

USE OF AN ONLINE ELECTRONIC COMMUNITY TO EXAMINE SYSTEMATIC  
ETHICAL-LEGAL DECISION MAKING BY SCHOOL PSYCHOLOGISTS

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This project is dedicated to my friends and family  
who have supported me during this journey.

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## ABSTRACT

### USE OF AN ONLINE ELECTRONIC COMMUNITY TO EXAMINE SYSTEMATIC ETHICAL-LEGAL DECISION MAKING BY SCHOOL PSYCHOLOGISTS

by Ashley Nichole Dailor

Consensus now exists that ethics, legal aspects of practice, and a problem-solving model need to be explicitly taught during graduate training. Use of a systematic problem-solving strategy also allows a practitioner to describe how a decision was made, which may afford some protection if difficult decisions are later challenged and scrutinized by others. Furthermore, a systematic decision-making model can be helpful in anticipating and preventing problems from occurring (Dailor & Jacob, 2008).

In her 2007 study, Dailor asked survey respondents to identify the types of problem solving strategies they used when handling difficult situations in the previous year. Less than one-quarter of respondents who had experienced at least one ethically challenging situation during the last year reported using a systematic decision-making model; however, two-thirds reported consulting with colleagues when faced with a difficult situation. Although peer consultation was the most frequently selected problem-solving strategy, there is little research in school psychology about the use of peer consultation to resolve ethical problems. Reliance on peers may be beneficial if the person being consulted is knowledgeable about the topic and if that professional also employs exemplary practice skills (Koocher & Keith-Spiegel, 1998). However, there is always a risk that the peer with whom a practitioner chooses to consult does not have the necessary knowledge and as a result, the advice given may be more detrimental than helpful.

The purpose of this study was to investigate whether a National Association of School Psychologists (NASP)-sponsored online discussion group focusing on ethical-legal issues was

perceived by users as helpful in addressing ethical-legal issues. The electronic discussion group was open to any school psychologist whether or not they were a member of NASP, and provided a forum where ethical-legal concerns that arose on the job could be presented and discussed.

Information was obtained from two online discussion groups, the Ethics and Law group created for this study and the NASP group, which was previously in existence. Overall, and consistent with Dailor (2007), a very small percentage of responses directly or indirectly referred the initial poster to one or more steps of the problem-solving method. Responders were much more likely to provide advice than directing the original message poster to examine whether they had gone through steps of problem solving. When considering responses based on the categories used in Babinski, Jones, & DeWert (2001), responders were more apt to provide information in any of the five broad categories (fostering a sense of community, providing advice, sharing knowledge, relating a personal experience, and encouraging reflection) than suggest steps of a problem-solving model. Sharing Knowledge was the most common broad category addressed by responses. This included providing information, giving an opinion based on experience, or providing empirical evidence such as cited research or legal/ethical code citations.

Implications for this study include understanding how to expand the utilization of an electronic communication format for both training and consultation in a way that promotes systematic problem solving. The advancement of technology and the ability to instantly connect to large groups of other professionals may provide a new resource for ethics education. Not only do the electronic methods of communication provide tools for consultation and education, but they are also a new area that needs to be addressed in training programs so professionals are aware of the potential downside to using technology to discuss delicate issues. With so many individuals relying on electronic mail, text messages, and other electronic forms of

communication, it is important to understand how to positively and safely use of these forms of communication in order to uphold professional ethic standards and expectations.

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## CHAPTER I

### INTRODUCTION

To build and maintain public trust in school psychologists and psychology, practitioners must be sensitive to the ethical components of their work, knowledgeable of broad ethical principles and rules of professional conduct, and committed to a proactive stance in ethical thinking and conduct. The field of school psychology has demonstrated a long-standing commitment to supporting and encouraging appropriate professional conduct. Both the American Psychological Association (APA, 2002) and the National Association of School Psychologists (NASP, 2000a, NASP, 2000b, NASP 2010a, & NASP 2010c) have adopted codes of ethics. These codes serve to protect the public by educating practitioners about the boundaries of appropriate conduct and assisting professionals in monitoring their own behavior (Koocher & Keith-Spiegel, 2008). Each organization supports an ethics committee that responds to informal inquiries about ethical issues, investigates complaints about possible ethics violations by its members, and imposes sanctions on violators. Both also support activities designed to educate school psychologists about appropriate professional conduct (Jacob, Decker, & Hartshorne, 2011). Unlawful conduct by a practitioner also can result in loss of certification or licensure to practice.

Three broad types of ethical-legal problems arise in professional practice: ethical dilemmas, ethical transgressions, and legal difficulties. *Ethical dilemmas* occur when “there are good but contradictory ethical reasons to take conflicting and incompatible courses of action” (Knauss, 2001, p. 231). Dailor (2007) surveyed a nationally representative sample of public school psychology practitioners ( $N = 208$ ) and found that almost three-fourths of the respondents indicated they had encountered at least one of eight types of ethical dilemmas within the

previous year. *Ethical transgressions or violations* are those acts that go against expectations for ethical conduct and violate professional codes of ethics. Dailor (2007) found that more than 90% of the respondents in her sample had witnessed at least one type of ethical transgression by a school psychologist within the past year. *Legal difficulties* include lawsuits against the school or practitioner. Legal difficulties can also include questions regarding whether the school psychological services provided are in compliance with state and federal law.

Consensus now exists that ethics, legal aspects of practice, and a problem-solving model need to be explicitly taught during graduate training. Mastery of an explicit decision-making model may help the practitioner make informed, well-reasoned choices when dilemmas arise in professional practice. Use of a systematic problem-solving strategy also allows a practitioner to describe how a decision was made, which may afford some protection if difficult decisions are later challenged and scrutinized by others. Furthermore, a systematic decision-making model can be helpful in anticipating and preventing problems from occurring (Jacob, Decker, & Hartshorne, 2011).

Dailor (2007) asked her survey participants to identify the types of problem solving strategies they used when handling difficult situations in the previous year. Less than one-quarter of respondents ( $N = 161$ ) who had experienced at least one ethically challenging situation during the last year reported using a systematic decision-making model; however, most (66%) reported consulting with colleagues when faced with a difficult situation. Although peer consultation was the most frequently selected problem-solving strategy, there is little research in school psychology about the use of peer consultation to resolve ethical problems. Reliance on peers may be beneficial if the person being consulted is knowledgeable about the topic and if that professional also employs exemplary practice skills (Koocher & Keith-Spiegel, 1998). However,

there is always a risk that the peer with whom a practitioner chooses to consult does not have the necessary knowledge and as a result, the advice given may be more detrimental than helpful.

Creation of an Internet-based discussion group that specifically addresses ethical-legal issues was thought to be a way to provide school psychologists with access to colleagues who have greater expertise in ethics and law, and could be particularly useful for beginning practitioners, those who work in isolated areas, and for situations in which practitioners do not feel comfortable discussing concerns with colleagues in their work setting. The purpose of this study was to investigate whether a NASP-sponsored online discussion group focusing on ethical-legal issues was perceived by users as helpful in addressing ethical-legal issues. The electronic discussion group was open to school psychologists and provided a forum where ethical-legal concerns that arose on the job could be presented and discussed. Experts in ethics, law, and professional issues were invited to participate. More specifically, the study explored whether online consultation was perceived to be beneficial by users; whether the discussion group encouraged use of a systematic decision making model; and whether those who accessed the discussion group reported feeling less professional isolation.

## CHAPTER II

### REVIEW OF THE LITERATURE

Due to the inherent complex nature of school psychology practice, it is vital that school psychologists have the skills to successfully navigate a wide variety of challenging ethical-legal situations. The present review describes the types of ethical issues faced by school psychologists; summarizes current thinking about how to train practitioners and promote continued professional development in ethics and law; describes the problem-solving strategies reported by practitioners; and summarizes literature on the use of online consultation to support sound professional practices.

#### Ethically Challenging Situations

As noted previously, three broad types of ethical-legal problems arise in professional practice: ethical dilemmas, ethical transgressions, and legal difficulties. Dailor (2007) conducted a survey of various types of ethical difficulties that practitioners face in their daily work. Legal issues were not addressed in her study. Dailor's 2007 survey and findings are described here. Knauss (2001) defines an *ethical dilemma* as a situation in which sound reasons exist to choose alternative but incompatible courses of action. Dilemmas may be created by situations involving competing ethical principles, conflicts between ethics and law, the conflicting interests of multiple clients, dilemmas inherent in the dual roles of employee and pupil advocate, or because it is difficult to decide how broad ethics code statements apply to a particular situation (Dailor, 2007; Jacob-Timm, 1999). Some dilemmas are quickly and easily resolved; others are more troubling and time-consuming (Sinclair, 1998).

Dailor (2007) mailed pre-survey letters to a random sample of 400 members of the National Association of School Psychologists (NASP) who were employed in the public schools. After receiving the pre-survey letter, four respondents asked to be removed from the participant list. Questionnaire packets were mailed to the remaining 396 potential participants, and the return rate for usable questionnaires was 52% ( $N = 208$ ). The demographic characteristics of the resulting sample were similar to those reported in two other contemporary studies (Curtis et al., 2007; Debski, Spadafore, Jacob, Poole, & Hixson, 2007) suggesting that the study sample was representative of NASP-affiliated school-based practitioners.

*Ethical dilemmas* occur when there are compelling reasons to take incompatible courses of action. These situations can be difficult for school psychologists who continually strive to make good decisions. Dailor's (2007) study sought to determine how frequently practitioners faced eight specific types of ethical dilemmas within the previous year. Almost three-quarters of the respondents indicated they had encountered at least one of the eight types of ethical dilemmas within the previous twelve months. Of those, almost two-thirds had experienced at least two types of dilemmas, with a maximum of all eight being reported by two individuals. The ethical dilemma experienced by the largest percentage of respondents (about one-third) was determining whether to contact child protective services. About one-quarter of respondents experienced the dilemma of deciding what information to disclose to the parents of a minor who is engaging in risky behavior; similarly, 25% were conflicted about how to address unethical conduct by another school psychologist. The dilemma of balancing a parent request to view test protocols with the obligation to maintain test security was reported by 23% of the respondents.

*Ethical transgressions or violations* are those acts that go against expectations for ethical conduct and violate professional codes of ethics. Ethical transgressions can result in harm to

students or other clients and create a problematic situation for colleagues who must decide whether and how to confront the misconduct. Unethical conduct also may result in a complaint to NASP or APA and sanctions for ethics code violations. Dailor (2007) gathered information regarding the occurrence of 34 different possible ethical transgressions, representing nine different categories. She found that more than 90% of the respondents in her sample had witnessed at least one type of ethical transgression by a school psychologist within the past year, with respondents reporting an average of nine transgressions observed in the past year.

Transgressions falling within the category of assessment practices were the most frequently reported type of ethics violation, with more than three-fourths of the sample witnessing at least one type of assessment transgression within the last year. Considering that many school psychologists spend at least half their time conducting assessments (Fagan, 2002), it is not surprising that a large portion of the sample encountered problems in this area. Also, codes of ethics are relatively well-developed in the area of assessment as compared to some other areas of practice (Jacob et al., 2011), which may make it easier for practitioners to identify ethical transgressions of this type.

The second most frequently occurring category of ethical transgression involved interventions, reported by slightly more than three-fourths of respondents. Failure to follow up on an intervention to ensure it was effective was the most frequently reported transgression within the intervention category, witnessed by almost three-fourths of respondents. The results of Dailor's (2007) study thus suggest that after school psychologists make intervention recommendations, they often do not fulfill their obligation to contact teachers or parents to confirm that an intervention was implemented correctly, to monitor progress, and to ensure that the suggested intervention continued to be appropriate.

Beyond gathering data on the frequency of ethical transgressions and dilemmas, Dailor (2007) also sought to identify types of ethical issues of most concern to school-based practitioners. Respondents were asked to rank their top three ethical concerns from 16 options. Interestingly, the ethical issues of most concern to practitioners were somewhat different from the transgressions and dilemmas that are most commonly experienced. Assessment concerns, which were the type of transgressions most frequently encountered, was ranked in the top three concerns by only 27% of respondents. Intervention concerns were ranked in the top three by only 12% of respondents. Consistent with findings reported by Jacob-Timm (1999), coping with administrative pressure to act unethically was ranked as the number one ethical concern by slightly more than one-quarter of the respondents, and as one of the top three concerns by almost half of the sample. While those with fewer years of work experience had more difficulties in this area, it seems to be of concern to a large proportion of the respondents. Another concern ranked among the top three was the use of unsound educational practices. School psychologists typically receive significant training in evidence-based instructional techniques and academic and behavioral interventions (NASP, 2000a, NASP, 2000b, NASP 2010a, & NASP 2010c). School psychologists are likely to experience “ethical tugs” when instructional techniques that research has shown to be ineffective are nevertheless accepted or encouraged by others in their work setting.

## Training in Ethics and Law

In this section, current thinking about how to train school psychologists and promote continued professional growth in ethics and law is summarized.<sup>1</sup> As will be apparent, achieving and maintaining expertise in the ethical-legal aspects of the delivery of school psychology services requires opportunities for supervised practice and discussion that extends well beyond graduate school preparation. Creation of an electronic mailing list discussion group is one potential mechanism that has begun to be used to provide opportunities for trainees, practitioners, trainers, and experts to continue to gain knowledge and competence in this important domain (Babinski et al., 2001).

Two paradigms describe how students and new practitioners develop ethical competence: the acculturation model (Handelsman, Gottlieb, & Knapp, 2005) and a stage model (Dreyfus, 1997; also see Harvey & Struzziero, 2008). Handelsman et al. (2005) describe ethics training of psychology graduate students as a dynamic, multi-phase acculturation process. They suggest that psychology, as a discipline and profession, has its own culture that encompasses aspirational ethical principles, ethical rules, professional standards, and values. Students develop their own “professional ethical identity” based on a process that optimally results in an adaptive integration of personal moral values and the ethics culture of the profession. Trainees who do not yet have a well-developed personal sense of morality, and those who do not understand and accept critical aspects of the ethics culture of psychology, may have difficulty making good ethical choices as psychologists (Jacob et al., 2011).

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<sup>1</sup>Portions of this section on training previously appeared in Dailor, A.N., & Jacob, S. (2010).

One-way to describe the development of ethical understanding is through the stage model described by Dreyfus and Dreyfus (1991). Their stage model defined a process whereby practitioners progress through five levels: novice, advanced beginner, competent, proficient, and expert. In foundational coursework, instruction focuses on teaching the basic principles and rules for decision-making and heightening awareness of the ethical-legal aspects of situations. For this reason, *novice* practitioners are rule-bound and slow to make decisions. With some experience in applying rules of practice, *advanced beginners* become more capable of identifying multiple aspects of a complex situation and taking context into account, but they are still focusing on technical mastery of their skills. *Competent practitioners* are better able to identify key elements of a situation, see relationships among elements, recognize subtle differences between similar situations, balance skills and empathy, and consider the long-term effects of their decisions. However, because they are more skilled in considering relevant elements, competent practitioners are at times overwhelmed by the complexity of real-world problems. Practitioners who are *proficient* recognize situational patterns and subtle differences more quickly and they are able to prioritize elements in decision making more effortlessly. Because proficient practitioners no longer need to study the elements of a situation and deliberate on alternatives, they may not be conscious of the knowledge and thinking processes that provide the foundation for choices. Finally, because of many experiences with diverse situations, *experts* are able to rely on past decisions to inform future decisions, base decisions on subtle qualitative distinctions, and often have an intuitive grasp of what needs to be done without extensive analyses. Based on their review of research on expert performance, Ericsson and Williams (2007) suggested that expertise involves mastery of complex skills acquired by early-supervised practice coupled with deliberate practice over an extended period of time, usually ten years.

Prior to the late 1970s, the training of school psychologists in ethics and law often occurred only in the context of practica and internship supervision (Handelsman, 1986). A shortcoming of this approach, however, is that student learning is limited by supervisor awareness and knowledge of ethical-legal issues and the types of situations encountered in the course of supervision. Consensus now exists that ethics, legal aspects of practice, and a problem-solving model need to be explicitly taught during graduate training (Haas, Malouf, & Mayerson, 1986; Jacob et al., 2011; Tryon, 2001; Tymchuk, 1985). Both NASP and APA graduate program training standards require coursework in professional ethics. NASP's *School Psychology: A Blueprint for Training and Practice III* identifies competence in professional, legal, ethical, and social responsibility as a foundational domain that permeates all areas of practice (Ysseldyke et al., 2006,).

Growing professional support also exists for a *planned, multi-level approach* to training in the areas of ethics and law (Conoley & Sullivan, 2002; Fine & Ulrich, 1988; Meara, Schmidt, & Day, 1986). In her national survey, Dailor (2007) asked school psychology practitioners to describe their graduate school preparation in ethics. More specifically, respondents were asked to indicate whether they had completed a course in ethics, whether ethical issues were discussed in multiple courses, and whether ethical issues were addressed during practica and internship. Slightly more than half of the respondents (55%) had completed course(s) in ethics as part of their graduate training.

Tryon (2000) and others (Jacob-Timm, 1999) recommended that formal coursework in ethics and law be required at the beginning of a graduate training to prepare students to participate in discussions of ethical and legal issues throughout their program. Because laws as well as professional codes of ethics regulate many aspects of school-based practice, Jacob et al.

(2011) recommend integrated rather than separate instruction in ethics and law. Practitioners are ethically obligated to know and respect federal and state law and school policies; furthermore, key concepts such as *privacy*, *informed consent*, and *confidentiality* have roots in both law and ethics. A foundational course can introduce students to broad ethical principles, codes of ethics, the major provisions of federal law pertinent to practice, significant relevant court rulings, and an ethical-legal decision making model. Knowledge of the major provisions of federal law provides a cognitive framework for students to build on when they are required to read and apply state regulations during practicum and internship. In addition, Handelsman et al. (2005) recommend that early coursework include activities to heighten self-awareness of personal values and beliefs. This might can include asking students to write an ethics autobiography where an individual reflects on personal, family, and cultural values and what it means to be an ethical professional (Jacob et al., 2011).

As noted previously, experts in the field of ethics education generally agree that a problem-solving model should be explicitly taught during graduate training (Haas et al., 1986; Handelsman, 1986; McNamara, 2008; Tryon, 2001; Tymchuk, 1985; Williams, Armistead, & Jacob, 2007). Eberlein (1987) and others (Kitchener, 1986; Knapp & VandeCreek, 2006; Tymchuk, 1985) suggest that mastery of an explicit decision-making model may help the practitioner make informed, well-reasoned choices when dilemmas arise in professional practice. Tymchuk (1985) noted that use of a systematic problem-solving strategy also allows a practitioner to describe how a decision was made, which may afford some protection if difficult decisions are later challenged and scrutinized by others. Furthermore, a systematic decision-making model can be helpful in anticipating and preventing problems from occurring (Sinclair,

1998). Use of a decision model also may help practitioners chose an appropriate course of action in response to societal, technological, or other changes that create ethical-legal concerns.

A foundational course also can provide opportunities for students to apply what they are learning about the ethical-legal aspects of practice by role-playing difficult situations and analyzing case incidents, experiences that are likely to help foster a transition from novice to advanced beginner. Jacob et al. (2011) and Williams et al. (2007) recommended that students be given multiple case vignettes to analyze using a problem-solving model. Individual or small group problem solving followed by class discussion is an excellent way to engage trainees in learning. As students challenge each other to take into account relevant ethical principles, legal issues, and salient cultural factors, and to consider the parties potentially affected by a decision, they are likely to become more sensitive to the ethical-legal components of problem situations, aware of their own values and standards and those of others, and more skilled in analyzing complex situations (see Williams et al., 2007 for a collection of case vignettes).

A number of ethical decision making models have appeared in the literature (Cottone & Claus, 2000; McNamara, 2008; Koocher & Keith-Spiegel, 1998). Although many appear useful, only limited research has explored whether use of a decision-making model improves the quality of practitioner choices (Cottone & Claus, 2000). Gawthrop and Uhlemann (1992) found that undergraduate students who received specific instruction in ethical problem solving demonstrated higher quality decision making in response to a case vignette than students who had not received the instruction.

A graduate course in ethical and legal issues provides a foundation for subsequent training, but it is not necessarily sufficient to achieve desired practitioner competencies in ethics and law. If students only have one course, they may not be prepared to apply this knowledge

across various domains of practice (Dreyfus, 1997; Meara et al., 1996). Tryon (2000) and others (e.g., Jacob et al., 2011) have suggested that, in order for students to progress beyond the stage of advanced beginner, discussion of ethical-legal issues associated with diverse situations and professional roles must be a component of coursework in assessment, academic remediation, behavioral interventions, counseling, and consultation. For this reason, Tryon (2000) recommended that all faculty working with graduate students discuss ethical issues related to their specialty area. Dailor (2007) found that about half of her survey respondents (54%) reported that ethics were taught in multiple graduate classes.

Supervised field experiences provide a vitally important opportunity for students to apply their knowledge to multiple real-world situations (Harvey & Struzziero, 2008). As noted previously, Dreyfus (1997) suggests that experience with multiple situations is necessary to achieve a high level of competence in a problem-solving domain. Similarly, Ericsson and Williams (2007) observed that expertise involves mastery of complex skills acquired by early-supervised practice, and deliberately practiced over an extended period of time. With appropriate supervisory support, internship is “a prime time to develop ethical frameworks that will be useful throughout a professional career” (Conoley & Sullivan 2002, p. 135). Consistent with this view, most of the respondents in Dailor’s study (70%) indicated that ethics were addressed in practicum/internship. Field and university based practica and internship supervisors consequently have a special obligation to model sound ethical-legal decision making, and to monitor, assist, and support supervisees as they first encounter real-world challenges (Conoley & Sullivan, 2002; Handelsman et al., 2005; Harvey & Struzziero, 2008). Analysis of vignettes is an excellent way to extend discussion of problem solving beyond situations that arise during field experiences (Williams et al., 2007).

Dailor (2007) defined “multi-level university-based ethics training” to mean that respondents reported receiving all three levels of ethics training during graduate study: coursework in ethics, discussion of ethical issues in multiple courses, and supervised discussion of ethical issues in practica and internship. Although growing professional support exists for a planned, multi-level approach to graduate preparation in ethics, only 24% of the respondents in Dailor’s study reported receiving such training. Dailor also asked survey participants to identify the types of problem solving strategies they used when handling difficult situations in the previous year. Less than one-quarter of respondents reported using a systematic decision-making model. However, respondents who had received multi-level university training were more likely to report use of a systematic decision model than those who had not received multi-level ethics preparation. Use of a systematic decision making procedure was not associated with degree level (doctoral vs. non-doctoral).

Only a few empirical investigations of the effectiveness of formal ethics training have appeared in the literature (Tryon, 2001; Welfel, 1992). Baldick (1980) found that clinical and counseling interns who received formal ethics training were better able to identify ethical issues than interns without prior coursework in ethics. Tryon (2001) surveyed school psychology doctoral students from APA-accredited programs and found that students who had taken an ethics course and those who had completed more years of graduate study felt better prepared to deal with the ethical issues presented than those who had not taken an ethics course and who had completed fewer years of graduate education. Student ratings of their preparedness to deal with the issues presented in the survey were positively associated with the number of hours of supervised practicum experience completed. More recently, Dailor (2007) found an association between university training and practitioner self-report of preparedness to handle ethical issues

on the job, with those who had received multi-level university preparation in ethics reporting higher levels of preparedness to handle ethical issues. Preparedness was not associated with degree level (doctoral or non-doctoral) or years of experience on the job (5 or fewer years, more than 5 years).

School psychologists are ethically obligated to “remain current regarding developments in research, training, and professional practices that benefit children, families, and schools” (NASP, 2010, Principle II. 1.4; also APA, 2002, Ethical Standard 2.03). Continued professional training in the area of ethics is required for renewal of a Nationally Certified School Psychologist credential (Armistead, 2006) and many states require continuing education credits in ethics for renewal of licensure. In 2006, NASP’s ethics committee began an initiative to support state-level efforts to promote ethics education (McNamara, 2006).

Dailor (2007) found that 49% of the practitioners in her study had attended professional development workshops on ethics, 21% participated in district in-service training on ethics, 36% indicated that ethical issues were discussed at school psychologist’s staff meetings, and 44% had engaged in self-study (e.g., read journal articles or books). However, it is important to note that while an association was found between multi-level university preparation in ethics and higher levels of preparedness to handle ethical problems, preparedness to handle problems was not associated with years of experience on the job. The lack of association between preparedness to handle problems and years of experience on the job is somewhat surprising. This finding may suggest new practitioners need greater supervisory support during their first years of work, including mentoring, with the explicit goal of promoting skill development in ethical-legal problem solving as well as continued support throughout one’s career (see Harvey & Struzziero, 2008).

## Problem-Solving Strategies Reported by Practitioners

The predominant goal of a decision-making model is to provide the practitioner with a series of steps to use in evaluating the situation and to determine a course of action. Many problem-solving models exist and no one model is considered to be the ultimate correct choice. Furthermore, although each model typically has a series of steps leading from initial evaluation of the problem through decision-making and review of the chosen action, the process must be considered fluid and tailored to the situation. For example, at times consultation with peers may be a first step in deciding *if* there is a problem; in other situations the goal of consulting with colleagues may be to identify underlying ethical and legal issues or to generate alternative potential solutions. One systematic decision-making model is presented by Jacob et al. (2011) (adapted from Koocher and Keith-Spiegel, 2008) and includes the following steps: Describe the parameters of the situation; define the potential ethical-legal issues involved; consult ethical-legal guidelines that might apply; evaluate the rights, responsibilities, and welfare of all parties; generate a list of possible alternative decisions; list the consequences for each alternative; present evidence that these consequences are likely to occur; and finally make the decision.

Although Dailor's (2007) study found that less than one-fourth of practitioners reported using a systematic problem-solving procedure when faced with a challenging situation, many respondents did report using at least one or more components of a decision-making model. Participants were asked to indicate which of the following elements of a decision-making procedure they used to handle a difficult situation in the past year: consult with colleagues; evaluate the benefits and risks of various actions; and consult ethics codes, laws, or other guidelines. Most (66%) reported consulting with colleagues. Almost half of the sample reported

they consulted ethics codes, laws, or guidelines when dealing with a troublesome situation, and about one half also indicated they thought about the benefits and risks for various actions.

Thus, of the problem-solving options provided by Dailor (2007), peer consultation was the strategy most frequently reported by respondents. Three-quarters of the sample who had experienced at least one ethically challenging situation during the last year, reported consulting with peers. Utilization of consultation can be an important part of a systematic decision-making model, particularly if the difficulty encountered is out of a professional's area of expertise. Discussing a difficult situation with a peer can be done to identify underlying issues and affected parties, flesh out the details of a situation, locate relevant professional guidelines or laws, brainstorm possible solutions, and to help thoroughly consider the impact of a chosen course of action.

While the Dailor (2007) study indicated that peer consultation may be a widely used strategy for addressing difficult ethical situations, there is little research in school psychology about the use of peer consultation to resolve ethical problems. As noted previously, reliance on peers may be beneficial if the person being consulted is knowledgeable about the topic and if that professional also employs exemplary practice skills (Koocher & Keith-Spiegel, 2008). However, there is always a risk that the peer with whom a practitioner chooses to consult does not have the necessary knowledge or information to assist in sound decision making, and as a result, the advice given may be more detrimental than helpful. One way to address this concern is to contact the ethics office of state and national organizations. However, very few participants in the Dailor (2007) utilized this resource when facing a difficult ethics situation (less than 10% contacted state organizations and less than 5% contacted NASP).

Finding an appropriate colleague to consult may be relatively easy for a practitioner working in a large school district where there are many professionals with a variety of expertise. However, other practitioners who work in smaller or more isolated districts or who do not feel comfortable approaching their colleagues for a variety of reasons (e.g., the colleague is the one behaving unethically) may have more difficulty finding an appropriate peer with whom they can consult. Thus, since the use of peer consultation seems to be a method of choice for many practitioners (Dailor, 2007), providing access to a broad network of colleagues including experts in the field of ethical and legal issues might improve the quality of this problem-solving tool.

It is important to note, however, that Bowers and Pipes (2000) found that even with the opportunity to consult a colleague regarding a difficult ethical situation, individuals preferred their own ideas to those offered by the person with whom they consulted. Their research supported the idea that while consultation may be very appealing to professionals there is little data that specifies how to make consultation most effective. Locating someone to consult with who is knowledgeable and will add a positive dimension to the problem-solving process can be challenging.

Even though the effectiveness of using peer consultants has not been widely studied, some research has explored strategies for professional peer consultation. Gottlieb (2006) provided a template that can be used when professionals are preparing to consult with each other to help structure and guide the interaction. He recommended following a systematic approach and identified several steps to ensure that the consultation process is done well and leads to effective problem solving.

## Online Consultation

The use of electronic forms of communication and the Internet as a tool for accessing information has drastically increased in the last ten years. According to Pew Internet & American Life project approximately 50% of adults were utilizing the Internet for any purpose in 2000. Fewer than 50% were sending or reading e-mail. However, their most recent data from May 2010 indicates that 79% of adults use the Internet and 94% of respondents send and read electronic mail. These trends indicate that electronic forms of communication, information gathering, and information sharing are becoming a much more routine part of the daily activities for most adults than even ten years ago. Thus, utilizing electronic forms of communication for professional activities would be a natural extension of this trend.

Considering that respondents to Dailor (2007) reported that they most frequently consulted with a peer when a difficult ethical situation arose and this increasing usage of the Internet for a variety of types of activities, one way to incorporate the preference for peer consultation with a systematic decision-making model and access to experts would be to utilize an electronic mailing list. Electronic mailing lists are one way to get information to many people at one time. They allow messages to be sent to groups of people and for recipients of messages to reply to all members of the group. There are several different terms that refer to communicating with multiple people simultaneously including personal e-mail lists, mailing list, list servers, and electronic mailing lists (Collins, 2007). However, the term “listserv” comes from a popular version of electronic mailing list server, LISTERV®, trademarked and marketed by L-Soft International (Wikipedia, 2010). While the term “listserv” has seemingly become identical with the concept of an electronic mailing list, L-Soft International currently trademarks it, and

therefore the term electronic mailing list, e-mail list, or e-mail group will be used throughout this paper (Collins, 2007).

The use of an electronic mailing list might provide benefits such as increasing the number of professionals who could provide assistance to any given practitioner with ethical-legal questions or concerns, and providing access and assistance to practitioners who are geographically isolated. Again, just as with peer consultation in general, there is very little research on the use of electronic mailing lists for consultation; however, a few studies have explored the use of this technology for the purpose of consultation.

Using an electronic mailing list for consultation may offer some benefits in comparison with other methods of communication. Shaw and Kling (1999) examined the number of unique ideas generated through focus groups conducted using a variety of formats including chat rooms, telephone calls, email surveys, and an electronic mailing list. They found that participants in the electronic mailing list generated more unique ideas as compared to the other formats suggesting that it may provide advantages in comparison with other communication formats. Unique idea generation is important for an electronic mailing list designed to serve as a basis for consultation because the individuals posting questions are looking for assistance with a problem. The more possible solutions presented, the more likely the poster might find an acceptable option. Thus, this format might support identification and consideration of multiple alternative solutions to ethical-legal dilemmas.

An electronic mailing list also has been used to support more direct consultation. Kruger and Struzziero (1997) asked four school psychologists and two teachers to participate in a project in which the teachers were paired with a school psychologist from outside their building and the pairs communicated only via the computer. The other two psychologists served as consultants to

the school psychologists providing suggestions, thus allowing the psychologists serving the teachers to access additional support and assistance when needed. Kruger and Struzziero found that computer-mediated communication (CMC) helped the school psychologists gain new knowledge as well as increased their sense of social-support. This study did not find that CMC increased overall feelings of competence indicating that CMC may be more beneficial in improving some areas of professional practice as compared to others.

Babinski, Jones, and DeWert (2001) examined the use of an electronic mailing list to support first year teachers. Twelve new teachers participated in this project with four experienced teachers and eight university faculty members. The goal was to provide the first-year teachers with an opportunity to discuss their experience and provide a network through which problem solving could occur. A secondary goal was to alleviate feelings of isolation among the new teachers. The types of questions posted were analyzed as well as the types of responses. Each participant was asked to post at least once a week either asking a question or responding to someone else. When examining the content of postings, Babinski et al. (2001) found that the first-year teachers asked questions regarding a broad range of topics. When responding to the questions of others, first-year teachers were more likely to respond to someone else's postings with a personal experience rather than only advice giving or reflective questioning. Faculty participants were more likely to ask reflecting questions or to share knowledge and expertise when responding to a post. This project was undertaken to support new teachers. All who participated (teachers, faculty, and researchers) were pleased with the amount of support communicated to one another through the postings. This format, successful in this study with new teachers, may provide a safe and encouraging way for new school psychology

practitioners to increase their knowledge, broaden their problem-solving toolbox, and to receive support from both practitioners and experts.

Kruger et al. (2001) also conducted a study that used an electronic form of consultation. Their study examined the utilization of electronic communication (e-mail) in order to facilitate consultation between a teacher and a school psychologist. They paired school psychologists with teachers and used electronic mail (e-mail) as the consultation platform. Findings from this study appeared to support the use of electronic communication for consultation. An additional benefit of this format is that it has the potential to address two of the common barriers to improving public schools, access to professional development and professional isolation. Teachers reported that this consultation reduced their sense of isolation and enhanced their knowledge of working with students. Even though there were no face-to-face meetings, teachers nevertheless felt that their professional skills were enhanced through this process. The findings of this study along with Babinski et al (2001) suggest that the use of electronic communication formats including electronic mailing lists may provide a positive platform for helping practitioners access resources not available to them at their job sites and support continuing skill development and problem-solving abilities.

Even though there is little published research on the use of electronic mailing lists for consultation purposes, the use of electronic media for conducting consultation appears to be a “hot topic” among emerging ethical issues, most recently being the focus of the ethics column in the *Monitor on Psychology* (Behnke, 2007). In 2002, Kleinman described some methodological and ethical issues associated with gathering data from an online source, including questions regarding informed consent, confidentiality, and copyright. She emphasized that use of pseudonyms when reporting data collected from an online site such as an electronic mailing list

is not adequate to respect and protect the privacy and rights of participants. She cautions that online research must be entered into thoughtfully and carefully, taking planned precautions regarding how the data will be collected, handled, and used.

Behnke's (2007) article mirrored some of the issues discussed by Kleinman (2002) regarding the ethical considerations when conducting consultation about clinical cases through an electronic medium. He discussed concerns about confidentiality and whether sufficient information could be shared during this type of consultation to produce quality clinical case consultation without violating a client's privacy rights or making a decision based on superficial information and shallow reflection.

Behnke's (2007) article also discusses important issues when using non face-to-face consultation with a known peer or expert. Consultation is considered to be a dynamic process where two or more individuals are seeking to find a positive resolution to a challenging situation. When seeking face-to-face consultation from a peer or colleague, the expertise level of that person is typically known, whereas when relying on those who respond to an electronic mailing list their level of expertise is likely to be unknown or unclear. Considering how to filter and use suggestions provided by respondents on an electronic mailing list is important.

A second concern that Behnke (2007) discussed was the level of detail that may be necessary to provide adequate consultation but that may violate a client's confidentiality. It is important to note, however, that clinical case consultation may pose more risk to clients than online consultation regarding the ethical-legal parameters of school psychology practice. In either situation, however, the individuals responding to a posting on an electronic mailing list are providing recommendations based on their understanding of the information that was posted. The omission of critical information or details may result in recommendations that are not

appropriate to the situation. Another concern is that someone other than the original poster misapplies a recommendation to their own situation when, if the consultant knew all of the details, their recommendations would be different (Humphreys, Winzelberg, & Klaw, 2000). Finally, in addition to discussing the above-mentioned concerns, Collins (2007) discusses the potential for messages to be intercepted by third parties when using electronic forms of communication, including electronic mailing lists. Messages have to be passed through one or more servers on the way to their recipients, which means there are many more opportunities for messages to be intercepted and forwarded to unintended individuals. This concern highlights the importance of monitoring what is written in messages to protect confidential information.

The potential pitfalls of online clinical case consultation suggest that there may be some situations that are appropriate for utilization of an electronic mailing list while others would not be appropriate because of the level of detail necessary for consultation to be effective. Knowing the difference is a key component of responsibly using any form of electronic communication .

Behnke (2007) also discussed the decision of the APA Ethics Code Task Force to resist creating detailed standards regarding the Internet, but rather to include a statement reminding psychology professionals that their obligation to uphold ethical standards does not stop at the doorstep of the World Wide Web. While utilization of the Internet provides easy access to many professional resources and tools, it is also critical that professionals remain acutely aware of what and how they use this relatively new technology. Currently, the Internet can be used for many reasons including to research topics that are outside the areas of expertise for a practitioner. However, when it comes to using the Internet for professional consultation, and in particular the use of an electronic mailing list, vigilance by practitioners to uphold ethical codes and professional expectations is key (Behnke, 2007). To avoid potential problems with online

consultation, Humphreys et al. (2000) recommend having an electronic mailing list with restricted membership (such as through a professional organization), maintaining clear guidelines and expectations about postings, reminding participants to keep information as generic and anonymous as possible, and having clearly set guidelines for how postings will be handled.

The limitations and concerns regarding the use of an electronic mailing list for consultative purposes are important to consider, but if adequately addressed may result in a professionally sound tool for practitioners needing help (Behnke, 2007; Humphreys et al., 2000). The creation of an electronic mailing list sponsored by NASP that is dedicated to ethical and legal issues may be an effective tool for quality consultation. An electronic mailing list of this nature would hopefully provide both new and experienced practitioners with broad access to other school psychology professionals and experts who can support continuing skill development.

#### Rationale for Current Study

Many school psychology practitioners experience ethical dilemmas or witness ethical violations each year (Dailor, 2007). When faced with a difficult ethical situation, a best practice recommendation is to use a systematic decision-making model (Jacob, 2002; Jacob et al., 2011), but relatively few respondents in Dailor's study (2007) reported that they used a systematic decision-making process when handling a difficult ethical situation. Rather, peer consultation seemed to be the problem-solving method of choice. While consultation can be one component of a problem-solving model, it is typically not considered to be the only element of sound

decision-making when faced with an ethical problem. Thus, there seems to be a gap between what is considered best practices and what practitioners actually do.

Utilizing a tool (electronic group mail communication) to address this gap between problem-solving method of choice (peer consultation) and best practice recommendations of using a systematic problem-solving model is one purpose of this research project. An electronic mailing list on the topics of ethical, legal, and professional issues would allow individuals to use peer consultation, combine it with current technology, and could promote the use of using a systematic-decision making model to discuss difficult ethical situations encountered on the job. A secondary benefit of this format is the ability to broaden the network of professionals available for consultation and allow access to experts in the field of ethics and legal issues. Finally, this format would facilitate research on ethical concerns of practitioners. While the use of surveys and other retrospective measures can provide valuable data, information collected online would allow timely identification of emerging issues. Analysis of postings to an electronic mailing list could provide current and on-going data about problems encountered at job sites and how professionals approach problem-solving in difficult situations. In turn, this real-time information may provide valuable information for trainers who teach ethics courses and those who develop professional development opportunities for practitioners.

In recent years, NASP's Ethical and Professional Standards Committee has received many queries regarding appropriate professional conduct and how to handle difficult ethical-legal situations (McNamara, 2006). Queries to the NASP ethics committee have at times generated lively debate among committee members. Unfortunately, other NASP members have not had access to this debate, and consequently no opportunities to participate in or learn from these discussions. NASP's Ethics committee can advance their goal of improved continuing

ethics education by encouraging school psychologists to post queries to an electronic mailing list discussion group where the resulting discussion is available to all interested practitioners and also by contributing their expertise to those discussions.

A NASP electronic mailing list currently exists on Yahoo! Groups that allows school psychologists to post questions and comments related to a broad array of school psychology issues. Professionals use this forum to ask questions about the scoring and interpretation of assessment tools, choosing appropriate assessment materials, inquire about interventions for academic or behavioral issues, discuss issues relevant to the field such as Response to Intervention, or to ask other questions related to the profession. This electronic mailing list is open to anyone, but is geared toward school psychologists and typically receives approximately 100 messages a week, indicating that it is a widely used and popular format for discussion. While some of the messages posted to the NASP Group address ethical issues, that is not the primary focus of this e-mail list. One purpose of the current study was to create an electronic mail group, sponsored by NASP (specifically the Ethics Committee), that solely addressed ethical and legal questions, concerns, and issues so that ethical-legal concerns and topics might be discussed in more depth. Thus, even though a general NASP e-mail group was in existence, it was felt that creating a specific Ethics and Law electronic mailing list would serve a different and separate function. The groups will be denoted as either the NASP or Ethics and Law group/electronic mailing list/e-mail list respectively throughout the remainder of this paper.

Even though information posted to an electronic mail group is considered public, and therefore explicit permission to use the data is not required (Collins, 2007), members of the Ethics and Law electronic mailing list were informed at the outset about the intended dual purpose (consultation and research) for the electronic mailing list. Potential subscribers were

asked to agree to allow for the coding and analyses of information they posted (with identifying information removed). In order to determine the types of practitioners most likely to utilize this type of service and in order to report generalizability of the data collected, subscribers were also asked to voluntarily submit some brief demographic information.

Based on the data collected by Dailor (2007) regarding the frequency of occurrence of ethical transgressions and dilemmas and the preference for peer consultation, this project was undertaken to examine the types of problems/concerns that motivate current school psychology practitioners to seek consultation; record the types of responses being provided by other practitioners and experts, particularly whether systematic problem-solving was encouraged; and to examine the usefulness of utilizing electronic mailing lists for professional consultation when practitioners experience a challenging situation. Other benefits of this project included a tremendous opportunity for increasing positive interaction, skill development, and access to resources among school psychologists. Research questions are divided into two sections. The first section applies to questions evaluated by examining information from both the NASP electronic mail group and the Ethics and Law group. The second set of questions applies only to the Ethics and Law group data set as the NASP data was archival and additional information could not be obtained.

### Research Questions

This study was developed to answer the following research questions:

- For what types of ethical dilemmas, transgressions, or legal issues do school psychologists seek consultation by utilizing an electronic mailing list?

- Do the issues discussed on an electronic mailing list align with the categories from the Jacob-Timm (1999) and the Dailor (2007) studies?
- What types of responses are those who post questions to an electronic mail group seeking?
- Do those responding to queries through an e-mail group promote the use of a systematic problem-solving model, and which elements of a problem-solving model are most commonly suggested?
- In addition to components of a problem-solving model, what other types of responses do individuals receive when posting a question on an electronic mailing list?

Additional Research Questions pertaining only to Ethics and Law group members:

- What are some characteristics of individuals who utilize an electronic mailing list for consultation (e.g., years of practice, training, degree level)
- Do those who post queries perceive the use of an electronic mailing list for consultation regarding ethical and legal issues as useful?
- Do school psychologists who participate in online consultation feel an increased sense of support and less isolation regarding ethical challenges they face during their work?
- Do electronic mailing list users report that participation increased their awareness of ethical-legal issues?
- Do electronic mailing list users believe that discussion increases the use of a problem-solving model?

- Does using an electronic mailing list make a practitioner feel “safe” about asking for help?
- Do electronic mailing list users report that participation impacted their service delivery?

## CHAPTER III

### METHOD

#### Participants

Original participants for this study were individuals who joined a newly created electronic mailing list on Yahoo! Groups entitled “NASP Ethics and Law Group.” Individuals were recruited to join this new group through two methods including: posts made throughout the study period to the already established NASP electronic mailing list (also on Yahoo! Groups) or personal invitation from one of the moderators. The Ethics and Law e-mail list was created specifically for this project and at the end of the year-long data collection period, had approximately 100 members. Due to relatively low membership numbers and very few posts to the Ethics and Law e-mail group over the course of twelve months, data collection was expanded to include messages posted to the NASP electronic mailing list during the same time frame (April 2008 to April 2009). The NASP group was established in December 1999, and as of July 2010 had approximately 2800 members. The NASP group generates anywhere from 300 to 600 posts per month covering a wide variety of topics.

Beyond knowing how many members belonged to each group, additional participant information was gathered from a small number of Ethics and Law group members who voluntarily followed a link sent in an e-mail and completed a brief demographic questionnaire. Demographic information was not gathered for members of the NASP group members list because the NASP e-mail list does not request nor gather that information from its members.

## Instruments

Yahoo! Groups is a collection of online discussion boards that combines an electronic mailing list with a threaded Internet forum ([http://en.wikipedia.org/wiki/Yahoo\\_Groups](http://en.wikipedia.org/wiki/Yahoo_Groups), retrieved January 24, 2011). The content from two e-mail group discussion boards (Ethics & Law and NASP) hosted on Yahoo! Groups were the main instruments used to gather data for this study. Initiating and response posts made to these two electronic mailing groups comprised the majority of information for this project. Beyond the content from initiating and response posts, three brief questionnaires were also developed and sent to participants of the Ethics and Law group. NASP members were not sent the additional questionnaires because the data obtained was archival.

All three of these newly developed questionnaires could be accessed by participants in the Ethics and Law group through the Internet host Survey Monkey ([www.surveymonkey.com](http://www.surveymonkey.com)). Survey Monkey is a company that provides individuals or groups with the ability to create web-based surveys to meet their individual research needs. Access to surveys can be sent to individuals or groups through an electronic mail link.

The first questionnaire, which was sent to all Ethics and Law group members, asked respondents to provide basic demographic information (Appendix A). This questionnaire first asked respondents for information regarding their gender and age group and whether they were currently a graduate student. Those who indicated they were currently enrolled in graduate school were asked to indicate what year they were in their program and what degree they were working toward. Those who responded that they were not currently graduate students were asked to provide information regarding highest attained degree, the year of graduation, and their major field of study (e.g., school psychology, educational psychology, clinical psychology). Next, there

were three questions regarding whether the individual was a member of their state school psychology association, NASP, or the American Psychological Association (APA). Respondents were then asked to provide information about their current employment setting (e.g., urban, suburban, rural), job type (e.g., full-time school psychologist, administrator, faculty), and how many years they had been in the field.

After answering the education and employment history questions, participants were asked to indicate what types of training they had received in the area of ethics (e.g., no formal training, graduate school class, professional seminars) and how prepared they felt to handle ethical issues on the job. Finally, respondents were asked to answer a few questions regarding the extent to which their district/employer provided each of 14 different types of support for the delivery of school psychological services such as access to the Internet, secretarial support, and access to appropriate assessment materials.

The second questionnaire was sent to all members of the Ethics and Law group and it included four questions regarding participant experience utilizing the Ethics and Law mailing list and the perceived usefulness of this electronic format for professional consultation (Appendix B). The first question provided a series of ten statements about various aspects of utilizing an electronic mailing group for consultation and invited responders to indicate how much they agreed or disagreed with each statement. There were four possible response options: Totally Disagree, Somewhat Disagree, Somewhat Agree, and Totally Agree. The other three questions were open-ended questions about what participants liked best and least about using this electronic mailing list format for consultation and suggestions for improvement. Respondents typed their individual responses and there was no restriction on text length.

The third questionnaire was sent only to individuals who posted a question or initial topic to the Ethics and Law group. This questionnaire asked responders five questions regarding their experience using the electronic mailing list format as a consultation tool (Appendix C). Responders were asked to indicate what type of information they were hoping to receive when they posted their question and then what type of information the responses to their post provided. Individuals sent this questionnaire were also asked to read the eleven statements about their experience using the electronic mail group for consultation. Four of the statements asked them to reflect about their specific experience getting consultation through this format and the other seven were identical to seven of the statements sent out in the questionnaire to all members regarding the use of an electronic format for consultation. The response options were the same as the previously mentioned questionnaire, “Totally Disagree,” “Somewhat Disagree,” “Somewhat Agree,” and “Totally Agree.” The questionnaire concluded with the three open-ended questions regarding what participants liked, did not like, and thoughts for improving the use of this format for consultation purposes.

### Procedure

The original research proposal for this project intended to use only posts and responses to a newly created electronic mailing list, the Ethics and Law group as the only data source. However, due to low membership and traffic over twelve months on the Ethics and Law e-mail list, the study was expanded to include posts made to the well-established NASP electronic mail group during the same time frame. Due to two distinct data collection methods, the process for data collection from the Ethics and Law e-mail list will be discussed first and then a description of the procedures for using messages posted to the NASP group will be provided. The

Institutional Review Board for Research Involving Human Subjects (IRB) from Central Michigan University granted separate approvals for each portion of data collection. In addition to the data obtained directly from the posts made to the two electronic mailing lists, e-mail links to three brief questionnaires were sent to members of the Ethics and Law e-mail group and responses to these questionnaires provided some limited additional information.

#### *Ethics and Law Electronic Mailing List*

Prior to data collection, NASP, and specifically members of the NASP Ethics committee, were contacted to gain permission to open an electronic mailing list on Yahoo! Groups dedicated to ethical and legal issues. Even though a NASP electronic mailing list existed previously on Yahoo! Groups, one purpose of this study was to determine the usefulness of an electronic mailing list group dedicated solely to the topics of Ethics and Law. Once the Central Michigan University IRB granted permission for this project, a group entitled “NASP Ethics and Law” was initiated on Yahoo! Groups. The Ethics and Law e-mail list was established in February of 2008, and as of July 2010 had approximately 140 members. A. Nichole Dailor (principal investigator) and Dr. Susan Jacob (Dissertation Advisor and NASP Ethics committee member) maintained and moderated interactions for this group. Members were recruited to join the Ethics and Law group through personal invitation by one of the moderators and/or through several general invitation posts made to the already created NASP electronic mail group.

When an individual requested to enroll in the Ethics and Law group they were automatically e-mailed information regarding the purpose of the electronic mailing list, topics that could be discussed, and how the information would be used for research (Appendix D). This description specifically discussed the process for collecting data, a model for e-mail list

communication, and contact information for the researcher/moderator. The introductory e-mail also indicated that by joining the group, they were consenting to having information they posted included as data for a research project. Finally, those who asked to join the electronic mailing list, and agreed to the terms of participation by sending the moderator a confirmatory email, had their membership activated by one of the moderators. After joining the electronic mailing list, new members were then automatically sent an electronic link to a brief survey that asked for some basic demographic information (e.g., gender, degree level [non-doctoral vs. doctoral], years of experience).

Participants in the Ethics and Law electronic mailing list were informed that one goal for the group was to provide an electronic resource for professional consultation in regard to ethical dilemmas, ethical transgressions, legal questions, and professional issues encountered in the work place. Participants were also told that a secondary goal was to promote the use of a systematic decision-making model when addressing professional concerns. Participants were encouraged to post questions and concerns on these topics (ethical dilemmas, ethical transgressions, or legal issues) and to reply to postings submitted by others. The two limitations addressed in the introductory letter were that no spam was to be sent to the group and that the group was not intended for clinical case consultation (e.g., to help diagnose a student).

Nichole Dailor and Dr. Susan Jacob monitored the Ethics and Law e-mail list posts to ensure appropriateness and to handle any technical difficulties that arose. Discussion was also monitored for use of a problem-solving model and moderators occasionally posted messages to encourage conceptualizing a question through a systematic decision-making format.

### *NASP Electronic Mailing List*

The NASP electronic mailing list is designed to primarily serve those within the field of School Psychology, and there are many different types of educators and non-professionals who are members including school psychology trainers, administrators, teachers, and parents. There are no requirements for joining, but individuals are asked to indicate their role (psychologist, parent, teacher, etc.) when posting a message. Also, the NASP e-mail group is not topic limited. Posts to this electronic mailing list cover a wide array of school psychology related topics including, but not primarily limited to, questions and concerns regarding ethical and legal issues. The NASP electronic mail group was initiated in December of 1999 and as of July 2010 had approximately 2700 members.

Due to low membership levels and participation rates for both initiating and response posts over the course of twelve-months on the Ethics and Law group (14 initiating posts), permission was sought from the moderator of the larger and more active NASP group to review posts that were made to that e-mail list. Permission was granted by the NASP group moderator Ron Benner, and also by Central Michigan University's IRB to review and use information from archived posts for the study time frame used (April 2008 to April 2009). All identifying information was removed from the NASP posts prior to coding in order to preserve confidentiality.

### *Data Collection*

The data collection period for this project spanned from April 2008 through April 2009. The data for those that posted messages or responded to questionnaires outside of this date range (April 2008 to April 2009) were not utilized for this study. In order to maintain confidentiality,

all identifying information from posts on both the Ethics and Law group and the NASP group, including role, were removed prior to data coding.

The original goal for this study was to have 50 initiating messages on the Ethics and Law e-mail list to use for data analysis. Initiating posts were defined as the first post on a particular topic or a post that asked a question unrelated to previous posts. However after a twelve-month time frame, there were only fourteen initiating posts. Response posts were those messages that discussed a previous topic or responded to a posted question.

The information from the Ethics and Law electronic mailing list posts was included in the data analysis, but it was not felt to be a sufficient sample size. Thus, permission was gained to review and analyze relevant posts made to the NASP e-mail list for the same time period. All of the posts on the NASP electronic mailing list ( $N = 3639$ ) during the period of April 2008 to 2009 were reviewed and those that dealt with ethical dilemmas, ethical transgressions, or legal issues were included in the data set.

Messages from both e-mail groups were copied from their Internet group on Yahoo! in their entirety but without any identifiers. These messages were then pasted into a word processing document. Copying and pasting messages in this manner allowed for personal information to be removed and for initiating messages to be grouped with responses for coding and analysis. In addition, a small amount of additional data was gathered from Ethics and Law group members who were sent three brief questionnaires.

### *Data Analysis*

Examination of the data began with reviewing and coding all initiating and response posts from both electronic mailing lists. Initial posts were coded in three different ways, and for

each coding process, messages could be included in one or more categories. First, all initiating posts were coded for the broad issue (ethical dilemma, ethical transgression, or legal issue) described in the post. After coding based on the broad issue addressed, the initiating posts were then coded according to the more specific topics/issues raised in the query using the 19 categories described in Jacob-Timm (1999) as a framework. Jacob-Timm (1999) utilized the *critical incident technique* developed by Flanagan (1954) to ascertain the types of ethical problems that school psychologists faced in their daily practice. She surveyed a sample of NASP members and asked them to identify the types of ethically troubling situations practitioners encountered. Respondents were asked to “describe, in a few words or more detail, an incident that was ethically challenging or troubling to you” (p.2.). From those that participated in her study, she was able to identify 222 ethically troubling incidents that were then formulated into 19 different categories of ethical issues. Table 1 describes the 19 categories identified by Jacob-Timm (1999) with a brief description of each.

Table 1. *Jacob-Timm (1999) Response Coding Categories*

	<b>Type of Incident and a Brief Description:</b>
1.	Administrative Pressure to Act Unethically: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from administrators</i>
2.	Assessment: <i>Concerns about assessment or diagnostic procedures</i>
3.	Confidentiality: <i>Experiencing difficulty determining which information should/may be disclosed and to whom</i>
4.	Unsound Educational Practices: <i>Unsound or detrimental teaching or discipline practices, ineffective programs, and/or failure to address student needs</i>
5.	Job Competence and Job Performance: <i>Incompetent service delivery, providing services outside of expertise, inadequate training experience, and failure to fulfill employment obligations</i>
6.	Parent Conflicts: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from parents</i>
7.	School Psychological Records: <i>Concerns about school record keeping and access to student files</i>
8.	Conflictual Relationships: <i>Divided or conflicting interests that might impair delivery of services</i>
9.	Informed Consent and Self-Determination: <i>Issues regarding informed consent, actions that might diminish client autonomy, or offering choices a client is not developmentally ready to make</i>
10.	Interventions: <i>Use of questionable or harmful interventions as well as concern about the use of medications</i>
11.	Academic Settings: <i>Issues encountered in academic settings (e.g., universities) or teaching</i>
12.	Supervision: <i>Concerns related to supervision</i>
13.	Sexual Issues: <i>Inappropriate sexual behavior or troublesome romantic involvements</i>
14.	Payment: <i>Concerns about payment sources</i>
15.	Taking Credit for Others' Work: <i>Concerns about someone taking credit for another's work</i>
16.	Confronting: <i>Dilemmas confronting or reporting the unethical conduct of others</i>
17.	Credentials: <i>Practicing without appropriate license/certification</i>
18.	Research and Publishing: <i>Concerns about research and publication ethics</i>
19.	Miscellaneous: <i>Incidents that did not fall into the above categories</i>

Finally, initiating posts were categorized based on the type of information or response the poster appeared to be seeking (e.g., advice, legal/state codes, or resources). All messages could be coded in multiple categories during each phase of evaluation.

After initiating messages were analyzed, all of the responses made to each initiating message were evaluated with regard to their purpose or function. A system similar to that used by Babinski et al. (2001) was used to code query responses. Babinski et al. (2001) utilized an electronic mail group to support first-year teachers and grouped responses to initiating posts into five broad categories, which were then divided into more specific subcategories that described the function of the response message. The five broad categories were: fostering a sense of community, providing advice, sharing knowledge, relating a personal experience, and encouraging reflection. The current project kept the five broad categories and related sub-categories from the Babinski et al. (2001) study. In addition, one sub-category was added under the category of “Encourage Reflection” entitled “Disagreed with Previous Post” to address responses that clearly were in contrast to a previous responder. Similar to initiating posts, response posts could also be coded in multiple categories. Table 2 describes the categories and sub-categories from Babinski et al. (2001).

Table 2. *Babinski et al. (2001) Response Coding Categories*

<i>Broad Category</i>	<i>Sub-Categories</i>
Fostered Community	<b>Thanks &amp; Acknowledgement:</b> <i>Messages that thanked the original poster, thanked other specific named individuals, or was a positive comment about the previous poster</i>
	<b>Support:</b> <i>Messages telling the original poster good luck, general support to a previous poster, responses that empathized with the original poster, or a response that indicated the writer did not have an answer for the original described problem</i>

Table 2. Babinski et al. (2001) Response Coding Categories (continued)	
	<p><b>You are not alone:</b>  <i>Messages that included information about the responder knowing others who had experienced a similar situation or that they had also experienced the same or similar situation</i></p>
	<p><b>Sharing personal work-related experiences (not related to a particular issue):</b>  <i>Messages that included parallel but not related examples or a general response that did not relate to the posted topic</i></p>
Provided Advice	<p><b>Advice:</b>  <i>Messages that provided direct advice telling initiating posters what they should/should not do, need to do, or responders reporting common procedures or what they would do (This only included advice related to the original question)</i></p>
	<p><b>Me Too and Advice:</b>  <i>Messages that indicated the responder has had this issue previously and what he/she did to address the concern.</i></p>
Shared Knowledge	<p><b>Information (Including reference to specific research/articles):</b><i>Messages that included information other than specific state or federal codes or ethics codes (This included messages with descriptive information, references to specific research or studies, or specific professional knowledge)</i></p>
	<p><b>Opinion based on experience:</b>  <i>Messages in which the information in the response was tied to the individual responder's professional experience in the field, opinions related to issues specific to the question, opinions on intent or motives of individuals from the original initiating post, and opinions based on specific content contained within the initiating post</i></p>
	<p><b>Empirical Evidence (including quoting legal/ethical codes):</b>  <i>Messages that quoted or referenced specific Ethics Codes or State and Federal regulations (Responses that included reference to specific research were coded under Information)</i></p>
Related a Personal Experience	<p><b>Testimonial (including examples of own work/presentations/research):</b>  <i>Messages that referred to the responder's personal research, work, or presentations. Also included messages with descriptions of responders' experiences or knowledge of others experiences related to the posted topic</i></p>
	<p><b>Me Too and Help Me:</b>  <i>Messages where the responder indicated that she/he had experienced the same issue and are seeking consultation</i></p>

<i>Table 2. Babinski et al. (2001) Response Coding Categories (continued)</i>	
	<b>Additional Information (often provided by original poster):</b> <i>Messages from the initiating poster or responders that added details, clarified a point, or added information to their previous post.</i>
Encouraged Reflection	<b>Discussed broader issue:</b> <i>Messages that asked a more general question than the original post or provided an answer that introduced a broader or expanded concept to the discussion.</i>
	<b>Clarifying (including asking questions about a previous post):</b> <i>Messages where the responder asked a question aimed at clarifying the original or a previous post in the thread</i>
* <i>added category</i>	<b>Disagreed with a previous message:</b> <i>Messages where the post is a stated disagreement with information presented in a previous post</i>

One specific purpose of this project was to examine whether responders to an electronic mail group would recommend or suggest using any or all steps of a problem-solving method when addressing an ethical or legal concern. In order to answer this question, responses were also coded for any and all steps in a systematic problem-solving model that were encouraged or explicitly recommended. A seven-step model adapted from Koocher and Keith-Spiegel (2008) and published in *Professional Ethics for School Psychologists* (Williams et al., 2007) was used as the problem-solving framework. An abbreviated version of the problem-solving model used was posted on the homepage of the Ethics and Law group. A complete version was included as a file document that was accessible to all Ethics and Law members through the e-mail group home page. Table 3 identifies and defines each step of this model.

Table 3. *Ethical and Legal Decision-Making Model (Adopted from Koocher & Keith-Spiegel, 2008)*

<b>Step</b>	<b>Description</b>
<b>1</b>	<b>Describe the Problem Situation</b> Focus on available information and attempt to gather and objectively state the issues or controversies. Breaking down complex, sometimes emotionally charged situations, clear behavioral statements are helpful.
<b>2</b>	<b>Define the potential ethical-legal issues involved</b> Enumerate the ethical and legal issues in question. Again, state these as clearly and accurately as possible, without bias or exaggeration.
<b>3</b>	<b>Consult available ethical-legal guidelines</b> Research the issues in question using reference sources, such as NASP's <i>Principles for Professional Ethics</i> (2000a), IDEA 2004, state guidelines governing special education, textbooks on ethics and legal issues in school psychology (e.g., Jacob and Hartshorne's <i>Ethics and Law for School Psychologists</i> [5 <sup>th</sup> ed., 2007], Thomas and Grimes' <i>Best Practices in School Psychology V</i> [2008], job descriptions, school board policies, and other appropriate sources.
<b>4</b>	<b>Consult with supervisors and colleagues</b> Talk with your supervisor and trusted colleagues who are familiar with the legal and ethical guidelines that apply to school psychology. On a need-to-know basis, share information specifically about the issues you have identified. Brainstorm possible alternatives and consequences, and seek input from those whose opinions you value.
<b>5</b>	<b>Evaluate the rights, responsibilities, and welfare of all affected parties</b> Look at the big picture rather than focusing on the isolated details of the controversy. Consider the implications for students, families, teachers, administrators, other school personnel, and yourself. How will the various alternative courses of action affect each party involved? Remember two basic assumptions underlying NASP's <i>Principles for Professional Ethics</i> : (1) school psychologists act as advocates for their student-clients, and (2) at the very least, school psychologists will do no harm.
<b>6</b>	<b>Consider alternative solutions and consequences of making each decision</b> Carefully evaluate in a step-by-step manner how each alternative solution will impact the involved parties. Who and how will they be affected? What are the positive and negative outcomes of each alternative? Weigh the pros and cons. Step back and carefully consider the information you have gathered.
<b>7</b>	<b>Make the decision and take responsibility for it</b> Once all the steps are completed, make a decision that is consistent with ethical and legal guidelines and one that you feel confident is the best choice. Take responsibility for following through on that decision, attend to the details, and attempt to bring closure to the scenario.

Posts covered a wide array of topics and thus the researcher determined it was appropriate for both initial posts and responses to be coded under all relative categories and sub-

categories rather than a single category. It was felt that trying only to code messages into a single category would result in minimizing the complexity of many posts and would not represent the breadth and depth of many initiating topics and responses. For example, a question that involved both assessment and administrative pressure was coded under both types of dilemmas, and a response that offered advice and encouraged use of a problem-solving model step 1 (Describe the problem) and 2 (Define the potential ethical-legal issues involved) was coded under all three types of responses. A second individual reviewed a sample of the coded queries and responses. Any disagreements were resolved by mutual consent. Data analysis consisted primarily of calculating and reporting frequency data.

## CHAPTER IV

### RESULTS

Responses from posts made between April 2008 and April 2009 on two separate electronic mailing lists, Ethics and Law and NASP, were analyzed for this study. Individuals participating in the Ethics and Law group were informed prior to joining that one purpose of the e-mail list was for research. Since the Ethics and Law group was set up to collect data for research, some additional information was also gathered through the use of three brief questionnaires. While the Ethics and Law group was established for this study, the NASP electronic mail group is an e-mail group that was established by and for school psychology professionals in order to provide a place to share information, post questions, and discuss current issues. Messages to the NASP e-mail group were collected as archival data, thus data beyond the text of individual messages were not obtained. In addition, research is not included among the stated purposes of the NASP e-mail group. A basic overview of the two electronic mail groups will be provided followed by a description of the limited supplementary information submitted from members of the Ethics and Law group. Third, results based on analysis of messages from the two groups together will be given. All results are reported primarily in terms of frequency.

#### *Electronic Mailing List Descriptions*

The Ethics and Law e-mail list was established specifically for this project in February of 2008, and as of July 2010 had approximately 140 members. The NASP electronic mail group was initiated in December of 1999 and as of July 2010 had approximately 2700 members. The Ethics and Law electronic mail group focused on the topics of Ethics and Law while messages to the NASP group cover a broad range of subjects relating to the practice of school psychology.

Three brief questionnaires were developed to gather additional information from participants of the Ethics and Law e-mail group. Response rates remained low for the supplemental questionnaires throughout the data collection period. To try and promote participation, several reminder messages were posted to the group and sent individually to Ethics and Law group members encouraging them to respond to the questionnaires if they had not yet completed them. There were no formal incentives offered for completing any of the questionnaires. Participation was completely voluntary.

Response rates for all three questionnaires was very low with only 36.4% ( $n = 39$ ) of the participants answering the demographic questionnaire, 4.7% ( $n = 5$ ) answering the questionnaire about e-mail list usefulness sent to all Ethics and Law group members, and 35.7% ( $n = 5$ ) of initial posters ( $n = 14$ ) answering the questions regarding their individual experience using an e-mail list for consultation. Therefore the data are considered incomplete, and should be interpreted with caution. A description of the limited information obtained from the three different questionnaires sent to members of the Ethics and Law group is provided below.

### Sample Characteristics

Demographic information was obtained from 36.4% ( $n = 39$ ) Ethics & Law group members who chose to complete a brief survey after joining (based on  $N=107$ , the number of members by the end of April 2009). Sample characteristics and other statistics are based on the responses obtained for each questionnaire and not on the total Ethics and Law group membership of 107. Thirty-nine individuals responded to the demographics questionnaire, thus, unless otherwise noted, all results in this section are based on an  $N = 39$ . The exact number of responses to each item is shown in Appendix E.

The sample was primarily female ( $n = 23$ , 59.0%), and the ages of e-mail list members was relatively evenly dispersed across 5 possible age-range categories with 25.6% ( $n = 10$ ) of the sample being between the ages of 21 to 30, 23.1% ( $n = 9$ ) between the ages of 31 to 40, 15.4% ( $n = 6$ ) between 41 to 50), 20.5% ( $n = 8$ ) in the range of 51 to 60, and 15.4% ( $n = 6$ ) were 60 or older.

Only 28.2% ( $n = 11$ ) of Ethics and Law group members indicated that they were currently graduate students. Out of the eleven individuals who indicated they were currently enrolled in graduate school, seven reported they were working toward a Doctoral degree, three indicated they were in a Specialist program, and one was working on a Master's degree. Those who had completed graduate degrees were asked to provide the year they attained their highest degree. The range of graduation years was from 1972 to 2008 with five graduating during the 1970s, three during the 1980s, five during the 1990s, and 12 since 2000. Two respondents did not report a graduation year and were therefore unusable. Respondents were also asked to indicate their highest attained degree. Out of the 28 individuals who had completed a graduate program, approximately 14.3% ( $n = 4$ ) marked that they had attained a Master's, 28.6% ( $n = 8$ ) indicated Master's plus certificate, 39.3% ( $n = 11$ ) responded with Specialist degree, and 17.9% ( $n = 5$ ) reported a doctorate as their highest attained degree.

Most respondents indicated that they were currently employed as a school psychologist ( $n = 30$ , 76.9%) and the average number of years worked in the field was twelve ( $SD = 10$ ). Slightly more than half of the participants reported that they currently work in a suburban setting which was defined as towns where the population was between 25,000 to 50,000 ( $n = 21$ , 53.8%), 23.1% ( $n = 9$ ) reported working in an urban setting defined as the population being greater than

50,000, and 20.5% ( $n = 8$ ) indicated they worked in rural settings with a population less than 25,000. Two individuals (5.1%) did not respond to this item.

Ethics and Law group participants responding to the demographics questions were also asked if they were members of various professional organizations including NASP, American Psychological Association (APA), and their state school psychology association. A majority of responders indicated they were members of the NASP ( $n = 26$ , 66.7%). Fewer than half of the respondents reported that they were members of the APA ( $n = 6$ , 15.4%) or their state school psychology organization ( $n = 19$ , 48.7%).

The demographics questionnaire, answered by 39 participants in the Ethics and Law group, also asked individuals what types of training they had received in professional ethics. Two people (5.1%) chose not to answer this question. Individuals were asked to mark any category of training they had received. Almost three-fourths of the responders (69.2%,  $n = 27$ ) had received training in ethics through a graduate school class focused on this topic, and only one individual reported not receiving any formal training in ethics. Slightly more than half the respondents (51.4%,  $n = 19$ ) indicated they had engaged in self-study such as reading journal articles or books, and almost half (45.9%,  $n = 17$ ) of those who responded indicated they had attended at least one professional development workshop on ethics. Table 4 summarizes the different response options for amount of previous ethics training and response rates.

Table 4. *Previous Training in Ethics*

Type of Professional Ethics Training	%	<i>n</i>
No formal training	2.6%	1
Graduate course(s) on ethics	69.2%	27
Ethics were taught in multiple graduate classes	48.7%	19
Ethics were addressed in practicum, internship	48.7%	19
Professional development workshops	43.6%	17
District in-service	10.3%	4
Ethics are discussed at regular school psychologist staff meetings	20.5%	8
Self-study (e.g., journal articles or books)	51.3%	20

In addition to being asked about the types of training in ethics that individuals had received, survey responders were also asked to indicate how prepared they felt to handle ethical and legal issues on the job. Participants read six statements about preparedness and rated how much they agreed or disagreed with each statement. The four response options were, *Totally Agree, Somewhat Agree, Somewhat Disagree, and Totally Disagree*. All 37 of those who answered this series of questions indicated they felt at least somewhat prepared to handle ethical issues that arise on the job. Out of those 37 responders, only 37.8% ( $n = 14$ ) indicated they *Totally Agree* they are prepared. Almost three-fourths of those that answered this question (73.0%,  $n = 27$ ) indicated that they felt somewhat prepared to address unethical conduct by a colleague and 18.9% ( $n = 7$ ) reported that they felt totally prepared to address unethical behavior by a colleague. More than three-fourths of the respondents (86.5%,  $n = 32$ ) felt at least somewhat prepared to handle administrative pressure to act unethically. A little less than half (45.9%,  $n = 17$ ) of those answering this question indicated that they felt at least somewhat professionally isolated at their jobs regarding ethical and legal issues. Again, as seen in Table 5, almost three-quarters of respondents (73.0%,  $n = 27$ ) indicated they *Somewhat Agreed* or *Totally Agreed* that they had many local colleagues with whom they could consult regarding legal and ethical issues.

Table 5. *Perceived Preparedness to Handle Difficult Ethical Situations*

Statement	Totally Disagree % (n)	Somewhat Disagree % (n)	Somewhat Agree % (n)	Totally Agree % (n)
I feel prepared to handle ethical issues that arise on the job. (n= 37)	0 (0)	0 (0)	62.2 (23)	37.8 (14)
I feel prepared to handle administrative pressure to act unethically. (n= 37)	2.7 (1)	10.8 (4)	54.1 (20)	32.4 (12)
I feel prepared to address unethical conduct by a colleague (n = 37)	0 (0)	8.1 (3)	73.0 (27)	18.9 (7)
I feel professionally supported in the area of ethics and legal issues at my job. (n= 36)	8.3 (3)	13.9 (5)	47.2 (17)	30.6 (11)
I feel professionally isolated regarding ethical and legal issues at my job. (n= 36)	33.3 (12)	19.4 (7)	38.9 (14)	8.3 (3)
I have many colleagues locally with whom I can consult regarding legal and ethical issues. (n= 37)	5.4 (2)	21.6 (8)	27.0 (10)	45.9 (17)

\* All values calculated based on (n)

Finally, the demographic questionnaire asked responders to rate (*Excellent, Good, Fair, Poor*) the extent to which their district/employer provided each of 14 different types of support for the delivery of school psychological services (Table 6). The only work environment variable where almost one-third of responders rated it as “Poor” was “*access to professional books and journals*” (n = 11). Two other areas were rated as “Poor” by nine responders, “*secretarial or other clerical support*” and “*financial support for professional development.*” The work environment support variables most frequently rated “Excellent” were “*computers for your use,*” “*Internet access,*” and “*computer security.*” Five individuals did not provide responses to this series of items.

Table 6. *Respondent Ratings for Work Environment Variables*

Work Environment Variable (n)	Poor	Fair	Good	Excellent
	% (n)	% (n)	% (n)	% (n)
An appropriate space to work with students (n = 33)	0 (0)	33 (11)	33(11)	33(11)
An appropriate office space for report writing, etc. (n = 34)	0 (0)	29 (10)	26(9)	44(15)
Computers for your use (n = 34)	3 (1)	24 (8)	15(5)	59(20)
Internet access (n = 34)	0 (0)	26 (9)	15(5)	59(20)
Computer Security (n = 34)	0 (0)	29 (10)	18(6)	53(18)
General security of pupil psychological records (n = 33)	6 (2)	24 (8)	27(9)	42(14)
Secretarial or other clerical support (n = 34)	26 (9)	35 (12)	21(7)	18(6)
Assessment materials (n = 33)	3 (1)	36 (12)	21(7)	39(13)
Intervention materials (n = 33)	9 (3)	30 (10)	42(14)	18(6)
Access to professional books and development (n = 33)	33 (11)	30 (10)	27(9)	9(3)
Release time for professional development (n = 34)	12	35 (12)	35(12)	18(6)
Financial support for professional development (n = 33)	27 (4)	30 (10)	33(11)	9(3)
Adequate number of psychologists for the number of pupils served (n = 32)	13 (4)	41 (13)	22(7)	25(8)
General perceived administrative support for school psychologists (n = 32)	0 (0)	25 (8)	38(12)	39(12)

\* All values calculated based on (n)

#### Supplemental Questionnaire Response Rate

There were 107 active members of the Ethics and law e-mail group at the end of the data collection period. All Ethics and Law e-mail list members were asked to complete a short questionnaire regarding their experience utilizing this electronic mail format for professional communication and consultation. Only five individuals (4.7%) responded. Of the fourteen that initiated posts on the Ethics and Law electronic mailing list there were also only five individuals (35.7%) from that sub-group who responded to a questionnaire asking about whether posting their specific question to the electronic mailing list provided the support or information they

were seeking. For both of these follow-up questionnaires, the sample response rate was very low and is not necessarily representative of all the users of the Ethics and Law group. It was unable to be determined whether the five individuals who initiated posts and responded to the follow-up questionnaire were the same five who responded to the questionnaire link sent to all Ethics and Law e-mail group members.

*Perceived Usefulness Supplemental Questionnaire sent to All Ethics and Law Members*

All members ( $N = 107$ ) of the Ethics and Law electronic mailing list were sent a questionnaire asking them to provide information regarding their experience using this electronic format for sharing and receiving professional consultation. The response rate was very poor ( $n = 5, 4.7\%$ ). Individuals were first asked to indicate how much they agreed or disagreed with ten different statements regarding the use of the Ethics and Law electronic mailing list. Table 7 provides the ten statements and the endorsed responses.

Table 7. *Usefulness Questionnaire Responses (All Members)*

#’s represent <i>n</i>	Totally Disagree <i>n</i>	Somewhat Disagree <i>n</i>	Somewhat Agree <i>n</i>	Totally Agree <i>n</i>
Questions and responses on the Listserv have addressed issues I face at my job	0	1	2	2
Suggestions provided on the Listserv have helped me solve a problem at my job	0	1	3	1
Participating in the Listserv has helped me utilize a more structured problem-solving process	0	2	2	1
The use of the Listserv for consultation about my ethical/legal issue was helpful	0	2	1	2
I would use this format for consultation about ethical/legal issues in the future	0	0	2	3
I felt safe asking for help using the Listserv	0	1	1	3
Use of the Listserv positively impacted my service delivery	0	1	3	1
My awareness of ethical/legal issues has increased due to participation on the Listserv	0	0	3	2
Participation on the Listserv has helped me feel less isolated as a professional	0	0	3	2
Participation on the Listserv has helped me feel supported as a professional	0	1	1	3

In addition to the structured questions, respondents were asked to provide comments about what they found useful about the electronic mailing list format, what they liked least, and what could be done to improve this format for use as a professional consultation tool.

Participants reported that they appreciated how quickly information could both be posted and responded to using an electronic mail group and they also reported that it was an easy way to connect with other professionals in the field. The biggest concern about the Ethics and Law e-mail group was the limited membership and user traffic, and accordingly, increasing membership and awareness of the group’s existence was suggested as an improvement. Complete responses are provided in Appendix F.

A third questionnaire was designed to gather some additional information from those who posted an initial question or topic to the Ethics and Law group. All 14 individuals who made an initiating post were sent a link to a questionnaire that asked five short questions regarding the individuals experience using the group to post a question. Only five of those fourteen individuals who initiated posts chose to respond to this questionnaire.

This questionnaire first asked individuals what type of response they had hoped their post would provide: Information, Resources, Advice, or Other and what type of responses the post actually generated. All five of the respondents indicated that they were originally seeking Advice when they posted their question and four out of the five reported that they did receive Advice as a response. Four individuals reported that they were seeking Information, and two of those four individuals indicated that Information was provided. Two people marked that they were seeking resources and both indicated they received resources as a response to their post. No one posted that they were seeking something other than Information, Resources, or Advice.

Second, posters were asked to indicate how much they agreed with eleven statements about their experience using the electronic mailing list format when seeking professional consultation. Seven of these statements were the same as those included in the questionnaire about perceived usefulness sent to all Ethics and Law Group members. Four of the statements inquired about the individual's unique experience using an electronic format for consultation. Table 8 contains the statements and their responses.

Table 8. *Usefulness Questionnaire Responses (Initial Posters)*

#’s represent <i>n</i>	Totally Disagree <i>n</i>	Somewhat Disagree <i>n</i>	Somewhat Agree <i>n</i>	Totally Agree <i>n</i>
The response to my post met my expectations:	0	1	4	0
The response(s) to my post helped generate multiple ideas to help me address my problem.	0	2	2	1
The response(s) to my post helped me problem-solve this situation.	0	2	3	0
The response(s) to my post helped me utilize a more structured problem-solving process	0	3	2	0
The use of the Listserv* for consultation about my ethical/legal issue was helpful	0	0	4	1
I would use this format for consultation about these issues in the future	0	0	4	1
I felt safe asking for help using the Listserv	0	0	2	3
Use of the Listserv positively impacted my service delivery	0	0	3	2
My awareness of ethical/legal issues has increased due to participation on the Listserv	0	0	4	1
Participation on the Listserv has helped me feel less isolated as a professional	0	0	3	2
Participation on the Listserv has helped me feel supported as a professional	0	0	2	3

*\*The term Listserv remains in this table because the concern regarding trademark infringement was not realized until after data collection had been completed. Thus, the tables reflect the original wording of the questionnaires.*

After providing responses to the eleven statements, responders were asked to answer the same three open-ended questions include in the questionnaire sent to all members about what they found useful, what they liked least, and suggestions for improving this electronic consultation format. Again, respondents liked that the electronic mailing list format was quick, provided a level of anonymity, and helped provide access to consultation for individuals who work in more isolated settings. The most common negative feedback from the five individuals

who responded was the lack of discussion generated by the questions or being provided a response that was off-topic. Suggestions to improve this format included increasing membership and getting more professionals and experts to participate. Appendix G includes the complete responses for these three questions.

### Electronic Mailing List Usage

The Ethics and Law electronic mailing list had 57 total posts during the period beginning April 2008 and ending April 2009. Of those 57 messages, there were 14 initiating questions/topics posted to the Ethics and Law e-mail list that generated a total of 32 responses. Nineteen additional posts written by the researcher/moderators of the group were not included as data. Primarily, these posts reminded members to answer the supplemental questionnaires or encouraged members to respond to posted questions.

The NASP e-mail list contained messages regarding a broad range of school psychology topics including, but not limited to, ethical and legal issues. All posts made to the NASP electronic mailing list during the study time frame were reviewed. Only those that related specifically to ethical and legal issues were included as data for this study. Consequently, following the review of 3639 messages by the primary author in collaboration with a second reviewer, 59 initial ethics/legal posts plus 427 responses were included as data for this project. These posts and responses constitute 13.4% of the total number of messages posted for that twelve-month period.

### Initiating Posts

Initial questions from both electronic mailing lists (NASP and Ethics and Law) were coded in three different ways. The initiating posts were first categorized and coded into one of

three broad groups: ethical dilemma, ethical transgression, or legal issue. Then, using the more specific categories developed as part of the Jacob-Timm (1999) study, the initiating posts were coded again based on the primary concern detailed in the post. Messages could be coded into more than one of Jacob-Timm's 19 categories if the content clearly discussed more than one category. Initiating posts that addressed topics that did not clearly meet one of the first eighteen of Jacob-Timm's categories were originally coded as Miscellaneous (Category 19). All messages originally coded as "miscellaneous" were reviewed again after all the data had been coded. Since several messages related to Special Education Eligibility issues, an additional category entitled "Eligibility" was added. There were a few messages that remained coded as Miscellaneous because the topic covered was unique. Finally, initiating posts were categorized a third time based on the type of response the poster appeared to be seeking (i.e., advice, legal/state codes, or resources). For each of the three broad coding areas, messages could be appropriate for coding in more than one category. Table 1 provides a complete description of the categories from Jacob-Timm (1999). Due to the limited traffic on the Ethics and Law e-mail group, the data for both groups will be reported together.

A total of 73 posts were made to the NASP and Ethics and Law electronic mailing groups. Fourteen initiating posts were made to the Ethics and Law e-mail list and 59 were made to the NASP group. Thirty-one posts (42.5%) described an ethical dilemma, thirty-three (45.2%) posed a question regarding concerns about legal issues, and four (5.5%) discussed an ethical transgression. Five questions (6.8%) reflected more than one of the three above listed categories and were coded as "Multiple." All five of the posts coded as "Multiple" referred to a combination of an ethical dilemma plus a legal issue.

### Comparison to Jacob-Timm (1999) and Dailor (2007) Categories

When examining what types of ethical concerns were discussed in initiating posts on the two electronic mailing lists, the messages generally reflected topics previously identified in the Jacob-Timm (1999) study; see Table 9 below. Assessment Issues and Unsound Educational Practices were the most common concerns with 26 questions and 19 questions respectively. There were five questions that included questions regarding Administrative Pressure to Act Unethically. Frequencies will be used to describe this data because it is unknown if the same poster wrote more than one message making the use of population statistics potentially misleading.

The critical-incident technique used by Jacob-Timm provides a basis for initial inquiries when researching a topic area. However, it is possible that further research may reveal concerns or facets of an issue that were not originally identified. The current study found that several messages posted to the NASP group seemed to address concerns regarding Special Education eligibility. Due to the number of messages discussing eligibility for special education services 20.5%,  $f = 15$ , an additional category was created to more accurately code this data.

The category of “Miscellaneous” was utilized as a category for topics that were only mentioned in one or two postings. Eleven questions were categorized as “Miscellaneous” and covered questions in the areas of: Training, Legal or Ethics Code Posts, Timelines, Private School Students, General Information Posts, and posts regarding Counseling students. Questions specifically regarding Counseling students could potentially have been included in the Interventions category but not as it was originally defined by Jacob-Timm (1999). Thus messages addressing Counseling were coded within the category of “Miscellaneous.” There were

no messages that discussed the following four categories: Confidentiality, Academic Settings, Taking Credit for Others' Work, and School Psychological Records.

Fourteen of the initial posts discussed issues covering several categories. One included concerns in 6 areas (Assessment, Unsound Educational Practices, Job Competence, Parent Conflicts, Confronting, and Credentials). Table 9 lists the number of messages from the two email groups combined that were coded within each Jacob-Timm (1999) category. Appendix H shows this information broken down separately by e-mail group.

Table 9. *Percent of Ethical Concern by Type*

	Type of Incident and a Brief Description:	%	<i>f</i> ( <i>f</i> = 73)
1.	Administrative Pressure to Act Unethically: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from administrators</i>	6.8%	5
2.	Assessment: <i>Concerns about assessment or diagnostic procedures.</i>	35.6%	26
3.	Confidentiality: <i>Experiencing difficulty determining which information should/may be disclosed and to whom</i>	0.0%	0
4.	Unsound Educational Practices: <i>Unsound or detrimental teaching or discipline practices, ineffective programs, and/or failure to address student needs</i>	26.0%	19
5.	Job Competence and Job Performance: <i>Incompetent service delivery, providing services outside of expertise, inadequate training experience, and failure to fulfill employment obligations</i>	5.5%	4
6.	Parent Conflicts: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from parents</i>	5.5%	4
7.	School Psychological Records: <i>Concerns about school record keeping and access to student files</i>	0.0%	0
8.	Conflictual Relationships: <i>Divided or conflicting interests that might impair delivery of services</i>	5.5%	4
9.	Informed Consent and Self-Determination: <i>Issues regarding informed consent, actions that might diminish client autonomy, or offering choices a client is not developmentally ready to make</i>	2.7%	2

Table 9. *Percent of Ethical Concern by Type. (continued)*

10.	Interventions: <i>Use of questionable or harmful interventions as well as concern about the use of medications</i>	1.4%	1
11.	Academic Settings: <i>Issues encountered in academic settings (e.g., universities) or teaching</i>	0.0%	0
12.	Supervision: <i>Concerns related to supervision</i>	1.4%	1
13.	Sexual Issues: <i>Inappropriate sexual behavior or troublesome romantic involvements</i>	1.4%	1
14.	Payment: <i>Concerns about payment sources</i>	1.4%	1
15.	Taking Credit for Others' Work: <i>Concerns about someone taking credit for another's work</i>	0.0%	0
16.	Confronting: <i>Dilemmas confronting or reporting the unethical conduct of others</i>	4.1%	3
17.	Credentials: <i>Practicing without appropriate license/certification</i>	2.7%	2
18.	Research and Publishing: <i>Concerns about research and publication ethics</i>	1.4%	1
19.	Miscellaneous: <i>Incidents that did not fall into the above categories</i>	15.1%	11
	<b>Added category</b>		
20	Eligibility <i>Questions regarding appropriate eligibility categories</i>	20.5%	15

#### Type of Assistance Sought by Initial Posters

A second way initiating posts to the electronic mailing lists were coded was based on what type of assistance the individual was seeking. Responses were coded in seven different categories: Ethical Principles, Advice, Legal Codes/Legal Code Advice, Support, Problem-Solving, Need for Resources, State Regulations. Similar to the coding for data based on Jacob-Timm (1999) categories, messages could be recorded under multiple categories if the content clearly reflected that the individual was seeking multiple types of help; see Table 10.

Advice was the primary type of information sought by individuals who posted questions to the electronic mail groups. Almost one-half ( $f = 44$ ) of the initiating posts indicated the person was seeking some type of general advice to address their concern. The second most common

type of assistance wanted was specific information or advice regarding Legal Codes (33.3%,  $f = 35$ ). Nine messages (8.6%) sought some type of resources. Twenty-two initial posts sought multiple types of assistance with 14 seeking 2 types of assistance, seven seeking 3 types and 1 who was looking for 3 or more types of information.

Table 10 provides the specific assistance sought with frequencies combined from posts to both electronic mailing lists. Appendix I has the same table with information separated by electronic mailing group.

Table 10. *Assistance Sought by Type*

Category	% ( $f$ ) ( $f = 105$ )
Advice	42.0% (44)
Legal Codes/Advice	33.3% (35)
Need for Resources	8.6% (9)
Support	4.8% (5)
Problem-Solving	4.8% (5)
Ethical Principles	3.8% (4)
State Legal Codes	2.9% (3)

#### Number of Responses Generated to E-Mail list Posts

A total of 32 response posts were generated on the Ethics and Law electronic mailing list to address issues discussed in the 14 initiating posts. Two posts were made by original poster to clarify, respond, or add more information to their original post. The mean number of responses generated by a post was two ( $SD = 2.5$ ). One question generated ten responses. This question involved seven different categories from Jacob-Timm (1999) including Confronting, Credentials, Confidentiality, Unsound Educational Practices, Parent Conflict, and Job Competence. Two questions received no responses. One was a post that provided updated legal information and the other involved seeking advice or resources for handling an incident in their district that was

highly publicized. Four questions on the Ethics and Law electronic mailing list each generated three responses. Three of these four questions addressed Unsound Educational Practices and two of the four discussed Assessment issues.

Four hundred twenty five response posts were made to the NASP group. The mean number of responses generated by a post on the NASP e-mail list was 7 ( $SD = 10.2$ ), a higher rate than the mean for the Ethics and Law e-mail group, which was two. Eight responses on the NASP group were made by the original poster to clarify, respond, or add additional information to their original message. Two questions generated 46 responses each. One question involved Assessment-related issues and the other referred to Unsound Educational Practices. Ten questions resulted in more than ten responses. Six of the questions that generated a significant number of responses asked about an ethical dilemma regarding Assessment, three concerned Unsound Educational practices, and two were related to Administrative Pressure to Act Unethically. Three of the ten questions that resulted in high numbers of responses addressed multiple issues, with Assessment being one of those issues for all three questions.

### Response Type

One purpose of the current project was to determine, besides components of a problem-solving model, what types of responses would be provided to posts addressing ethical and legal issues on an electronic mailing list. In order to provide structure, the current study utilized the five broad categories and related sub-categories from the Babinski et al. (2001) study. The five broad categories were: Fostered Community, Provided Advice, Shared Knowledge, Related a Personal Experience, and Encouraged Reflection. A sub-category was added under the “Encourage Reflection” category entitled “Disagreed with Previous Post” to address responses

that clearly were in contrast to a previous responder. Table 2 gives full descriptions of the categories and sub-categories from Babinski et al. (2001). Table 11 provides the responses that fell within each broad category for the two electronic mail groups combined. The second table, Table 12, shows the responses that fell within each sub-category for the two electronic mail groups combined. The total number of responses ( $f = 795$ ) for Table 11 reflects that an individual's message could be coded under multiple broad categories, thus, the total is higher than the number of individual response messages received ( $n = 457$ ).

Table 11. *Frequency by Babinski et al. (2001) Broad Category*

Category	Frequency $f = 795$	Percent $f = 795$
Fostered Community	60	7.4%
Provided Advice	121	15.2%
Shared Knowledge	300	37.5%
Related a Personal Experience	156	19.5%
Encouraged Reflection	147	18.5%
Problem-Solving Model	17	1.9%

Table 12 shows the frequency of responses within each broad category. The frequency percentage was calculated based on the frequency count for each broad category and reflects that one response could have had messages that fell under 2 or more subcategories.

Table 12. *Frequency by Babinski et al. (2001) Sub-Category*

Category	Frequency	Percent
Fostered Community ( <i>f</i> = 65)		
Thanks & acknowledgement	25	38.5%
Support	28	43.1%
You are not alone	5	7.7%
Sharing	7	10.8%
Provided Advice ( <i>f</i> = 121)		
Advice	119	98.3%
Me Too and Advice	2	1.7%
Shared Knowledge ( <i>f</i> = 405)		
Information	131	32.3%
Opinion based on experience	219	54.1%
Empirical Evidence	55	13.6%
Related a Personal Experience ( <i>f</i> = 162)		
Testimonial	128	79.0%
Me Too and Help Me	6	3.7%
Additional Information	28	17.3%
Encouraged Reflection ( <i>f</i> = 159)		
Discussed broader issue	74	46.5%
Clarifying	69	43.4%
Disagreed with a previous post	16	10.1%

### *Promotion of a Problem-Solving Model*

One specific goal of this study was to examine whether professionals using an electronic consultation format would promote the use of one or more steps in a systematic decision-making model. A seven step problem-solving model tailored by Koocher and Keith-Spiegel (2008) and published in *Professional Ethics for School Psychologists* (Williams et al., 2007) was used as the problem-solving model for this study. A copy of the model was posted on the Ethics and Law electronic mailing list group home page. This seven-step model was used to evaluate responses to initiating posts on both electronic mailing lists in order to determine if the responder suggested using all or part of a systematic decision-making process. Responses were coded to include which steps were suggested to the original poster.

The fourteen initiating posts to the Ethics and Law group generated a total of 32 responses. A very small percentage of responders recommended using a problem-solving method in their post (6.2%,  $f = 2$ ). Those two responses both recommended that the original poster consult with their supervisor. This was the only step from the proposed 7-step model that was recommended.

In the NASP e-mail group, only 3.1% ( $f = 13$ ) of the responses to initial questions explicitly or implicitly suggested that an individual use all or part of a systematic decision making process. If a problem-solving model were mentioned, it usually was done to urge the person to use a systematic approach overall rather than referring them to a particular step of the problem-solving model. Consulting guidelines (i.e., state or federal law, district policy) was the most commonly recommended problem-solving step mentioned by 76.9% ( $f = 10$ ). No responders proposed describing the situation, evaluating rights of the individuals involved, or using information generated from a problem-solving model to make a final decision.

## CHAPTER V

### DISCUSSION

#### Summary and Integration of Findings

There continues to be a limited amount of recently published research regarding the types of ethical transgressions and dilemmas that occur during the course of a school psychologist's career. An important study completed on this topic that continues to be the basis for evaluating ethical issues was conducted by Jacob-Timm in 1999. Using the critical incident technique, Jacob-Timm (1999) surveyed a sample of NASP members about the type of ethical challenging situations they encountered in their work. In this foundational work, responses were organized into 19 categories reflecting major problem areas, although she was not able to develop frequency-of-occurrence data because of a non-representative sample of respondents. Using the 19 categories developed by Jacob-Timm's (1999) study, Dailor (2007) surveyed a sample of NASP members who were public school practitioners ( $N=208$ ) and asked them to indicate what types of ethical dilemmas and transgressions they had encountered in the previous twelve months. Responses indicated that nearly three-fourths of the respondents had encountered at least one of eight types of ethical dilemmas within the previous year, and more than 90% had witnessed at least one type of ethical transgression by a school psychologist within the previous year. Difficulties in the areas of Assessment and Interventions were the most frequently reported.

In addition to expanding on the work of Jacob-Timm (1999) by gathering frequency-of-occurrence data, Dailor (2007) also asked respondents to indicate what type of problem-solving methods they utilized when encountering a difficult situation. Beyond knowing what types of ethical difficulties school psychologists face, there is also limited research regarding how school

psychologists handle these problems when they arise. While there is consensus among school psychology professionals that a systematic decision-making model can be helpful in anticipating and preventing problems from occurring (Dailor & Jacob, 2010), less is known about whether professionals follow this best practice recommendation. For this reason, Dailor (2007) also asked respondents to indicate what type of problem-solving methods they utilized when encountering a difficult situation. Less than one-quarter of her survey respondents reported that they used a systematic problem-solving process.

Though utilizing a systematic problem-solving model was not reported as being widely used, more than half of respondents (66%) indicated that they consulted with colleagues when faced with a challenging situation. However, there has been very little research to date that has examined the use of peer consultation by school psychologists to resolve ethical problems. Peer consultation might be very beneficial if the person consulted is an expert in the given trouble area (Koocher & Keith-Spiegel, 2008), but there is also a risk if the person consulted is unfamiliar with the topic of concern and could potentially provide guidance that is harmful rather than helpful.

The current study examined whether peer consultants encouraged the use of a systematic decision making model when the request for consultation was made through a publically accessible electronic communication framework. Using information obtained from the Dailor (2007) study that peer consultation was a preferred method of seeking help, and the knowledge that electronic communication is becoming a common method for information sharing (<http://www.pewinternet.org/>), an electronic mailing list was started to provide a platform for school psychology professionals to seek consultation regarding ethical and legal issues. In addition to the posts and responses made to the newly created NASP Ethics and Law electronic

mailing list, the posts and responses made to the already well-established NASP electronic mailing list were also included as data for this project. A seven-step model developed by Koocher and Keith-Spiegel (2008) was used to code whether responses were referring to one or more parts of a problem-solving model. Overall, and consistent with Dailor (2007), a very small percentage of responses directly or indirectly referred the initial poster to one or more steps of the problem-solving method.

### *Initiating Posts*

The Ethics and Law electronic mailing list generated 14 initiating posts that covered several different topics, and out of the 3639 total initiating messages on the NASP electronic mailing list, less than 2% of the messages addressed ethical or legal issues. Similar to the Dailor (2007) study, assessment continued to be a primary area of concern discussed in more than one-third of initiating posts, and about one-fourth of the posts were related to unsound educational practices. Other categories from Jacob-Timm (1999) generated fewer initial posts. However, a category that was not identified in Jacob-Timm, Special Education Eligibility, was topic of concern in about one-fifth of posts and generated the third highest number of concerns.

The categories of Confidentiality, School Psychological Records, Academic Settings, and Taking Credit for Others Work that were part of the Jacob-Timm (1999) study generated no initiating posts. Several categories only had one post that addressed that topic. Fourteen initiating posts discussed multiple concerns within the same post (19.2%).

Response to Intervention (RtI) is an on-going hot topic in the field of school psychology. A search of the PsychInfo and ERIC databases for publications containing “RtI” since 2005 resulted in 796 hits. Even though it is a regular topic of discussion in the school psychology

practice and training programs and many states are mandating some form of recorded intervention attempts prior to making a student eligible for Special Education with a Specific Learning Disability, it was interesting to find that none of the initial posts addressed concerns or ethical issues related to RtI.

The NASP Ethics Codes were recently revised (2010c) and went into effect January 1, 2011. It is unclear what impact the changes in the Ethics Code may have on practicing school psychologists. The new codes may generate new or different issues that have not previously been significant. Continuing to monitor the impact of the new codes on the types of ethical issues that individuals seek assistance with might be beneficial in order to address future training needs.

#### *Response Type Sought*

One way that the data for this study was coded was to categorize initial posts by the type of information the poster appeared to be seeking. Almost half of the individuals who posted a question were seeking some type of advice and one-third of posters were seeking specific information or advice regarding Legal Codes. Being able to ask follow-up questions to posters regarding what they had done prior to posting to address their issue and why they are seeking assistance through an e-mail group rather than at their job site might provide interesting data.

#### *Responses to Initial Posts*

Responses to initial posts were categorized by the type(s) of information provided. Categories developed by Babinski et al. (2001) were utilized in addition with the Problem-solving steps from Koocher and Keith-Spiegel (2008). Sharing knowledge was the most common type of response provided in more than one-third of responses followed by “Related a Personal Experience” and “Encouraged Reflection.” Within “Shared Knowledge” the most typical

information was an opinion based on personal experience. There were relatively few responding posts that shared empirically based knowledge. Results indicate that responders were comfortable providing advice, giving opinions, and sharing testimonials, but much less frequently cited any empirical information to support their message.

Beyond coding responses based on the Babinski et al. (2001) categories, whether any steps of a problem-solving model were recommended was also examined. One of the initial research questions this study attempted to address was whether any or all steps of a systematic problem-solving model would be recommended when an individual seeks assistance through an electronic consultation format. Use of a systematic method for analyzing information and making decisions in difficult situations is advocated by NASP as best practices. Even though this position is taught in graduate programs and supported by NASP, very few responses on either electronic mailing list recommended that the initial poster refer to one or more steps of a problem-solving model when addressing their issues. Less than 10% of the responses encouraged any use of a problem-solving model. When a problem-solving model was recommended, examining state and legal codes or consulting with a supervisor were the two most frequently proposed steps. There may be some assumption made by individuals responding to electronic mailing list posts that the person with the initiating concern or question has already attempted to use a problem-solving process and is still unsure of what steps to take and therefore is seeking more direct feedback. One difficulty with this thinking is that it may be an erroneous assumption and therefore a person may receive and take advice that is limited in scope without considering other important components of systematic problem-solving.

Responders were much more likely to provide advice than directing the original message poster to examine whether they had gone through steps of problem solving. When considering

responses based on the categories used in Babinski et al (2001), responders were more apt to provide information in any of the five broad categories than suggest steps of a problem-solving model. Sharing Knowledge was the most common broad category addressed by responses. This included providing information, giving an opinion based on experience, or providing empirical evidence such as cited research or legal/ethical code citations.

### *Current Sample*

Due to the small number of members for the Ethics and Law electronic mailing list and the unavailability of demographic information for members of the NASP electronic mailing list it is unclear whether those posting or responding to messages are a nationally representative sample of school psychologists. Even though a small sample of Ethics and Law members responded to the demographics questionnaire, there were not enough responses to make any useful comparisons to samples from previous studies or the general NASP membership information.

## Strengths

### *Use of Technology to Support Consultation*

Even though perceived usefulness data for using an electronic consultation format was only available from a few individuals, their responses still indicated that easy of seeking and receiving help was a benefit of an electronic mail group. Considering the traffic on the NASP e-mail group, which averages approximately 485 messages per month, electronic communication appears to be a popular format for professionals to share information and seek consultation. This format also allows for a very diverse range of individuals to easily connect and share resources.

NASP electronic mailing list provides access to over 2700 individuals; many of them well respected professionals in the field. One benefit of the NASP electronic mailing list is that there is a broad range of school psychology professionals who regularly post or respond to posts. There are members who are graduate students awaiting their first professional experiences who post questions seeking job or internship advice and there are test authors who provide answers to questions directly related to their instruments. There are members who work for publishing companies, at universities, in school districts, and those who are retired from practice. In addition to the school psychologists who belong to the NASP electronic mailing list, there are also many members who are professionals in other related fields such as school administrators, advocates, or teachers. The diversity in membership allows for diversity and richness in the types of responses provided to posts and at times has led to spirited debate on a given topic.

A potential additional, but unknown benefit may be to those who are members of groups such as the NASP electronic mailing list who read the messages but do not make their own posts. These individuals may gain knowledge that positively impacts their practice or that they then share with others they work with. Thus, the potential positive benefit of a posted message or question may be broader than just those that ask or answer a given question.

Since using electronic formats for information sharing and consultation is becoming more and more popular, it is important to continue to increase awareness of legitimate resources for professionals. Continuing to build a membership base in electronic groups such as the NASP e-mail group may help this tool, or similar tools (e.g., APA's Division 16 electronic list group), continue to grow and expand as a positive format for peer consultation on a broad array of issues. Awareness of this electronic group might be increased by information in Communiqué or a

profile on the NASP website, word of mouth from users, and trainers at universities informing their students.

### *Evaluation of Topics of Concern Generated in Natural Setting*

Another benefit of evaluating information generated on an electronic mailing list is that concerns and questions are posted in real time. Rather than creating a contrived questionnaire where people may over or under estimate a particular concern, an electronic mailing list provides a format to analyze topics of concern as they happen. Even though issues presented are still only a reflection of those who choose to use an electronic format to seek consultation, it still provides valuable insight into the kinds of job challenges that arise for school psychology professionals working in a wide variety of settings.

### *Frequency of Ethical Issues*

Out of the more than 3,000 of messages posted to the NASP electronic mailing list during the course of 12-months, less than 2% of initiating posts related to ethical or legal issues. While these issues may consume a large portion of an individual psychologist's time while they are happening, overall they appear to only be a very small percentage of the questions that arise for a school psychologist in a given year. Due to the limited research regarding frequency of occurrence of these types of issues, it is impossible to determine how many ethics- or legal-related issues a school psychologist deals with on a regular basis without needing to seek peer consultation to resolve them. Many decisions become more automatic as expertise is *achieved*. Practitioners who have worked fewer years may still be in the process of developing their ethical identity. With less experience and more uncertainty, making decisions under pressure may be

more challenging, particularly where determining an appropriate course of action is not clear-cut (Harvey & Struzziero, 2008).

New school psychologists may be more vulnerable to administrative pressure because they may not have established connections with other school psychologists in the district and may not know who their allies are in difficult situations (Helton & Ray, 2007). Less experienced psychologists are also working to integrate many new skills; to establish their reputation in the buildings in which they serve; to develop positive relationships with building staff, students, and parents; and to learn the nuances of the job. Thus, in the midst of learning their new duties, they may find themselves more susceptible to administrative pressure and have a difficult time determining their rights.

New practitioners are continuing to develop an ethical identity and to evolve from being solely rule-based (novice) to a more integrative approach (expert) in their ethical thinking (Dreyfus & Dreyfus, 2000). Developing a solid ethical identity can take a minimum of five years, and for some school psychology practitioners, it may take longer (Harvey & Struzziero, 2008). Finding ways to support and mentor new psychologists in a district may help foster the development of their ethical identities.

### Limitations

The biggest limitation to this study was that the very low response rate to the electronic mail group that was initiated for this study. Luckily, access was granted to use archival posts to the NASP e-mail group, which provided a more complete data set. While a poor response was a limitation of this study, it may also be an indication that a separate group that addresses only ethical and legal issues is not currently needed. The discussion on the NASP group covers a

broad array of topics including ethical and legal issues often with initiating posts generating a strong response rate. Prior to the Ethics and Law electronic mail group being created, a needs assessment was not completed. Had this been done, the duplication between the NASP group and the intended function of the Ethics and Law group may have been obvious and study design alterations could have been made prior to beginning this work rather than partway through.

The Ethics and Law electronic mailing list was not very well utilized. This resulted in a small sample size and poor response rates to follow-up questionnaires. It is difficult to know if the low response rate was due to the questionnaire format through Survey Monkey versus a traditional mailed survey or other reasons. Other recent studies (Cochrane & Laux, 2008 and Sullivan & Long, 2010) have also reported low survey response rates from NASP members. Also, the total group size on the Ethics and Law e-mail list was small, thus there was a smaller sample to draw from than a planned survey where questionnaires can be sent to most NASP members.

The original purpose of this study had been to create an electronic communication group centered solely on the topics of Ethical and Legal issues in school psychology. Unfortunately, even with regular recruitment on the NASP electronic mailing list, the Ethics and Law electronic mailing list did not get the membership or traffic that was desired. Thus permission was sought and obtained to review data posted to the NASP electronic mailing list. This resulted in a much larger sample of posts and responses that could be evaluated. Using the NASP electronic mailing list archived posts did allow for access to a larger data set, however, it did not allow for obtaining sample demographic information or information about whether those that have posted or responded on the NASP electronic mailing list find it to be an effective and useful professional consultation tool.

Members were recruited through first-person contact with the moderator and through recruitment messages on the NASP e-mail group. Even with multiple posts on the NASP group, interest in joining the Ethics and Law group remained low. This may have been one indication that a separate group for Ethics and Law was not seen as a needed resource because individuals who were NASP group members felt their needs were being met on that group. Another possible explanation for low participation might be that individuals did not necessarily want to use an electronic format for consultation regarding ethical or legal issues.

A second limitation related to the first is that only a very limited amount of demographic information was gathered from participants and that data was only from members of the Ethics and Law e-mail group. Demographic information could not be obtained for members of the NASP e-mail group. Evaluating the demographic information, including training and work environment variables, is helpful in order to determine the types of situations where ethical or legal issues most commonly arise. Knowing this information helps training to be developed to prevent difficult situations or to provide skills to deal with situations as they come up.

A few individuals participating in the Ethics and Law group answered some demographic questions including questions regarding several work environment variables such as access to professional materials or secretarial support. Respondents indicated the quality (from Poor to Excellent) of these environmental variables, but whether those variables were important or critical to their work was not evaluated. Thus, someone might have indicated that secretarial support is “poor” where he or she works, but maybe he or she does not feel that this negatively impacts service delivery. Revisions of the demographic questionnaire may want to make adjustments to this section in order to improve the usefulness of obtained data.

Another limitation for this study involved the data coding. One way the current data was coded was based on the categories developed in the Jacob-Timm (1999) study. While her study provided a strong framework for categorizing ethical issues it is also possible that because it was based on the critical incident technique, other issues may be unrecognized. An example of this difficulty is that Special Education eligibility was not a previously identified category in the Jacob-Timm (1999) study and yet this topic was prevalent in the current data set.

A third limitation of this study is that a formal inter-rater agreement rate was not calculated. The researcher coded messages and any messages that were unclear or difficult were sent to Susan Jacob for review. However, a formal independently coded sub-set of data was not done. It might have been beneficial to have a third-party who was unfamiliar with the research but who was given the coding guidelines code a set of messages to determine a true inter-rater agreement rate.

### Future Directions

Continuing to evaluate and research ethical issues in the field of school psychology has important training and practice implications. Staying up-to-date with what practitioners face while working in schools helps university programs, state psychological organizations, NASP, and APA develop appropriate training protocols. NASP has been a leader in including on-going education in ethical issues as part of the Nationally Certified School Psychologist (NCSP) credential. The NASP e-mail group on Yahoo! also serves as an important outlet for on-going discussion of all types of issues related to school psychological services. It might be beneficial for the moderators of the NASP e-mail group to openly allow permission for use of archival posts for research purposes. This would notify participating members that posts might be used

for research purposes and guidelines for how information may be used could be outlined for any interested researcher. It might also be beneficial to examine the types of incidents posted to the NASP group and the response type provided to look at trends in response style (e.g., are responses to ethical questions regarding administrative pressure always advice).

While NASP recommends the use of a systematic decision-making model when addressing difficult situations there is no research examining the utility of these models in practice. Theoretically they make sense, but in reality practitioners may not find them useful. Research addressing the practicality of using all steps in a systematic problem-solving model may provide information about potential reasons that individuals, including those in this study, may not choose to use this method when addressing challenging situations.

Ongoing data collection would allow for comparisons of frequencies obtained from a retrospective study such as this with data obtained through ongoing or diary type studies to determine if there are any significant differences. When considering ethical issues through a questionnaire format, it is possible that individuals are likely to remember large problems (e.g., an administrator threatening a practitioner's job standing if they did not comply with a request) rather than small problems that may occur more frequently but are perceived as less irksome (e.g., having to give an assessment in an unsatisfactory location). There may be some issues that practitioners are so used to automatically handling that they do not automatically categorize as ethical in nature. Collecting data through an electronic communication format or diary study may help track ethical issues that are subtler in nature. To help practitioners improve their service delivery, it is important to have quality data about pervasive or significant issues of concern to practitioners, but also about issues that may be subtly influencing or undermining their ability to engage in ethical service delivery.

Another study format that might provide interesting information would be a time series study where a sample of practicing school psychologists answer the same questions at regular intervals to determine frequency of occurrence data for a variety of ethical and legal issues, and to determine when an issue becomes severe enough that they seek outside help. This might allow for data on several issues including: up-to-date information about ethical dilemmas and transgressions experienced, types of problem-solving methods used (and success of those methods), and demographic data gathered would allow for cross-categorical comparisons to determine if there are trends regarding particular types of issues, when and to whom they most frequently occur, and what methods or most commonly used to address them. This format would allow for the possibility of considering variables that may seem, at first, peripheral to ethical practice but that potentially may have significance.

Another future direction is to expand the utilization of an electronic communication format for both training and consultation. Ethics training for school psychologists should begin from the first day of graduate school and continue throughout one's professional career. The advancement of technology and the ability to instantly connect to large groups of other professionals may provide a new resource for ethics education. Not only do the electronic methods of communication provide tools for consultation and education, but they are also a new area that needs to be addressed in training programs so professionals are aware of the potential downside to using technology to discuss delicate issues. With so many individuals relying on electronic mail, text messages, and other electronic forms of communication, it is important to understand how to positively and safely use of these forms of communication in order to uphold professional ethic standards and expectations.

The use of an electronic mailing group might have multiple benefits for individuals in a training program including: connecting current students with previous graduate students, providing a discussion forum for current ethical issues, and the opportunity to process posted ethical situations through a problem-solving model. Individuals in the field with connections to their graduate programs might be reminded of using the best practices approach of a problem-solving model thus improve their decision-making process. Participating and utilizing group electronic mail formats for discussion and training has the potential to deepen the ethics training of current trainees and have an additional benefit of supporting faculty's ethical practice as expected by APA (2002). While it is presumed that program faculty will always strive to reflect ethical behavior in their work, they are subject to some of the same pressures as those practicing in the field (Tabachnick, Keith-Spiegel, & Pope, 1991). Designing a training program where ethics a frequent topic of conversation is likely to support the ethical behavior of all individuals involved.

Connecting current students to practicing professionals might also help students understand that carrying out ethical actions may not always feel comfortable and they should be encouraged to "pick their battles" thoughtfully after gathering adequate information. Being able to read and respond or discuss real-life issues, such as those presented on the NASP e-mail group, may provide students with the opportunity to reflect on real-world difficulties prior to experiencing them first-hand. Giving students adequate opportunities to discuss and share their experiences handling a difficult situation from the realization that there is an issue, determining the needed course of action, through the problem resolution may help students improve their problem-solving skills and solidify their resolve to address problem situations directly.

## APPENDICES

APPENDIX A

DEMOGRAPHIC QUESTIONNAIRE

<b>Background Information</b>	
How many years have you worked as a school psychologist (including full-time internship)? _____	
If you are currently a graduate student, what year are you in your program and what degree are you working toward attaining?	
YEAR: 1      2      3      4      5+	
DEGREE: <input type="checkbox"/> Masters <input type="checkbox"/> Masters plus certificate <input type="checkbox"/> Specialist <input type="checkbox"/> Doctorate	
What was the highest degree you have attained?	
<input type="checkbox"/> Masters <input type="checkbox"/> Masters plus certificate <input type="checkbox"/> Specialist <input type="checkbox"/> Doctorate	
What year did you receive your highest-level graduate degree? _____	
Are you? <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
Age?	
<input type="checkbox"/> 21-30 years <input type="checkbox"/> 31-40 years <input type="checkbox"/> 41-50 years <input type="checkbox"/> 51-60 years <input type="checkbox"/> 60+ years	
Which of the following best describes your primary employment situation?	
<input type="checkbox"/> Practicum student	<input type="checkbox"/> Administrator
<input type="checkbox"/> Intern	<input type="checkbox"/> Faculty
<input type="checkbox"/> Part-time school psychologist	<input type="checkbox"/> Self-employed consultant
<input type="checkbox"/> Full-time school psychologist	<input type="checkbox"/> Other: _____
Which of the following best describes your employment setting?	
<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural <input type="checkbox"/> Multiple	

<b>Ethics Training</b>	
What training have you received in professional ethics? <b>(Check all that apply)</b>	
<input type="checkbox"/> No formal training.	<input type="checkbox"/> Professional development workshops.
<input type="checkbox"/> Graduate course(s) on ethics.	<input type="checkbox"/> District in-service
<input type="checkbox"/> Ethics were taught in multiple graduate classes.	<input type="checkbox"/> Ethics are discussed at regular school psychologist staff meetings
<input type="checkbox"/> Ethics were addressed in practicum, internship.	<input type="checkbox"/> Self-study (e.g., journal articles or books)

<i>Please indicate how much you agree/disagree with the following statements.</i>	<b>Totally Disagree</b>	<b>Somewhat Disagree</b>	<b>Somewhat Agree</b>	<b>Totally Agree</b>
I feel prepared to handle ethical issues that arise on the job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel prepared to handle administrative pressure to act unethically.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel prepared to address unethical conduct by a colleague	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel professionally supported in the area of ethics and legal issues at my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel professionally isolated regarding ethical and legal issues at my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have many colleagues locally with whom I can consult regarding legal and ethical issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Please rate the extent to which your district/employer provides the following:</i>	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>
An appropriate space to work with students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An appropriate office space for report writing, etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computers for your use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General security of pupil psychological records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secretarial or other clerical support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assessment materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intervention materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access to professional books and journals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Release time for professional development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial support for professional development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequate number of psychologists for the number of pupils served	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General perceived administrative support for school psychologists	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX B

FOLLOW UP QUESTIONS FOR ALL PARTICIPANTS

*Please indicate how much you agree or disagree with the following statements:*

	<b>Totally Disagree</b>	<b>Somewhat Disagree</b>	<b>Somewhat Agree</b>	<b>Totally Agree</b>
Questions and responses on the Listserv have addressed issues I face at my job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suggestions provided on the Listserv have helped me solve a problem at my job				
Participating in the Listserv has helped me utilize a more structured problem-solving process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of the Listserv for consultation about my ethical/legal issue was helpful	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would use this format for consultation about ethical/legal issues in the future	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I felt safe asking for help using the Listserv	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of the Listserv positively impacted my service delivery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My awareness of ethical/legal issues has increased due to participation on the Listserv	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participation on the Listserv has helped me feel less isolated as a professional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participation on the Listserv has helped me feel supported as a professional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What did you find most useful about this format?

What did you like the least about this format?

What could be done to improve this format for professional consultation?

APPENDIX C

FOLLOW UP QUESTIONS FOR INITIAL POSTERS

**Follow Up Questions to a POST:**

<b>I hoped the response(s) to my post would provide:</b>	<b>The response(s) to my post DID provide:</b>
○ Information	○ Information
○ Resources	○ Resources
○ Advice	○ Advice
○ Other	○ Other

*Please indicate how much you agree or disagree with the following statements:*

	<b>Totally Disagree</b>	<b>Somewhat Disagree</b>	<b>Somewhat Agree</b>	<b>Totally Agree</b>
The response to my post met my expectations:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The response(s) to my post helped generate multiple ideas to help me address my problem.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The response(s) to my post helped me problem-solve this situation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The response(s) to my post helped me utilize a more structured problem-solving process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The use of the Listserv for consultation about my ethical/legal issue was helpful	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would use this format for consultation about these issues in the future	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I felt safe asking for help using the Listserv	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of the Listserv positively impacted my service delivery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My awareness of ethical/legal issues has increased due to participation on the Listserv	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participation on the Listserv has helped me feel less isolated as a professional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participation on the Listserv has helped me feel supported as a professional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What did you find most useful about this format?

What did you like the least about this format?

What could be done to improve this format for professional consultation?

## APPENDIX D

### LETTER TO POTENTIAL LISTSERV PARTICIPANTS

Dear School Psychology Colleague:

Thank you for your interest in joining the Ethical and /Legal Issues in School Psychology Listserv. The primary goal of this Listserv is to broaden the consultation network for school psychologists in the area of ethical and legal issues. We look forward to your participation and hope you find this to be a beneficial resource. We also hope to generate some lively debate on “hot topics” in ethics and law.

For continued improvement of professional resources and training in the area of ethics and law, it is important to know what is currently occurring in the field. For that reason, a second purpose of this Listserv is to gather information regarding emerging ethical and legal issues in school psychology and the types of difficult situations psychologists face as part of their daily work. The benefit of this format is that the topics included in posts provide real-time data about issues of the greatest concern to practitioners rather than researcher determined questions.

Beyond being able to communicate with a wide network of other school psychology professionals through this Listserv, several experts in the field of ethical and legal issues have been kind enough to participate. We are grateful for their support of this project and are confident that members will benefit from their participation.

When submitting a post, please take care to **respect the privacy of recipients of services including students, parents, teachers, and schools**. Do not disclose personally identifiable information about individuals without their explicit written consent to do so or carefully disguise the identities of persons and schools. Participants may post anonymous queries.

Listsers posts should not be interpreted as reflecting the official opinion of NASP’s Ethical and Professional Standards Committee or of any specific professional organization. Listsers posts also should not be construed as legal advice; school psychologists are encouraged to consult their school attorney through the appropriate administrative channels when legal problems arise. We also encourage all practitioners to use a systematic decision making model when working through an issue and promote the use of quality problem-solving skills even within the Listsers format.

As part of joining the Listsers, you will be emailed a brief questionnaire (less than 10 questions) that asks about basic demographic information. From time to time, you also may receive a survey with a few questions to help us evaluate the usefulness of the Listsers. Your timely response to these questions would be greatly appreciated.

Again, thank you for your interest in the Ethical and Legal Issues Listsers. We sincerely hope it is a useful resource for your practice.

Please reply to this email that states “YES” if you would like to join and understand and are in agreement to the terms and information listed above. Once your reply is received your name will be added to the Listserv list. Upon joining or rejoining, members are put into moderation status, until their initial post is reviewed and approved by a moderator.

-N. Dailor & S. Jacob (Moderators)

APPENDIX E

ACTUAL NUMBER OF RESPONSES TO EACH DEMOGRAPHIC QUESTION

Question #	# of Responses
1	39
2	39
3	39
4	28*
5	28*
6	28
7	28
8	27
9	39
10	39
11	39
12	39
13	7*
14	29
15	30
16	37
17	37
18	37
19	34

\* Question only applied to sub-group (e.g., current grad students)

## APPENDIX F

### TEXT RESPONSES TO FOLLOW UP QUESTIONS: ALL RESPONDERS

What did you find most useful about this format?

- I love listservs in general because they come frequently and responses are immediate.
- Easy way to try to obtain feedback on concerns
- The opportunity to connect to others in my field and consult on ethical issues with unbiased feedback.

What did you like the least about this format?

- More time on the computer.
- Limited number of posts on some issues
- Minimal participation from many members limited the usefulness of the listserv.

What could be done to improve this format for professional consultation?

- More participants
- Increase awareness/expand membership
- Generate more ideas/topics for discussion and post current news on ethical issues which may serve to keep members up to date and generate further discussion.

## APPENDIX G

### TEXT RESPONSES TO FOLLOW UP QUESTIONS: INITIAL POSTERS

What did you find most useful about this format?

- Quick
- I work in a rural school district--very isolated professionally. It is great to be able to pop on line with my legal/ethical questions.
- Supportive ideas when given
- the anonymity of asking certain questions is helpful and I like that you get a variety of responses to consider.
- It was a method of acquiring fast, informative and valuable help!

What did you like the least about this format?

- Not enough feedback from other professionals
- I don't believe anyone responded to my issue/question.
- Limited feedback from others
- off topic responses
- Short answers!

What could be done to improve this format for professional consultation?

- Keep it going longer so that it can get momentum.
- More members. It would be great if some experts in school law and school psych ethics were subscribers who might participate as well.
- It would be helpful if more professionals participated. I generally feel it is a great format.
- Keep doing this survey; NASP needs to do more of this in order to get helpful continuous feedback and to more adequately meet our needs! Hoorah for you! Do you know if all of the other NASP Listservs do this?!

APPENDIX H

RESPONSES SPLIT BY ELECTRONIC GROUP: JACOB-TIMM (1999) CATEGORIES

		Ethics e-mail list		NASP e-mail list	
	Type of Incident and a Brief Description:	%	<i>f</i>	%	<i>f</i>
1.	Administrative Pressure to Act Unethically: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from administrators</i>	7.1%	1	6.8%	4
2.	Assessment: <i>Concerns about assessment or diagnostic procedures.</i>	28.6%	4	37.3%	22
3.	Confidentiality: <i>Experiencing difficulty determining which information should/may be disclosed and to whom</i>	0.0%	0	0.0%	0
4.	Unsound Educational Practices: <i>Unsound or detrimental teaching or discipline practices, ineffective programs, and/or failure to address student needs</i>	21.4%	3	27.1%	16
5.	Job Competence and Job Performance: <i>Incompetent service delivery, providing services outside of expertise, inadequate training experience, and failure to fulfill employment obligations</i>	7.1%	1	5.1%	3
6.	Parent Conflicts: <i>The struggle to act in the best interest of a student or to maintain ethical standards in the face of pressure from parents</i>	7.1%	1	5.1%	3
7.	School Psychological Records: <i>Concerns about school record keeping and access to student files</i>	0.0%	0	0.0%	0
8.	Conflictual Relationships: <i>Divided or conflicting interests that might impair delivery of services</i>	14.3%	2	3.4%	2

9.	Informed Consent and Self-Determination: <i>Issues regarding informed consent, actions that might diminish client autonomy, or offering choices a client is not developmentally ready to make</i>	0.0%	0	3.4%	2
10.	Interventions: <i>Use of questionable or harmful interventions as well as concern about the use of medications</i>	0.0%	0	1.7%	1
11.	Academic Settings: <i>Issues encountered in academic settings (e.g., universities) or teaching</i>	0.0%	0	0.0%	0
12.	Supervision: <i>Concerns related to supervision</i>	0.0%	0	1.7%	1
13.	Sexual Issues: <i>Inappropriate sexual behavior or troublesome romantic involvements</i>	0.0%	0	1.7%	1
14.	Payment: <i>Concerns about payment sources</i>	7.1%	1	0.0%	0
15.	Taking Credit for Others' Work: <i>Concerns about someone taking credit for another's work</i>	0.0%	0	0.0%	0
16.	Confronting: <i>Dilemmas confronting or reporting the unethical conduct of others</i>	7.1%	1	2.5%	2
17.	Credentials: <i>Practicing without appropriate license/certification</i>	7.1%	1	1.7%	1
18.	Research and Publishing: <i>Concerns about research and publication ethics</i>	0.0%	0	1.7%	1
19.	Miscellaneous: <i>Incidents that did not fall into the above categories</i>	35.7%	5	10.2%	6
	<b>Added category</b>				
20	Eligibility Questions regarding appropriate eligibility categories	0.00%	0	25.42%	15

APPENDIX I

RESPONSES SPLIT BY ELECTRONIC GROUP: TYPES OF ASSISTANCE SOUGHT

Category	Ethics & Law % (f)	NASP % (f)
Ethical Principles	14.3% (2)	3.4% (2)
Advice	64.3% (9)	59.3% (35)
Legal Codes/Advice	28.6% (4)	52.5% (31)
Support	14.3% (2)	5.0% (3)
Problem-Solving	7.1% (1)	6.8% (4)
Need for Resources	35.7% (5)	6.8% (4)
State Legal Codes	0.0% (0)	5.0% (3)

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