

**Social Media and Professional School Counselors:**

**Ethical and Legal Considerations**

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### **Abstract**

The use of social media continues to expand in prevalence and is a medium of communication for individuals of all ages. Schools are using social media to engage their stakeholders at increasing rates. Therefore, school counselors require the knowledge and appreciation of ethical and legal issues regarding the use of such technology. The purpose of this manuscript is to: (a) introduce the development and prevalence of social media; (b) review legal and ethical issues related to social media use in schools; and (c) present strategies in which school counselors can engage in ethical interactions via social media.

*Keywords:* ethical and legal considerations, professional school counseling, social media, best practice

## **Social Media and Professional School Counselors: Ethical and Legal Considerations**

School counselors are expected to behave ethically in their interactions with students, families, and other community members (American School Counselor Association [ASCA], 2010). In addition, school counselors are leaders that advocate and collaborate to provide holistic and comprehensive services to *all* of their students and stakeholders (ASCA, 2010, 2012a, 2012b). Counselors may enhance the proficiency of their communication and collaboration with students, families, and stakeholders through the use of technology (Sabella & Booker, 2003). Furthermore, school counselors communicate with a variety of stakeholders with diverse methods, including increased utilization of technology-based applications (e.g., communication through social media; ASCA, 2012a; Kaplan & Haenlein, 2010; Wilczenski & Coomey, 2006). Therefore, school counselors need practical guidelines based on ethical and legal standards to inform their use of social media with all stakeholders.

There is limited literature that addresses social media and school counseling. Nevertheless, the use of social media in education is increasing (e.g., Kaplan & Haenlein, 2010; Wilczenski & Coomey, 2006), supporting the need to establish best practices for educators to employ in communications via social media. Consequently, the purpose of this manuscript is threefold: (a) to introduce the development and prevalence of social media, (b) to review legal and ethical issues related to social media, and (c) to present practical strategies for school counselors to engage in the responsible use of social media.

## **Social Media**

The Internet serves as a major source of information distribution worldwide. Initially, online content was a website-based interface in which only the owner of each individual site had rights to publish information and data, popularly known as Web 1.0 (Handsfield, Dean, & Cielocha, 2009). Beginning around 2003, the evolution of the Internet continued with the development of the term Web 2.0, describing a more complex communal interface (Flew, 2008). The Internet evolved to include new modalities of interaction for its users.

Social media is the collection of online platforms that facilitate user-created content and interactive communication between two or more individuals. There are six types of social media: (a) blogs and microblogs; (b) social networking sites; (c) virtual social worlds; (d) collaborative projects; (e) content communities; and (f) virtual game worlds (Kaplan & Haenlein, 2010). Of these six social media categories, social networking sites are the most common (Lenhart, Purcell, Smith, & Zickuhr, 2010). The defining characteristic of social media is the interactive exchange between users and the availability of communication through the virtual platform (Vickery & Wunsch-Vincent, 2007). A popular example of social media is the website Facebook, an interactive site where participants can post interactive dialogue, pictures, and videos. Since different populations (e.g., age groups) may use social media at varying rates, the prevalence of social media usage among adults and youth are reviewed.

### **Prevalence of Social Media Use**

The *Pew Internet and American Life Project* (<http://pewinternet.org>) is a nonpartisan and nonprofit organization that provides information and data on issues and trends in America and the world. Much of the research on social media described below

is based on their work (Note: the data provided in the following section are the most current available but may *not* accurately reflect current trends, as the use of social media continues to increase). Therefore, the following report is an approximation of social media usage to support an understanding of its prevalence.

Social media usage varies between adult and youth populations in the United States. In general, 82% of all Americans 18 years or older use the Internet occasionally, with 67% of this group online daily (Zickuhr & Madden, 2012). There is a higher prevalence of adults are using social media today than in previous years. Lenhart and colleagues (2010) found that 15% of young adults (18 to 29 years old) used the Internet to manage a blog and 72% use a social networking site, while, 11% of adults (aged 30-49 years) manage a blog and 47% use social networking sites. Furthermore, adults are creating multiple social networking account profiles, including 16% of adults with social networking accounts having three or more profiles, 36% having two profiles, and 45% having one profile (Lenhart et al., 2010).

Adults report using Facebook more than other forms of social media (e.g., 73% of adults who use social networking sites have a Facebook account, compared to just 48% for MySpace and 14% for LinkedIn; Lenhart et al., 2010). As of the fall of 2009, overall Internet usage among adults increased with 93% of young adults online between the ages of 18 to 29, 81% of adults between the ages of 30 to 49 online, 70% of adults between the age of 50 to 64 online, and 38% of adults ages 65 older online (Smith, 2011). Logical inferences may be drawn that with the prevalence of adults online, a number of these adults are school counselors and parents/guardians of students enrolled in school.

Adolescents, however, continue to lead in Internet usage across mediums, with older teenagers using social media at higher rates than younger students. Among student populations, 55% of youth between 12-13 years of age use social networking sites, compared to 82% of youth aged 14-17 (Lenhart et al., 2010). Social networking sites like Facebook continue to be the most popular among consumers under the age of 18, while blogging continues to become less popular, down from 28% of teens to 14% since 2006 (Lenhart et al., 2010). Students are also more likely to visit their favorite sites more often, with 22% of adolescents logging on to their most preferred site over 10 times a day (Common Sense Media, 2009). The use of online video chats is high; specifically, 37% of online users between ages of 12-17 use some form of video chat software, including 27% of 12-17 year old Internet users uploading their own videos (Lenhart, 2012). Adolescents also access the Internet via mobile technology; approximately three fourths of teens do so using cell phones, tablets, and other mobile devices at least occasionally (Madden, Lenhart, Duggan, Cortesi, & Gasser, 2013). In total, 93% of teenagers are using the Internet (Smith, 2011). Therefore, adolescents' usages of social media warrants further inquire into social media interactions with school counselors.

### **Social Media and Professional School Counselors**

New technologies hold the potential to enhance how counselors work with students (ASCA, 2012a; Sabella & Booker, 2003; Wilczenski & Coomey, 2006). However, many practitioners may *not* be aware of social media's use or feel competent using or navigating social media (Sabella, Poynton, & Issacs, 2010; Taylor, McMinn, Bufford, & Chang, 2010). In its simplest form, social media is a way to disseminate information to students, families, and other stakeholders. For example, a school

counseling departmental Facebook page could post information about testing dates or upcoming visits from college representatives. However, social media can be used in more interactive ways. Many teachers encourage the use of social media (e.g., wikis) to conduct research for class assignments and activities (Purcell et al., 2012). At Florida Virtual School (FLVS), the nation's first fully online accredited public school, school counselors attend to more than 130,000 part and full-time students (Ohlson, Butler, & Marchman, 2010). The FLVS school counselors use social media (e.g., blogs, videos, and virtual office hours) to interact with FLVS students and their families (Flenner & Moore, 2011). In addition, these school counselors host weekly interactive webinars on a range of topics (e.g., financial aid, cyber safety, and study tips), where students and families can view PowerPoints and videos, listen to live speakers, and raise a virtual hand to ask questions. Moreover, FLVS utilizes mobile smartphones applications (apps) to help students in their coursework for various classes (Flenner & Moore, 2011). Social media is being used to support students in new and innovative ways.

School counselors can play a central role in informing students about social media resources that help facilitate academic, personal/social, and career growth. Sites like California Career Zone ([www.cacareerzone.org](http://www.cacareerzone.org)) offer students the opportunity to learn about careers, current salaries, and how to set a reasonable budget after high school. At Khan Academy ([www.khanacademy.org](http://www.khanacademy.org)), students have access to 3,200 instructional videos on a variety of academic topics. Students can also take part in interactive learning challenges, create knowledge maps, and earn badges for completing tasks. Stakeholders (e.g., school counselors, parents/caregivers, educators) can set up profiles to monitor individual and classroom progress data in order to target interventions that focus on specific learning goals. There are numerous ways school

counselors can promote and support student develop through the use of social media and other Internet technologies. Next, a description as to how social media fosters collaboration among other educational stakeholders is provided.

School counselors have professional social media resources available to support their work. Specifically, the message board and file-sharing site *ASCA Scene* ([schoolcounselor.groupsie.com](http://schoolcounselor.groupsie.com)) provides school counselors with a means of posing questions and sharing lesson plans with a national database of nearly 25,000 members at the time of this writing (ASCA, 2013). Upon joining, school counselors can create a social networking profile, engage in discussions, contribute to a group blog, as well as download helpful files pertinent to school counseling. Members are encouraged to upload their own materials, in order to contribute to the ever-growing database of free counseling materials. Consequently, social media has multiple applications for school counselors. Nevertheless, whether social media is being used to communicate to students, support student learning outcomes, or to collaborate with colleagues, it is new territory for many counselors. Therefore, we provide a review of ethical and legal considerations regarding school counselors' use of social media in the following sections.

### **Ethical Considerations Related to Social Media and School Counselors**

School counselors “are expected to engage in a carefully considered ethical decision-making process” when faced with ethical dilemmas, which includes an “evaluation of the context of the situation” (ACA, 2005, p. 3). Therefore, ethical standards should be applied to all interactions that occur with students and/or families despite the contextual differences between traditional communication (e.g., email, telephone, and in person) and communication on social media (Lehavot, Barnett, &



Powers, 2010). The following section presents three ethical issues related to school counselors and social media, including: (a) relationships and boundaries, (b) student confidentiality and privacy, and (c) professionalism and responsibility to the profession. In addition, brief fictitious case examples are provided to illustrate each ethical dilemma.

### **Relationships and Boundaries**

Relationships between school counselors and students may be diverse and complex (Bryan, Moore-Thomas, Day-Vines, Holcomb-McCoy, & Mitchell, 2009; Stone, 2009). School counselors develop beneficial relationships with students that facilitate the students' opportunity to grow and develop through interactions that support their academic, personal/social, and career development (ASCA, 2012b). Barriers to establishing an effective counselor-student alliance should be deconstructed (ASCA, 2012b), including the potential for inappropriate relationships through social media.

Dual or multiple relationships are those relationships that result as a byproduct of a school counselor having more than one role with a student (Corey, Corey, & Callanan, 2011; Herlihy & Corey, 2006; Moleski & Kiselica, 2005). The concept of multiple relationships within schools is complex, and school counselors, within the context of their job, often develop multiple relationships with students and other stakeholders. Specifically, Bodenhorn (2006) found that dual relationships with school personnel and students are some of the most common and the most difficult ethical dilemmas faced by school counselors. Dual relationships become problematic when they "impair their objectivity and increase the risk of harm to students" (ASCA, 2010, *Standard A.4.a*, p. 2; Moleski & Kiselica, 2005). In addition, school counselors should avoid relationships that are *not* beneficial for students' growth and development (ASCA, 2010) and should

refrain from developing dual relationships with students through social networking sites (e.g., Facebook; ASCA, 2010, *Standard A.4.c*).

The following is a case example regarding relationship and boundary issues through social media: Mr. B., a school counselor at Hawkeye High School, is following Michael on the social networking site Twitter. Michael is a current student he is working with who has been following Mr. B's professional Twitter to get updates about deadlines for upcoming career visits. Mr. B signs into his account to send an update out but notices that Michael has an interest in fishing, which is Mr. B's favorite hobby. Mr. B makes a comment directed towards Michael about his fishing experiences. Over the course of multiple posts, Michael and Mr. B exchange comments about who is better at fishing. Then, Michael misses his next advising appointment. Mr. B discovers from a teacher that Michael felt insulted and embarrassed by a comment Mr. B said regarding his fishing ability. Additionally, other students saw the postings and started to make jokes regarding the situation between Michael and Mr. B.

Defining dual relationships appears concrete; however, counselors do *not* always recognize their dual relationship with their students (Corey et al., 2011; Moleski & Kiselica, 2005). The unique context of social media may create dual relationships without the counselor's awareness. Thus, school counselors need heightened awareness of their online professional practices to prevent inappropriate relationships, which may involve frequent self-reflection and consultation (Brew, Cervantes, & Shepard, 2013; Moleski & Kiselica, 2005; Taylor, McMinn, Bufford, & Chang, 2010; Zur, Williams, Lehavot, & Knapp, 2009). In this case, Mr. B *should not* have been communicating with Michael in a non-professional manner through social media. Moreover, if a school counselor disseminates information via social media, they *should*

provide an alternative method for the student or parent/guardian to respond (i.e., email, telephone, face-to-face).

### **Student Confidentiality and Privacy**

Confidentiality and privacy are often intertwined, with privacy being a broader term (Glosoff & Pate, 2002), and cannot always be ensured in spite of their significance (Corey et al., 2011; Kress, Drouhard, & Costin, 2006; Lazovsky, 2008; Moyer & Sullivan, 2008). For example, when there are signs of abuse, neglect, or harm to self or others, counselors must take action to assure the welfare of the student that may result in the breaking of confidentiality (Lambie, 2005). Beauchamp and Childress (2001) define privacy as an individual's decision about whether to disclose or suppress information about oneself. That is, the individual has the right to decide on what to make public knowledge. In counseling, the establishment of trust involves the disclosure of relevant personal information, which the counselor is obligated to keep confidential and private unless it is pertinent for legal reasons (Glosoff & Pate, 2002). On the other hand, confidentiality is the assurance that a client's privacy is respected and nothing discussed is revealed unless it meets a specified condition (Glosoff & Pate, 2002).

Confidentiality and privacy can be applied to counseling relationships with ease. However, interactions on social media do *not* have an assumed privacy and confidentiality as a result of social media's public nature. Students share their postings and comments with anyone linked to their account, potentially including school counselors. In addition, students have an increased propensity to disclose personal information online (via social media) as compared to other forms of interactions (Hew, 2011; Suler, 2004). Therefore, school counselors, who assume confidentiality and privacy (ASCA, 2010), may engage in relationships via a medium (e.g., social media)

that assumes *no* confidentiality and privacy. When engaging in activities on social media school counselors *need* to identify the lack of confidentiality and privacy.

Otherwise, students may take for granted that content discussed online is private. In the case where a school counselor comes across information that requires mandated reporting, the student may feel a loss of trust in the relationship. Students may feel that their privacy is violated without clear communication of the parameters and policies regarding social media interactions. In addition, issues such as relationship status and recent social events may be appropriate for a school counselor to view but may be considered a private matter for the student. Therefore, if a school counselor views information that students and/or parents/guardians consider to be private, they may feel spied upon and lose trust in the relationship with the counselor.

The following is an example of a school counseling ethical dilemma regarding confidentiality and privacy. Ms. R., a school counselor at Stark Middle School, oversees the counseling department social networking page on Facebook. As students “like” and subscribe to the page, Ms. R can view their profile. One day, a student, Billy, liked the counseling department Facebook page. Ms. R looked at Billy’s profile and noticed in the hobbies section Billy’s listed boxing as a hobby. At the next counseling meeting, Ms. R mentioned she saw on Billy’s profile his interest in boxing and wanted to see how he started. Billy got anxious and then angry. He said that information is private and Ms. R had no right snooping. Billy threatened to stop coming to school if she ever told his parents about his interest in boxing because they do *not* approve.

When engaging in activities on social media, school counselors *should* identify the lack of privacy. Moreover, counselors should *not* use social media as a means to gain information about students that is otherwise private (e.g., search Facebook to see

if a student is skipping school). School counselors should educate and model appropriate interactions on social media through their intentional use of the medium. The public nature of social media may affect a student's life in ways that impact *not* only their counseling relationship but also other parts of their life (e.g., Internet reputation). However, students may *not* be aware of the public nature of social media (I-SAFE, 2010), and school counselors may need to provide education and guidance on the topic.

### **Professionalism and Responsibility to the Profession**

Professionalism of school counselors includes an awareness of their work-related image (VanZandt, 1990), compliance of legal, ethical, and professional standards of practice that guide the profession (ASCA, 2012b), and an underlying capacity for competency (Elman, Ildelder-Kaye, & Robiner, 2005). In addition, professionalism is the internal device that perpetuates and accompanies other forms professional standards (e.g., ethical codes). School counselors need to conduct themselves in a manner that promotes and enhances the counseling profession (e.g., ASCA, 2010, *Standard F.1.b*). Despite the medium of social media, school counselors should act appropriately in situations in which they may represent the profession by their actions or words (ASCA, 2010). Social media creates an open forum that could be used for appropriate disclosures that support positive feelings (e.g., competence) towards counselors (Mazer, Murphy, & Simonds, 2009), but caution must be taken because over-disclosure can impair student-counselor interactions (Henretty & Levitt, 2010). In addition, social media interactions may constitute a context in which school counselors are *not* only representing themselves, but also their counseling department, school, school district, and their profession. Furthermore, counselors have the ethical

obligation to act in a manner that “advance(s) individual ethical practice and the profession” (ASCA, 2010, *Standard F.1.b*, p. 6) when utilizing social media. Therefore, counselors need to be cognizant of their comments posted on social media sites as their words may be misinterpreted, impacting their reputation.

The following is a case example of professionalism in social media and school counselors: Mr. C., a counselor at Rogers Elementary School, who works with students in grades three through five. He manages a personal blog on education policy and publishes his name, title, and position as a school counselor to support his merit for the content. After changes to the yearly testing plans, Mr. R writes an emotional post that criticizes the district and the state for their new testing requirements. A parent of one of his students sees the posts and loses confidence in the district’s testing policy. Moreover, this parent wonders how much time Mr. R. dedicates to the students when he spends so much time critiquing the educational climate of the district.

Internet interactions may lead to an online disinhibiting effect, an increased susceptibility to reveal beliefs or thoughts that one would *not* say in a face-to-face interaction (Suler, 2004). Therefore, school counselors *should not* publicly communicate content that can damage their reputation, the reputation of the profession, or the reputation of other entities associated with their work as a counselor. Comments of a personal nature (e.g., politics, religion, and family) may be public through social media and school counselors *should* be cognizant of how they would be interpreted by the public. In addition, school counselors *should* examine the privacy setting they use on their personal social media sites to ensure that only their intended audience sees their information and postings.

## **Legal Considerations Related to Social Media and School Counselors**

As school counselors consider social media use, there are legal statutes to take into consideration. Laws are a form of legal directives that provide the minimum standards set forth by society (Alexander & Alexander, 2012; Stone, 2009). Alexander and Alexander (2012) noted that legal issues faced by counselors vary in interpretation by state. Hence, school counselors should familiarize themselves with their own state's laws and legal precedents that may be associated with interactions via social media.

### **Family Educational Rights and Privacy Act**

The *Family Educational Rights and Privacy Act* (FERPA; 1974), also known as the *Buckley Amendment*, defines and protects the handling of educational records for parents and students who are 18 years or older (Alexander & Alexander, 2012; Cheung, Clements, & Pechman, 1997; Merlone, 2005; Stone, 2009; U.S. Department of Education, 2007). Guardians of students who are under the age of 18 have the right to view, petition to change, and decide who has access to the student's educational records (Stone, 2009). In addition, students who are 18 or older while in school have similar rights in regards to their own records (U.S. Department of Education, 2005). In most cases, permission to release records must be in writing and signed by legal guardians (FERPA, 1974; Stone, 2009).

Caution should be taken in regards to student information. It is a violation of FERPA to post student identifying information and grades (Cheung et al., 1997). Sabella and colleagues (2010) found that school counselors report a high level of competency in determining alignment with FERPA regulations when using electronic communications. Nevertheless, school counselors need to be aware that social media sites are public and highly visible. Therefore, counselors should *not* post any content

online that could fall under these legal protections such as grades, discipline records, test scores, or involvement in counseling (Cheung et al., 1997; Stone, 2009). Such behaviors by counselors would be a FERPA violation if a guardian did *not* first authorize the release of information.

A case example of a FERPA violation on social media is as follows: Ms. R, a school counselor at Banner High School was excited to hear about Tina's perfect score on a biology test that Tina was nervous about. In response to this news, Mr. R posted a comment on the counseling department's Facebook page congratulating Tina for her perfect score. However, Tina did *not* want her peers to know she did this well and complained to the administrator about the posting.

Assuring the confidentiality of students' educational records is a critical responsibility for school counselors. School counselors should *not* post student educational records on social media because this public posting is a direct violation of the FERPA law. Moreover, school counselors should *not* use social media as a form of individualized communication but instead use social media for mass communication of general issues (e.g., school events) and encourage students or families to contact them through traditional means (e.g., email, telephone, and mail).

### **Duty to Warn and Protect**

Duty to warn is the responsibility of a school counselor to warn a third party of the danger of imminent threat (Baker & Gerler, 2007; Corey et al., 2011; Froeschle & Moyer, 2004; Isaacs, 1997; Kress et al., 2006). In other words, if a student threatens to harm another person and provides identifiable information, the counselor is responsible to warn the intended victim. The decision from *Tarasoff v. Regents of the University of California* set the precedent for the counselor's duty to warn (Baker & Gerler, 2007;



Corey et al., 2011; Isaacs, 1997). Corey and colleagues noted that duty to warn is based on the special relationship that the counselor has with the student and the specificity of the threat. Accordingly, if the counselor knows who the intended victim is and has the ability to warn him or her, the counselor must do so. The legality of the *Tarasoff* case is limited to the state of California (Corey et al., 2011); however, given the legal precedent, counselors are accountable, in many states, if they know a threat exists and do *not* attempt to prevent it.

The principle of duty to warn and protect may apply to the use of social media if the threat of harm to a student is posted in that forum, along with other disclosures of dangerous behavior. Moyer, Sullivan, and Growcock (2012) found that school counselors believe it is more ethical to break confidentiality to report risk-taking behaviors to administrators when they directly observed the behaviors as compared to a student's report. Moyer and colleagues' (2012) finding is disconcerting when you consider the potential for students to disclose information on social media (Lew, 2010). After a review of the literature, *no* legal precedent was found in terms of actions to take if a school counselor comes across a threat of harm through social media. In addition, there is *no* clear line delegating what falls under duty to warn and what does *not* in the context of social media. Therefore, we suggest that communication in social media be treated as if it had been shared in face-to-face communication. That is, if there is suspicion of harm to an individual that a counselor is privy to they have the ethical responsibility to take action. For example, Ms. S, a school counselor at Carter Middle School, was checking the school's blog and saw a comment posted by Henry, who has been angry with teachers and having trouble getting along with peers who were his friends. Henry's posting described intent to harm those who hurt him. In this case, duty

to warn would apply and appropriate steps should be taken to warn potential victims. The context of social media is unique but the communication of threats is the same.

### **Reports of Suicidal Ideation**

School counselors may be liable for a student's suicide if they had information about the risk beforehand (Corey et al., 2011), although liability is unlikely (Remley, & Sparkman, 1993). Further, school counselors should use reasonable means to attempt to prevent a suicide if notice is received about the student's intention (Stone, 2009) but their "only legal obligation is to practice in a competent manner" (Remley & Sparkman, 1993, p. 169). The *Eisel v. Board of Education* (1991) case outlines expected counselor actions. In this legal case, the school counselor did *not* report suspected suicidal intent after the student denied the reports, but the court determined the existence of a legal duty to prevent a student's suicide by informing the student's guardians of the potential for harm. Similarly, the case of *Wyke v. Polk County School Board* (1995) involved school staff failing to report suicide attempts at school to parents. The school was held liable for *not* attempting to prevent the incident (Corey et al., 2011).

School counselors *must* take suicidal ideation and threats seriously (ASCA, 2010), including threats made on social media. Given the prior legal precedent, school maintained sites might extend the school's responsibility depending on school and district policy and the method of posting. Again, limited legal guidance is available; however, counselors should operate from aspirational ethics and seek to reduce the opportunity for student harm (ACA, 2005; ASCA, 2010; Corey et al., 2011); thus, counselors must stay attentive to best practices regarding social media use and exercise their legal duty to report any suspected suicidal risk.

## **Mandated Reporting for Suspected Abuse and Neglect**

School counselors, as well as other educators, are mandated reporters for suspected abuse and neglect (Baker & Gerler, 2007; Bryant & Milsom, 2005; Lambie, 2005). School counselors must report incidents of suspected abuse or neglect, even if it involves the breaking of confidentiality (Baker & Gerler, 2007). Currently, no legal precedent was identified that addresses what counselors must do when information about suspected abuse or neglect originates from social media. Yet, if counselors received a link to a student's posting that describes abuse or neglect she or he experience at home, best practices dictate that the counselor would contact the proper authorities to report the information (Mitchell & Rogers, 2003). Furthermore, counselors must familiarize themselves with the specifics of state laws and statutes regarding the role of mandated reporters, as each individual state has slightly different laws and statutes (Alexander & Alexander, 2012; Stone, 2009).

## **Cyberbullying**

Currently, 46 states have anti-bullying laws (Stuart-Cassel & Bell, 2011; U.S. Department of Education, 2011). Of these states, 36 include a provision that prohibits cyberbullying, and 13 give schools the additional authority to address behavior that happens outside of campus if it influences the school by creating a substantial disruption (Stuart-Cassel & Bell, 2011; U.S. Department of Education, 2011). Bullying that takes place in the virtual environment (e.g., social media) is *cyberbullying* (Willard, 2003). Students are using social media in greater numbers; therefore, cyberbullying is also becoming more prevalent (Rigby & Smith, 2011). School counselors may encounter cyberbullying if the students they serve use social media (Hinduja & Patchin, 2009).

Students' right to free speech, which is protected under the United States Constitution, may impact addressing cyberbullying in school. Typically, schools cannot restrict a student's right to free speech as demonstrated by the Supreme Court case *Tinker v. Des Moines Independent Community School District* (1969), which determined that schools cannot restrict that right, *unless* those views significantly disrupt the school's operation or infringes on the rights of other students. For example, a student using an off-campus computer to make fun of the school principal on a social networking site is *not* cause for discipline (as in *Layshock v. Hermitage School District*, 2011). Conversely, a student posting comments outside of school that include direct physical threats to a teacher does *not* fall under *free speech* and *is* cause for discipline (as in *J.S. v. Bethlehem Area School District*, 2002). These are state-level cases, however, and legal precedent for addressing cyberbullying is unclear in most areas. Counselors need to be aware of bullying laws in their states and whether their school and/or district has jurisdiction over cyberbullying that occurs both inside and outside of school grounds.

### **Children's Online Privacy Protection Act**

The *Children's Online Privacy Protection Act* (COPPA; Children's Online Privacy Protection Act, 13 U.S.C. §§ 1301–1308) should be considered when utilizing social media with students (O'Keefe & Clarke-Pearson, 2011). COPPA protects children under the age of 13 from having personal information collected or stored through online sources (Electronic Code of Federal Regulations, 2012). To protect children, many sites such as Facebook restrict their users to individuals over 13, which is important for school counselors who work with students under the age of 13. Therefore, school counselors who work with students who are under the age of 13 should *not* encourage

the use of social networking sites that incorporate storage of personal information. Next, we offer practical recommendations related to social media and school counselors.

### **Practice Strategies to Promote School Counselors' Ethical Transactions on Social Media**

There is an increasing use of social media in education. Sabella and colleagues (2010) suggest regarding school counselors' use of technology, "ethics is largely about literacy rather than competence or efficacy" (p. 616). Therefore, we offer practical ethical and legal considerations for school counselors. The following section presents best practice strategies for school counselors' interactions with social media.

#### **Ethical Dilemmas on Social Media**

The act of communication is common; but communicating in the *context of social media* is unique. Consequently, school counselors need to apply ethical standards and legal statutes to their professional activities in the context of social media. However, the unique context of social media brings added uncertainty to interactions. Nonetheless, school counselors can utilize traditional forms of ethical and legal resolution strategies in this context. For example, ASCA (2010) encourages counselors to implement *Solutions to Ethical Problems in Schools* (STEPS) decision-making model when faced with ethical or legal dilemmas. The STEPS decision-making model provides nine specific steps school counselors may employ to resolve ethical concerns. Counselors can apply STEPS to any dilemma encountered while engaging in social media. Step four of STEPS asks counselors to consider the setting that the dilemma took place. For social media, the setting is unique and takes additional emphasis in the dilemma resolution. In addition, in accordance with step eight, we suggest school counselors include a consultant familiar with the context of social media to support efficacy of the

decision. That is, the consultant should have experience working in social media, in a professional manner, to draw upon their experience to help conceptualize a resolution. Ideally, counselors take preemptive measures to limit the need to react to ethical or legal problems; but, if they do occur, the STEPS decision-making model can be implemented to reduce negative consequences.

### **Social Media Policy**

School counselors help guide policy development that supports the ethical use of technology to aid in supporting students' holistic development (ASCA, 2012a, 2012b; Sabella & Broker, 2003). Therefore, school counselors need to assist in developing policies for potential and prescribed interactions on social media that take place between educators, students, and families. Social media policies can guide school and district efforts to connect with students' families and stakeholders (Lehavot et al., 2010). Counselors should consult with school administration and/or district legal staff (e.g., school district lawyer) regarding any established district policies involving interactions with students through Internet technologies to ensure any developed policies align with existing procedures. Moreover, counselors should become familiar with state and district rules regarding the use of Internet technologies with students and parents and/or guardians. In addition, counselors can develop individual or departmental policy statements to communicate and define appropriate social media interactions for students and parents. Counselors should develop and implement these policies with the collaboration of their school administration and other personnel (if necessary). Nevertheless, these policies are *not* legal documents; however, the established policies communicate boundaries and expectations for social media interactions.

All forms of communication with students and families should be clear, succinct, and logical (ASCA, 2010). Policies that communicate a clear understanding of appropriate social media interactions include the following topics: (a) general policy on social media use; (b) confidentiality and privacy (e.g., what requires a school staff to intervene); (c) discouragement of inappropriate transactions (e.g., harassment, bullying, inappropriate language, etc.); (d) availability of school staff on social media; (e) an explanation of roles and relationships on social media; and (f) what will happen if there is a violation of the policy (see the Appendix for a sample policy). Furthermore, social media policies should be kept up-to-date and reviewed periodically to assure the policy aligns with the school culture. Although a policy may offer clear communication of the school's involvement in social media, there is limited legal groundwork to mandate compliance. A dearth of case law or legislation supports schools' enforcement of online policies. Fortunately, counselors can operate from an aspirational ethical viewpoint (Herlihy & Corey, 2006) and aim to offer ethical practice that is higher than mandatory law practice (Remley & Herlihy, 2007). Therefore, the development of a policy creates a clear foundation from which counselors can foster ways to work with students and families through social media.

### **Best Practice Standards**

Unfortunately, social media presents unclear parameters for school counselor interactions. Any use of social media should be applied with a complete awareness of the aforementioned ethical and legal considerations. Consequently, we recommend the following strategies to support school counselors' best practice in their interaction with students and other stakeholder on social media based on existing literature (adapted from Birky & Collins, 2011):

- School counselors should consult with their principal regarding any unclear or uncertain transactions on social media involving students (Birky & Collins, 2011; Phillips et al., 2011).
- School counselors should never use social media to investigate a student's or a family's personal life without obtaining their permission. Doing so would constitute an invasion of that student's privacy. If there are presenting concerns they should be communicated directly to the student or parent (Birky & Collins, 2011; Kaplan et al., 2011; Lehavot et al., 2010).
- School counselors should give detailed consideration of the content or messages communicated on social media so as to *not* violate confidentiality, privacy, or FERPA. Communication via social media should be to disseminate information in a professional manner. School counselors should *not* communicate in a non-professional manner (e.g., use of informal language; Brew et al., 2013; Birky & Collins, 2011; Kaplan et al., 2011; Mazer, 2009).
- In any instance that a student, parent/guardian, or other school stakeholder requests a personal social media connection, the school counselor should initiate a discussion with this individual regarding the requested connection with the intent to set clear boundaries. Responding to their request serves to communicate the interactional roles between the counselor and the involved party (Brew et al., 2009; Birky & Collins, 2011; Lehavot et al., 2010; Phillips et al., 2011).
- School counselors should create learning opportunities (e.g., psychoeducation, parent information sessions, or professional development) for students, families, and school staff regarding social media and Internet technologies when these



tools are used (Heiberger & Junco, 2011; Phillips et al., 2011; Sabella et al., 2010; Taylor et al., 2010).

- School counselors should periodically (e.g., quarterly, bi-annually, or yearly) self-inspect their online presence searching for anything that students may be able to locate on social media (Brew et al., 2009; Kaplan et al., 2011; Taylor et al., 2009; Zur et al., 2009).
- School counselors should take into account how they may represent their school and the counseling profession with comments they post or communicate on social media (Brew et al., 2009; Birky & Collins, 2011; Taylor et al., 2009).
- School counselors who use social media with students, parents/guardians, or other school stakeholders should consider creating a separate professional account for this interaction. This separate professional account would *not* contain any information that is of personal nature (Brew et al., 2009; Birky & Collins, 2011; Phillips et al., 2011).

### **Conclusion**

School counselors use innovative strategies to support student development (ASCA, 2012a, 2012b). In doing so, counselors must abide by the law and ethical codes that protect *not* only the students they serve, but the profession as a whole (ASCA, 2010). School counselors also build connections with students, students' families, and community stakeholders; social media may enhance communication with these parties (ASCA, 2012b; Sabella & Broker, 2003). Technology, specifically social media, is a resource that may support the counselor's ability to work and communicate with students and families. Moreover, the use of social media is increasing in use; therefore,

it is likely that school counselors, if *not* already, will engage students through this social media or some form of Internet technology at some point in their career.

Unfortunately, limited guidance exists on the ethical and legal issues associated with school counselors' use of social media. Therefore, we reviewed prevalence of social media, introduced ethical and legal considerations regarding social media, and offered best practice strategies for social media interactions. School counselors need to continue to seek ethical soundness in their work with students, families, and other stakeholders. Future research is warranted on several topics regarding social media, including social media's impact on student success, counselor-client-family communication, parental involvement, and cyberbullying. Furthermore, efforts should be made to educate school counselors and school counselors-in-training about social media with the aim to assure its effective, efficient and ethical use (Taylor et al., 2010). Social media is a growing phenomenon that has the potential to revolutionize the ways in which counselors work with students, families, and community stakeholders. Nevertheless, counselors must take into considerations the ethical and legal issues related to the use of social media.

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## Appendix: Sample Social Media Policy

### Social Media and e-communication policy for the School Counseling department at *Scholars High School*

This document articulates the policy for the school counseling department at Scholars High School. As professional school counselors, we adhere to the ethical standards of the American School Counselor Association and the American Counseling Association.

#### Policy Statement

The school counseling department at Scholars High School does *not* engage in social media with the goal of engaging youth or family members in a non-professional manner. In fact, the school counselors at Scholars will *not* engage on social media with a student or a student's family member in any manner that is *not* professional in nature.

#### Confidentiality and Privacy

The content and exchange of information in social media is *NOT* confidential or private. Students and families should be aware that:

- ❖ School staff may report information that is harmful or inappropriate to school personnel or parents/guardians of involved students.
- ❖ Online profiles are public and accessible. *DO NOT* post information that is private or is of a personal nature.

#### Inappropriate Transactions

Students and staff (counselors) will *not* engage in any inappropriate transactions on social media. Inappropriate transactions include: bullying, inappropriate language, harmful comments, or other degrading or insulting actions. Any inappropriate interaction will result in being dismissed from participation in social media activity.

#### Availability of School Counselors

School counselors are available during normal school operating hours. Any attempt to communicate during non-school hours will *not* be responded to by the counseling staff.

#### Relationships on Social media

Any student and school counselor interaction through the school social media tools is in a professional nature. School counselors will *not* engage in relationships other than professional ones.

#### Violations of this Policy

Any violations of this policy or inappropriate interactions, as deemed by school administration, will result in the participant being removed from the [*name of site being referenced*] immediately. Social media provides an opportunity to communicate in a unique manner but if there is a violation of this policy this opportunity will be rescinded. In addition, all violations of this policy will be documented and recorded in case of future on-campus investigations related to the violation. Online interactions may be used better inform school counselors and administrators about on campus problems. If you suspect anyone of inappropriate use of social media, please report it to \_\_\_\_\_.

## Biographical Statements

Patrick R. Mullen is a doctoral candidate at the University of Central Florida (UCF). He completed his MA in counselor education – school counseling at UCF. Mr. Mullen has worked as a school counselor in multiple settings, including alternative education settings for six to 12th grade students. In addition, Mr. Mullen has worked as a mental health counselor in a multitude of settings and specialties. Mr. Mullen's areas of research interest include (a) counselor education and supervision, (b) professional school counseling, and (c) effective interventions for children and adolescents.

Catherine Lamb earned her MA and credential in school counseling at Chapman University and is currently a doctoral candidate in counselor education at the University of Central Florida. Passionate about how emerging technology can be integrated into our schools to provide innovative student support, she has educated students and parents on helpful online resources, Internet safety, and cyberbullying. She has also offered a professional development seminar entitled *Cyber Savvy Counselors*, and presented a session at the American School Counselor Association's annual conference entitled *Internet Reputation: Helping Students Protect Their Futures in the Digital Age*.

Jennifer Greene completed her M.Ed. and Ed.S. in school counseling at Georgia State University. She worked as a school counselor in an international school with diverse students. She saw the benefits of integrating technology into classrooms. She also saw the concerns of parents and teachers as students navigated the world of social media and helped students to make safe choices. Jennifer is currently a doctoral candidate at the University of Central Florida with research interests in school

counseling and multicultural counseling competence. She is also interested in ethics and the impact of technology on the counseling field.

Dr. Glenn Lambie is an associate professor at the University of Central Florida (UCF) and serves as the school counseling program director for the UCF counselor education & school psychology program. He has practiced in the field of counseling for 18 years, including work as a licensed professional counselor, marriage and family therapist, and professional school counselor. Dr. Lambie has received multiple university, regional, and national awards that recognize his scholarship, research, and service to the profession. Additionally, Dr. Lambie has served on the editorial boards for the national refereed journals, *Professional School Counseling*, the *Journal of Counseling & Development*, and *Counselor Education & Supervision*. Dr. Lambie's areas of research interest and expertise include (a) professional school counseling, (b) counselor development and supervision, and (c) counseling children and adolescents.