is vital for a school counselor to protect their students from any harm in the group. School counselors must also notify parents and/or guardians about their child participating in a group counseling session. Additionally, the school counselor always explains before the group begins that confidentiality is not assured. A school counselor cannot assure confidentiality in group counseling sessions because of the other individuals in the group may repeat what they hear in the group. Repeating what their classmates say is highly discouraged but it is a reality that students are at a developmental stage that may not be conducive to being able to maintain the confidentiality of the group discussions. Some topics are not appropriate for group settings and any sensitive topic, including bullying, should be handled with extreme care. It is essential to consult with other school personnel and supervisors when beginning a group to ensure the topic is believed to be appropriate.

In large group guidance, the same ethical standards as listed above apply. However, often times large group guidance serves as an assembly to give the most information to a large amount of students at one time. For example, a school counselor and other school personnel could hold a large group guidance session and bring in presenters from outside agencies and the community to talk about the issue of bullying. Facilitators could explain the emotional
ramifications of bullying that the victim suffers as well as the legal and/or disciplinary actions that may be taken against the individual who bullies.

Group guidance, both large and small, can be used to discuss issues directly pertaining to bullying. However, it is preferred practice to begin speaking to schoolchildren about creating positive climates beginning in kindergarten. It is important to help build strong foundations for students by promoting a caring school environment and teaching skills to help the children develop socially (Stone & Dahir, 2006).

**Prevention & Intervention Programs**

Although school counselors are not the only individuals in the school community to be concerned with student safety, they work together with other school personnel in a collaborative relationship to promote the safety of the students and school. This does not mean that a school counselor cannot help change the climate that exists in the school. All school personnel should have an interest in the safety of the students, both physically and emotionally. School counselors tend to be leaders in the school setting as well as primary advocates for the students' well-being (Stone & Dahir, 2006). School counselors should utilize their leadership and advocacy roles to collaborate and motivate other educators to promote a safe and respectful school environment (Stone & Dahir, 2006).

Many professionals have developed models and guidelines to help school counselors in creating a collaborative effort with other school personnel in maintaining a safe environment for students. Sandhu (2000) reported that school counselors should focus on reaching out to all students as a preventive effort and in order to foster their development. School counselors should also collaborate and build a team with teachers to develop sensitivities about students
who seem to be alienated or withdrawn (Sandhu, 2000). School counselors are in prime positions to educate teachers on the warning signs of students who may be in danger. School counselors can be a source of support for teachers who are coping with having difficult students in their classes (Sandhu, 2000). Involving all concerned individuals and groups in the community in the effort of school violence prevention is imperative in developing a comprehensive program (Sandhu, 2000). Moreover, school counselors should also reach out and build strong, trusting relationships with students who have been victims of violence and those who have caused violence on others (Sandhu, 2000).

Olweus (2003) describes a bullying prevention program that has been created and implemented. This prevention program relies on the general prerequisite that there is a warm, positive interest and involvement in the students’ lives created by parents and school personnel. The major components of this prevention program include firm limits on negative behavior exhibited by the students, consistency of repercussions for unacceptable behavior and adults who act as authorities as well as positive role models (Olweus, 2003). The Olweus Prevention Program begins with administration of an anonymous Bully/Victim Questionnaire to all students. This would assist in determining the degree of bullying that is occurring at the school. Using data can assist with setting up an appropriate intervention or prevention program (Young et al., 2009). At the school level, there would be strict and clear guidelines regarding bullying in place at the school and a committee. At the classroom level, there would be class rules regarding bullying, regular class meetings and meetings with students parents to keep the parents informed of any concerns. Moreover, at the individual student level, there would be meetings with students who bully and separate meetings for the students who are victims of bullying. Finally, there would be the development and implementation of an individual intervention plan. This is
just one example of a bullying prevention program, there are many others and with the increased awareness of bullying, there will most likely be many more developed.

Conclusion

The issue of school safety and bullying has become a nationwide concern. In 2002, the U.S Department of Education posed a challenge for educators. This challenge was for educators and administrators to ensure schools are safe, as all children need a safe environment to learn (Stone & Dahir, 2006). The main priority in schools should always be on the student and this should be consistent when creating and implementing school bullying prevention and intervention programs. School counselors play an essential role in keeping the school safe and working with bullying issue due to the nature of their work as well as being bound to the ASCA Ethical Standards. It is crucial for school counselors to remember issues of confidentiality, group work, informed consent, parent’s rights and responsibilities to the school, community, profession and students in their work with bullying programs. In many states, such as New Hampshire and Massachusetts, state legislation has been passed to prevent bullying. At this fundamental time in certain states, school counselors should use this opportunity to educate colleagues, school board officials, students and parents on the issues of bullying while upholding the ethical and legal standards of the profession.
References


