

Confidentiality in Counseling **

The main purpose of confidentiality is to offer students a relationship in which they will be able to deal with concerns without fear of disclosure. Therefore, it will be the professional responsibility of school counselors to respect fully the right of privacy of those with whom they enter counseling relationships.

Confidentiality must not be abridged by the counselor except:

1. Where there is a clear and present danger to the student or to other persons;
2. To consult with other professionally competent persons when this is in the interests of the student or to other persons;
3. When the student verbally or in writing waives this privilege;
4. At the earliest time possible, as determined by the counselor, parents will be informed that their student is in counseling. When students are referred to an outside agency, the laws dealing with that agency's rights will then be enacted.

Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings and other documents are to be considered professional information for use in counseling and they are not part of the public or official records of the institution in which the counselor is employed. Revelation to others of counseling materials should occur only upon the express consent of the student.

Counselors must not discuss confidential matters over the telephone. Counselors should insist that a request for information be made in writing on official stationery.

The school counselor must be provided with adequate physical facilities which help to assure the confidentiality of the counseling relationship.

When a counselor is in doubt about what information to release in a judicial proceeding, the counselor should request, through the superintendent, a conference with the school attorney to explain the situation and receive advice on how to proceed.

END OF POLICY

Legal Reference(s):

ORS 40.245
ORS 326.565
ORS 326.575
ORS 336.187

OAR 581-022-0606
OAR 581-022-0610
OAR 581-022-1510

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).
Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Cross Reference(s):

JO - Education Records
JOA - Directory Information