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M.Ed. in School Counseling

Internship Confidentiality Agreement

Instructions to Student: Read the statement below and sign the next page. Submit the signed original form to your site supervisor and submit a copy to your university supervisor.

Confidentiality

The professional responsibility of a counselor is to fully respect the right to privacy of those with whom they enter counseling relationships. Counselors (and students enrolled in counseling programs) must keep abreast of and adhere to all laws, policies and ethical standards pertaining to confidentiality. This confidentiality must not be abridged by the counselor except when there is clear and present danger to the client and/or other persons.

The Rationale

Confidentiality is an ethical term denoting a counseling practice relevant to privacy. Privileged communication is a legal term denoting a requirement to protect the privacy between counselor and student.

A student has the right to privacy and confidentiality. ASCA recognizes that a counseling relationship requires an atmosphere of trust and confidence between the student and the counselor. Confidentiality ensures that disclosures will not be divulged to others except when authorized by the student or when there is a clear and present danger to the student and/or to other persons.

ASCA members affirm their belief in the individual's worth and dignity. It is the professional responsibility of school counselors to fully respect the right to privacy of those with whom they enter counseling relationships.

The Professional School Counselor's Role

Counselors have a responsibility to protect the privileged information received through confidential relationships with students, the students' parents or guardians and with staff. The professional school counselor reserves the right to consult with other professionally competent persons when this is in the student's best interest. In the event of possible judicial proceedings, the professional school counselor should initially advise the school administration and the counselee, and if necessary, consult with legal counsel. If reports are required, every effort should be made to limit demands for information to those matters essential for the purpose of the legal proceedings. When a professional counselor is in doubt about what to release in a judicial proceeding, the professional school counselor should arrange a conference with the judge to explain the dilemma and get advice as to how to proceed. Counseling information used in research and counselor training should fully guarantee counselees' anonymity.

It is the counselor's responsibility to provide notice to students regarding the possible necessity for consulting with others. This confidentiality must not be abridged by the professional school

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counselor except where there is a clear and present danger to the student and/or to other persons.

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The professional school counselor and student should be provided with adequate physical facilities to guarantee the confidentiality of the counseling relationship. With the enactment of the Family Educational Rights and Privacy Act, P.L. 93-380 (The Buckley Amendment), great care should be taken with recorded information. All professional school counselors should have a copy of the complete law. Professional school counselors must adhere to P.L. 93-380; they must be concerned about individuals who have access to confidential information. It should be each school's policy to guarantee adequate working space for secretaries so that students and school personnel will not come into contact with confidential information, even inadvertently. Professional school counselors should undertake a periodic review of information requested of their students. Only relevant information should be retained. Professional school counselors will adhere to ethical standards and local policies in relating student information over the telephone. They have a responsibility to encourage school administrators to develop written policies concerning the ethical and legal handling of all records in their school system. The development of additional guidelines relevant to the local situation is encouraged. Finally, it is strongly recommended that state and local counselor associations implement these principles and guidelines through appropriate legislation.

Professional school counselors should be aware that it is much more difficult to guarantee confidentiality in group counseling than in individual counseling. Communications made in good faith may be classified as privileged by the courts, and the communicating parties will be protected by law against legal action seeking damages for libel or slander. Generally, it may be said that an occasion of this particular privilege arises when one acts in the bona fide discharge of a public or private duty. This privilege may be abused or lost by malice, improper and unjustified motive, bad faith or excessive publication.

Summary

A counseling relationship requires an atmosphere of trust and confidence between student and counselor. A student has the right to privacy and confidentiality. The responsibility to protect confidentiality extends to the student's parent or guardian and staff in confidential relationships. Professional school counselors must adhere to P.L. 93-380.

I have read the ASCA Position Statement on Confidentiality and agree to abide by these guidelines to maintain confidentiality during the performance of my internship responsibilities.

Intern Name (Print)

Intern Signature

Date