

SECTION 5

LEGAL and ETHICAL PRIMER



Legal and Ethical Issues for the Professional School Counselor

School Counselors, perhaps more than any other school personnel, are on the frontline in the school setting, dealing directly with all members of the school and home community. They face challenges every day that require a level of knowledge and/or expertise in legal and ethical matters.

School counselors, to a greater degree than counselors who practice in other settings, are continually challenged with legal and ethical problems. I believe legal, and ethical issues arise more often for school counselors because their clients are minors, they have responsibilities to numerous constituencies (students, their parents and guardians, teachers, and administrators), they have such large numbers of students to counsel, and they work in a setting that requires compliance with many complex federal and state statutes. (Remley, 2002)

The American School Counselor Association (ASCA) underscores that assessment with the following:

Whether you are new to the field or have been practicing for years, legal and ethical challenges can still throw you for a loop. From confidentiality issues to records maintenance, from duty of care to sexual harassment issues, a school counselor's legal and ethical questions can spring up from every corner.

In a study conducted and reported by Mary A. Hermann in "A Study of Legal Issues Encountered by School Counselors and Perceptions of Their Preparedness to Respond to Legal Challenges" (2002), the following implications were uncovered:

The study found that school counselors are legally vulnerable. They report that the most prevalent legal issue being encountered by school counselors is determining whether a student is suicidal, suspected child abuse, and whether students present a danger to others.

Yet, the study also uncovered that almost one/half of the study participants did not take part in continuing education in ethics and/or legal issues. Harmann (2002) strongly urged professional school counselors to participate in continuing education on legal and ethical issues in counseling.

CONTINUING EDUCATION ON LEGAL AND ETHICAL ISSUES

KEY TOPICS ON LEGAL ISSUES FOR PROFESSIONAL SCHOOL COUNSELORS

The New Jersey Principals and Supervisors Association has begun the process of providing comprehensive information on legal issues for school administrators and professional school counselors. This information is being shared with school personnel through a series of Education Law Primers authored by Robert Schwartz, Esq., Wayne J. Oppito, Esq., and David Nash, Esq., all legal counselors for NJPSA.

Listed below are key legal issues identified by the authors of the [Education Law Primers](#) as relevant for New Jersey's professional school counselors. These issues do not, naturally, cover the full scope of legal issues with which educators need to be concerned. Resources are listed at the conclusion of this section that will provide further supports for professional school counselors as they continue their daily work in the areas which cause them to be legally vulnerable.

Sexual Harassment

All school districts must have well publicized sexual harassment policies. School employees must be made aware of the complaint process, as well as the need to promptly report alleged harassing conduct. Supervisors and administrators must be trained to respond effectively to complaints of sexual harassment.

What is the definition of “sexual harassment”?

The courts have recognized two types of sexual harassment: “quid pro quo” sexual harassment and “hostile work environment” sexual harassment.

Quid Pro Quo sexual harassment is defined as an implicit or explicit threat that if one does not accede to a sexual demand, it will have a negative consequence, either in the sense of loss of employment or loss of promotion or an unfavorable evaluation.

Hostile work environment sexual harassment occurs when an employer or a fellow employee harasses another employee because of his or her gender or sexual preference to the extent to which the working environment becomes “hostile” or “abusive”.

Major State and Federal Laws that Address Sexual Harassment

Law Against Discrimination (LAD) – NJSA 10:5-1: Prohibits discrimination because of “race, creed, color, national origin, ancestry, age, sex, or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, or nationality.”

Anti-Bullying, Harassment, Intimidation – NJSA 10:5-1 to 42: Requires each school district to adopt a policy prohibiting harassment, intimidation, and bullying on school property, at school-sponsored functions and on school buses.

Title VII of the Federal Civil Rights Act: Makes it unlawful for “an employer . . .to discriminate against an individual . . . because of such individual’s race, color, religion, sex, or national origin.”

Title IX of the Education Amendments, 1972: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under an education program or activity receiving Federal financial assistance.

Employer Liability

An employer may be liable for sexual harassment even without actual, first-hand knowledge that harassment has occurred, if the employer reasonably should have known of the harassment. An employer may be held liable for sexual harassment of its employees under a theory of negligence based on the employer’s failure to have in place well publicized

Student-on-Student Harassment

In cases of student-on-student harassment school districts may be liable under negligence theory for not taking reasonable measures to stop harassment, and they may be liable under Title IX of the 1972 Education Amendments for “deliberate indifference” to the acts of harassment depriving the student victim of the educational benefits to which he/she is entitled under the Act.

School District’s Duty of Care Regarding Sexual Harassment

Frugis v. Bracigliano, 177 N.J. 250: The Court summarized the duty of care as follows: The law imposes a duty on children to attend school and on parents to relinquish their supervisory role over their children to teachers and administrators during school hours. While their children are educated during the day, parents transfer to school officials the power to act as guardians of those young wards. No greater obligation is placed on school officials than to protect the children in their charge from foreseeable dangers, whether those dangers arise from the careless acts or intentional transgressions of others.”

Teacher to Student Sexual Harassment

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992): “When a supervisor sexually harasses a subordinate because of the subordinate’s sex, that supervisor discriminates on the basis of sex. . . We believe the same rule should apply when a teacher sexually harasses and abuses a student.”

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (2001): The Court held that a school district may be held liable under Title IX where it is deliberately indifferent to known acts of teacher-student sexual harassment.

Requirements for a School District Policy Regarding the Prevention and Remediation of “Harassment, Intimidation, and Bullying”

18A:37-13 Legislative Findings

The legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

Definitions of Harassment, Intimidation, and Bullying

“Harassment, intimidation or bullying” means any gesture or written, verbal or physical act that is reasonable perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- a. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in a reasonable fear of harm to his person or damage to his property; or
- b. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

School Policy on Harassment, Intimidation, and Bullying

Each school district shall adopt a policy prohibiting harassment, intimidation, or bullying on school property, at a school sponsored function or on a school bus. The school district shall attempt to adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

Division of Youth and Family Services

ABUSED CHILD: DEFINED

The short definition of child abuse is the unnecessary infliction of suffering or pain, mental or physical, upon a child. State of New Jersey, v. Patricia L. Hill and David Stamps 232 N.J. Super. 353, (Law Division 1989)

STATUTORY DEFINITION:

N.J.S.A. 9:6-8.9 defines an abused child" as a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

- a. Inflicts or allows to be inflicted upon a child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
- b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
- c. Commits or allows to be committed an act of sexual abuse against the child;
- d. Impairs or threatens to impair a child's physical, mental, or emotional condition as a result of the failure of the child's parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care or (2) unreasonably inflicting or allowing to be inflicted harm, or substantial risk of harm, including excessive corporal punishment or use of excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any other act of a similarly serious nature requiring the aid of the court;
- e. Willful abandonment of a child by his parent or guardian, or such other person having his custody and control;
- f. Inappropriate placement of a child who is in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21) with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being or willfully isolate the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

THE SCHOOL REPORTING REQUIREMENT:

N.J.S.A.9:6-8.10 requires “any person” who has “reasonable cause” to believe that a child has been the subject of abuse to report his or her suspicion “immediately” to the Division of Youth and Family Services. This applies to anyone who is in a position to make an observation, or receive the report of an observation. Specifically, the statute states:

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such report, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child’s age, the nature and possible extent of the child’s injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

DOES THIS APPLY TO ALL SCHOOL PERSONNEL?

Yes. The phrase “any person” does not have any limitation.

DO ALL SCHOOL PERSONNEL HAVE THE SAME DUTY TO REPORT?

Yes. However, as there is greater expectation for school administrators to be aware of the statutory and regulatory requirements, and of school policy, they will be held to a higher standard.

DOES THE EMPLOYEE MAKING THE REPORT INCUR ANY POTENTIAL LIABILITY?

No. N.J.S.A.9:6-8.13 provides immunity from liability for persons making reports of suspected child abuse or neglect. F.A. by P.A. v. W.J.F. 248 N.J.Super. 484, App. Div. 1991)

The immunity afforded by N.J.S.A. 9:6-8.13 is from any “liability, civil or criminal” that might otherwise be incurred or imposed. The statute does not afford immunity from suit. In order for the immunity from liability to attach, the person making the report has to have had “reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse,” and to have made such report “immediately.”

WHY IS IMMUNITY PROVIDED TO THE PERSON MAKING THE REPORT WHO HAS REASONABLE CAUSE TO BELIEVE THAT A CHILD HAS BEEN ABUSED?

To encourage people to report suspicions of child abuse

TO WHAT DEGREE MUST A DISTRICT COOPERATE WITH DYFS IN ARRANGING FOR INTERVIEWS?

N.J.A.C.6A:16-10.2(7) requires district boards of education to: Permit the DYFS investigator to interview the child.

Should the interview be in the presence of the school principal?

Yes. The regulation requires the presence of the principal or the principal's designee. If the child is intimidated by the presence of that school representative, then the child shall be given the opportunity to name a staff member with whom he or she feels comfortable, who will be allowed to accompany the child during the interview.

What is the role of the principal or the designee during the interview?

Not to participate in the interview, but to provide comfort and support to the child.

What is required of the school district?

- It must cooperate with DYFS in scheduling interviews with any school personnel having information relevant to the investigation.
- It must release to DYFS, pursuant to statute and regulations, student records of the child under investigation that are deemed to be relevant to the assessment or treatment of child abuse.
- It must maintain the confidentiality of allegations of child abuse or neglect.
- It must require that such confidential information be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his or her designee.
- It must permit DYFS to physically remove a child from school during the course of the school day when necessary to protect the child or take the child to a service provider, but only after the principal, or the principal's designee has been provided with appropriate authorization for such action.
- It must release all student records of the child under investigation that are deemed relevant to the assessment or treatment of child abuse, in accordance with N.J.S.A.18A:36-19 and N.J.A.C.6:3-6.

RECORD KEEPING AND MAINTENANCE OF RECORDS

School districts have a duty to accurately maintain and protect the confidentiality of pupil records under both state and federal law. School districts also have wide ranging recordkeeping duties for other types of records, including personnel records, financial records and in some cases e-mails between school employees. Advances in technology, such as the reliance on e-mail, the use of the Internet by school districts and the prevalence of electronic recordkeeping, have altered the legal landscape. Recent legislation, including the federal No Child Left Behind Act and the state Open Public Records Act have significantly altered the nature and extent of this role. This Chapter of the NJPSA Education Law Primer is intended to provide an overview of the major responsibilities that school districts and school administrators have in the area of recordkeeping. The NJPSA Education Law Primer is not intended to provide legal advice. NJPSA members should contact NJPSA's Legal Department and/or their board attorney for advice on specific legal issues.

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THE STATE AND FEDERAL LAWS AND REGULATIONS GOVERNING RECORD KEEPING FOR SCHOOL DISTRICTS

There are several state statutes that impact upon pupil records. These statutes, which are discussed in greater detail in this Chapter of the Primer, include:

N.J.S.A. 18A:36-19, which provides for the general duty of school districts to create, maintain, retain and secure pupil records, while providing access to parents and adult pupils and ensuring reasonable privacy of pupil records;

N.J.S.A. 18A:36-19a and 18A:36-25.1, which govern the transfer of student records and the duty of a school district to request records from a prior district, including student disciplinary records under amendments enacted in 2002;

N.J.S.A. 18A:36-19.1, which requires that school districts provide the same access to school facilities for military recruiters that is provided for educational and occupational recruiters;

N.J.S.A. 18A:36-34, which requires that school districts receive prior written consent from a pupil's parents before the district may administer a student survey, assessment, analysis or evaluation covering certain topics;

N.J.S.A. 18A:36-35, which requires that school districts not disclose any personally identifiable information about students on the district's web site without receiving prior written consent from the parent; and

N.J.S.A. 18A:36-36, which places limits on the manner in which a school district may collect information regarding the pupil's race, ethnicity, migratory status or economically disadvantaged status.

AT THE FEDERAL LEVEL, THE MAJOR STATUTES ADDRESSING PUPIL RECORDS ARE:

20 U.S.C. 1232, known as the Family Educational Rights and Privacy Act (FERPA), which includes federal requirements regarding recordkeeping, transfer of student records and maintaining confidentiality of personally identifiable information;

20 U.S.C. 1232h, known as the Protection of Pupil Rights Amendment Act (PPRA), which provides parents with certain rights regarding student surveys and the inspection of instructional materials; and

20 U.S.C. 7908, part of the federal No Child Left Behind that was signed into law on January 8, 2002, which requires school districts receiving any funding under NCLB to provide military recruiters with access to secondary school students names, addresses and telephone listings unless a parent specifically requests that their child's information be excluded, notwithstanding the requirements of FERPA.

THE FOLLOWING STATE AND FEDERAL REGULATIONS INCORPORATE THE PUPIL RECORDS REQUIREMENTS:

N.J.A.C. 6:3-6, which incorporates state and federal pupil records requirements; and 34 C.F.R. 99, which provides specific regulations for FERPA.

Public records generally are addressed under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1.

The New Jersey Open Public Records Act, P.L. 2001, Chapter 404 (N.J.S.A.47:1A et seq.)

On January 8, 2002, the New Jersey Open Public Records Act or OPRA was signed into law. Similar in purpose to the Open Public Meetings Law or Sunshine Law, the goal of OPRA is to open up the public's access to government. OPRA seeks to increase public access to records maintained by public agencies in our state by balancing the public's interest in government records, respect for personal privacy, and the efficient process of government. For the first time in New Jersey, the law clearly shifts that balance toward the disclosure of government records unless specific or general exemptions apply, the public safety is at risk or an individual citizen's reasonable expectation of privacy would be breached by disclosure.

Since public schools are considered to be political subdivisions of the state government, OPRA applies to school districts. OPRA will reach private entities when a school district or other public agency subcontracts governmental functions to these entities.

Requests for access to "government records" will be made to the "custodian of a government record" of the public entity. Generally speaking, the custodian of record for a public school will be designated at the district level. However, in large districts, records may be stored or maintained at the school site. As a result, a building-based custodian of records may be appointed.

GOVERNMENT RECORD DEFINED

OPRA broadly defines a “government record” as any paper, written or printed book, document, drawing, map, plan photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording that has been “made, maintained, kept on file, or received by a public agency in the course of its official business.” For example, e-mail is a means of transmitting information. As such, the contents of e-mail may meet the definition of a government record if it is regularly created or received by public employees and agencies in the course of official business, subject to some exceptions.

MAINTENANCE AND SECURITY OF PUPIL RECORDS

Pursuant to N.J.A.C. 6:3-6.4, the chief school administrator is responsible for the security of pupil records and for devising procedures to ensure that access is limited to authorized persons. The procedures must be designed so that records are not altered, damaged or lost. Records must be maintained in a central file at the school attended by the pupil. If any records are kept in other than the central file, a notation in the central file is required to indicate where the records may be found. When records are computerized, computer locks are required for security to limit access to authorized persons. In order to guard against alteration, loss or destruction, a school district is required to maintain an updated duplicate file.

RIGHTS OF PARENTS AND STUDENTS UNDER FERPA

The federal Family Educational Rights and Privacy Act (FERPA), provides students over 18 and their parents or legal guardians with certain rights regarding pupil records. These include:

- 1) Right to inspect and review student's education records within 45 days of the day the school receives a request for access;
- 2) Right to request amendment of student's education records if believed to be inaccurate - see 1232g(a)(2) - and the right to a hearing before disinterested party and right to have attorney present;
- 3) Right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent, such as in the case of school officials who have a need to review a record in order to fulfill his or her professional responsibility.

(Note that school district has the right to transfer student records, including discipline records, without consent to a student's new district upon request of the new district. The sending district should make a reasonable effort to notify a parent that records are being sent.)

- 4) Right to file complaint with the USDOE alleging failures of district to comply with FERPA.

FERPA requires maintenance of record of all those who have requested access to student's education records and their reasons for doing so. See 20 USC 1232 g(b)(4)(A) The record of access shall be available only to parents and to school official and his assistants responsible for the custody of such records."

Gonzaga University v. Doe, 536 U.S. 273 (2002)

US Supreme Court held that there is no private right of action to enforce FERPA.

ACCESS TO RECORDS

N.J.A.C. 6:3-6.5 and 6.6 incorporate state and federal requirements regarding access to pupil records.

THE FOLLOWING ENTITIES AND PERSONS ARE AUTHORIZED TO ACCESS PUPIL RECORDS:

- Parent of a pupil and the pupil under the age of 18 with the parent's written consent;
- Pupils at least 16 years of age who are graduating or dropping out of school;
- Adult pupils and the parents of adult pupils where the parents have written permission from the pupil;

- Certified school district personnel with assigned responsibility for the pupil;
- Certified educational personnel responsible for the pupil employed by an approved private school for the handicapped, a state facility or an accredited nonpublic school where students with educational disabilities have been placed pursuant to N.J.S.A. 18A:46-14;
- Clinics and agencies approved by the New Jersey Department of Education;
- District board of education as necessary through the chief school administrator to fulfill the board's legal responsibility;
- Secretarial and clerical personnel under the direct supervision of certified school personnel to the extent necessary to enter and record data and perform routine clerical tasks;
- Accrediting organizations in order to carry out their accrediting functions;
- Commissioner of Education and NJDOE staff as necessary to fulfill legal responsibility;
- Officials of other boards of education within the State of New Jersey in which the pupil is placed, registered or intends to enroll subject to requirements regarding the transfer of records (discussed separately in this Primer);
- Officials of the U.S. Department of Education as necessary to fulfill legal responsibility;
- Officers and employees of a State agency who are responsible for protective and investigative services for pupils referred to that agency;
- Organizations, agencies and persons outside the school with the written consent of the parent or adult pupil;
- Organizations, agencies and individuals outside the school, other than those specified above, upon presentation of a court order;
- Military recruiters pursuant to 20 U.S.C. 7908 (see discussion below); and
- Bona fide researchers who explain in writing the nature of the research and the relevance of the records sought, and who satisfy the chief school administrator the records will be under strict conditions of anonymity and confidentiality.

THE NON-CUSTODIAL PARENT RIGHTS TO ACCESS STUDENT RECORDS

The non-custodial parent has the same rights as the custodial parent to access pupil records, unless parental rights have been terminated by a court order. In situations where the custodial parent indicates to the school that the non-custodial parent is not to have access to the pupil's records, the parent must provide the school with a court order restricting access of the non-custodial parent. If the custodial parent does produce a court order, a copy should be placed in the pupil's file along with a notation that the non-custodial parent is not to have access to the pupil's records.

DISTRICT RESPONSE TO A COURT ORDER OR SUBPOENA DEMANDING ACCESS TO PUPIL RECORDS

School districts must provide access in response to a valid court order, but NOT in response to a subpoena. A subpoena is an official form from a court or administrative agency, but is generally signed by an attorney and is not sufficient for a school to provide access to records. A court order must be signed by a judge and will indicate the specific information being requested. The document will indicate ORDERED on its face. A subpoena will have the word “subpoena” on the document. Even when a subpoena is presented by law enforcement officials, the school district cannot provide access to pupil records absent a court order.

Unless instructed otherwise by a court, the district board of education shall, prior to the disclosure of any pupil records pursuant to a court order, give the parent or adult pupil at least three days notice of the name of the requesting agency and the information requested. Where practicable, the notice should be in writing.

RIGHTS MILITARY RECRUITERS HAVE TO ACCESS STUDENT RECORDS

Under 20 U.S.C.A. 7908, which is part of the federal No Child Left Behind that was signed into law on January 8, 2002, school districts receiving any funding under NCLB must provide military recruiters with access to secondary school students' names, addresses and telephone listings unless a parent specifically requests that their child's information be excluded. A secondary school student or the parent may request that the student's name, address, and telephone listing not be released without prior written parental consent. The parent or student must make this request to the school district in writing. Each school district is required to notify parents of the option to make a request to not have their child's pupil records released to a military recruiter. If the parent makes such a request, the district shall comply with the request, and then only release the above information to a military recruiter if the parent requests such release in writing.

Under N.J.S.A. 18A:36-19.1, each school district is required to provide military recruiters with the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students. Thus, if colleges and/or employers are allowed into a school to recruit students, military recruiters must have the same opportunity.

RECORD OF THOSE REQUESTING ACCESS

FERPA requires maintenance of record of all those who have requested access to student's education records and their reasons for doing so. See 20 USC 1232 g(b)(4)(A) The record of access shall be available only to parents and to a school official and his assistants responsible for the custody of such records.”

STUDENT SURVEYS

School districts receiving federal funding that wish to conduct student surveys are required to comply with the provisions of the federal Protection of Pupil Rights Amendment Act, 20 U.S.C.A. 1232h. Under this federal law, school districts are required to provide parents with prior written notice before students could be compelled to complete a survey. The federal law does not apply to voluntary student participation in surveys.

Under a state law enacted in 2001, N.J.S.A., 18A:36-34, all New Jersey school districts must comply with a stricter state law regarding student surveys. The state law requires school districts to receive written prior consent from parents before administering any student “survey, assessment, analysis or evaluation,” which touches upon certain specified topics, regardless of whether or not student participation is voluntary. The state law fails to define the amorphous terms “assessment, analysis or evaluation.”

Absent written parental consent, the state law prohibits schools from administering any survey, assessment, analysis or evaluation which reveals information concerning:

- 1) political affiliations;
- 2) mental and psychological problems potentially embarrassing to the student or the student's family;
- 3) sexual behavior and attitudes;
- 4) illegal, anti-social, self-incriminating and demeaning behavior;
- 5) critical appraisals of other individuals with whom a respondent has a close family relationship;
- 6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- 7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
- 8) Social Security number.

Written parental consent must be received by the school district at least two weeks prior to the administration of the survey, assessment, analysis or evaluation.

DISCIPLINARY RECORDS

The school district of last attendance must provide the enrolling district with all information in the student's record related to disciplinary action taken against the student by the district. The sending district must send the student records within ten days after the transfer has been verified by the requesting school.

In addition, Section 4155 of the federal No Child Left Behind Act also includes a requirement for states to have in place procedures so that public school districts send student disciplinary records, with respect to suspension or expulsion, to nonpublic schools. Prior to the enactment of NCLB, public school districts were not required to send student disciplinary records to private schools.

In addition, NCLB now requires that public school districts maintain in each student's records at the very least information on suspensions or expulsions. Prior to the enactment of NCLB, school districts were not required to maintain any specific information on student discipline in each student's record.

DISCLOSURE OF INFORMATION ON THE INTERNET

Under a state law that became effective January 8, 2002, N.J.S.A. 18A:36-35, school districts are prohibited from disclosing certain personally identifiable information on the Internet without receiving prior written consent from the student's parent or guardian on a form developed by the New Jersey Department of Education. "Personally identifiable information" includes student names, student photos, student addresses, student e-mail addresses, student phone numbers, and locations and times of class trips.

STUDENT DISCIPLINE

STUDENTS CAN BE DISCIPLINED FOR INCIDENTS OFF SCHOOL PREMISES

R.R. v. Shore Regional

Schools may discipline students for activities off school premises and after school hours, if such activities are deemed to pose a risk to students while in school.

STUDENT ASSAULTS ON A TEACHER OR AN ADMINISTRATOR

18A:37-2.1

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. section 1400 et seq.

RIGHTS OF STUDENTS

18A:37-2.4

a. Any pupil removed pursuant to section 1 of P.L.1995, c. 128 (C. 18A:37-2.2) shall be entitled to a hearing before the local board of education to determine if the pupil is guilty of committing an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function. If it is found that the pupil is not guilty of the offense the pupil shall be immediately returned to the regular education program.

- b. The hearing shall take place no longer than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L.1975, c. 231 (C. 10:4-6 et seq.).
- c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

SUMMARY:

- 1. Students are entitled to a hearing.
- 2. The hearing shall take place within 30 days following the day that the student is removed from the regular educational program.
- 3. The board of education shall issue its decision within 5 days of the close of the hearing.

GOSS V. LOPEZ

Due process rights for students who are suspended for a period of less than 10 days consist of

- (1) notice
- (2) reason for the suspension
- (3) an opportunity for the student to respond.

Students suspended for more than 10 days are entitled to have a hearing before the board of education.

CAN CLASSIFIED STUDENTS BE SUSPENDED? YES.

N.J.A.C. 6A:14-2.8 (a)

Students may be suspended for up to 10 consecutive or non-consecutive days without initiating action by child study team.

N.J.A.C. 6A:14-2.8(b)

Suspensions for more than 10 cumulative days constitutes a change in placement requiring child study team reevaluation with parental consent.

Reevaluation shall determine whether student's behavior was a manifestation of disability. If it is determined that behavior was manifestation of disability board may not suspend or expel, but may propose change in placement. Change in placement requires parental consent if behavior is not a manifestation of disability, student may be suspended or expelled, but board is still required to provide education services.

ZERO TOLERANCE FOR GUNS ACT -18A:37-7**POSSESSION OF FIREARM BY A STUDENT ON SCHOOL PROPERTY OR AT A SCHOOL FUNCTION REQUIRES IMMEDIATE REMOVAL FROM THE REGULAR EDUCATION PROGRAM****18A:37-8**

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. ? 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

DRUGS AND ALCOHOL**DISTRICTS MUST HAVE POLICIES.****18A:40A-11**

...school districts must have policies and procedures for the evaluation and referral of students involved in incidents of possession or use of drugs and alcohol on school property or at school functions.

The components of a school district's policy shall include:

"... procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances . . . on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions.

N.J.A.C. 6A:16-4.1(A)

School districts are required to adopt and implement policies and procedures for the assessment, intervention, referral or evaluation of students "whose use of alcohol or other drugs has effected this school performance, or for students who consume or are suspected of being under the influence in school or at school functions."

WHAT IS THE ROLE OF THE PRINCIPAL WHO RECEIVES A REPORT THAT A STUDENT MAY BE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL? ARRANGE FOR AN IMMEDIATE MEDICAL EXAMINATION OF THE STUDENT.

18A:0A-12

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 of this act, other than anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to his or her home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that he or she is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Same - applies to students suspected of use of anabolic steroids.

SUMMARY:

1. The teacher shall report his/her suspicion to the school nurse and the principal.
2. The principal shall immediately notify the parent and the superintendent.
3. The principal shall immediately arrange for the medical examination of the student by a doctor selected by the parent or by the school doctor or medical inspector, and if there is none, by the emergency room of the nearest hospital.
4. A written report shall be furnished by the attending physician within 24 hours.
5. If it is determined that the student was "under the influence" the student may not resume attendance at school until a written report is provided stating that the student is physically and mentally able to return.
6. If it is determined that the student was under the influence of drugs or alcohol the student shall be referred to the substance awareness coordinator.

DOES THE PRINCIPAL HAVE ANY DISCRETION? NO.

N.J.A.C. 6A:16-4.3(A)(2)

"In response to every report the principal or his designee shall have to arrange for the immediate medical examination of the student."

-DOES THE REPORT HAVE TO BE FURNISHED WITHIN 24 HOURS OF THE REFERRAL? YES.

N.J.A.C. 6A:16-4.3(A)(6)

The report must be given within "24 hours of the referral."

MUST THE STUDENT BE EXAMINED BY A PHYSICIAN? YES.

WILL AN EXAMINATION BY THE NURSE SUFFICE? NO.

IS A DRUG TEST ALONE SUFFICIENT? NO. THERE MUST BE A PHYSICAL EXAMINATION.

The Commissioner has ruled that the statute requires students to be examined by a physician - not just a nurse, that the examination must be a medical examination - not just a drug test, and that the designated administrator's role is to arrange for an immediate medical examination of the student - not to validate the observations of the referring staff member. In the Matter of the Tenure Hearing of Joseph Graceffo

ARE TEACHERS WHO IN GOOD FAITH REPORT THEIR SUSPICION HELD “HARMLESS?” **YES.**

N.J.S.A..18A:40A-13

No action of any kind in any court of competent jurisdiction shall lie against any teaching staff member, including the substance awareness coordinator, any school nurse or other educational personnel, medical inspector, examining physician or any other officer or agent of the board . . . because of an action taken by virtue of the provisions of this act, provided the skill and care given is that ordinarily required and exercised by such other teaching staff member, nurses, educational personnel, or medical inspector, physician. . . or agents of the board or emergency room personnel.

N.J.S.A.18A:40A-14

Any teacher, guidance counselor, school psychologist, school nurse, substance awareness coordinator or other educational personnel, employed by . . . public or private schools, who in good faith reports a pupil to the principal or his designee or to the medical inspector or school physician or school nurse in an attempt to help such pupil cure his abuse of substances . . . shall not be liable in civil damages as a result of making such a report.

SEARCHES BY PUBLIC SCHOOL OFFICIALS

DO SEARCHES BY SCHOOL OFFICIALS HAVE TO BE PREDICATED ON “PROBABLE CAUSE?” **NO.**

STATE V. T.L.O. 469 U.S. 325 (1985)

In the public school context strict adherence to the requirement that searches be based on probable cause undercuts the substantial need of teachers and administrators for freedom to maintain order in the schools.

WHEN CAN SCHOOL OFFICIALS SEARCH A STUDENT? WHEN THEY HAVE “REASONABLE SUSPICION” THAT THE STUDENT HAS PARTICIPATED IN ACTIVITY PROHIBITED BY THE SCHOOL.

WHAT CONSTITUTES REASONABLE SUSPICION?

STATE V. MOORE 254 N.J. SUPER. 295 (APP. DIV. 1992)

Student tells a guidance counselor that the defendant possesses a controlled dangerous substance (CDS). Assistant principal receives the report from the guidance counselor. Assistant principal is aware that defendant has been previously disciplined for possession of CDS. Does the assistant principal have enough information on which to conduct a search? The court said yes,

DRAKE V. COUNTY OF ESSEX 275 N.J. SUPER. 585 (APP. DIV 1994)

Does a person's membership in a group commonly thought of as suspicious, by itself, establish reasonable suspicion to search? **NO.**

Can school officials consider as part of the total of circumstances the fact that a student is a member of a gang? **YES.**

IS ADMINISTRATION AUTHORIZED TO CONDUCT LUGGAGE SEARCHES OF STUDENT ON FIELD TRIPS? YES.

DESILETS V. CLEARVIEW BD. OF ED. 265 N.J. SUPER. 370 (APP. DIV. 1993)

Parents challenged a junior high school rule that all students must submit to a search of their hand luggage before field trips. Prior to engaging in such field trips, students had to obtain parental permission, and permission slips contained a statement that hand luggage would be searched. Policy upheld.

DOES A VICE PRINCIPAL QUESTIONING A STUDENT FOR SUSPECTED ILLEGAL ACTIVITY HAVE AN OBLIGATION TO PROVIDE MIRANDA WARNINGS? NO.

LOCKER SEARCHES

N.J.S.A. 18A:36-19.2 - Notice required.

The principal or other officials designated by the local board of education may inspect lockers or other storage facilities provided for use by students so long as students are informed in writing at the beginning of each school year that inspections may occur.

STRIP AND BODY CAVITY SEARCHES PROHIBITED.

18A:37-6.1

Any teaching staff member, principal or other educational personnel shall be prohibited from conducting any strip search or body cavity search of a pupil under any circumstances.

A pupil convicted of possession of a firearm or a crime while armed with a firearm or who is found to knowingly be in possession of a firearm on school property, on a school bus or at a school sponsored function, shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

GENERALIZED SUSPICION - RANDOM DRUG TESTING.

U.S. Supreme Court upholds random drug testing policy of student athletes where school demonstrates need.

THE LAW IN NEW JERSEY - RANDOM DRUG TESTING OF ALL STUDENTS IS NOT PERMITTED.

ODENHEIM V. CARLSTADT-EAST RUTHERFORD REG. SCH. DST. 211 N.J. SUP. 54 (CH. DIV.1985).

School's policy of requiring students to submit urine samples for drug testing violated student's right to be free of unreasonable search and seizure, their right to due process and their legitimate expectation of privacy and personal security. N.J.Const. Art. 1, pars. 1-5, 7; U.S.C.A. Const. Art. 4, ? 1 et seq.; Amendments. 1, 3-5, 9, 14.

BUT, RANDOM DRUG TESTING STUDENTS IN EXTRA-CURRICULAR ACTIVITIES IS PERMITTED.

BULLYING

The case of **Saxe v. State College Area School District** 240 F.3d 200 (3d Cir. 2001); makes it clear that policies against harassment must be precise. Though not distinct from sexual harassment, it still important to note that districts are now required to have anti-bully policies as well. Set forth below is the model policy and analysis promulgated by the Department of Education.

BACKGROUND

N.J.S.A. 18A:37-13 et seq. adopted in September 2002 requires each school district to adopt, by September 1, 2003, a policy prohibiting harassment, intimidation and bullying on school property, at school-sponsored functions and on school busses.

Under **N.J.S.A. 18A:37-15**, each school district is granted local control over the contents of the policy and ancillary procedures, but, at a minimum, the ten components listed in the authorizing statute must be included in a school district's policy prohibiting harassment, intimidation and bullying. The provisions of the authorizing statute call for a school district to stipulate the consequences and appropriate remedial actions for the following instances:

- (1) persons violating the policy;
- (2) persons who engage in reprisal or retaliation against someone who reports a violation of the policy; and
- (3) persons who falsely report allegations of harassment, intimidation or bullying as a means of retaliation or as a means of harassment, intimidation or bullying.

Another provision of the statute requires a school district's policy to articulate the range of different measures it will take to respond to violations of the policy. The New Jersey Department of Education (NJDOE) recognizes that decisions about consequences and actions to be taken in response to violations of policies prohibiting harassment, intimidation and bullying should take into consideration the unique circumstances of the acts and the persons involved, as well as the unique conditions and characteristics in each school district.

The NJDOE also recognizes that these decisions must comport with existing school district policies, including those that address the provisions of N.J.A.C. 6A:16, programs to support student development, in general, and N.J.A.C. 6A:16-5.1, code of student conduct, in particular, as well as the provisions of the district's Memorandum of Agreement between Education and Law Enforcement Officials, pursuant to N.J.A.C. 6A:16-6. The policy must also conform to the case law and statutes, including *Saxe v State College Area School Dist.*, 240 F. 3d 200 (3d Cir. 2001); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); N.J.S.A. 2C:33-4, harassment; N.J.S.A. 10:5-1 et seq., Law Against Discrimination; N.J.S.A. 18A:36-20, discrimination; prohibition; N.J.S.A. 18A:38-5.1, no child to be excluded from school because of race, etc. Districts should also consult guidance documents, including "Recommended Guidelines for School Personnel for the Management of Student Sexual Harassment in Schools."

PROFESSIONAL CODES OF ETHICS

Clearly, legal vulnerability is an overriding concern for professional school counselors. For their professional welfare and efficacy, they are urged to become familiar with codes of ethics for (school) counseling. It is generally believed that the best school counseling practices are those that adhere to professional ethical standards. (Remley, 2002)

Many different organizations, such as the American School Counselor Association (ASCA) and the American Counseling Association (ACA), have standards of ethics by which members agree to abide. Few variations exist among the documents. For the purpose of this model, it is recommended that professional school counselors in New Jersey follow the Ethical Standards for School Counselors of the American School Counselor Association. The text follows:

ETHICAL STANDARDS FOR SCHOOL COUNSELORS

American School Counselor Association (ASCA)

ASCA's Ethical Standards for School Counselors were adopted by the ASCA Delegate Assembly, March 19, 1984, revised March 27, 1992, June 25, 1998 and June 26, 2004.

Preamble

The American School Counselor Association (ASCA) is a professional organization whose members are certified/licensed in school counseling with unique qualifications and skills to address the academic, personal/social and career development needs of all students. Professional school counselors are advocates, leaders, collaborators and consultants who create opportunities for equity in access and success in educational opportunities by connecting their programs to the mission of schools and subscribing to the following tenets of professional responsibility:

- Each person has the right to be respected, be treated with dignity and have access to a comprehensive school counseling program that advocates for and affirms all students from diverse populations regardless of ethnic/racial status, age, economic status, special needs, English as a second language or other language group, immigration status, sexual orientation, gender, gender identity/expression, family type, religious/spiritual identity and appearance.
- Each person has the right to receive the information and support needed to move toward self-direction and self-development and affirmation within one's group identities, with special care being given to students who have historically not received adequate educational services: students of color, low socio-economic students, students with disabilities and students with nondominant language backgrounds.
- Each person has the right to understand the full magnitude and meaning of his/her educational choices and how those choices will affect future opportunities.
- Each person has the right to privacy and thereby the right to expect the counselor-student relationship to comply with all laws, policies and ethical standards pertaining to confidentiality in the school setting.

In this document, ASCA specifies the principles of ethical behavior necessary to maintain the high standards of integrity, leadership and professionalism among its members. The Ethical Standards for School Counselors were developed to clarify the nature of ethical responsibilities held in common by school counseling professionals. The purposes of this document are to:

- Serve as a guide for the ethical practices of all professional school counselors regardless of level, area, population served or membership in this professional association;
- Provide self-appraisal and peer evaluations regarding counselor responsibilities to students, parents/guardians, colleagues and professional associates, schools, communities and the counseling profession; and
- Inform those served by the school counselor of acceptable counselor practices and expected professional behavior.

A.1. Responsibilities to Students

The professional school counselor:

- a. Has a primary obligation to the student, who is to be treated with respect as a unique individual.
- b. Is concerned with the educational, academic, career, personal and social needs and encourages the maximum development of every student.
- c. Respects the student's values and beliefs and does not impose the counselor's personal values.
- d. Is knowledgeable of laws, regulations and policies relating to students and strives to protect and inform students regarding their rights.

A.2. Confidentiality

The professional school counselor:

- a. Informs students of the purposes, goals, techniques and rules of procedure under which they may receive counseling at or before the time when the counseling relationship is entered. Disclosure notice includes the limits of confidentiality such as the possible necessity for consulting with other professionals, privileged communication, and legal or authoritative restraints. The meaning and limits of confidentiality are defined in developmentally appropriate terms to students.
- b. 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 will consult with appropriate professionals when in doubt as to the validity of an exception.
- c. In absence of state legislation expressly forbidding disclosure, considers the ethical responsibility to provide information to an identified third party who, by his/her relationship with the student, is at a high risk of contracting a disease that is commonly known to be communicable and fatal. Disclosure requires satisfaction of all of the following conditions:
 - Student identifies partner or the partner is highly identifiable
 - Counselor recommends the student notify partner and refrain from further high-risk behavior
 - Student refuses
 - Counselor informs the student of the intent to notify the partner
 - Counselor seeks legal consultation as to the legalities of informing the partner
- d. Requests of the court that disclosure not be required when the release of confidential information may potentially harm a student or the counseling relationship.
- e. Protects the confidentiality of students' records and releases personal data in accordance with prescribed laws and school policies. Student information stored and transmitted electronically is treated with the same care as traditional student records.
- f. Protects the confidentiality of information received in the counseling relationship as specified by federal and state laws, written policies and applicable ethical standards. Such information is only to be revealed to others with the informed consent of the student, consistent with the counselor's ethical obligation.
- g. Recognizes his/her primary obligation for confidentiality is to the student but 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.

A.3. Counseling Plans

The professional school counselor:

- a. Provides students with a comprehensive school counseling program that includes a strong emphasis on working jointly with all students to develop academic and career goals.
- b. Advocates for counseling plans supporting students right to choose from the wide array of options when they leave secondary education. Such plans will be regularly reviewed to update students regarding critical information they need to make informed decisions.

A.4. Dual Relationships

The professional school counselor:

- a. Avoids dual relationships that might impair his/her objectivity and increase the risk of harm to the student (e.g., counseling one's family members, close friends or associates). If a dual relationship is unavoidable, the counselor is responsible for taking action to eliminate or reduce the potential for harm. Such safeguards might include informed consent, consultation, supervision and documentation.
- b. Avoids dual relationships with school personnel that might infringe on the integrity of the counselor/student relationship

A.5. Appropriate Referrals

The professional school counselor:

- a. Makes referrals when necessary or appropriate to outside resources. Appropriate referrals may necessitate informing both parents/guardians and students of applicable resources and making proper plans for transitions with minimal interruption of services. Students retain the right to discontinue the counseling relationship at any time.

A.6. Group Work

The professional school counselor:

- a. Screens prospective group members and maintains an awareness of participants' needs and goals in relation to the goals of the group. The counselor takes reasonable precautions to protect members from physical and psychological harm resulting from interaction within the group.
- b. Notifies parents/guardians and staff of group participation if the counselor deems it appropriate and if consistent with school board policy or practice.
- c. Establishes clear expectations in the group setting and clearly states that confidentiality in group counseling cannot be guaranteed. Given the developmental and chronological ages of minors in schools, the counselor recognizes the tenuous nature of confidentiality for minors renders some topics inappropriate for group work in a school setting.
- d. Follows up with group members and documents proceedings as appropriate.

A.7. Danger to Self or Others

The professional school counselor:

- a. Informs parents/guardians or appropriate authorities when the student's condition indicates a clear and imminent danger to the student or others. This is to be done after careful deliberation and, where possible, after consultation with other counseling professionals.
- b. Will attempt to minimize threat to a student and may choose to:
 - 1) inform the student of actions to be taken
 - 2) involve the student in a three-way communication with parents/guardians when breaching confidentiality
 - 3) allow the student to have input as to how and to whom the breach will be made.

A.8. Student Records

The professional school counselor:

- a. Maintains and secures records necessary for rendering professional services to the student as required by laws, regulations, institutional procedures and confidentiality guidelines.
- b. Keeps sole-possession records separate from students' educational records in keeping with state laws.
- c. Recognizes the limits of sole-possession records and understands these records are a memory aid for the creator and in absence of privilege communication may be subpoenaed and may become educational records when they:
 - 1) are shared with others in verbal or written form
 - 2) include information other than professional opinion or personal observations
 - 3) are made accessible to others.
- d. Establishes a reasonable timeline for purging sole-possession records or case notes. Suggested guidelines include shredding sole possession records when the student transitions to the next level, transfers to another school or graduates. Careful discretion and deliberation should be applied before destroying sole-possession records that may be needed by a court of law such as notes on child abuse, suicide, sexual harassment or violence.

A.9. Evaluation, Assessment and Interpretation

The professional school counselor:

- a. Adheres to all professional standards regarding selecting, administering and interpreting assessment measures and only utilizes assessment measures that are within the scope of practice for school counselors.
- b. Seeks specialized training regarding the use of electronically based testing programs in administering, scoring and interpreting that may differ from that required in more traditional assessments.

- c. Considers confidentiality issues when utilizing evaluative or assessment instruments and electronically based programs.
- d. Provides interpretation of the nature, purposes, results and potential impact of assessment/evaluation measures in language the student(s) can understand.
- e. Monitors the use of assessment results and interpretations, and takes reasonable steps to prevent others from misusing the information.
- f. Uses caution when utilizing assessment techniques, making evaluations and interpreting the performance of populations not represented in the norm group on which an instrument is standardized.
- g. Assesses the effectiveness of his/her program in having an impact on students' academic, career and personal/social development through accountability measures especially examining efforts to close achievement, opportunity and attainment gaps.

A.10. Technology

The professional school counselor:

- a. Promotes the benefits of and clarifies the limitations of various appropriate technological applications. The counselor promotes technological applications:
 - (1) that are appropriate for the student's individual needs
 - (2) that the student understands how to use
 - (3) for which follow-up counseling assistance is provided.
- b. Advocates for equal access to technology for all students, especially those historically underserved.
- c. Takes appropriate and reasonable measures for maintaining confidentiality of student information and educational records stored or transmitted over electronic media including although not limited to fax, electronic mail and instant messaging.
- d. While working with students on a computer or similar technology, takes reasonable and appropriate measures to protect students from objectionable and/or harmful online material.
- e. Who is engaged in the delivery of services involving technologies such as the telephone, videoconferencing and the Internet takes responsible steps to protect students and others from harm.

A.11. Student Peer Support Program

The professional school counselor:

Has unique responsibilities when working with student-assistance programs. The school counselor is responsible for the welfare of students participating in peer-to-peer programs under his/her direction.

B. Responsibilities to Parents/Guardians

B.1. Parent Rights and Responsibilities

The professional school counselor:

- a. Respects the rights and responsibilities of parents/guardians for their children and endeavors to establish, as appropriate, a collaborative relationship with parents/guardians to facilitate the student's maximum development.
- b. Adheres to laws, local guidelines and ethical standards of practice when assisting parents/guardians experiencing family difficulties that interfere with the student's effectiveness and welfare.
- c. Respects the confidentiality of parents/guardians.
- d. Is sensitive to diversity among families and recognizes that all parents/guardians, custodial and noncustodial, are vested with certain rights and responsibilities for the welfare of their children by virtue of their role and according to law.

B.2. Parents/Guardians and Confidentiality

The professional school counselor:

- a. Informs parents/guardians of the counselor's role with emphasis on the confidential nature of the counseling relationship between the counselor and student.
- b. Recognizes that working with minors in a school setting may require counselors to collaborate with students' parents/guardians.
- c. Provides parents/guardians with accurate, comprehensive and relevant information in an objective and caring manner, as is appropriate and consistent with ethical responsibilities to the student.
- d. Makes reasonable efforts to honor the wishes of parents/guardians concerning information regarding the student, and in cases of divorce or separation exercises a good-faith effort to keep both parents informed with regard to critical information with the exception of a court order.

C. Responsibilities to Colleagues and Professional Associates

C.1. Professional Relationships

The professional school counselor:

- a. Establishes and maintains professional relationships with faculty, staff and administration to facilitate an optimum counseling program.
- b. Treats colleagues with professional respect, courtesy and fairness. The qualifications, views and findings of colleagues are represented to accurately reflect the image of competent professionals.
- c. Is aware of and utilizes related professionals, organizations and other resources to whom the student may be referred.

C.2. Sharing Information with Other Professionals

The professional school counselor:

- a. Promotes awareness and adherence to appropriate guidelines regarding confidentiality, the distinction between public and private information and staff consultation.
- b. Provides professional personnel with accurate, objective, concise and meaningful data necessary to adequately evaluate, counsel and assist the student.
- c. If a student is receiving services from another counselor or other mental health professional, the counselor, with student and/or parent/guardian consent, will inform the other professional and develop clear agreements to avoid confusion and conflict for the student.
- d. Is knowledgeable about release of information and parental rights in sharing information.

D. Responsibilities to the School and Community

D.1. Responsibilities to the School

The professional school counselor:

- a. Supports and protects the educational program against any infringement not in students' best interest.
- b. Informs appropriate officials in accordance with school policy of conditions that may be potentially disruptive or damaging to the school's mission, personnel and property while honoring the confidentiality between the student and counselor.
- c. Is knowledgeable and supportive of the school's mission and connects his/her program to the school's mission.
- d. Delineates and promotes the counselor's role and function in meeting the needs of those served. Counselors will notify appropriate officials of conditions that may limit or curtail their effectiveness in providing programs and services.

- e. Accepts employment only for positions for which he/she is qualified by education, training, supervised experience, state and national professional credentials and appropriate professional experience.
- f. Advocates that administrators hire only qualified and competent individuals for professional counseling positions.
- g. Assists in developing:
 - (1) curricular and environmental conditions appropriate for the school and community
 - (2) educational procedures and programs to meet students' developmental needs
 - (3) a systematic evaluation process for comprehensive, developmental, standards-based school counseling programs, services and personnel. The counselor is guided by the findings of the evaluation data in planning programs and services.

D.2. Responsibility to the Community

The professional school counselor:

- a. Collaborates with agencies, organizations and individuals in the community in the best interest of students and without regard to personal reward or remuneration.
- b. Extends his/her influence and opportunity to deliver a comprehensive school counseling program to all students by collaborating with community resources for student success.

E. Responsibilities to Self

E.1. Professional Competence

The professional school counselor:

- a. Functions within the boundaries of individual professional competence and accepts responsibility for the consequences of his/her actions.
- b. Monitors personal well-being and effectiveness and does not participate in any activity that may lead to inadequate professional services or harm to a student.
- c. Strives through personal initiative to maintain professional competence including technological literacy and to keep abreast of professional information. Professional and personal growth are ongoing throughout the counselor's career.

E.2. Diversity

The professional school counselor:

- a. Affirms the diversity of students, staff and families.
- b. Expands and develops awareness of his/her own attitudes and beliefs affecting cultural values and biases and strives to attain cultural competence.

- c. Possesses knowledge and understanding about how oppression, racism, discrimination and stereotyping affects her/him personally and professionally.
- d. Acquires educational, consultation and training experiences to improve awareness, knowledge, skills and effectiveness in working with diverse populations: ethnic/racial status, age, economic status, special needs, ESL or ELL, immigration status, sexual orientation, gender, gender identity/expression, family type, religious/spiritual identity and appearance.

F. Responsibilities to the Profession

F.1. Professionalism

The professional school counselor:

- a. Accepts the policies and procedures for handling ethical violations as a result of maintaining membership in the American School Counselor Association.
- b. Conducts herself/himself in such a manner as to advance individual ethical practice and the profession.
- c. Conducts appropriate research and report findings in a manner consistent with acceptable educational and psychological research practices. The counselor advocates for the protection of the individual student's identity when using data for research or program planning.
- d. Adheres to ethical standards of the profession, other official policy statements, such as ASCA's position statements, role statement and the ASCA National Model, and relevant statutes established by federal, state and local governments, and when these are in conflict works responsibly for change.
- e. Clearly distinguishes between statements and actions made as a private individual and those made as a representative of the school counseling profession.
- f. Does not use his/her professional position to recruit or gain clients, consultees for his/her private practice or to seek and receive unjustified personal gains, unfair advantage, inappropriate relationships or unearned goods or services.

F.2. Contribution to the Profession

The professional school counselor:

- a. Actively participates in local, state and national associations fostering the development and improvement of school counseling.
- b. Contributes to the development of the profession through the sharing of skills, ideas and expertise with colleagues.
- c. Provides support and mentoring to novice professionals.

G. Maintenance of Standards

Ethical behavior among professional school counselors, association members and nonmembers, is expected at all times. When there exists serious doubt as to the ethical behavior of colleagues or if counselors are forced to work in situations or abide by policies that do not reflect the standards as outlined in these Ethical Standards for School Counselors, the counselor is obligated to take appropriate action to rectify the condition. The following procedure may serve as a guide:

1. The counselor should consult confidentially with a professional colleague to discuss the nature of a complaint to see if the professional colleague views the situation as an ethical violation.
2. When feasible, the counselor should directly approach the colleague whose behavior is in question to discuss the complaint and seek resolution.
3. If resolution is not forthcoming at the personal level, the counselor shall utilize the channels established within the school, school district, the state school counseling association and ASCA's Ethics Committee.
4. If the matter still remains unresolved, referral for review and appropriate action should be made to the Ethics Committees in the following sequence:
 - state school counselor association
 - American School Counselor Association
5. The ASCA Ethics Committee is responsible for:
 - educating and consulting with the membership regarding ethical standards
 - periodically reviewing and recommending changes in code
 - receiving and processing questions to clarify the application of such standards; Questions must be submitted in writing to the ASCA Ethics chair.
 - handling complaints of alleged violations of the ethical standards. At the national level, complaints should be submitted in writing to the ASCA Ethics Committee, c/o the Executive Director, American School Counselor Association, 1101 King St., Suite 625, Alexandria, Va

ACA Code of Ethics

ACA Code of Ethics Preamble

The American Counseling Association is an educational, scientific, and professional organization whose members work in a variety of settings and serve in multiple capacities. ACA members are dedicated to the enhancement of human development throughout the life span. Association members recognize diversity and embrace a cross-cultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts.

Professional values are an important way of living out an ethical commitment. Values inform principles. Inherently held values that guide our behaviors or exceed prescribed behaviors are deeply ingrained in the counselor and developed out of personal dedication, rather than the mandatory requirement of an external organization.

ACA Code of Ethics Purpose

The ACA Code of Ethics serves five main purposes:

1. The Code enables the association to clarify to current and future members, and to those served by members, the nature of the ethical responsibilities held in common by its members.
2. The Code helps support the mission of the association.
3. The Code establishes principles that define ethical behavior and best practices of association members.
4. The Code serves as an ethical guide designed to assist members in constructing a professional course of action that best serves those utilizing counseling services and best promotes the values of the counseling profession.
5. The Code serves as the basis for processing of ethical complaints and inquiries initiated against members of the association.

The ACA Code of Ethics contains eight main sections that address the following areas:

- Section A: The Counseling Relationship*
- Section B: Confidentiality, Privileged Communication, and Privacy*
- Section C: Professional Responsibility*
- Section D: Relationships With Other Professionals*
- Section E: Evaluation, Assessment, and Interpretation*
- Section F: Supervision, Training, and Teaching*
- Section G: Research and Publication*
- Section H: Resolving Ethical Issues*

Each section of the ACA Code of Ethics begins with an Introduction. The introductions to each section discuss what counselors should aspire to with regard to ethical behavior and responsibility. The Introduction helps set the tone for that particular section and provides a starting point that invites reflection on the ethical mandates contained in each part of the ACA Code of Ethics. When counselors are faced with ethical dilemmas that are difficult to resolve, they are expected to engage in a carefully considered ethical decision-making process. Reasonable differences of opinion can and do exist among counselors with respect to the ways in which values, ethical principles, and ethical standards would be applied when they conflict. While there is no specific ethical decision-making model that is most effective, counselors are expected to be familiar with a credible model of decision making that can bear public scrutiny and its application. Through a chosen ethical decision-making process and evaluation of the context of the situation, counselors are empowered to make decisions that help expand the capacity of people to grow and develop. A brief glossary is given to provide readers with a concise description of some of the terms used in the ACA Code of Ethics.

Section A The Counseling Relationship

Introduction

Counselors encourage client growth and development in ways that foster the interest and welfare of clients and promote formation of healthy relationships. Counselors actively attempt to understand the diverse cultural backgrounds of the clients they serve. Counselors also explore their own cultural identities and how these affect their values and beliefs about the counseling process.

Counselors are encouraged to contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (*pro bono publico*).

A.1. Welfare of Those Served by Counselors

A.1.a. Primary Responsibility

The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

A.1.b. Records

Counselors maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institution procedures. Counselors include sufficient and timely documentation in their client records to facilitate the delivery and continuity of needed services. Counselors take reasonable steps to ensure that documentation in records accurately reflects client progress and services provided. If errors are made in client records, counselors take steps to properly note the correction of such errors according to agency or institutional policies.

(See A.12.g.7., B.6., B.6.g., G.2.j.)

A.1.c. Counseling Plans

Counselors and their clients work jointly in devising integrated counseling plans that offer reasonable promise of success and are consistent with abilities and circumstances of clients. Counselors and clients regularly review counseling plans to assess their continued viability and effectiveness, respecting the freedom of choice of clients. (See A.2.a., A.2.d., A.12.g.)

A.1.d. Support Network Involvement

Counselors recognize that support networks hold various meanings in the lives of clients and consider enlisting the support, understanding, and involvement of others (e.g., religious/spiritual/community leaders, family members, friends) as positive resources, when appropriate, with client consent.

A.1.e. Employment Needs

Counselors work with their clients considering employment in jobs that are consistent with the overall abilities, vocational limitations, physical restrictions, general temperament, interest and aptitude patterns, social skills, education, general qualifications, and other relevant characteristics and needs of clients. When appropriate, counselors appropriately trained in career development will assist in the placement of clients in positions that are consistent with the interest, culture, and the welfare of clients, employers, and/or the public.

A.2. Informed Consent in the Counseling Relationship

(See A.12.g., B.5., B.6.b., E.3., E.13.b., F.1.c., G.2.a.)

A.2.a. Informed Consent

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both the counselor and the client. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.

A.2.b. Types of Information Needed

Counselors explicitly explain to clients the nature of all services provided. They inform clients about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the counselor's qualifications, credentials, and relevant experience; continuation of services upon the incapacitation or death of a counselor; and other pertinent information. Counselors take steps to ensure that clients understand the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements. Clients have the right to confidentiality and to be provided with an explanation of its limitations (including how supervisors and/or treatment team professionals are involved); to obtain clear information about their records; to participate in the ongoing counseling plans; and to refuse any services or modality change and to be advised of the consequences of such refusal.

A.2.c. Developmental and Cultural Sensitivity

Counselors communicate information in ways that are both developmentally and culturally appropriate. Counselors use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by counselors, they provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors consider cultural implications of informed consent procedures and, where possible, counselors adjust their practices accordingly.

A.2.d. Inability to Give Consent

When counseling minors or persons unable to give voluntary consent, counselors seek the assent of clients to services, and include them in decision making as appropriate. Counselors recognize the need to balance the ethical rights of clients to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect these clients and make decisions on their behalf.

A.3. Clients Served by Others

When counselors learn that their clients are in a professional relationship with another mental health professional, they request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

A.4. Avoiding Harm and Imposing Values**A.4.a. Avoiding Harm**

Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.

A.4.b. Personal Values

Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees, and research participants.

A.5. Roles and Relationships With Clients

(See F.3., F.10., G.3.)

A.5.a. Current Clients

Sexual or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited.

A.5.b. Former Clients

Sexual or romantic counselor–client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. Counselors, before engaging in sexual or romantic interactions or relationships with clients, their romantic partners, or client family members after 5 years following the last professional contact, demonstrate forethought and document (in written form) whether the interactions or relationship can be viewed as exploitive in some way and/or whether there is still potential to harm the former client; in cases of potential exploitation and/or harm, the counselor avoids entering such an interaction or relationship.

A.5.c. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships)

Counselor–client nonprofessional relationships with clients, former clients, their romantic partners, or their family members should be avoided, except when the interaction is potentially beneficial to the client.

(See A.5.d.)

A.5.d. Potentially Beneficial Interactions

When a counselor–client nonprofessional interaction with a client or former client may be potentially beneficial to the client or former client, the counselor must document in case records, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client. Such interactions should be initiated with appropriate client consent. Where unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, due to the nonprofessional interaction, the counselor must show evidence of an attempt to remedy such harm. Examples of potentially beneficial interactions include, but are not limited to, attending a formal ceremony (e.g., a wedding/commitment ceremony or graduation); purchasing a service or product provided by a client or former client (excepting unrestricted bartering); hospital visits to an ill family member; mutual membership in a professional association, organization, or community. (See A.5.c.)

A.5.e. Role Changes in the Professional Relationship

When a counselor changes a role from the original or most recent contracted relationship, he or she obtains informed consent from the client and explains the right of the client to refuse services related to the change.

Examples of role changes include 1. changing from individual to relationship or family counseling, or vice versa; 2. changing from a nonforensic evaluative role to a therapeutic role, or vice versa; 3. changing from a counselor to a researcher role (i.e., enlisting clients as research participants), or vice versa; and 4. changing from a counselor to a mediator role, or vice versa. Clients must be fully informed of any anticipated consequences (e.g., financial, legal, personal, or therapeutic) of counselor role changes.

A.6. Roles and Relationships at Individual, Group, Institutional, and Societal Levels

A.6.a. Advocacy

When appropriate, counselors advocate at individual, group, institutional, and societal levels to examine potential barriers and obstacles that inhibit access and/or the growth and development of clients.

A.6.b. Confidentiality and Advocacy

Counselors obtain client consent prior to engaging in advocacy efforts on behalf of an identifiable client to improve the provision of services and to work toward removal of systemic barriers or obstacles that inhibit client access, growth, and development.

A.7. Multiple Clients

When a counselor agrees to provide counseling services to two or more persons who have a relationship, the counselor clarifies at the outset which person or persons are clients and the nature of the relationships the counselor will have with each involved person. If it becomes apparent that the counselor may be called upon to perform potentially conflicting roles, the counselor will clarify, adjust, or withdraw from roles appropriately.

(See A.8.a., B.4.)

A.8. Group Work

(See B.4.a.)

A.8.a. Screening

Counselors screen prospective group counseling/therapy participants. To the extent possible, counselors select members whose needs and goals are compatible with goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.

A.8.b. Protecting Clients

In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma.

A.9. End-of-Life Care for Terminally Ill Clients

A.9.a. Quality of Care

Counselors strive to take measures that enable clients 1. to obtain high-quality end-of-life care for their physical, emotional, social, and spiritual needs; 2. to exercise the highest degree of self-determination possible; 3. to be given every opportunity possible to engage in informed decision making regarding their end-of-life care; and 4. to receive complete and adequate assessment regarding their ability to make competent, rational decisions on their own behalf from a mental health professional who is experienced in end-of-life care practice.

A.9.b. Counselor Competence, Choice, and Referral

Recognizing the personal, moral, and competence issues related to end-of-life decisions, counselors may choose to work or not work with terminally ill clients who wish to explore their end-of-life options. Counselors provide appropriate referral information to ensure that clients receive the necessary help.

A.9.c. Confidentiality

Counselors who provide services to terminally ill individuals who are considering hastening their own deaths have the option of breaking or not breaking confidentiality, depending on applicable laws and the specific circumstances of the situation and after seeking consultation or supervision from appropriate professional and legal parties. (See B.5.c., B.7.c.)

A.10. Fees and Bartering

A.10.a. Accepting Fees From Agency Clients

Counselors refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the counselor's employing agency or institution. The policies of a particular agency may make explicit provisions for agency clients to receive counseling services from members of its staff in private practice. In such instances, the clients must be informed of other options open to them should they seek private counseling services.

A.10.b. Establishing Fees

In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, counselors assist clients in attempting to find comparable services of acceptable cost.

A.10.c. Nonpayment of Fees

If counselors intend to use collection agencies or take legal measures to collect fees from clients who do not pay for services as agreed upon, they first inform clients of intended actions and offer clients the opportunity to make payment.

A.10.d. Bartering

Counselors may barter only if the relationship is not exploitive or harmful and does not place the counselor in an unfair advantage, if the client requests it, and if such arrangements are an accepted practice among professionals in the community. Counselors consider the cultural implications of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.

A.10.e. Receiving Gifts

Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and showing gratitude. When determining whether or not to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, a client's motivation for giving the gift, and the counselor's motivation for wanting or declining the gift.

A.11. Termination and Referral**A.11.a. Abandonment Prohibited**

Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.

A.11.b. Inability to Assist Clients

If counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors should discontinue the relationship.

A.11.c. Appropriate Termination

Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client, or another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

A.11.d. Appropriate Transfer of Services

When counselors transfer or refer clients to other practitioners, they ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.

A.12. Technology Applications**A.12.a. Benefits and Limitations**

Counselors inform clients of the benefits and limitations of using information technology applications in the counseling process and in business/ billing procedures. Such technologies include but are not limited to computer hardware and software, telephones, the World Wide Web, the Internet, online assessment instruments, and other communication devices.

A.12.b. Technology-Assisted Services

When providing technology-assisted distance counseling services, counselors determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of clients.

A.12.c. Inappropriate Services

When technology-assisted distance counseling services are deemed inappropriate by the counselor or client, counselors consider delivering services face to face.

A.12.d. Access

Counselors provide reasonable access to computer applications when providing technology-assisted distance counseling services.

A.12.e. Laws and Statutes

Counselors ensure that the use of technology does not violate the laws of any local, state, national, or international entity and observe all relevant statutes.

A.12.f. Assistance

Counselors seek business, legal, and technical assistance when using technology applications, particularly when the use of such applications crosses state or national boundaries.

A.12.g. Technology and Informed Consent

As part of the process of establishing informed consent, counselors do the following: 1. Address issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications. 2. Inform clients of all colleagues, supervisors, and employees, such as Informational Technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions. 3. Urge clients to be aware of all authorized or unauthorized users including family members and fellow employees who have access to any technology clients may use in the counseling process. 4. Inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries. 5. Use encrypted Web sites and e-mail communications to help ensure confidentiality when possible. 6. When the use of encryption is not possible, counselors notify clients of this fact and limit electronic transmissions to general communications that are not client specific. 7. Inform clients if and for how long archival storage of transaction records are maintained. 8. Discuss the possibility of technology failure and alternate methods of service delivery. 9. Inform clients of emergency procedures, such as calling 911 or a local crisis hotline, when the counselor is not available. 10. Discuss time zone differences, local customs, and cultural or language differences that might impact service delivery. 11. Inform clients when technology-assisted distance counseling services are not covered by insurance. (See A.2.)

A.12.h. Sites on the World Wide Web

Counselors maintaining sites on the World Wide Web (the Internet) do the following: 1. Regularly check that electronic links are working and professionally appropriate. 2. Establish ways clients can contact the counselor in case of technology failure. 3. Provide electronic links to relevant state licensure and professional certification boards to protect consumer rights and facilitate addressing ethical concerns. 4. Establish a method for verifying client identity. 5. Obtain the written consent of the legal guardian or other authorized legal representative prior to rendering services in the event the client is a minor child, an adult who is legally incompetent, or an adult incapable of giving informed consent. 6. Strive to provide a site that is accessible to persons with disabilities.

B.2. Exceptions**B.2.a. Danger and Legal Requirements**

The general requirement that counselors keep information confidential does not apply when disclosure is required to protect clients or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception. Additional considerations apply when addressing end-of-life issues. (See A.9.c.)

B.2.b. Contagious, Life-Threatening Diseases

When clients disclose that they have a disease commonly known to be both communicable and life threatening, counselors may be justified in disclosing information to identifiable third parties, if they are known to be at demonstrable and high risk of contracting the disease. Prior to making a disclosure, counselors confirm that there is such a diagnosis and assess the intent of clients to inform the third parties about their disease or to engage in any behaviors that may be harmful to an identifiable third party.

B.2.c. Court-Ordered Disclosure

When subpoenaed to release confidential or privileged information without a client's permission, counselors obtain written, informed consent from the client or take steps to prohibit the disclosure or have it limited as narrowly as possible due to potential harm to the client or counseling relationship.

B.2.d. Minimal Disclosure

To the extent possible, clients are informed before confidential information is disclosed and are involved in the disclosure decision-making process. When circumstances require the disclosure of confidential information, only essential information is revealed.

B.3. Information Shared With Others**B.3.a. Subordinates**

Counselors make every effort to ensure that privacy and confidentiality of clients are maintained by subordinates, including employees, supervisees, students, clerical assistants, and volunteers. (See F.1.c.)

7. Strive to provide translation capabilities for clients who have a different primary language while also addressing the imperfect nature of such translations. 8. Assist clients in determining the validity and reliability of information found on the World Wide Web and other technology applications.

Section B

Confidentiality, Privileged, Communication and Privacy

Introduction

Counselors recognize that trust is a cornerstone of the counseling relationship. Counselors aspire to earn the trust of clients by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. Counselors communicate the parameters of confidentiality in a culturally competent manner.

B.1. Respecting Client Rights

B.1.a. Multicultural/Diversity Considerations

Counselors maintain awareness and sensitivity regarding cultural meanings of confidentiality and privacy. Counselors respect differing views toward disclosure of information. Counselors hold ongoing discussions with clients as to how, when, and with whom information is to be shared.

B.1.b. Respect for Privacy

Counselors respect client rights to privacy. Counselors solicit private information from clients only when it is beneficial to the counseling process.

B.1.c. Respect for Confidentiality

Counselors do not share confidential information without client consent or without sound legal or ethical justification.

B.1.d. Explanation of Limitations

At initiation and throughout the counseling process, counselors inform clients of the limitations of confidentiality and seek to identify foreseeable situations in which confidentiality must be breached. (See A.2.b.)

B.3.b. Treatment Teams

When client treatment involves a continued review or participation by a treatment team, the client will be informed of the team's existence and composition, information being shared, and the purposes of sharing such information.

B.3.c. Confidential Settings

Counselors discuss confidential information only in settings in which they can reasonably ensure client privacy.

B.3.d. Third-Party Payers

Counselors disclose information to third-party payers only when clients have authorized such disclosure.

B.3.e. Transmitting Confidential Information

Counselors take precautions to ensure the confidentiality of information transmitted through the use of computers, electronic mail, facsimile machines, telephones, voicemail, answering machines, and other electronic or computer technology. (See A.12.g.)

B.3.f. Deceased Clients

Counselors protect the confidentiality of deceased clients, consistent with legal requirements and agency or setting policies.

B.4. Groups and Families

B.4.a. Group Work

In group work, counselors clearly explain the importance and parameters of confidentiality for the specific group being entered.

B.4.b. Couples and Family Counseling

In couples and family counseling, counselors clearly define who is considered "the client" and discuss expectations and limitations of confidentiality. Counselors seek agreement and document in writing such agreement among all involved parties having capacity to give consent concerning each individual's right to confidentiality and any obligation to preserve the confidentiality of information known.

B.5. Clients Lacking Capacity to Give Informed Consent

B.5.a. Responsibility to Clients

When counseling minor clients or adult clients who lack the capacity to give voluntary, informed consent, counselors protect the confidentiality of information received in the counseling relationship as specified by federal and state laws, written policies, and applicable ethical standards.

B.5.b. Responsibility to Parents and Legal Guardians

Counselors inform parents and legal guardians about the role of counselors and the confidential nature of the counseling relationship. Counselors are sensitive to the cultural diversity of families and respect the inherent rights and responsibilities of parents/guardians over the welfare of their children/charges according to law. Counselors work to establish, as appropriate, collaborative relationships with parents/guardians to best serve clients.

B.5.c. Release of Confidential Information

When counseling minor clients or adult clients who lack the capacity to give voluntary consent to release confidential information, counselors seek permission from an appropriate third party to disclose information. In such instances, counselors inform clients consistent with their level of understanding and take culturally appropriate measures to safeguard client confidentiality.

B.6. Records

B.6.a. Confidentiality of Records

Counselors ensure that records are kept in a secure location and that only authorized persons have access to records.

B.6.b. Permission to Record

Counselors obtain permission from clients prior to recording sessions through electronic or other means.

B.6.c. Permission to Observe

Counselors obtain permission from clients prior to observing counseling sessions, reviewing session transcripts, or viewing recordings of sessions with supervisors, faculty, peers, or others within the training environment.

B.6.d. Client Access

Counselors provide reasonable access to records and copies of records when requested by competent clients. Counselors limit the access of clients to their records, or portions of their records, only when there is compelling evidence that such access would cause harm to the client. Counselors document the request of clients and the rationale for withholding some or all of the record in the files of clients. In situations involving multiple clients, counselors provide individual clients with only those parts of records that related directly to them and do not include confidential information related to any other client.

B.6.e. Assistance With Records

When clients request access to their records, counselors provide assistance and consultation in interpreting counseling records.

B.6.f. Disclosure or Transfer

Unless exceptions to confidentiality exist, counselors obtain written permission from clients to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature. (See A.3., E.4.)

B.6.g. Storage and Disposal After Termination

Counselors store records following termination of services to ensure reasonable future access, maintain records in accordance with state and federal statutes governing records, and dispose of client records and other sensitive materials in a manner that protects client confidentiality. When records are of an artistic nature, counselors obtain client (or guardian) consent with regard to handling of such records or documents.

(See A.1.b.)

B.6.h. Reasonable Precautions

Counselors take reasonable precautions to protect client confidentiality in the event of the counselor's termination of practice, incapacity, or death. (See C.2.h.)

B.7. Research and Training

B.7.a. Institutional Approval

When institutional approval is required, counselors provide accurate information about their research proposals and obtain approval prior to conducting their research. They conduct research in accordance with the approved research protocol.

B.7.b. Adherence to Guidelines

Counselors are responsible for understanding and adhering to state, federal, agency, or institutional policies or applicable guidelines regarding confidentiality in their research practices.

B.7.c. Confidentiality of Information Obtained in Research

Violations of participant privacy and confidentiality are risks of participation in research involving human participants. Investigators maintain all research records in a secure manner. They explain to participants the risks of violations of privacy and confidentiality and disclose to participants any limits of confidentiality that reasonably can be expected. Regardless of the degree to which confidentiality will be maintained, investigators must disclose to participants any limits of confidentiality that reasonably can be expected. (See G.2.e.)

B.7.d. Disclosure of Research Information

Counselors do not disclose confidential information that reasonably could lead to the identification of a research participant unless they have obtained the prior consent of the person. Use of data derived from counseling relationships for purposes of training, research, or publication is confined to content that is disguised to ensure the anonymity of the individuals involved. (See G.2.a., G.2.d.)

B.7.e. Agreement for Identification

Identification of clients, students, or supervisees in a presentation or publication is permissible only when they have reviewed the material and agreed to its presentation or publication. (See G.4.d.)

B.8. Consultation**B.8.a. Agreements**

When acting as consultants, counselors seek agreements among all parties involved concerning each individual's rights to confidentiality, the obligation of each individual to preserve confidential information, and the limits of confidentiality of information shared by others.

B.8.b. Respect for Privacy

Information obtained in a consulting relationship is discussed for professional purposes only with persons directly involved with the case. Written and oral reports present only data germane to the purposes of the consultation, and every effort is made to protect client identity and to avoid undue invasion of privacy.

B.8.c. Disclosure of Confidential Information

When consulting with colleagues, counselors do not disclose confidential information that reasonably could lead to the identification of a client or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided. They disclose information only to the extent necessary to achieve the purposes of the consultation. (See D.2.d.)

Section C Professional Responsibility**Introduction**

Counselors aspire to open, honest, and accurate communication in dealing with the public and other professionals. They practice in a nondiscriminatory manner within the boundaries of professional and personal competence and have a responsibility to abide by the *ACA Code of Ethics*. Counselors actively participate in local, state, and national associations that foster the development and improvement of counseling. Counselors advocate to promote change at the individual, group, institutional, and societal levels that improve the quality of life for individuals and groups and remove potential barriers to the provision or access of appropriate services being offered. Counselors have a responsibility to the public to engage in counseling practices that are based on rigorous research methodologies. In addition, counselors engage in self-care activities to maintain and promote their emotional, physical, mental, and spiritual well-being to best meet their professional responsibilities.

C.1. Knowledge of Standards

Counselors have a responsibility to read, understand, and follow the *ACA Code of Ethics* and adhere to applicable laws and regulations.

C.2. Professional Competence**C.2.a. Boundaries of Competence**

Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population. (See A.9.b., C.4.e., E.2., F.2., F.11.b.)

C.2.b. New Specialty Areas of Practice

Counselors practice in specialty areas new to them only after appropriate education, training, and supervised experience. While developing skills in new specialty areas, counselors take steps to ensure the competence of their work and to protect others from possible harm. (See F.6.f.)

C.2.c. Qualified for Employment

Counselors accept employment only for positions for which they are qualified by education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors hire for professional counseling positions only individuals who are qualified and competent for those positions.

C.2.d. Monitor Effectiveness

Counselors continually monitor their effectiveness as professionals and take steps to improve when necessary. Counselors in private practice take reasonable steps to seek peer supervision as needed to evaluate their efficacy as counselors.

C.2.e. Consultation on Ethical Obligations

Counselors take reasonable steps to consult with other counselors or related professionals when they have questions regarding their ethical obligations or professional practice.

C.2.f. Continuing Education

Counselors recognize the need for continuing education to acquire and maintain a reasonable level of awareness of current scientific and professional information in their fields of activity. They take steps to maintain competence in the skills they use, are open to new procedures, and keep current with the diverse populations and specific populations with whom they work.

C.2.g. Impairment

Counselors are alert to the signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when such impairment is likely to harm a client or others. They seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until such time it is determined that they may safely resume their work. Counselors assist colleagues or supervisors in recognizing their own professional impairment and provide consultation and assistance when warranted with colleagues or supervisors showing signs of impairment and intervene as appropriate to prevent imminent harm to clients. (See A.11.b., F.8.b.)

C.2.h. Counselor Incapacitation or Termination of Practice

When counselors leave a practice, they follow a prepared plan for transfer of clients and files. Counselors prepare and disseminate to an identified colleague or "records custodian" a plan for the transfer of clients and files in the case of their incapacitation, death, or termination of practice.

C.3. Advertising and Soliciting Clients**C.3.a. Accurate Advertising**

When advertising or otherwise representing their services to the public, counselors identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

C.3.b. Testimonials

Counselors who use testimonials do not solicit them from current clients nor former clients nor any other persons who may be vulnerable to undue influence.

C.3.c. Statements by Others

Counselors make reasonable efforts to ensure that statements made by others about them or the profession of counseling are accurate.

C.3.d. Recruiting Through Employment

Counselors do not use their places of employment or institutional affiliation to recruit or gain clients, supervisees, or consultees for their private practices.

C.3.e. Products and Training Advertisements

Counselors who develop products related to their profession or conduct workshops or training events ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices. (See

C.6.d.)

C.3.f. Promoting to Those Served

Counselors do not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable. However, counselor educators may adopt textbooks they have authored for instructional purposes.

C.4. Professional Qualifications

C.4.a. Accurate Representation

Counselors claim or imply only professional qualifications actually completed and correct any known misrepresentations of their qualifications by others. Counselors truthfully represent the qualifications of their professional colleagues. Counselors clearly distinguish between paid and volunteer work experience and accurately describe their continuing education and specialized training. (See C.2.a.)

C.4.b. Credentials

Counselors claim only licenses or certifications that are current and in good standing.

C.4.c. Educational Degrees

Counselors clearly differentiate between earned and honorary degrees.

C.4.d. Implying Doctoral-Level Competence

Counselors clearly state their highest earned degree in counseling or closely related field. Counselors do not imply doctoral-level competence when only possessing a master's degree in counseling or a related field by referring to themselves as "Dr." in a counseling context when their doctorate is not in counseling or a related field.

C.4.e. Program Accreditation Status

Counselors clearly state the accreditation status of their degree programs at the time the degree was earned.

C.4.f. Professional Membership

Counselors clearly differentiate between current, active memberships and former memberships in associations. Members of the American Counseling Association must clearly differentiate between professional membership, which implies the possession of at least a master's degree in counseling, and regular membership, which is open to individuals whose interests and activities are consistent with those of ACA but are not qualified for professional membership.

C.5. Nondiscrimination

Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/ partnership, language preference, socioeconomic status, or any basis proscribed by law. Counselors do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

C.6. Public Responsibility

C.6.a. Sexual Harassment

Counselors do not engage in or condone sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and that either 1. is unwelcome, is offensive, or creates a hostile workplace or learning environment, and counselors know or are told this; or 2. is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context in which the behavior occurred. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.

C.6.b. Reports to Third Parties

Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others. (See B.3., E.4.)

C.6.c. Media Presentations

When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, technology-based applications, printed articles, mailed material, or other media, they take reasonable precautions to ensure that 1. the statements are based on appropriate professional counseling literature and practice, 2. the statements are otherwise consistent with the *ACA Code of Ethics*, and 3. the

recipients of the information are not encouraged to infer that a professional counseling relationship has been established.

C.6.d. Exploitation of Others

Counselors do not exploit others in their professional relationships. (See C.3.e.)

C.6.e. Scientific Bases for Treatment Modalities

Counselors use techniques/ procedures/ modalities that are grounded in theory and/or have an empirical or scientific foundation. Counselors who do not must define the techniques/ procedures as “unproven” or “developing” and explain the potential risks and ethical considerations of using such techniques/procedures and take steps to protect clients from possible harm. (See A.4.a., E.5.c., E.5.d.)

C.7. Responsibility to Other Professionals

C.7.a. Personal Public Statements

When making personal statements in a public context, counselors clarify that they are speaking from their personal perspectives and that they are not speaking on behalf of all counselors or the profession.

Section D Relationships With Other Professionals

Introduction

Professional counselors recognize that the quality of their interactions with colleagues can influence the quality of services provided to clients. They work to become knowledgeable about colleagues within and outside the field of counseling. Counselors develop positive working relationships and systems of communication with colleagues to enhance services to clients.

D.1. Relationships With Colleagues, Employers, and Employees

D.1.a. Different Approaches

Counselors are respectful of approaches to counseling services that differ from their own. Counselors are respectful of traditions and practices of other professional groups with which they work.

D.1.b. Forming Relationships

Counselors work to develop and strengthen interdisciplinary relations with colleagues from other disciplines to best serve clients.

D.1.c. Interdisciplinary Teamwork

Counselors who are members of interdisciplinary teams delivering multifaceted services to clients keep the focus on how to best serve the clients. They participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the counseling profession and those of colleagues from other disciplines. (See A.1.a.)

D.1.d. Confidentiality

When counselors are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they clarify role expectations and the parameters of confidentiality with their colleagues. (See B.1.c., B.1.d., B.2.c., B.2.d., B.3.b.)

D.1.e. Establishing Professional and Ethical Obligations

Counselors who are members of interdisciplinary teams clarify professional and ethical obligations of the team as a whole and of its individual members. When a team decision raises ethical concerns, counselors first attempt to resolve the concern within the team. If they cannot reach resolution among team members, counselors pursue other avenues to address their concerns consistent with client well-being.

D.1.f. Personnel Selection and Assignment

Counselors select competent staff and assign responsibilities compatible with their skills and experiences.

D.1.g. Employer Policies

The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles. Counselors strive to reach agreement with employers as to acceptable standards of conduct that allow for changes in institutional policy conducive to the growth and development of clients.

D.1.h. Negative Conditions

Counselors alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to clients or may limit the effectiveness of services provided and change cannot be effected, counselors take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations, or voluntary termination of employment.

D.1.i. Protection From Punitive Action

Counselors take care not to harass or dismiss an employee who has acted in a responsible and ethical manner to expose inappropriate employer policies or practices.

D.2. Consultation**D.2.a. Consultant Competency**

Counselors take reasonable steps to ensure that they have the appropriate resources and competencies when providing consultation services. Counselors provide appropriate referral resources when requested or needed. (See C.2.a.)

D.2.b. Understanding Consultees

When providing consultation, counselors attempt to develop with their consultees a clear understanding of problem definition, goals for change, and predicted consequences of interventions selected.

D.2.c. Consultant Goals

The consulting relationship is one in which consultee adaptability and growth toward self-direction are consistently encouraged and cultivated.

D.2.d. Informed Consent in Consultation

When providing consultation, counselors have an obligation to review, in writing and verbally, the rights and responsibilities of both counselors and consultees. Counselors use clear and understandable language to inform all parties involved about the purpose of the services to be provided, relevant costs, potential risks and benefits, and the limits of confidentiality. Working in conjunction with the consultee, counselors attempt to develop a clear definition of the problem, goals for change, and predicted consequences of interventions that are culturally responsive and appropriate to the needs of consultees. (See A.2.a., A.2.b.)

Section E

Evaluation, Assessment, and Interpretation

Introduction

Counselors use assessment instruments as one component of the counseling process, taking into account the client personal and cultural context. Counselors promote the well-being of individual clients or groups of clients by developing and using appropriate educational, psychological, and career assessment instruments.

E.1. General**E.1.a. Assessment**

The primary purpose of educational, psychological, and career assessment is to provide measurements that are valid and reliable in either comparative or absolute terms. These include, but are not limited to, measurements of ability, personality, interest, intelligence, achievement, and performance. Counselors recognize the need to interpret the statements in this section as applying to both quantitative and qualitative assessments.

E.1.b. Client Welfare

Counselors do not misuse assessment results and interpretations, and they take reasonable steps to prevent others from misusing the information these techniques provide. They respect the client's right to know the results, the interpretations made, and the bases for counselors' conclusions and recommendations.

E.2. Competence to Use and Interpret Assessment Instruments**E.2.a. Limits of Competence**

Counselors utilize only those testing and assessment services for which they have been trained and are competent. Counselors using technology-assisted test interpretations are trained in the construct being measured and the specific instrument being used prior to using its technology-based application. Counselors take reasonable measures to ensure the proper use of psychological and career assessment techniques by persons under their supervision. (See A.12.)

E.2.b. Appropriate Use

Counselors are responsible for the appropriate application, scoring, interpretation, and use of assessment instruments relevant to the needs of the client, whether they score and interpret such assessments themselves or use technology or other services.

E.2.c. Decisions Based on Results

Counselors responsible for decisions involving individuals or policies that are based on assessment results have a thorough understanding of educational, psychological, and career measurement, including validation criteria, assessment research, and guidelines for assessment development and use.

E.3. Informed Consent in Assessment

E.3.a. Explanation to Clients

Prior to assessment, counselors explain the nature and purposes of assessment and the specific use of results by potential recipients. The explanation will be given in the language of the client (or other legally authorized person on behalf of the client), unless an explicit exception has been agreed upon in advance. Counselors consider the client's personal or cultural context, the level of the client's understanding of the results, and the impact of the results on the client. (See A.2., A.12.g., F.1.c.)

E.3.b. Recipients of Results

Counselors consider the examinee's welfare, explicit understandings, and prior agreements in determining who receives the assessment results. Counselors include accurate and appropriate interpretations with any release of individual or group assessment results. (See B.2.c., B.5.)

E.4. Release of Data to Qualified Professionals

Counselors release assessment data in which the client is identified only with the consent of the client or the client's legal representative. Such data are released only to persons recognized by counselors as qualified to interpret the data. (See B.1., B.3., B.6.b.)

E.5. Diagnosis of Mental Disorders

E.5.a. Proper Diagnosis

Counselors take special care to provide proper diagnosis of mental disorders. Assessment techniques (including personal interview) used to determine client care (e.g., locus of treatment, type of treatment, or recommended follow-up) are carefully selected and appropriately used.

E.5.b. Cultural Sensitivity

Counselors recognize that culture affects the manner in which clients' problems are defined. Clients' socioeconomic and cultural experiences are considered when diagnosing mental disorders. (See A.2.c.)

E.5.c. Historical and Social Prejudices in the Diagnosis of Pathology

Counselors recognize historical and social prejudices in the misdiagnosis and pathologizing of certain individuals and groups and the role of mental health professionals in perpetuating these prejudices through diagnosis and treatment.

E.5.d. Refraining From Diagnosis

Counselors may refrain from making and/or reporting a diagnosis if they believe it would cause harm to the client or others.

E.6. Instrument Selection

E.6.a. Appropriateness of Instruments

Counselors carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting assessments.

E.6.b. Referral Information

If a client is referred to a third party for assessment, the counselor provides specific referral questions and sufficient objective data

about the client to ensure that appropriate assessment instruments are utilized. (See A.9.b., B.3.)

E.6.c. Culturally Diverse Populations

Counselors are cautious when selecting assessments for culturally diverse populations to avoid the use of instruments that lack appropriate psychometric properties for the client population. (See A.2.c., E.5.b.)

E.7. Conditions of Assessment Administration

(See A.12.b., A.12.d.)

E.7.a. Administration Conditions

Counselors administer assessments under the same conditions that were established in their standardization. When assessments are not administered under standard conditions, as may be necessary to accommodate clients with disabilities, or when unusual behavior or irregularities occur during the administration, those conditions are noted in interpretation, and the results may be designated as invalid or of questionable validity.

E.7.b. Technological Administration

Counselors ensure that administration programs function properly and provide clients with accurate results when technological or other electronic methods are used for assessment administration.

E.7.c. Unsupervised Assessments

Unless the assessment instrument is designed, intended, and validated for self-administration and/or scoring, counselors do not permit inadequately supervised use.

E.7.d. Disclosure of Favorable Conditions

Prior to administration of assessments, conditions that produce most favorable assessment results are made known to the examinee.

E.8. Multicultural Issues/Diversity in Assessment

Counselors use with caution assessment techniques that were normed on populations other than that of the client. Counselors recognize the effects of age, color, culture, disability, ethnic group, gender, race, language preference, religion, spirituality, sexual orientation, and socioeconomic status on test administration and interpretation, and place test results in proper perspective with other relevant factors. (See A.2.c., E.5.b.)

E.9. Scoring and Interpretation of Assessments

E.9.a. Reporting

In reporting assessment results, counselors indicate reservations that exist regarding validity or reliability due to circumstances of the assessment or the inappropriateness of the norms for the person tested.

E.9.b. Research Instruments

Counselors exercise caution when interpreting the results of research instruments not having sufficient technical data to support respondent results. The specific purposes for the use of such instruments are stated explicitly to the examinee.

E.9.c. Assessment Services

Counselors who provide assessment scoring and interpretation services to support the assessment process confirm the validity of such interpretations. They accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. The public offering of an automated test interpretations service is considered a professional-to-professional consultation. The formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility is to the client. (See D.2.)

E.10. Assessment Security

Counselors maintain the integrity and security of tests and other assessment techniques consistent with legal and contractual obligations. Counselors do not appropriate, reproduce, or modify published assessments or parts thereof without acknowledgment and permission from the publisher.

E.11. Obsolete Assessments and Outdated Results

Counselors do not use data or results from assessments that are obsolete or outdated for the current purpose. Counselors make every effort to prevent the misuse of obsolete measures and assessment data by others.

E.12. Assessment Construction

Counselors use established scientific procedures, relevant standards, and current professional knowledge or assessment design in the development, publication, and utilization of educational and psychological assessment techniques.

E.13. Forensic Evaluation: Evaluation for Legal Proceedings

E.13.a. Primary Obligations

When providing forensic evaluations, the primary obligation of counselors is to produce objective findings that can be substantiated based on information and techniques appropriate to the evaluation, which may include examination of the individual and/or review of records. Counselors are entitled to form professional opinions based on their professional knowledge and expertise that can be supported by the data gathered in evaluations. Counselors will define the limits of their reports or testimony, especially when an examination of the individual has not been conducted.

E.13.b. Consent for Evaluation

Individuals being evaluated are informed in writing that the relationship is for the purposes of an evaluation and is not counseling in nature, and entities or individuals who will receive the evaluation report are identified. Written consent to be evaluated is obtained from those being evaluated unless a court orders evaluations to be conducted without the written consent of individuals being evaluated. When children or vulnerable adults are being evaluated, informed written consent is obtained from a parent or guardian.

E.13.c. Client Evaluation Prohibited

Counselors do not evaluate individuals for forensic purposes they currently counsel or individuals they have counseled in the past. Counselors do not accept as counseling clients individuals they are evaluating or individuals they have evaluated in the past for forensic purposes.

E.13.d. Avoid Potentially Harmful Relationships

Counselors who provide forensic evaluations avoid potentially harmful professional or personal relationships with family members, romantic partners, and close friends of individuals they are evaluating or have evaluated in the past.

Section F Supervision, Training, and Teaching

Introduction

Counselors aspire to foster meaningful and respectful professional relationships and to maintain appropriate boundaries with supervisees and students. Counselors have theoretical and pedagogical foundations for their work and aim to be fair, accurate, and honest in their assessments of counselors-in-training.

F.1. Counselor Supervision and Client Welfare

F.1.a. Client Welfare

A primary obligation of counseling supervisors is to monitor the services provided by other counselors or counselors-in-training. Counseling supervisors monitor client welfare and supervisee clinical performance and professional development. To fulfill these obligations, supervisors meet regularly with supervisees to review case notes, samples of clinical work, or live observations. Supervisees have a responsibility to understand and follow the *ACA Code of Ethics*.

F.1.b. Counselor Credentials

Counseling supervisors work to ensure that clients are aware of the qualifications of the supervisees who render services to the clients. (See A.2.b.)

F.1.c. Informed Consent and Client Rights

Supervisors make supervisees aware of client rights including the protection of client privacy and confidentiality in the counseling relationship. Supervisees provide clients with professional disclosure information and inform them of how the supervision process influences the limits of confidentiality. Supervisees make clients aware of who will have access to records of the counseling relationship and how these records will be used. (See A.2.b., B.1.d.)

F.2. Counselor Supervision Competence

F.2.a. Supervisor Preparation

Prior to offering clinical supervision services, counselors are trained in supervision methods and techniques. Counselors who offer clinical supervision services regularly pursue continuing education activities including both counseling and supervision topics and skills. (See C.2.a., C.2.f.)

F.2.b. Multicultural Issues/Diversity in Supervision

Counseling supervisors are aware of and address the role of multiculturalism/diversity in the supervisory relationship.

F.3. Supervisory Relationships

F.3.a. Relationship Boundaries With Supervisees

Counseling supervisors clearly define and maintain ethical professional, personal, and social relationships with their supervisees. Counseling supervisors avoid nonprofessional relationships with current supervisees. If supervisors must assume other professional roles (e.g., clinical and administrative supervisor, instructor) with supervisees, they work to minimize potential conflicts and explain to supervisees the expectations and responsibilities associated with each role. They do not engage in any form of nonprofessional interaction that may compromise the supervisory relationship.

F.3.b. Sexual Relationships

Sexual or romantic interactions or relationships with current supervisees are prohibited.

F.3.c. Sexual Harassment

Counseling supervisors do not condone or subject supervisees to sexual harassment. (See C.6.a.)

F.3.d. Close Relatives and Friends

Counseling supervisors avoid accepting close relatives, romantic partners, or friends as supervisees.

F.3.e. Potentially Beneficial Relationships

Counseling supervisors are aware of the power differential in their relationships with supervisees. If they believe nonprofessional relationships with a supervisee may be potentially beneficial to the supervisee, they take precautions similar to those taken by counselors when working with clients. Examples of potentially beneficial interactions or relationships include attending a formal ceremony; hospital visits; providing support during a stressful event; or mutual membership in a professional association, organization, or community. Counseling supervisors engage in open discussions with supervisees when they consider entering into relationships with them outside of their roles as clinical and/or administrative supervisors. Before engaging in nonprofessional relationships, supervisors discuss with supervisees and document the rationale for such interactions, potential benefits or drawbacks, and anticipated consequences for the supervisee. Supervisors clarify the specific nature and limitations of the additional role(s) they will have with the supervisee.

F.4. Supervisor Responsibilities

F.4.a. Informed Consent for Supervision

Supervisors are responsible for incorporating into their supervision the principles of informed consent and participation. Supervisors inform supervisees of the policies and procedures to which they are to adhere and the mechanisms for due process appeal of individual supervisory actions.

F.4.b. Emergencies and Absences

Supervisors establish and communicate to supervisees procedures for contacting them or, in their absence, alternative on-call supervisors to assist in handling crises.

F.4.c. Standards for Supervisees

Supervisors make their supervisees aware of professional and ethical standards and legal responsibilities. Supervisors of post degree counselors encourage these counselors to adhere to professional standards of practice. (See C.1.)

F.4.d. Termination of the Supervisory Relationship

Supervisors or supervisees have the right to terminate the supervisory relationship with adequate notice. Reasons for withdrawal are provided to the other party. When cultural, clinical, or professional issues are crucial to the viability of the supervisory relationship, both parties make efforts to resolve differences. When termination is warranted, supervisors make appropriate referrals to possible alternative supervisors.

F.5. Counseling Supervision Evaluation, Remediation, and Endorsement

F.5.a. Evaluation

Supervisors document and provide supervisees with ongoing performance appraisal and evaluation feedback and schedule periodic formal evaluative sessions throughout the supervisory relationship.

F.5.b. Limitations

Through ongoing evaluation and appraisal, supervisors are aware of the limitations of supervisees that might impede performance. Supervisors assist supervisees in securing remedial assistance when needed. They recommend dismissal from training programs, applied counseling settings, or state or voluntary professional credentialing processes when those supervisees are unable to provide competent professional services. Supervisors seek consultation and document their decisions to dismiss or refer supervisees for assistance. They ensure that supervisees are aware of options available to them to address such decisions. (See C.2.g.)

F.5.c. Counseling for Supervisees

If supervisees request counseling, supervisors provide them with acceptable referrals. Counselors do not provide counseling services to supervisees. Supervisors address interpersonal competencies in terms of the impact of these issues on clients, the supervisory relationship, and professional functioning. (See F.3.a.)

F.5.d. Endorsement

Supervisors endorse supervisees for certification, licensure, employment, or completion of an academic or training program only when they believe supervisees are qualified for the endorsement. Regardless of qualifications, supervisors do not endorse supervisees whom they believe to be impaired in any way that would interfere with the performance of the duties associated with the endorsement.

F.6. Responsibilities of Counselor Educators

F.6.a. Counselor Educators

Counselor educators who are responsible for developing, implementing, and supervising educational programs are skilled as teachers and practitioners. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge, and make students and supervisees aware of their responsibilities. Counselor educators conduct counselor education and training programs in an ethical manner and serve as role models for professional behavior. (See C.1., C.2.a., C.2.c.)

F.6.b. Infusing Multicultural Issues/Diversity

Counselor educators infuse material related to multiculturalism/diversity into all courses and workshops for the development of professional counselors.

F.6.c. Integration of Study and Practice

Counselor educators establish education and training programs that integrate academic study and supervised practice.

F.6.d. Teaching Ethics

Counselor educators make students and supervisees aware of the ethical responsibilities and standards of the profession and the ethical responsibilities of students to the profession. Counselor educators infuse ethical considerations throughout the curriculum. (See C.1.)

F.6.e. Peer Relationships

Counselor educators make every effort to ensure that the rights of peers are not compromised when students or supervisees lead counseling groups or provide clinical supervision. Counselor educators take steps to ensure that students and supervisees understand they have the same ethical obligations as counselor educators, trainers, and supervisors.

F.6.f. Innovative Theories and Techniques

When counselor educators teach counseling techniques/procedures that are innovative, without an empirical foundation, or without a well-grounded theoretical foundation, they define the counseling techniques/procedures as “unproven” or “developing” and explain to students the potential risks and ethical considerations of using such techniques/procedures.

F.6.g. Field Placements

Counselor educators develop clear policies within their training programs regarding field placement and other clinical experiences. Counselor educators provide clearly stated roles and responsibilities for the student or supervisee, the site supervisor, and the program supervisor. They confirm that site supervisors are qualified to provide supervision and inform site supervisors of their professional and ethical responsibilities in this role.

F.6.h. Professional Disclosure

Before initiating counseling services, counselors-in-training disclose their status as students and explain how this status affects the limits of confidentiality. Counselor educators ensure that the clients at field placements are aware of the services rendered and the qualifications of the students and supervisees rendering those services. Students and supervisees obtain client permission before they use any information concerning the counseling relationship in the training process. (See A.2.b.)

F.7. Student Welfare

F.7.a. Orientation

Counselor educators recognize that orientation is a developmental process that continues throughout the educational and clinical training of students. Counseling faculty provide prospective students with information about the counselor education program's expectations: 1. the type and level of skill and knowledge acquisition required for successful completion of the training; 2. program training goals, objectives, and mission, and subject matter to be covered; 3. bases for evaluation; 4. training components that encourage self-growth or self-disclosure as part of the training process; 5. the type of supervision settings and requirements of the sites for required clinical field experiences; 6. student and supervisee evaluation and dismissal policies and procedures; and 7. up-to-date employment prospects for graduates.

F.7.b. Self-Growth Experiences

Counselor education programs delineate requirements for self-disclosure or self-growth experiences in their admission and program materials. Counselor educators use professional judgment when designing training experiences they conduct that require student and supervisee selfgrowth or self-disclosure. Students and supervisees are made aware of the ramifications their self-disclosure may have when counselors whose primary role as teacher, trainer, or supervisor requires acting on ethical obligations to the profession. Evaluative components of experiential training experiences explicitly delineate predetermined academic standards that are separate and do not depend on the student's level of selfdisclosure. Counselor educators may require trainees to seek professional help to address any personal concerns that may be affecting their competency.

F.8. Student Responsibilities

F.8.a. Standards for Students

Counselors-in-training have a responsibility to understand and follow the *ACA Code of Ethics* and adhere to applicable laws, regulatory policies, and rules and policies governing professional staff behavior at the agency or placement setting. Students have the same obligation to clients as those required of professional counselors. (See C.1., H.1.)

F.8.b. Impairment

Counselors-in-training refrain from offering or providing counseling services when their physical, mental, or emotional problems are likely to harm a client or others. They are alert to the signs of impairment, seek assistance for problems, and notify their program supervisors when they are aware that they are unable to effectively provide services. In addition, they seek appropriate professional services for themselves to remediate the problems that are interfering with their ability to provide services to others. (See A.1., C.2.d., C.2.g.)

F.9. Evaluation and Remediation of Students

F.9.a. Evaluation

Counselors clearly state to students, prior to and throughout the training program, the levels of competency expected, appraisal methods, and timing of evaluations for both didactic and clinical competencies. Counselor educators provide students with ongoing performance appraisal and evaluation feedback throughout the training program.

F.9.b. Limitations

Counselor educators, throughout ongoing evaluation and appraisal, are aware of and address the inability of some students to achieve counseling competencies that might impede performance. Counselor educators 1. assist students in securing remedial assistance when needed, 2. seek professional consultation and document their decision to dismiss or refer students for assistance, and 3. ensure that students have recourse in a timely manner to address decisions to require them to seek assistance or to dismiss them and provide students with due process according to institutional policies and procedures. (See C.2.g.)

F.9.c. Counseling for Students

If students request counseling or if counseling services are required as part of a remediation process, counselor educators provide acceptable referrals.

F. 10. Roles and Relationships Between Counselor, Educators and Students

F.10.a. Sexual or Romantic Relationships

Sexual or romantic interactions or relationships with current students are prohibited.

F.10.b. Sexual Harassment

Counselor educators do not condone or subject students to sexual harassment. (See C.6.a.)

F.10.c. Relationships With Former Students

Counselor educators are aware of the power differential in the relationship between faculty and students. Faculty members foster open discussions with former students when considering engaging in a social, sexual, or other intimate relationship. Faculty members discuss with the former student how their former relationship may affect the change in relationship.

F.10.d. Nonprofessional Relationships

Counselor educators avoid nonprofessional or ongoing professional relationships with students in which there is a risk of potential harm to the student or that may compromise the training experience or grades assigned. In addition, counselor educators do not accept any form of professional services, fees, commissions, reimbursement, or remuneration from a site for student or supervisee placement.

F.10.e. Counseling Services

Counselor educators do not serve as counselors to current students unless this is a brief role associated with a training experience.

F.10.f. Potentially Beneficial Relationships

Counselor educators are aware of the power differential in the relationship between faculty and students. If they believe a nonprofessional relationship with a student may be potentially beneficial to the student, they take precautions similar to those taken by counselors when working with clients. Examples of potentially beneficial interactions or relationships include, but are not limited to, attending a formal ceremony; hospital visits; providing support during a stressful event; or mutual membership in a professional association, organization, or community. Counselor educators engage in open discussions with students when they consider entering into relationships with students outside of their roles as teachers and supervisors. They discuss with students the rationale for such interactions, the potential benefits and drawbacks, and the anticipated consequences for the student. Educators clarify the specific nature and limitations of the additional role(s) they will have with the student prior to engaging in a nonprofessional relationship. Nonprofessional relationships with students should be time-limited and initiated with student consent.

F.11. Multicultural/Diversity Competence in Counselor Education and Training Programs

F.11.a. Faculty Diversity

Counselor educators are committed to recruiting and retaining a diverse faculty.

F.11.b. Student Diversity

Counselor educators actively attempt to recruit and retain a diverse student body. Counselor educators demonstrate commitment to multicultural/diversity competence by recognizing and valuing diverse cultures and types of abilities students bring to the training experience. Counselor educators provide appropriate accommodations that enhance and support diverse student well-being and academic performance.

F.11.c. Multicultural/Diversity Competence

Counselor educators actively infuse multicultural/diversity competency in their training and supervision practices. They actively train students to gain awareness, knowledge, and skills in the competencies of multicultural practice. Counselor educators include case examples, role-plays, discussion questions, and other classroom activities that promote and represent various cultural perspectives.

Section G

Research and Publication

Introduction

Counselors who conduct research are encouraged to contribute to the knowledge base of the profession and promote a clearer understanding of the conditions that lead to a healthy and more just society. Counselors support efforts of researchers by participating fully and willingly whenever possible. Counselors minimize bias and respect diversity in designing and implementing research programs.

G.1. Research Responsibilities

G.1.a. Use of Human Research Participants

Counselors plan, design, conduct, and report research in a manner that is consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research with human research participants.

G.1.b. Deviation From Standard Practice

Counselors seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard or acceptable practices.

G.1.c. Independent Researchers

When independent researchers do not have access to an Institutional Review Board (IRB), they should consult with researchers who are familiar with IRB procedures to provide appropriate safeguards.

G.1.d. Precautions to Avoid Injury

Counselors who conduct research with human participants are responsible for the welfare of participants throughout the research process and should take reasonable precautions to avoid causing injurious psychological, emotional, physical, or social effects to participants.

G.1.e. Principal Researcher Responsibility

The ultimate responsibility for ethical research practice lies with the principal researcher. All others involved in the research activities share ethical obligations and responsibility for their own actions.

G.1.f. Minimal Interference

Counselors take reasonable precautions to avoid causing disruptions in the lives of research participants that could be caused by their involvement in research.

G.1.g. Multicultural/Diversity Considerations in Research

When appropriate to research goals, counselors are sensitive to incorporating research procedures that take into account cultural considerations. They seek consultation when appropriate.

G.2. Rights of Research Participants

(See A.2, A.7.)

G.2.a. Informed Consent in Research

Individuals have the right to consent to become research participants. In seeking consent, counselors use language that 1. accurately explains the purpose and procedures to be followed, 2. identifies any procedures that are experimental or relatively untried, 3. describes any attendant discomforts and risks, 4. describes any benefits or changes in individuals or organizations that might be reasonably expected, 5. discloses appropriate alternative procedures that would be advantageous for participants, 6. offers to answer any inquiries concerning the procedures, 7. describes any limitations on confidentiality, 8. describes the format and potential target audiences for the dissemination of research findings, and 9. instructs participants that they are free to withdraw their consent and to discontinue participation in the project at any time without penalty.

G.2.b. Deception

Counselors do not conduct research involving deception unless alternative procedures are not feasible and the prospective value of the research justifies the deception. If such deception has the potential to cause physical or emotional harm to research participants, the research is not conducted, regardless of prospective value. When the methodological requirements of a study necessitate concealment or deception, the investigator explains the reasons for this action as soon as possible during the debriefing.

G.2.c. Student/Supervisee Participation

Researchers who involve students or supervisees in research make clear to them that the decision regarding whether or not to participate in research activities does not affect one's academic standing or supervisory relationship. Students or supervisees who choose not to participate in educational research are provided with an appropriate alternative to fulfill their academic or clinical requirements.

G.2.d. Client Participation

Counselors conducting research involving clients make clear in the informed consent process that clients are free to choose whether or not to participate in research activities. Counselors take necessary precautions to protect clients from adverse consequences of declining or withdrawing from participation.

G.2.e. Confidentiality of Information

Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants as a part of the procedure for obtaining informed consent.

G.2.f. Persons Not Capable of Giving Informed Consent

When a person is not capable of giving informed consent, counselors provide an appropriate explanation to, obtain agreement for participation from, and obtain the appropriate consent of a legally authorized person.

G.2.g. Commitments to Participants

Counselors take reasonable measures to honor all commitments to research participants. (See A.2.c.)

G.2.h. Explanations After Data Collection

After data are collected, counselors provide participants with full clarification of the nature of the study to remove any misconceptions participants might have regarding the research. Where scientific or human values justify delaying or withholding information, counselors take reasonable measures to avoid causing harm.

G.2.i. Informing Sponsors

Counselors inform sponsors, institutions, and publication channels regarding research procedures and outcomes. Counselors ensure that appropriate bodies and authorities are given pertinent information and acknowledgment.

G.2.j. Disposal of Research Documents and Records

Within a reasonable period of time following the completion of a research project or study, counselors take steps to destroy records or documents (audio, video, digital, and written) containing confidential data or information that identifies research participants. When records are of an artistic nature, researchers obtain participant consent with regard to handling of such records or documents. (See B.4.a, B.4.g.)

G.3. Relationships With Research Participants (When Research Involves Intensive or Extended Interactions)**G.3.a. Nonprofessional Relationships**

Nonprofessional relationships with research participants should be avoided.

G.3.b. Relationships With Research Participants

Sexual or romantic counselor–research participant interactions or relationships with current research participants are prohibited.

G.3.c. Sexual Harassment and Research Participants

Researchers do not condone or subject research participants to sexual harassment.

G.3.d. Potentially Beneficial Interactions

When a nonprofessional interaction between the researcher and the research participant may be potentially beneficial, the researcher must document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the research participant. Such interactions should be initiated with appropriate consent of the research participant. Where unintentional harm occurs to the research participant due to the nonprofessional interaction, the researcher must show evidence of an attempt to remedy such harm.

G.4. Reporting Results**G.4.a. Accurate Results**

Counselors plan, conduct, and report research accurately. They provide thorough discussions of the limitations of their data and alternative hypotheses. Counselors do not engage in misleading or fraudulent research, distort data, misrepresent data, or deliberately bias their results. They explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of data. They describe the extent to which results are applicable for diverse populations.

G.4.b. Obligation to Report Unfavorable Results

Counselors report the results of any research of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests are not withheld.

G.4.c. Reporting Errors

If counselors discover significant errors in their published research, they take reasonable steps to correct such errors in a correction erratum, or through other appropriate publication means.

G.4.d. Identity of Participants

Counselors who supply data, aid in the research of another person, report research results, or make original data available take due care to disguise the identity of respective participants in the absence of specific authorization from the participants to do otherwise. In situations where participants self-identify their involvement in research studies, researchers take active steps to ensure that data is adapted/changed to protect the identity and welfare of all parties and that discussion of results does not cause harm to participants.

G.4.e. Replication Studies

Counselors are obligated to make available sufficient original research data to qualified professionals who may wish to replicate the study.

G.5. Publication**G.5.a. Recognizing Contributions**

When conducting and reporting research, counselors are familiar with and give recognition to previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

G.5.b. Plagiarism

Counselors do not plagiarize; that is, they do not present another person's work as their own work.

G.5.c. Review/Republication of Data or Ideas

Counselors fully acknowledge and make editorial reviewers aware of prior publication of ideas or data where such ideas or data are submitted for review or publication.

G.5.d. Contributors

Counselors give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor is listed first, and minor technical or professional contributions are acknowledged in notes or introductory statements.

G.5.e. Agreement of Contributors

Counselors who conduct joint research with colleagues or students/ supervisees establish agreements in advance regarding allocation of tasks, publication credit, and types of acknowledgment that will be received.

G.5.f. Student Research

For articles that are substantially based on students course papers, projects, dissertations or theses, and on which students have been the primary contributors, they are listed as principal authors.

G.5.g. Duplicate Submission

Counselors submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in another journal or published work are not submitted for publication without acknowledgment and permission from the previous publication.

G.5.h. Professional Review

Counselors who review material submitted for publication, research, or other scholarly purposes respect the confidentiality and proprietary rights of those who submitted it. Counselors use care to make publication decisions based on valid and defensible standards. Counselors review article submissions in a timely manner and based on their scope and competency in research methodologies. Counselors who serve as reviewers at the request of editors or publishers make every effort to only review materials that are within their scope of competency and use care to avoid personal biases.

Section H

Resolving Ethical Issues

Introduction

Counselors behave in a legal, ethical, and moral manner in the conduct of their professional work. They are aware that client protection and trust in the profession depend on a high level of professional conduct. They hold other counselors to the same standards and are willing to take appropriate action to ensure that these standards are upheld. Counselors strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with colleagues and supervisors when necessary. Counselors incorporate ethical practice into their daily professional work. They engage in ongoing professional development regarding current topics in ethical and legal issues in counseling.

H.1. Standards and the Law

(See F.9.a.)

H.1.a. Knowledge

Counselors understand the *ACA Code of Ethics* and other applicable ethics codes from other professional organizations or from certification and licensure bodies of which they are members. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

H.1.b. Conflicts Between Ethics and Laws

If ethical responsibilities conflict with law, regulations, or other governing legal authority, counselors make known their commitment to the *ACA Code of Ethics* and take steps to resolve the conflict. If the conflict cannot be resolved by such means, counselors may adhere to the requirements of law, regulations, or other governing legal authority.

H.2. Suspected Violations

H.2.a. Ethical Behavior Expected

Counselors expect colleagues to adhere to the *ACA Code of Ethics*. When counselors possess knowledge that raises doubts as to whether another counselor is acting in an ethical manner, they take appropriate action. (See H.2.b., H.2.c.)

H.2.b. Informal Resolution

When counselors have reason to believe that another counselor is violating or has violated an ethical standard, they attempt first to resolve the issue informally with the other counselor if feasible, provided such action does not violate confidentiality rights that may be involved.

H.2.c. Reporting Ethical Violations

If an apparent violation has substantially harmed, or is likely to substantially harm, a person or organization and is not appropriate for informal resolution or is not resolved properly, counselors take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, voluntary national certification bodies, state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when counselors have been retained to review the work of another counselor whose professional conduct is in question.

H.2.d. Consultation

When uncertain as to whether a particular situation or course of action may be in violation of the *ACA Code of Ethics*, counselors consult with other counselors who are knowledgeable about ethics and the *ACA Code of Ethics*, with colleagues, or with appropriate authorities.

H.2.e. Organizational Conflicts

If the demands of an organization with which counselors are affiliated pose a conflict with the *ACA Code of Ethics*, counselors specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to the *ACA Code of Ethics*. When possible, counselors work toward change within the organization to allow full adherence to the *ACA Code of Ethics*. In doing so, they address any confidentiality issues.

H.2.f. Unwarranted Complaints

Counselors do not initiate, participate in, or encourage the filing of ethics complaints that are made with reckless disregard or willful ignorance of facts that would disprove the allegation.

H.2.g. Unfair Discrimination Against Complainants and Respondents

Counselors do not deny persons employment, advancement, admission to academic or other programs, tenure, or promotion based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

H.3. Cooperation With Ethics Committees

Counselors assist in the process of enforcing the *ACA Code of Ethics*. Counselors cooperate with investigations, proceedings, and requirements of the ACA Ethics Committee or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation. Counselors are familiar with the *ACA Policy and Procedures for Processing Complaints of Ethical Violations* and use it as a reference for assisting in the enforcement of the *ACA Code of Ethics*.

National Association for College Admission Counseling

The Statement of Principles of Good Practice

Approved by the 2005 Assembly
Revisions effective for the enrollment cycle of 2007/2008 academic year.

Introduction

Ethical college admission is the cornerstone of the National Association for College Admission Counseling (NACAC). Since its founding in 1937, when a select number of college and university professionals and high-school counselors came together to create a Code of Ethics within the admission-counseling profession, NACAC has striven to ensure principled conduct among professionals in the recruitment of students and the transition to postsecondary education.

This code of conduct is known today as the Statement of Principles of Good Practice (SPGP). Historically, NACAC added principles to the SPGP cumulatively, as ethical issues arose each year. In more recent years, however, the application process has become increasingly influenced by marketplace forces that raise new and complex ethical questions. In this rapidly-changing admission landscape, it is imperative for NACAC to maintain a document that includes practices and policies reflecting these new concerns for the ethical treatment of students in the admission process. As the recognized leader in college admission counseling, NACAC willingly carries the responsibility of being the only association that protects students' rights in the transition to postsecondary education process, through monitoring and enforcing ethical standards and practices.

Member schools, colleges and universities, as well as other institutions, organizations and individuals dedicated to the pursuit of higher education, believe in the dignity, worth and potential of each and every student. To enable all students to make the dream of higher education a reality, these institutions and individuals develop and provide programs and services in postsecondary counseling, admission and financial aid. They strive to eliminate bias within the education system based on ethnicity, creed, gender, sexual orientation, age, political affiliation, national origin, and disability. They understand and value the importance of college counseling and view it as a fundamental aspect of their job as educators.

They support, therefore, the following Statement of Principles of Good Practice of the National Association for College Admission Counseling.

Statement of Principles of Good Practice Introduction

Core Values

Core Values represent statements of the association's vision and beliefs and are the purview of the Board of Directors.

Professionalism

We believe our work in counseling, admission and enrollment management is professional only to the extent that we subscribe to and practice ethical behavior, as stated in our Member Conventions. We are responsible for the integrity of our actions and, insofar as we can affect them, the actions of our member institutions and organizations.

Collaboration

We believe the effectiveness of our profession, college counseling, admission and enrollment management is enhanced when we work together to promote and protect students and their best interests.

Trust

We believe our profession, college counseling, admission and enrollment management is based upon trust, mutual respect and honesty, with one another and with students.

Education

We believe in and are committed to educating students, their families, the public, fellow education professionals, and ourselves about the transition to and within postsecondary education.

Fairness and Equity

We believe our members have a responsibility to treat one another and students in a fundamentally fair and equitable manner.

Social Responsibility

We believe we have a duty to serve students responsibly, by safeguarding their rights and their access to and within postsecondary education.

Member Conventions

Member conventions represent a set of understandings or agreements to frame our code of ethics. These statements are the purview of the Board of Directors.

All members of NACAC agree to abide by the following:

1. Members will make protecting the best interests of all students a primary concern in the admission process.
2. Members will evaluate students on the basis of their individual qualifications and strive for inclusion of all members of society in the admission process.
3. Members will provide accurate admission and financial aid information to students, empowering all participants in the process to act responsibly.
4. Members will honor students' decisions regarding where they apply and choose to enroll.
5. Members will be ethical and respectful in their counseling, recruiting and enrollment practices.
6. Members will strive to provide equal access for qualified students through education about financial aid processes and institutional financial aid policies.
7. Members will abide by local, state and federal laws regarding the treatment of students and confidential information.
8. Members will support a common set of admission-related definitions and deadlines.
9. Members will support and enforce the Statement of Principles of Good Practice.

Statement of Principles of Good Practice

Mandatory Practices

(* Refers the reader to *Interpretations of Mandatory Practices*, pages 6 – 11, for an expanded clarification)

I. All Members—Mandatory Practices

A. Promotion and Recruitment

Members agree that they will:

- *1. accurately represent and promote their schools, institutions, organizations, and services;
- 2. not use disparaging comparisons of secondary or postsecondary institutions;
- *3. not offer or accept any reward or remuneration from a secondary school, college, university, agency, or organization for placement or recruitment of students;
- *4. be responsible for compliance with applicable laws and regulations with respect to the students' rights to privacy.

B. Admission, Financial Aid and Testing Policies and Procedures

Members agree that they will:

- 1. not publicly announce the amount of need-based aid awarded to any student without his/her permission;
- 2. not guarantee admission or specific college placement or make guarantees of any financial aid or scholarship awards prior to an application being submitted, except when pre-existing criteria are stated in official publications;
- *3. not make unethical or unprofessional requests of other admission counseling professionals;
- *4. send and receive information about candidates in confidence;
- 5. consider transcripts official only when transmitted in a confidential manner, from the secondary or postsecondary institution(s) attended by the applicant;
- 6. not use minimum test scores as the sole criterion for admission and/or advising;
- 7. be responsible for ensuring the accurate representation and promotion of their institutions in recruitment materials, presentations, and scholarship materials;
- 8. provide, in a timely manner, accurate, legible and complete transcripts for transfer students for admission or scholarships;
- *9. counsel students to abide by the application requirements and restrictions when they file;
- 10. permit pending Early Action, Restrictive Early Action and Early Decision candidates to initiate any Regular or Rolling Decision applications.

II. Postsecondary Members—Mandatory Practices

A. Promotion and Recruitment

Postsecondary members agree that they will:

- *1. state clearly the requirements for the first-year and transfer admission and enrollment processes, including secondary school preparation, standardized testing, financial aid, housing and notification deadlines, and refund procedures;

Statement of Principles of Good Practice *Mandatory Practices*

2. not knowingly recruit students who are enrolled, registered, have initiated deferred admission, or have declared their intent, or submitted contractual deposits to other institutions unless the students initiate inquiries themselves or unless cooperation is sought from institutions that provide transfer programs.

B. Admission, Financial Aid and Testing Policies and Procedures

Postsecondary members agree that they will:

1. accept full responsibility for admission and financial aid decisions and for proper notification of those decisions to candidates;
2. not require candidates or the secondary schools to indicate the order of the candidates' college or university preferences, except under Early Decision plans;
- *3. permit first-year candidates for fall admission to choose, without penalty, among offers of admission and financial aid until May 1. (Candidates admitted under an Early Decision program are a recognized exception to this provision);
- *4. not offer exclusive incentives that provide opportunities for students applying or admitted Early Decision that are not available to students admitted under other admission options;
5. work with their institutions' senior administrative officers to ensure that financial aid and scholarship offers and housing options are not used to manipulate commitments prior to May 1;
- *6. establish wait list procedures that ensure that no student on any wait list is asked for a deposit in order to remain on the wait list or for a commitment to enroll prior to receiving an official written offer of admission;
- *7. state the specific relationship among admission and financial aid practices and policies;
8. notify accepted aid applicants of financial aid decisions before the enrollment confirmation deadline, assuming all requested application forms are received on time;
9. clearly state policies on renewal of financial aid that will typically include a review of students' current financial circumstances;
- *10. not knowingly offer financial aid packages to students who are committed to attend other institutions, unless the students initiate such inquiries. Athletic scholarships, which adhere to nationally-established signing periods, are a recognized exception to this provision;
- *11. initially report on all first-year admitted or enrolled students, including special subgroups in the reporting of test scores. If data on subgroup populations are also provided, clear explanations of who is included in the subgroup population will be made.

Statement of Principles of Good Practice Mandatory Practices

III. Counseling Members—Mandatory Practices

A. Promotion and Recruitment

Counseling members agree that they will:

1. establish a policy for the release of students' names and other confidential information consistent with applicable laws and regulations.

B. Admission, Financial Aid and Testing Policies and Procedures

Counseling members agree that they will:

1. provide colleges and universities with a description of the school's marking system that, if available, will provide some indication of grade distribution that may include the rank in class and/or grade point average;
2. provide, as permissible by law, accurate descriptions of the candidates' personal qualities that are relevant to the admission process;
3. sign only one pending Early Decision or restricted Early Action agreement, when applicable, for any student;
4. follow, when applicable, the process used by the candidates' high schools for filing college applications;
5. not reveal, unless authorized, candidates' college or university preferences;
6. work with school officials and other relevant individuals to keep test results confidential as governed by law and local regulations;
7. report on all students within a distinct class (e.g., freshman, sophomore, junior, and senior) and subgroups, including non-native speakers, in the reporting of standardized test scores.

Statement of Principles of Good Practice

The following statements correspond with the same statement number in the Mandatory Practices section.

I. All Members—Interpretations and Monitoring

A. Promotion and Recruitment

All members agree that they will:

1. Accurately represent and promote their schools, institutions or services by:
 - a. providing precise information about their academic majors and degree programs. Such information shall include a factual and accurate description of majors, minors, concentrations, and/or interdisciplinary offerings that apply toward the completion of the undergraduate degree;
 - b. describing in detail any special programs, including overseas study, credit by examination or advanced placement.
3. Not offer or accept any reward or remuneration from a college, university, agency, or organization for placement or recruitment of students. Members:
 - a. will be compensated in the form of a fixed salary, rather than commissions or bonuses based on the number of students recruited;
 - b. will not contract with secondary school personnel for remunerations for referred students.
4. Be responsible for compliance with applicable laws and regulations with respect to the students' rights to privacy by:
 - a. establishing policies with respect to secondary school and college and university representatives for the release of students' names. Any policy that authorizes the release of students' names should indicate that the release be made only with the students' permission and be consistent with applicable laws and regulations;
 - b. understanding that permission may take the form of a general consent to any release of the students' names;
 - c. abiding by regulations in the *Family Educational Rights and Privacy Act* (FERPA).

B. Admission, Financial Aid and Testing Policies and Procedures

All members agree that they will:

3. not make unethical or unprofessional requests of other admission counseling professionals. Examples of unprofessional or unethical requests could include:
 - a. making disparaging remarks about the services of school-based counselors or independent counselors when responding to requests from parents or students;
 - b. independent counselors contacting school officials directly, instead of working through their clients for academic or personal information.

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

- c. coercing or demeaning postsecondary institutional representatives if such institutions are unable to participate or attend local school events;
- d. offering favors in return for counselors' listing of their best or strongest students for recruitment purposes;
- e. creating an expectation of entitlement with regard to admission to specific institutions.

4. send and receive information about candidates in confidence by honoring all applicable laws and regulations with respect to the confidential nature of such data.

Examples include:

- a. admission officers not revealing the admission or denial status of applicants when using Web site or group email announcements;
- b. secondary school personnel should not post lists of admitted students to specific colleges when doing so reveals applicants who were denied admission.

9. counsel students to abide by the application requirements and restrictions when they file.

The use of multiple admission plans by colleges and universities often results in confusion among students, parents and college admission counseling professionals. NACAC believes institutions must clearly state policies, and counselors are advised to assist students with their understanding of the various admission decision options. The following outlines agreed-upon definitions and conditions.

Non-Restrictive Application Plans: All of these plans allow students to wait until May 1 to confirm enrollment.

- **Regular Decision** is the application process in which a student submits an application to an institution by a specified date and receives a decision within a reasonable and clearly stated period of time. A student may apply to other institutions without restriction.
- **Rolling Admission** is the application process in which an institution reviews applications as they are completed and renders admission decisions to students throughout the admission cycle. A student may apply to other institutions without restriction.
- **Early Action (EA)** is the application process in which students apply to an institution of preference and receive a decision well in advance of the institution's regular response date. Students who are admitted under Early Action are not obligated to accept the institution's offer of admission or to submit a deposit prior to May 1. Under non-restrictive Early Action, a student may apply to other colleges.

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

Restrictive Application Plans: These are plans that allow institutions to limit students from applying to other early plans.

- **Early Decision (ED)** is the application process in which students make a commitment to a first-choice institution where, if admitted, they definitely will enroll. While pursuing admission under an Early Decision plan, students may apply to other institutions, but may have only one Early Decision application pending at any time. Should a student who applies for financial aid not be offered an award that makes attendance possible, the student may decline the offer of admission and be released from the Early Decision commitment. The institution must notify the applicant of the decision within a reasonable and clearly stated period of time after the Early Decision deadline. Usually, a nonrefundable deposit must be made well in advance of May 1. The institution will respond to an application for financial aid at or near the time of an offer of admission.

Institutions with Early Decision plans may restrict students from applying to other early plans. Institutions will clearly articulate their specific policies in their Early Decision agreement.

- **Restrictive Early Action (REA)** is the application process in which students make application to an institution of preference and receive a decision well in advance of the institution's regular response date. Institutions with Restrictive Early Action plans place restrictions on student applications to other early plans. Institutions will clearly articulate these restrictions in their Early Action policies and agreements with students. Students who are admitted under Restrictive Early Action are not obligated to accept the institution's offer of admission or to submit a deposit prior to May 1.

II. Postsecondary Members—Interpretations and Monitoring

A. Promotion and Recruitment

All postsecondary members agree that they will:

1. state clearly the requirements for the first-year and transfer admission and enrollment processes, including secondary school preparation, standardized testing, financial aid, housing and notification deadlines, and refund procedures by:
 - a. being responsible for the accurate representation and promotion of their admission calendar, academic offerings, housing application and deposit deadlines; and campus and community descriptions; written and electronic communications; and presentations for students, parents and counseling personnel;
 - b. being responsible for the development of publications, written communications presentations, i.e., college nights, college days and college fairs, used for their institution's promotional and recruitment activity;

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

- c. stating clearly and precisely the requirements for secondary preparation, admission tests and transfer student admission;
- d. providing students, families and secondary schools with the most comprehensive information about costs of attendance and opportunities for all types of financial aid, and state the specific relationship between and among admission and financial aid practices and policies;
- e. providing accurate information about opportunities/selection for institutional housing, deadline dates for housing deposits, housing deposit refunds, and describing policies for renewal availability of such institutional housing;
- f. speaking forthrightly, accurately and comprehensively in presenting their institutions to counseling personnel, prospective students and their families;
- g. identifying the source and year of study when institutional publications and/or media communications cite published academic programs, academic rigor or reputations, or athletic rankings;
- h. providing accurate and specific descriptions of any special programs or support services available to students with handicapping conditions, physical and/or learning disabilities and/or other special needs;
- i. clearly stating all deadlines for application, notification, housing, and candidates' reply requirements for both admission and financial aid;
- j. clearly publicizing policies relating to placement by tests, awarding of credit and other policies based on test results.

B. Admission, Financial Aid and Testing Policies and Procedures

All postsecondary members agree that they will:

3. permit first-year candidates for fall admission to choose, without penalty, among offers of admission and financial aid until May 1. Candidates admitted under an Early Decision program are a recognized exception to this provision.

- a. It is understood that May 1 will be viewed as the postmark date and/or the receipt date for electronic submissions. Colleges that solicit commitments to offers of admission and/or financial assistance prior to May 1 may do so provided those offers include a clear statement in the original offer that written requests for extensions and admission deposit refunds until May 1 will be granted, and that such requests will not jeopardize a student's status for admission or financial aid;
- b. When May 1 falls on a Sunday or holiday, May 2 becomes the recognized date.

4. not offer exclusive incentives that provide opportunities for students applying or admitted Early Decision that are not available to students admitted under other admission options. Examples of exclusive incentives include special dorms for ED admits; honors programs only for ED admits; full, need-based financial aid packages for ED admits only; special scholarships for ED admits only; or any promise of an advantage in the admission process if student(s) convert from Regular Admission to Early Decision.

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

6. establish wait list procedures that ensure that no student on any wait list is asked for a deposit in order to remain on the wait list or for a commitment to enroll prior to receiving an official written offer of admission.

a. wait list is an admission decision option utilized by institutions to protect against shortfalls in enrollment, in light of fluctuations in yields. By placing a student on the wait list, an institution does not initially offer or deny admission, but extends to the candidate the possibility of admission not later than August 1.

7. state the specific relationship among admission and financial aid practices and policies. Colleges and universities may apply enrollment strategies to decisions to admit, wait list or deny students on the basis of stated or unstated financial need.

Examples include:

a. colleges that might prioritize wait lists by students' level of financial need;
b. institutions that employ "need aware" admission for the bottom 10 percent of the class.

10. not knowingly offer financial aid packages to students who are committed to attend other institutions, unless the students initiate such inquiries. Athletic scholarships, which adhere to nationally-established signing periods, are a recognized exception.

The National Collegiate Athletic Association (NCAA) has established bylaws, operational manuals and legislative directives guiding Division I, II, and III sports for men and women. Each NCAA division has its own set of rules and bylaws that govern intercollegiate athletics. In addition to divisional regulations, there are playing rules committees that set rules for specific sports. Each sport includes calendars regulating quiet periods, dead periods, evaluation periods, contact periods, and eventually, National Letter of Intent signing dates that occur in November, February and April. All such dates are in advance of May 1, the National Candidates Reply Date for admission. NACAC will continue to work with the NCAA to recognize May 1 as a critical date on the admission calendar. For more information on NCAA deadlines, dates and requirements, visit www.NCAA.org.

11. initially report on all first-year admitted or enrolled students, including subgroups in the reporting of test scores. If data on subgroup populations are also provided, clear explanations of who is included in the subgroup population will be made.

a. Postsecondary members will furnish data describing the currently enrolled freshman class and will describe in published profiles all members of the enrolling freshman class;
b. Subgroups within the profile may be presented

Statement of Principles of Good Practice *Interpretations of Mandatory Practices*

III. Counseling Members—Interpretations and Monitoring

A. Promotion and Recruitment

Counseling members agree that they will:

1. establish a policy for the release of students' names and other confidential information, consistent with applicable laws and regulations.
 - a. Permission may be a general consent to any release of the students' names;
 - b. Secondary school members should be sensitive to the students' academic, athletic or other abilities, when releasing students' names.

Statement of Principles of Good Practice

Best Practices

I. All Members—Best Practices

All members should:

- A.** indicate that their institution is a NACAC member and has endorsed the principles contained in the association's Statement of Principles of Good Practice (SPGP);
- B.** inform those involved in counseling students in the postsecondary process about the content of the SPGP;
- C.** be sensitive to students applying for admission to postsecondary institutions in other countries that may have different deadlines and timelines than those in the United States.

II. Postsecondary Members—Best Practices

A. Promotion and Recruitment

All postsecondary members should:

- 1. exercise appropriate responsibility for all people whom the institution involves in admission, promotional and recruitment activities (including alumni, coaches, students, faculty, and other institutional representatives);
- 2. be responsible for assuring that admission consulting or management firms engaged by the institution adhere to the principles of the SPGP;

B. Admission, Financial Aid and Testing Policies and Procedures

All postsecondary members should:

- 1. provide in the notification letter of those applicants offered a place on the wait list a history that describes the number of students offered places on the wait lists, the number accepting places, the number offered admission, and the availability of financial aid and housing;
- 2. make applicants aware, in official communications, of summer or mid-year admission if such programs are available;
- 3. not apply newly-revised requirements to the disadvantage of a candidate whose secondary school courses were established in accordance with earlier requirements;
- 4. not discriminate in the admission selection process against applicants based on the particular application form that an applicant uses, provided that the college or university has agreed explicitly, as in Common Application membership, or implicitly, as in online or other computer-based technology, to accept the particular version of the application;
- 5. admit candidates on the basis of academic and personal criteria rather than financial need. This provision does not apply to international students ineligible for federal student assistance;
- 6. educate staff in understanding the concepts of test measurement, test interpretation and test use so they make informed admission decisions about the test data;

Statement of Principles of Good Practice *Best Practices*

7. conduct institutional research to inquire into the most effective use of tests for admission decisions;
8. refrain from the public reporting of mean and median admission test scores and, instead, report scores by the middle 50 percent of the scores of all first-year applicants, admitted and/or enrolled students;
9. view financial aid as supplementary to the efforts of students' families when students are not self-supporting;
10. meet the full need of accepted students to the extent possible, within the institutions' capabilities;
11. refrain from asking students where else they have applied;
12. utilize an equitable process of needs analysis methodology in making expected estimates or awards of the amount of financial aid that may be available to students after documentation is provided;
13. notify accepted aid applicants of financial aid decisions as soon as possible before the enrollment notification deadline date, assuming all requested application forms are received on time;
14. include a current and accurate admission calendar in publications and Web sites. If the institution offers special admission options, such as Early Admission, Early Action, Early Decision, wait lists, Restrictive Early Admission or Early Admission, the publication should define these programs and state deadline dates, notification dates, required deposits, refund policies, and the date when the candidates must reply;
15. notify secondary schools, when possible, of admission decisions in a timely and proper manner;
16. report test scores for special subgroups that may include athletes or non-native speakers. Universities with more than one undergraduate division may report first by division and then by special subgroups within divisions. Clear explanations of who is included in the subgroup should be made. Those institutions that do not require tests or for which tests are optional will only report scores if the institution clearly and emphatically states the limits of the scores being reported;
17. clearly publicize policies, such as placement and awarding of credit, that are based on test results;
18. issue a statement of disclosure as to how demonstration of student interest is used in the application process. Demonstration of student interest includes such measures as evaluating students on whether they visited campus, contacted admission representatives before or during a school visit, or the frequency of email or mail contacts initiated by the students.

Statement of Principles of Good Practice *Best Practices*

III. Counseling Members—Best Practices

A. Admission, Financial Aid and Testing Policies and Procedures

Counseling members should:

1. provide a program of counseling that introduces a broad range of postsecondary opportunities to students;
2. encourage students and their families to take the initiative in learning about colleges and universities;
3. provide information about opportunities and requirements for financial aid;
4. provide accurate descriptions of the candidate's personal qualities that are relevant to the admission process;
5. urge students to understand and discharge their responsibilities in the admission process in a timely manner;
6. counsel students and their families to notify and withdraw applications from other institutions when they have accepted an admission offer;
7. encourage students to be the sole authors of their applications and essays and counsel against inappropriate assistance on the parts of others;
8. report any significant change in a candidate's academic status or qualifications, including personal school conduct record between the time of recommendation and graduation, where permitted by applicable law;
9. establish a written policy on disclosure of disciplinary infractions in their communications to colleges;
10. provide a school profile, when applicable, that clearly describes special curricular opportunities (e.g., honors, advanced placement courses, seminars) and a comprehensive listing of all courses with an explanation of unusual abbreviations and any information required for proper understanding;
11. inform students about the tests needed for admission, where students may take them, how to interpret the results, and how test results are used for admission;
12. report, in the case of secondary schools, the middle 50 percent of all students tested by discrete grade level;
13. refrain from encouraging students to apply to particular colleges and universities to enhance the high schools' statistical records regarding the number or amount of scholarship awards received;
14. counsel students not to submit more than one admission deposit, which indicates their intent to enroll in more than one institution;
15. work with school officials and other relevant individuals to keep test results in perspective;
16. counsel students to comply with requests for information in a timely manner;
17. counsel students who have deferred admission that they should follow any conditions imposed by the deferring institution.