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What is This?
Secondary School Administrators’ Attitudes Toward Confidentiality in School Counseling

William P. O’Connell

Abstract
The school counseling literature emphasizes the importance of confidentiality in the counseling relationship. In some circumstances, school policy may require disclosure of content discussed in counseling unrelated to threat of harm to self or others. This pilot study investigated secondary school principals’ attitudes toward the practice of confidentiality in schools. Analysis of the survey data revealed that the sample of principals supported the practice of confidentiality in school counseling in the absence of threat of harm to self or others.

Keywords
confidentiality, school counseling, counselor ethics, informed consent

In loco parentis is a term used in school law suggesting school principals hold the legal right to control the health, proper surroundings, necessary discipline, and promotion of morality and other wholesome influences, while parental authority is suspended (Richardson v. Brahm, 1933, as cited in Bradley, 2005). Naturally, school principals generally expect to be informed about situations involving the health and safety of the school. If a student threatens suicide or harm to another student in counseling, a school counselor would most likely notify an administrator (Moyer & Sullivan, 2008). Effective principals collaborate with the school counselor, the student, parents, and any other concerned persons to reach a reasonable solution (L. Kaplan, 1995). However, in

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cases that do not involve imminent threat of harm, a principal could apply a broad interpretation of *in loco parentis* and demand school counselor disclosure despite the school counselor’s ethical duty to practice confidentiality (Williams & Wehrman, 2010). The principal could cite her or his authority mandated by state law to protect the school environment. Such an action may undermine the role of the school counselor as it is believed that confidentiality promotes a safe environment for clients and students to discuss concerns and assess possible solutions without the threat of unwarranted disclosure to a third party (Corey, Corey, & Callanan, 2011).

### Confidentiality in School Counseling

The practice of confidentiality by school counselors with their students in counseling has been described as essential to school counseling practice (Mitchell, Disque, & Robertson, 2002; Williams & Wehrman, 2010). Confidentiality was affirmed by a sample of middle and secondary school students as an important factor contributing to the desire to seek help from a school counselor (Collins & Knowles, 1995). Generally, school counselors maintain confidentiality with their students when counseling them, unless serious and foreseeable harm exists (American School Counselor Association [ASCA], 2010, A.2.c). Threat of harm is interpreted broadly based on the developmental level of the student (ASCA, 2010, A.2.c; Isaacs, 1999; Stone & Isaacs, 2003). In other words, disclosure of counseling content to a principal or parent is more likely to occur with elementary age students than with high school age students (Mitchell et al., 2002; Moyer & Sullivan, 2008).

Unauthorized and unanticipated breaches of confidential information shared by students with their school counselor may be damaging to the well-being of the student, the school counselor, and the reputation of the school counseling program (Williams & Wehrman, 2010). The Supreme Court recognized the fundamental principle of trust in the landmark case of Jaffe v. Redmond. In the ruling, the court affirmed the importance of confidentiality in counseling and the ramifications of a breach of trust (Corey et al., 2011). In a study of barriers to 12th graders seeking help, Helms (2003) found an overwhelming number of respondents concerned with confidentiality when seeking help within the school. While school counselors do breach confidentiality in situations involving imminent harm and danger to the school environment, frequent unauthorized disclosures of even minor offenses would most likely result in few students seeking assistance or services.

### Privacy Rights of Students and Parental Right

A student has the right to privacy and confidentiality. The American School Counseling Association (ASCA) recognizes that a counseling relationship requires an atmosphere of trust and confidence between the student and counselor. Confidentiality ensures that disclosures will not be divulged to others...
except when authorized by the student or when there is clear and present danger to the student or others. (ASCA, 2002, p. 1)

The school counseling literature asserts that while the privacy rights of minors legally belong to the parents, counselors ought to obtain the assent of a minor client before releasing information discussed in a confidential counseling session (Ledyard, 1998; Remley, Herlihy, & Herlihy, 1997; Sealander, 1999). Some states permit minor clients (age 14 in Ohio and age 13 in Washington) to give consent for counseling for a defined period of time without the consent of their parents if there is no threat of harm (“Ohio Revised Code, 5122.04,” 1989; “Revised Code of Washington, 71.34.530,” n.d.). After the time period lapses, parental consent may be required to continue counseling. The legal status of minors may imply that if a minor cannot consent to counseling, then there is no guarantee of privacy for the minor, especially in relationship to parents’ right to know.

However, according to Bradley (2005), “Students do not shed their constitutional rights at the school house door” (p. 135). Although minor rights may not be equivalent to adults, the Supreme Court has affirmed that minors do carry some voice for their personal care (Welfel, 2002). Ledyard (1998) states that “normally, the older the minor the more rights are granted, because it is believed that older minors have the capacity for more rational decision making” (p. 175). So, while parents have the responsibility to direct the care of their child, it is generally accepted that teenagers need to develop the ability to make some choices on their own based on their personal values and belief systems.

**Privileged Communication Laws**

Many states have privileged communication laws designed to protect a student or client’s private information in a court of law. Privileged communication provides immunity to prosecution to counselors who refuse to discuss a client’s sensitive information in a court of law without a signed release of information from the client (Wheeler & Bertram, 2008). When school counselors provide personal counseling to high school students, counselors are ethically bound to treat the communications as confidential except when state law demands a breach to protect the student or others from harm (ASCA, 2010, A.2.c). Confidentiality is an ethical obligation of the counselor to hold the client’s information private (Corey et al., 2011). A tension exists between state laws that allow for privileged communications for school counselors, professional codes of ethics requiring maintenance of confidentiality, and school policies that may challenge confidential communications in certain circumstances (Lazovksy, 2008). In fact, according to Tompkins and Mehring (1993), “Unless a privilege or confidentiality law exists in a state, confidentiality, based on adherence to an ethical code is legally subordinate to employer policy” (p. 336). To date, there are few examples of case law that provide clear direction to both school administration and school counselors regarding the practice of confidential communications. School administrators rely
on school board policy, legal counsel, or personal decision making (Bradley, 2005), while school counselors rely on accurate interpretation of their professional ethical codes (Lazovsky, 2008).

Disclosure: An Ethical Dilemma for School Administrators and Counselors

When providing personal and social counseling to adolescents, school counselors may face dilemmas whereby ethical decision making is influenced by the multiple constructs of ethics, law, school policy, the relationship between the school counselor and the school principal, and the relationship between the school and parents (Davis & Ritchie, 1993; Glasoff & Pate, 2002; Isaacs, 1999; D. Kaplan & Allison, 1994; Tompkins & Mehring, 1993). A dilemma ensues when the legal obligation of school administrators to protect the school environment, students’ privacy rights, the right of parents to make decisions regarding their child’s health care, and the ethical obligation of counselors to protect confidentiality intersect. School administrators act in the compelling interest of the state to create safe and orderly school environments (Bradley, 2005). School counselors are trained to practice confidentiality with their students except under conditions in which there is a threat of harm to self or others (ASCA, 2010, A.2.c). If the boundaries become blurred regarding when to disclose, then an administrator could demand information for disciplinary purposes. The rationale is that the school counselor, as an employee of the school, is required to comply with the directions of a principal or superintendent (Moyer & Sullivan, 2008). Usually dilemmas are resolved by case law; however, to date, few court challenges exist that give school counselors and administrators a clear direction on how to proceed. It is within the charge of school administrators to care for the welfare of their students. Yet because school counseling has been shown to be an effective tool for academic achievement, socioemotional development, and other positive outcomes and because confidentially is key in successful school counseling, school administrators and school counselors ought to be committed to promoting confidentiality to the greatest degree possible (Greenberg et al., 2003; McGlothlin & Guillot-Miller, 2008).

Goals of Study

The goals of this pilot study were to determine the following: (a) whether secondary school administrators believed that personal and social counseling was a legitimate function of the school counselor, (b) whether the administrator had discussed with the school counselor the conditions under which the administrator expected disclosure about a student’s counseling, (c) whether there was a written policy regarding confidential communications between school counselors and students, (d) whether the administrator expected disclosure for any type of infraction against school policy, (e) to identify the degree of agreement an administrator possessed for a topic to be discussed between a school counselor and student both on and off school property,
and (f) to identify the degree of agreement an administrator possessed for a topic to be disclosed by the school counselor to the administrator for conditions occurring both on and off school property. A final goal was to provide respondents an opportunity to describe infractions against school policy that would require disclosure and comment on the survey.

Method

Survey Development

The High School Administrators Survey of Functions of the School Counselor instrument is similar to an instrument (Kriner, 1977) used in a previous study surveying school counselor perceptions of school counselor role expectations and role performance. The content of the survey includes rank order items similar to items in previous studies surveying school counselors regarding potential breaches of confidentiality (Lazovsky, 2008; Moyer & Sullivan, 2008; Stone & Isaacs, 2003). Face validity for key constructs in the survey was rated as highly acceptable by five experienced high school principals who did not participate in the study. Face validity refers to the degree to which persons in the pool of constituents eligible to take the survey believe the constructs fit the intended purpose of the survey (Nevo, 1985). The principals provided recommendations for the inclusion of items not found in the studies with school counselors. Examples of additions included receiving or sending unwelcome e-mail and text messages, harassment of a teacher or staff member by a student, and perpetrator of bullying. These additions are consistent with educational administration literature on issues and concerns administrators have noted related to school safety (McAdams & Foster, 2008).

The first section contains demographic items including gender, race, administrative rank, counseling experience, type of school, and size of school. The second section contains questions addressing administrators’ views of the practice of personal and social counseling with students, whether the administrators discussed confidentiality with the school counselor(s) and whether a policy exists outlining the exceptions to confidential communications in a particular school setting. The third section lists 30 scenarios on school property a self-referred student might present to a school counselor. The fourth section lists 35 scenarios off school property a self-referred student might present to the school counselor. Items were designed to assess whether a topic was acceptable to discuss in school counseling and whether the issue should be disclosed to school administration. The items ranged from high-risk situations (student cutting on self) to low-risk situations (using a fake parking pass at school). Both the third and fourth sections used a 5-point rating scale (1 = strongly disagree, 2 = disagree, 3 = undecided, 4 = agree, 5 = strongly agree). The list was not intended to exhaust all possible scenarios that could be presented by a high school student to a school counselor rather to sample issues that are known to be problems with potential
ethical implications. The fifth section allowed for written comments by the survey participant.

Participants

The convenience sample was composed of 72 secondary school principals with 74% administrating at public schools and 26% at private schools. The schools varied in size with 40% of schools having less than 1,000 students and 60% of the schools having more than 1,000 students. Among the respondents 32% were female and 68% were male; 92% were Caucasian and 8% were Persons of Colors. Ranks included 32% principals and 68% assistant principals. Twenty-one percent of the respondents reported completing graduate-level course work in counseling, while 79% had no graduate coursework in counseling.

Procedure

The survey instruments were delivered to 125 high school administrators representing 85 schools in two Midwestern states. Surveys were returned in a confidential and anonymous envelope to the investigator. Both states in the study have privileged communication laws granting school counselors immunity from prosecution when protecting confidential information in court testimony.

Results

Descriptive Data

Table 1 shows the results for the first four goals of the study. There appears to be overwhelming agreement among the administrators surveyed that school counselors have a role in providing personal and social counseling to students. Three fourths of

<table>
<thead>
<tr>
<th>Question</th>
<th>% Yes</th>
<th>% No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Do you believe school counselors have a role in providing personal and social counseling to students?</td>
<td>99</td>
<td>1</td>
</tr>
<tr>
<td>b. Have you discussed with your school counselor the circumstances that create a clear and present danger to students, so that you and the counselor have a mutual understanding of these conditions?</td>
<td>76</td>
<td>24</td>
</tr>
<tr>
<td>c. Does your school have a written policy regarding confidential communications between school counselors and administration?</td>
<td>41</td>
<td>59</td>
</tr>
<tr>
<td>d. Do you require school counselors to disclose information pertaining to any and all infractions against school policy that the counselor discovers in a counseling session?</td>
<td>27</td>
<td>73</td>
</tr>
</tbody>
</table>
administrators reported having a discussion with their school counselor about the conditions under which she or he expects disclosure of confidential communications when a danger to self or others is reported in counseling. Less than half of the respondents noted there is a written policy related to expectation for disclosure and slightly more than one quarter of respondents believed school counselors should disclose information about a student who reports an infraction against school policy to the school counselor.

The survey further explored administrators’ perceptions of appropriate counseling topics in a secondary school setting and whether student disclosures should be reported by the school counselor to a school administrator. The sample of administrators completing this survey overwhelmingly affirmed that the list of topics were appropriate for students to bring to the school counselor. The focus of the results centers on expectation for disclosure. Table 2 summarizes the degree of agreement an administrator held for a topic to be disclosed between a school counselor and administrator when the incident occurs on school property, and Table 3 summarizes the degree of agreement an administrator held for a topic to be disclosed by the school counselor to the administrator for conditions occurring off school property.

The results indicted dangerous or illegal behavior, and perpetrator of harassment or bullying were the dominant constructs whereby administrators expected counselors to disclose when these issues occur on school property. Academic fraud and negligence appear to the least dominant constructs whereby administrators expect disclosure when the incident occurs on school property (see Table 2).

Dangerous and illegal behavior and threat of harm to self are the dominant constructs whereby administrators expect counselors to disclose when these incidents occur off school property. Additionally, alcohol, nicotine and prescription drug abuse, sexual behavior issues, and distress in home life appear to be the least dominant constructs whereby administrators expect disclosure when the incidents occur off school property (see Table 3).

### Qualitative Data

The survey included an opportunity to provide written comments regarding examples of infractions that would require disclosure and general comments about the survey.

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**Table 2. Disclosure Expected When Occurring on School Property (n = 72)**

<table>
<thead>
<tr>
<th>Construct</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dangerous or illegal behavior</td>
<td>4.48</td>
<td>0.85</td>
</tr>
<tr>
<td>Perpetrator of harassment or bullying</td>
<td>4.27</td>
<td>0.91</td>
</tr>
<tr>
<td>Alcohol, nicotine, and prescription drug abuse</td>
<td>3.93</td>
<td>1.19</td>
</tr>
<tr>
<td>Victim of harassment or bullying</td>
<td>3.77</td>
<td>0.75</td>
</tr>
<tr>
<td>Academic negligence and fraud</td>
<td>3.75</td>
<td>1.17</td>
</tr>
</tbody>
</table>
Forty-two comments were extracted from the surveys. Comments from respondents highlight sample statements separated into three categories: (a) support for confidential communications and privacy, (b) the possibility for ambiguity between when it is appropriate to maintain confidentiality and when it is not, and (c) expectations for disclosure of information by the school counselor excluding serious threats of harm to self or others.

Examples of support for confidential communications include the following:

The counselors at my school are very good at talking kids into turning themselves in. I do not ask the counselor to break counselor/student confidentiality except in cases where the student, other students, or a staff member may be in danger.

I think it is important for counselors to report issues that our students are facing without violating an individual’s expectation of privacy.

I trust our school counselors. In cases of harm to self or others, counselors ought to consult with administrators as two minds are better than one.

Examples of ambiguity between when it is appropriate to maintain confidentiality or disclose include the following:

My responses are reflective of my style of leadership. I would distinguish between counselors informing me for the students’ well-being and informing me for the purpose of taking disciplinary action. This survey does not completely allow for this distinction. My responses are geared toward the first possibility.

I based my response on the fact that I think counselors should report all violations of school policy in an effort to alert administration to the frequency and

### Table 3. Disclosure Expected When Occurring Off School Property (n = 72)

<table>
<thead>
<tr>
<th>Construct</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threat of harm to self</td>
<td>4.36</td>
<td>1.00</td>
</tr>
<tr>
<td>Dangerous or illegal behavior</td>
<td>3.77</td>
<td>1.83</td>
</tr>
<tr>
<td>Victim of harassment or bullying</td>
<td>3.74</td>
<td>1.37</td>
</tr>
<tr>
<td>Pregnancy, abortion, or rape victim</td>
<td>3.62</td>
<td>1.27</td>
</tr>
<tr>
<td>Perpetrator of harassment or bullying</td>
<td>3.48</td>
<td>1.30</td>
</tr>
<tr>
<td>Distress in home life</td>
<td>3.40</td>
<td>1.17</td>
</tr>
<tr>
<td>Alcohol, nicotine, and prescription drug abuse</td>
<td>3.12</td>
<td>1.32</td>
</tr>
<tr>
<td>Sexual behavior issues</td>
<td>2.52</td>
<td>1.20</td>
</tr>
</tbody>
</table>
types of violations. I do not expect that counselors would name individual students in all of these instances.

Counselors may speak with any student about anything in her or his scope of practice. If the issue is outside of the counselor’s scope of practice, I expect the counselor will consult with me or another professional such as the school nurse. If a counselor suspects a student may hurt self or others, I expect the counselor to contact a parent or someone who will help decide the best course of action.

Examples of the expectation to disclose include the following:

If a student stole items and that information was disclosed to a counselor, my expectation is that it would be reported.

Any information regarding harm to a student (i.e., suicide) or laws broken that fall into the felony range ought to be reported to administration.

This survey forced me to consider some very difficult situations. Currently I work closely with the counselor and we discuss our conversations with students regularly. I am concerned that in the future, the district may need to set up guidelines so that crucial information is shared between the counseling and administrative staff.

I expect my counselor to divulge pertinent, relevant information when needed. These are topics listed that do not need to be addressed by me, but if I ask, I expect to know.

**Discussion**

Principals’ perception of the school counselor role may not always be consistent with the ASCA role standards (Kirchner & Setchfield, 2005). The comments made by some of the respondents illuminate this reality. While counselors are taught to protect student confidentiality as a principle underlying one of the fundamental roles of the counseling profession (Mitchell et al., 2002), school administrators may expect information regarding an individual student or group of students if the information contains evidence of infractions against school policy (Lazovsky, 2008). While principals in this study supported the practice of personal and social counseling and many suggested a discussion had occurred regarding expectations for disclosure when imminent harms exists, the fact remains that some respondents wanted to know about student issues unrelated to threats of harm or safety.

The professional literature has proposed that school administrators and school counselors may be operating from two distinct paradigms regarding their purpose and role (Mallory & Jackson, 2007; Williams & Wehrman, 2010). Shoffner and Williamson
(2009) reported that principals and school counselors share the role of advocates for students, yet differ in that principals are also disciplinarians, leaders, and liaisons with the public, while school counselors are facilitators, motivators, and listeners. These differences are particularly evident involving the practice of confidentiality in a secondary school setting. L. Kaplan (1995) suggested that school administrators are positioned to engage in system-wide problem solving while school counselors are positioned to provide an opportunity for confidential sharing. When the two paradigms are at odds with one another, it is important for both parties to consider ways of negotiating differences (William & Wehrman, 2010).

As a means of addressing the competing paradigms both the educational administration literature and school counseling literature advocates for principals and school counselors to discuss confidentiality and expectations for disclosure (Bringman, Mueller, & Lee, 2010; Tompkins & Mehring, 1993). Furthermore, preservice graduate programs may play a significant role in approaching the dilemmas from the perspective of both an administrator and a school counselor so that students in both academic programs are better prepared to enter dialogue in a productive and meaningful way (McGlothlin & Guillot-Miller, 2008; Shoffner & Williamson, 2000). Early modeling of collaboration is critical to addressing the variability of comments made by principals in this study regarding school counselor role expectations and behavior with personal and social counseling.

Administrators hold evaluative and disciplinary authority over school counselors (Bradley, 2005). Requests for information about students ought to be supported by a rationale that helps the counselor weigh the administrator’s right to know versus coercion. As suggested in the qualitative data, some principals expect a counselor to provide general information, guiding remarks, and summaries of conversations with students that do not involve disclosure of identifying information for disciplinary purposes with a student or students. In this way, the administrator may be “in the know” about possible concerns in the school environment, while simultaneously respecting the boundaries of the counselor and student relationship. Maintaining professional boundaries is imperative for the maintenance of a successful school counseling program (Moyers & Sullivan, 2008).

Limitations

While the study affirms the practice of personal and social counseling with students, it is unknown how often school counselors at the various schools involved in the study actually provide this service. School counselors have myriad responsibilities related to scheduling, classroom guidance, testing, and other educational services. It would be interesting to examine the relationship between time devoted to personal and social counseling and the degree to which there are any dilemmas with administration resulting from the practice of confidential personal and social counseling.

While this study does not allow for tests of statistical significance due the nature of the sample, examination of the data revealed differences in the percentage of respondents who expect disclosure on issues related to moderate- or low-risk incidents
on school property. In particular, differences were noticed between principals with no counseling background (more likely to request disclosure) and some counseling background (less likely to expect disclosure). In addition, there were differences by gender. Women respondents were more likely than male respondents to request disclosure. The differences were relatively small for the type of school (public vs. private).

In the qualitative data, when administrators mentioned that a discussion had occurred with the school counselor about confidentiality, there was no prompt in the survey to assess the nature of the discussion, whether it was a collaborative discussion or a policy mandate set by the administration. Finally, the survey occurred in states that upheld privileged communication laws for school counselors, which may have an impact on the understanding of confidentiality in secondary school settings. The results may have been very different in states that do not possess these laws.

Despite these limitations, this study offers an important view into how school administrators view the responsibilities of school counselors. This may help school administrators and school counselors work collaboratively to support the social and emotional needs of students while also fulfilling the mandate of school and administrators to protect the school environment from harm.

Implications

Educational administration and counselor education programs can assist future principals and school counselors by encouraging dialogue regarding the conditions under which disclosure is expected when engaging in personal and social counseling with high school students (Martinez, Wehrman, & Williams, 2009). Principals and school counselors have a shared responsibility in educating parents and teachers about the importance of confidentiality in helping students cope with personal issues affecting their academic performance. Likewise, education administration programs and school counseling programs would benefit from including a discussion of the principal role and school counselor role and discuss dilemmas related to confidential communications (Mallory & Jackson, 2007).

Principals and school counselors ought to advocate for protecting student privacy when there is no threat of harm to self or others. More often than not, schools will not have policies regarding the management of confidential information by school counselors. One respondent to the survey described an innovative approach to setting policy. The school counselors in collaboration with the school administration lobbied the Board of Education to adopt the American School Counselor Code of Ethics as policy for the expected behavior of school counselors. This approach affirmed not only the right of school counselors to maintain confidential communications with students but also affirmed the professional identity and role of the school counselor in the academic setting.

Recommendations for Future Research

Future research on this topic might include a larger random sample to more accurately account for statistically significant differences in responses from administrators.
Surveying principals in different regions of the country may help account for the broad variability in attitudes that principals may hold regarding the practice of confidentiality across the country.

In addition, future research ought to focus on the development of school policy to address potential dilemmas faced by school counselors striving to maintain confidentiality. Furthermore, it may be helpful to examine the degree of agreement between school counselors and school administrators using case vignettes of ethical dilemmas in a variety of both high- and low-risk situations. Continued dialogue regarding the practice of confidentiality in the school setting is essential to protect student rights and promote social and emotional well-being in schools.

Conclusion

Confidentiality represents a cornerstone of the school counselor and student relationship (Mitchell et al., 2002). Facilitating understanding between school administrators and school counselors of the complex ethical and legal obligations each carries is critical in protecting students and schools. The results of this study could be utilized to begin or further conversations between administrators and counselors before ethical dilemmas concerning confidentiality occur. Adopting clear confidentiality policies as standard practice in school counseling as well as educating students, parents, teachers, and other constituents about the meaning of confidentiality in a school setting will promote positive outcomes for high school students seeking personal and social counseling from the school counselor.

Author’s Note

William P. O’Connell is currently an associate professor in the Counseling Program at Seattle University.

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