Psychological Testing and Assessment 9th edition Cohen Solutions Manual

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Chapter 2
Historical, Cultural, and Legal/Ethical Considerations

Brief Chapter Outline

I. A Historical Perspective
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- B. The Twentieth Century
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  - The measurement of personality
  - The academic and applied traditions

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  - Guidelines with respect to certain populations
- C. The Rights of Testtakers
  - The right of informed consent
  - The right to be informed of test findings
  - The right to privacy and confidentiality
  - The right to the least stigmatizing label

Close-up: The Controversial Career of Henry Herbert Goddard

Everyday Psychometrics: Life-or-Death Psychological Assessment

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Meet an Assessment Professional: Meet Dr. Neil Krishan Aggarwal
D
Self-Assessment

Terms to Learn

Individualist culture versus collectivist culture

Individualist culture: This culture is characterized by value being placed on traits such as self-reliance, autonomy, independence, uniqueness, and competitiveness.

Collectivist culture: This is a culture in which value is placed on traits such as conformity, cooperation, interdependence, and striving toward group goals.

Some Relevant Reference Citations

Houdmont, J., Zhou, J., & Hassard, J. (2011). Overtime and Psychological Well-Being among Chinese Office Workers. *Occupational Medicine,* 61(4), 270–273.

Smith, P. B., Torres, C. V., Hecker, J., et al. (2011). Individualism–Collectivism and Business Context as Predictors of Behaviors in Cross-National Work Settings: Incidence and Outcomes. *International Journal of Intercultural Relations,* 35(4), 440–451.

Vinall, J., Riddell, R. P., and Greenberg, S. (2011). The Influence of Culture on Maternal Soothing Behaviors and Infant Pain Expression in the Immunization Context. *Pain Research & Management,* 16(4), 234–238.

For Class Consideration

Although there is a traditional distinction between an individualist culture and a collectivist culture, how meaningful is this distinction? To what extent are cultures viewed as "individualist" in nature? To what extent are cultures viewed as "collectivist" in nature? What is the relevance of the distinction between the individualist culture and the collectivist culture for psychological assessors?

Class Discussion Questions

Here is a list of questions that may be used to stimulate class discussion, as well as critical and generative thinking, with regard to some of the material presented in this chapter of the text.

1. A number of people are cited in the textbook as being influential in the development of

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modern-day psychological testing and assessment. Who would you nominate as the *most* influential, and why?

2. What impact does culture have on the process of psychological assessment, on verbal communication, and on nonverbal communications? What experiences can students share from their personal experience?

3. In some countries, political dissidents are silenced on the basis of psychiatric tests that indicate that they need to be hospitalized involuntarily. Could that happen in your country? What is the role of professional organizations and other parties to the assessment industry in ensuring that such abuses do not occur? What might be the other ways in which it is possible to abuse psychological tests? Are students aware of any such abuses?

4. Initiate a class discussion on a scenario in which a clinician in an independent practice is treating a client whom he or she has self-referred for depression. During the course of therapy, the clinician learns that the client has recently tested positive for HIV. The client further reports that he has had a number of "one-night-stands" in which he had unprotected sex with anonymous partners. What action should the clinician take?

5. Here is a bit of television trivia that you may want to share with your class as a popular culture "sidebar" to Henry Goddard's book on the Kallikaks.

   In August 1977, NBC premiered a new television series entitled *The Kallikaks*. Much like the CBS sitcom that preceded it, *The Beverly Hillbillies*, this new comedy featured a family coming from a rural environment (in this case, Appalachia) to California. Unlike the long-running CBS sitcom *The Beverly Hillibillies*, however, *The Kallikaks* was cancelled after telecasting only five episodes.

   The cast of *The Kallikaks* was as follows:
   - Jasper T. Kallikak: David Huddleston
   - Venus Kallikak: Edie McClurg
   - Junior Kallikak: Patrick J. Peterson
   - Bobbi Lou Kallikak: Bonnie Ebsen (who, by the way, was the real-life daughter of "Jed Clampett" on *The Beverly Hillibillies*, actor Buddy Ebsen)

In-Class Demonstrations

1. **Bring Something to Class.**

   Bring the following test-related reference materials to class for discussion.

   a. The *Standards*

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Bring the latest edition of the *Standards for Educational and Psychological Testing* to the class, and discuss selected topics such as the standards pertaining to professional behavior.

b. The *APA Ethical Standards*

Bring the latest edition of the *Ethical Standards of Psychologists* (published by the American Psychological Association) to the class, and discuss selected topics exemplifying what constitutes the ethical use of tests.

c. The ethical standards of another professional organization

Bring to the class the latest edition of the published ethical guidelines of a specialty group within psychology or education, such as the guidelines published by the National Association of School Psychologist or those published by the Association for Counseling and Development. Discuss sample principles from these documents, and have students relate their own experiences with these tests and the assessment process that would either be consistent or inconsistent with the samples cited.

d. A sample culture-specific test

Bring to the class a sample of "culture-specific tests" such as the Black Intelligence Test of Cultural Homogeneity (Williams, 1975) or the Cultural/Regional Uppercrust Savvy Test (Herlihy, 1977). After reading aloud some of the items from the test to the class, discuss students' impressions of these tests. What are the pros and cons of using "culture-specific tests" in schools, in industry and organizations, and in other settings such as clinics?

2. **Bring Someone to Class.**

Invite an individual (from the options listed below) to speak to the class.

a. A person who immigrated to the United States

With regard to the discussion of the psychological testing at Ellis Island, ask students to identify someone who is able and willing to share his or her recollections of his or her parents or grandparents immigrating to the United States. The instructor may wish to pre-interview this individual either in person or via a phone call to assess whether or not it would be appropriate to have this person address the class with his or her memories of immigration.

b. A faculty member from the History Department

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Invite a faculty member of the History Department (in your university or a neighboring one) to shed some additional light on the historical aspects of testing and assessment from antiquity to modern times.

c. A faculty member from the Department of Ethnic Studies

Invite a faculty member who teaches an ethnic studies course (in your university or a neighboring one) from a department that deals with ethnic studies. Ask this faculty member to speak to the class about "culture and psychological assessment."

d. A faculty member from a law school

Invite a faculty member who is affiliated with your university or a law school nearby to speak to your class. Ask this faculty member to present either a general overview of law and psychological assessment or a more specific presentation on law, such as "Psychological Assessment in the Era of Daubert."

e. A lawyer who practices civil law

Invite a local, practicing attorney to share his or her experience litigating civil cases that have involved issues of psychological assessment with your class.

f. A lawyer who practices criminal law

Invite a local, practicing attorney to share his or her experience litigating criminal cases that have involved issues of psychological assessment with your class.

g. A special education official

Invite a special education official, such as a due process hearing officer, to your class to discuss the implications of state and federal law for testing and assessment practices. Ask this person to discuss his or her firsthand experiences, if any, with any of the legislation or litigation cited in this chapter.

h. A personnel director

Invite a corporate personnel director to your class to discuss the implications of recent court decisions on employment selection procedures and the field of human resources in general.

i. The director of the office of students with disabilities

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Invite a university coordinator of disability concerns or the director of the office of students with disabilities to the class. Ask the individual to discuss how the legislation and litigation discussed in the chapter relates to testing and assessment in practice.

j. A representative from a local hospice

Invite a representative from a local hospice to your class to discuss his or her perspective on the Oregon Death with Dignity Act. Ask the individual to discuss how the Oregon law corresponds to the philosophy of the hospice movement.

k. The coordinator of multicultural programs or bilingual education

Invite a coordinator of multicultural or bilingual education at your university (or a neighboring university) to speak to your class, preferably one who is involved in determining the primary language of students. Ask this individual to discuss her or his perspective on the cultural issues that may affect the psychological assessment of an individual with English as his or her second language. Ask the speaker to elaborate on other issues of verbal and nonverbal communication that he or she feels is important for psychological assessors to keep in mind while performing the assessment. What does the speaker feel about the use of translators in psychological assessment?

In-Class Role Play and Debate Exercises

1. **Role Play: Employment Interview**

In teams of two, have one student play the role of an employer and the other student that of a job applicant. The applicant has applied for the position of a research assistant to a professor who is very involved in the teaching and practice of psychological testing and assessment. All students who role-play the employer ask the job applicant the usual types of questions that one might expect (for example, “Why do you think you are the best candidate for this position?”) The “twist” comes with each of the job applicants.

Each of them will argue for the use of a different alternative to the interview as the tool of assessment by which they can be assessed. In other words, each job applicant will be interviewed, but he or she will use the interview to argue for the use of another tool to assess them. For example, one student might argue that the case study approach would be a better assessment tool of his or her qualifications for the position, whereas another student might argue that behavioral observation might be the best assessment tool for his or her qualifications. Class members who do not play a role may comprise the panel that determines which job applicant is hired.

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2. **Debate Exercises**

All students could be given an advance notice to prepare for the following debates, and then, they could be assigned their roles on the day of the debate.

a. Debate: Henry Goddard: hero or villain

Divide the class into three groups, and ask each group to do its own research on Henry Goddard. During class, ask one group to argue that he was a hero. Ask another group to argue that he was a villain because he did more harm than good. Ask the third group to serve as the audience for the debate and provide its own feedback and conclusions after the debate.

b. Debate: Ethical issues in assessment

Choose two students for the debate, and ask them to take the opposing positions on an ethics case and argue the merits of their positions in front of the "board of ethics" (the rest of the class). Real-life ethics cases could be drawn from any source, such as the *Code of Fair Testing Practices* or publications by APA.

c. Debate: "Death with dignity"

This exercise builds on the *Everyday Psychometrics* box in Chapter 2 titled "Life-or-Death Psychological Assessment." It is designed to stimulate a class discussion on the controversial topic of "death with dignity competency evaluations." The class is divided into three groups: (1) a "pro" group that argues in favor of death with dignity, (2) a "con" group that argues against death with dignity, and (3) a panel that judges the debate between the two groups. A member of the panel moderates the debate. All members of the pro group and the con group can contribute to the debate with their informed opinions on the matter. In the end, the panel renders its informed verdict on which group made the most compelling arguments.

Out-of-Class Learning Experiences

1. **Take a Field Trip.**

Take the class on a field trip to the locations listed below.

a. A courtroom to be a spectator at a civil proceeding

Visit a local courtroom to attend a trial involving a civil matter. It could be an involuntary commitment hearing or a lawsuit involving a claim of emotional

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distress. Contact the court clerk's office in advance to learn when such proceedings have been placed on the court calendar.

b. A courtroom to be a spectator at a criminal proceeding

Visit a local courtroom to attend a trial involving a criminal matter such as a "not guilty by reason of insanity" defense or any criminal matter where a psychologist has been called upon to present an expert opinion on the psychology of the defendant. Contact the court clerk's office in advance to learn when such proceedings have been placed on the court calendar.

c. A local business or corporate entity

Visit a local business or an organization that uses psychological tests. Let students gain an understanding of the firsthand about psychological tests that the business uses and how they use them with specific reference to diversity issues in employment.

Suggested Assignments

1. **Critical Thinking Exercises**

a. Critical evaluation of testing at Ellis Island

Using information from the textbook as well as other sources, critically evaluate the turn-of-the-century psychological testing of immigrants at Ellis Island. In what ways could the procedures that were in place be improved?

b. Improvement of published standards for the usage of psychological tests

Using information from the textbook as well as an original document of a professional organization (such as the APA or the NASP or some other organization), develop some suggestions for improving the published standards.

2. **Generative Thinking Exercises**

a. "There ought to be a law!"

Use the phrase "There ought to be a law . . ." to introduce students to the sentence completion activity as a means of learning about respondents (and then proceed to learn about the class of respondents/students). Have students complete the phrase with reference to a legislation that they would like to amend regarding psychological testing and assessment. Have students read their responses aloud.

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Then, have them discuss those responses as a class. During the discussion, raise questions that might make students justify their responses, such as "Why might laws already on the books be viewed as insufficient to protect the public?" and "Why might some laws already on the books be viewed as overreaching?

b. What qualifies someone to use psychological tests?

What do students believe are the requirements necessary for one to be a qualified user of psychological tests? Is it necessary to have different qualifications for administering different types of tests? Students should be assigned the task of listing the qualification necessary to administer the tests listed below.

- Intelligence tests
- Personality tests
- Neuropsychological tests
- Tests for personnel selection
- Other psychological tests

3. **Research-then-Discuss Exercises**

a. Ethical standards related to testing and assessment around the world

To supplement their knowledge of legal, ethical, and cultural issues presented in the chapter, ask students to read the article titled "Ethics Standards Impacting Test Development and Use: A Review of 31 Ethics Codes Impacting Practices in 35 Countries" written by Mark M. Leach and Thomas Oakland. This article was published in the *International Journal of Testing*, Volume 7, Issue 1, pages 71–88, (2007).

In this article, the authors examine 31 codes of ethics in 35 countries and compare them to the ethical principles promoted by the American Psychological Association. The assignment for each student is to choose one of the 35 countries profiled in the article. If possible, have each student select a different country. Ask the students to be prepared to represent their chosen country in a roundtable discussion. The student may also be required to update the information found in Leach and Oakland (2007).

b. Focusing on the timeline

The inside covers of the textbook contain a historical timeline. Each student in the class is assigned a different point on that timeline. He or she must present the point to the entire class. In a roundtable discussion, each student has a few minutes to discuss the historical events during the assigned time period.

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4. **Research-then-Report Exercises**

   a. Standardization in the 1800s

      Have students write a report on the culture of the 1800s by focusing on society's seeming obsession with standardization. The report should make references to standardization with respect to time (the Greenwich Mean Time or GMT) and building and industrial materials (such as those necessary for the industrial revolution, construction of machines, and mass-manufacturing). The report should conclude with references of how those times may have helped foster standardization as a desirable element of psychological testing and assessment.

   b. "Necessity is the mother of invention."

      Ask students to write an essay on how the statement given above applies to the development of psychological tests—particularly tests of intelligence and personality—in Europe and in America in the early part of the twentieth century.

5. **Other Assignments and Exercises**

   a. The multicultural panel on cultural differences and psychological assessment

      Organize a multicultural panel drawn from the faculty of the Psychology Department as well other departments. Ask the speakers of the panel to address, individually and as a group, the class on the general topic "Cultural Differences and Psychological Testing and Assessment."

   b. Criteria for admission to the university and admission to the university programs

      Divide the class into two groups of students, designated as G1 and G2. G1's assignment is to contact the university/college admission office and enquire about the criteria considered in making student enrollment decisions. G2's assignment is to contact various departmental heads to enquire about the factors that they consider in making decisions about granting students admission to various graduate programs. Then, organize a panel discussion to discuss the findings of both the groups—including the common factors that emerged from the groups and the differential weight given to the various factors. Then, guide the students' discussion toward the importance of these multifaceted factors when making important decisions about the applicants and how this applies to psychological testing and assessment.

   c. Personnel decisions, psychological tests, and the law

      Ask students to interview the personnel director (or the I/O psychologist) for a

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local corporation or business entity. Their objective is to research the extent to which cases such as *Griggs versus Duke Power Company* (1971), *Albemarle Paper Company versus Moody* (1975), and *Allen versus District of Columbia* (1993) have influenced their organization's employee testing/selection procedures. Students could present their findings in the form of a written report or a class presentation.

Media Resources

On the Web

The following are a noncomprehensive sampling of some of the material available on the Internet.

http://people.wku.edu/sally.kuhlenschmidt/mttmln.htm
This website provides the key events in psychological measurement throughout history.

http://www.testpublishers.org
This is a website of the Association of Test Publishers. On this site, one will find, among other things, information on the legislation and litigation that affects the publication of psychological tests.

www.hhs.gov/ocr/hipaa/
This website provides information on the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

http://www.apa.org/science/ttrr.html
This website provides a listing of the rights and responsibilities of testtakers.

http://www.SchoolResults.org
Parents consult this website if they are interested in judging the quality of a school or a school district. It provides educational assessment data on schools, school districts, and states nationwide. The data displayed is required to be publicly reported under the No Child Left Behind legislation.

http://www.apa.org/science/standards.html
This website provides information on the Standards for Educational and Psychological Testing.

http://www.ncme.org
This website is the official website for the National Council on Measurement in Education.

http://www.aera.net/

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This website is the official website for the American Educational Research Association (AERA).

http://www.isbe.net/assessment/IAA.htm
This website is maintained by the Illinois State Board of Education, and it provides examples of alternative assessment methods.

On DVD, VHS, CD, and Other Media

Body Language: Cultural Differences (2007, DVD, 30 minutes, INS)
This video provides a useful introduction to the cultural differences in terms of relatively simple variables such as eye contact and physical contact.

The History of the Rorschach Inkblot Method (2008, DVD, 57 minutes, SPA)
This video shows Dr. Irving B. Weiner of the University of South Florida discussing not only the life and work of Hermann Rorschach but also the efforts of several others (Samuel Beck, Bruno Klopfer, Marguerite Hertz, Zygmunt Piotrowski, David Rapaport, and Roy Schafer) in the development of the Rorschach inkblot test method.

Culturally Alert Counseling: A 6-DVD Set on Working with African American, Asian, Latino/Latina, Conservative Religious, and Gay/Lesbian Youth Clients (2009, 6-DVD set, 232 minutes, SAGE)
This video series contains a set of six DVDs that present the skills and practices useful in interviewing and working with members of diverse populations.

The Architecture of Doom (1991, DVD, 114 minutes, FRF)
The horror of eugenics taken to the extreme is evident in the ashes of the Nazi holocaust. There are many film resources available for in-class viewing or in-home assignment on this subject. One intensely interesting and powerful film in this regard is Peter Cohen's *The Architecture of Doom.* Building on the theme of Adolf Hitler as a frustrated artist and architect, this absorbing feature was hailed by *Variety* as "a masterpiece of scholarship and imagination." The running time is 114 minutes, so this may be a film to assign to interested students to view at home or as a group out of class. The DVD is probably available for free rental from a local public library.

The Americans with Disabilities Act: New Access to the Workplace (1991, VHS, 40 minutes, UMN)
This video explains the Americans with Disabilities Act (ADA) as a law that bans discrimination against people with disabilities by employers. It also shows how to manage the hiring and employment issues that may be encountered by employers.

Assessing Diverse Populations (1997, VHS, 29 minutes, FHS)
This video explores various issues related to student diversity in assessment.

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Ethical Dilemmas Facing Psychologists (1996, VHS, 41 minutes 47 seconds, MOU)
This video shows five scenarios that cover multiple ethical issues including those involved in child custody evaluations and confidentiality. It also examines the choices that psychologists have to make under different scenarios.

Reporting Results (1994, VHS, 29 minutes, FHS)
This video shows the surveys techniques that schools could use for better communication of students' performances and expectations with their parents, the media, and the community. Mark Holmes, a professor of the education administration, discusses the necessity for being accountable for students' education, educational inputs provided by parents, and more creative assessment and evaluation tools for students. Gareth Morgan, a research professor, explains the limitations of trusting hard data as the sole indicator of students' success.

Other Media

Check with your state education agency and local citizens with disabilities advocacy groups for other available media dealing with the issue of legal requirements for psychological evaluations.

References

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Chapter 2

Historical, Cultural, and Legal/Ethical Considerations

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A Historical Perspective

Antiquity to the Nineteenth Century

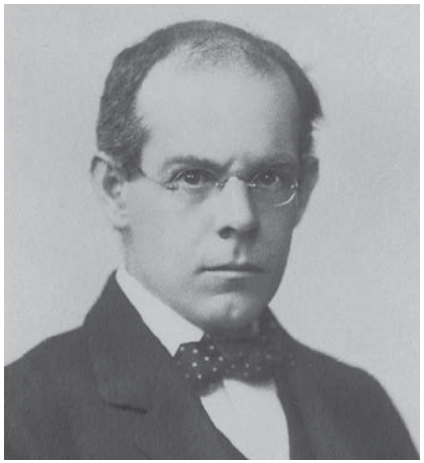
- The first systematic tests were developed in China as early as 2200 B.C.E. as a means of selecting people for government jobs
- Individuals passing the tests were entitled to a number of privileges, which varied depending on the current dynasty
- Ancient Greco-Roman writings attempted to categorize people in terms of personality types

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A Historical Perspective (continued 1)

- Darwin's interest in individual differences led his half cousin, Francis Galton, to devise a number of measures for psychological variables
- In Germany, Wilhelm Wundt started the first experimental psychology laboratory and measured variables such as reaction time, perception, and attention span



James McKeen Cattell, inspired by his interaction with Galton, coined the term *mental test* in 1890 and was responsible for introducing mental testing in America

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A Historical Perspective (continued 2)

- The twentieth century brought the first tests of abilities such as intelligence
- In 1905, Binet and Simon developed the first intelligence test to identify intellectually disabled Paris schoolchildren
- Before long, psychological tests were being used on a regular basis in schools, clinics, courts, hospitals, and prisons
- World Wars I and II brought the need for large-scale testing of the intellectual ability of new recruits
- After World War II, psychologists increasingly used the tests in large corporations and private organizations

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A Historical Perspective (continued 3)

- By the late 1930s, about 4,000 psychological tests were in print
- The Woodworth Psychoneurotic Inventory was the first widely used **self-report** personality test
- An advantage of self-report is that respondents are arguably the best-qualified people to provide answers about themselves
- A potential disadvantage is that respondents may have poor insight into themselves, and people might honestly believe some things about themselves that in reality are not true
- Some respondents are unwilling to reveal anything about themselves that is very personal or that paints them in a negative light

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A Historical Perspective (continued 4)

- **Projective tests**, such as the Rorschach Inkblot Test, are tests in which an individual is assumed to "project" onto some ambiguous stimulus his or her own unique needs, fears, hopes, and motivation
- Psychological assessment has proceeded along two lines, the academic and the applied
- Academic tradition - Researchers at universities throughout the world use the tools of assessment to help advance knowledge and understanding of human and animal behavior
- In the applied tradition, the goal is to select applicants for various positions on the basis of merit

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Culture and Assessment

- **Culture**: The socially transmitted behavior patterns, beliefs, and products of work of a particular population, community, or group of people (Cohen, 1994)
- Professionals in assessment have shown increasing sensitivity to cultural issues with every aspect of test development and use



Psychological testing at Ellis Island

- Early psychological testing of immigrant populations by Henry Goddard was controversial
- He found that the majority of immigrant populations were feebleminded

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Culture and Assessment (continued 1)

- Goddard's findings were largely the result of using a translated Stanford-Binet Intelligence Test that overestimated mental deficiency in native English-speaking populations, let alone immigrant populations
- Goddard's research sparked a nature–nurture debate; were IQ results indicative of some underlying native ability or the extent to which knowledge and skills had been acquired?
- In the 1930s and 1940s, developers of IQ tests devised **culture-specific tests** and clarified that the tests were not intended for minority cultures; yet, the tests were used on individuals belonging to other cultures
- Today, developers of intelligence tests take precautions against bias

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Culture and Assessment (continued 2)

Verbal communication

- Certain nuances of meaning may be lost in translation
- Some interpreters may not be familiar with mental health issues and pre-training may be necessary
- In interviews, language deficits may be detected by trained examiners but may go undetected in written tests
- Assessments need to be evaluated in terms of the language proficiency required and the language level of the testtaker

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Culture and Assessment (continued 3)

Nonverbal communication and behavior

- Nonverbal signs or body language may vary from one culture to another
- **Psychoanalysis** pays particular attention to the symbolic meaning of nonverbal behavior
- Other cultures may complete tasks at a different pace, which may be particularly problematic for timed tests

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Culture and Assessment (continued 4)

Standards of evaluation

- Judgments related to certain psychological traits can be culturally relative
- Cultures differ with regard to gender roles and views of psychopathology
- Cultures also vary in terms of collectivist vs. individualist value
- **Collectivist cultures** value traits such as conformity, cooperation, interdependence, and striving toward group goals
- **Individualist cultures** place value on traits such as self-reliance, autonomy, independence, uniqueness, and competitiveness

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Culture and Assessment (continued 5)

Tests and group membership

- Conflict often ensues when groups systematically differ in terms of scores on a particular test
- In vocational assessment, test users are sensitive to legal and ethical mandates concerning the use of tests with regard to hiring, firing, and related decision making
- Conflicts may arise from disagreements about the criteria for performing a particular job
- Some would argue that if tests are measuring what they are supposed to then group membership should not be an issue, while others seek to "level the playing field" through initiatives such as **affirmative action**

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Legal and Ethical Issues

Concerns of the public

- Concerns started after World War I when tests developed for military use were adapted in schools and industry
- The launch of Sputnik by the Soviet Union prompted the U.S. government to greatly increase testing of abilities and aptitudes in schools to identify talented students
- Simultaneously, ability and personality testing greatly increased in government, the military, and business
- This led to renewed public concern

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Legal and Ethical Issues (continued 1)

- Public concern was further stoked in 1969 by Arthur Jensen's article in the Harvard Educational Review in which he suggested that "genetic factors are strongly implicated in the average Negro–white intelligence difference"
- Jensen's work caused renewed public concern over nature-versus-nurture issues and what intelligence tests really measured
- In recent decades, the government has been extensively involved in various aspects of assessment

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Legal and Ethical Issues (continued 2)

Legislation

- **Minimal competency testing programs**: Many states in the 1970s passed laws to the effect that high school graduates should be able to meet "minimal competencies" in reading, writing, and arithmetic
- **Truth-in-testing legislation**: Passed at the state level, starting in the 1980s, the objective was to give testtakers a way to learn the criteria by which they are being judged

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Legal and Ethical Issues (continued 3)

- The Civil Rights Act of 1964 created the Equal Employment Opportunity Commission (EEOC) to enforce the act
- The EEOC has published sets of guidelines concerning standards to be met in constructing and using employment tests; they seek to prevent discriminatory testing practices during employment
- There is public demand for proportional representation in hiring and school acceptance, yet there are gaps in test performance by various groups
- Some scholars have argued that if the tests are valid and useful, they should not be changed or dismissed but rather the skill gap should be addressed

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Legal and Ethical Issues (continued 4)

- Law can also derive from litigation
- *PARC v. Commonwealth of Pennsylvania (1971)* and *Mills v. Board of Education of District of Columbia (1972)* prompted Congress to ensure appropriate educational opportunities for children with disabilities
- Psychologists may act as expert witnesses in civil and criminal cases
- The 1923 case of *Frye v. the United States* established that scientific research is admissible as evidence when the research study or method enjoys general acceptance; general acceptance could typically be established by the testimony of experts and by reference to publications in peer-reviewed journals

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Legal and Ethical Issues (continued 5)

- The *Daubert v. Merrell Dow Pharmaceuticals* ruling by the Supreme Court superseded the long-standing policy, set forth in *Frye, of admitting into evidence* only scientific testimony that had won general acceptance in the scientific community
- Opposing expert testimony, whether or not such testimony had won general acceptance in the scientific community, would be admissible
- The *Daubert* ruling gave trial judges more leeway in deciding which expert testimony could be used
- Some jurisdictions still rely on the *Frye* standard when it comes to admitting expert testimony, and some subscribe to *Daubert*

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Concerns of the Profession

- The APA and related professional organizations have published many works over the years to delineate ethical, sound practice in the field of psychological testing and assessment

  Test user qualifications - In 1950, an APA Committee on Ethical Standards for Psychology published a report called *Ethical Standards for the Distribution of Psychological Tests and Diagnostic Aids*

- It outlined three levels of tests in terms of expertise:

  Level A - Tests or aids that can adequately be administered, scored, and interpreted with the aid of the manual

  Level B - Tests or aids that require some technical knowledge of test construction/use and knowledge of psychology and education

  Level C - Tests and aids that require substantial understanding of testing and supporting psychological fields together with supervised experience in the use of these devices

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Concerns of the Profession (continued 1)

Testing people with disabilities - Some challenges in testing people with disabilities may include 1) transforming the test into a form that can be taken by the testtaker, 2) transforming the responses of the testtaker so that they are scorable, and 3) meaningfully interpreting the test data

- Under Oregon's Death with Dignity Act, terminally ill patients requesting assistance dying must first have a psychological evaluation

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Concerns of the Profession (continued 2)

Computerized test administration, scoring, and interpretation

- A number of psychological tests can be purchased on disc or administered and scored online
- Offer convenience, simplicity, and greater range of assessment

Issues in computer-assisted psychological assessment (CAPA)

- Access to test administration, scoring, and interpretation software
- Comparability of pencil-and-paper and computerized tests
- The value of computerized test interpretations
- Unprofessional, unregulated "psychological testing" online

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The Rights of Testtakers

- Testtakers have a right to know why they are being evaluated, how the test data will be used, and what (if any) information will be released to whom
- With full knowledge of such information, testtakers give their **informed consent**
- Information needed for consent must be in language the testtaker can understand
- Some groups (e.g., people with Alzheimer's disease) may not have the capacity, or competency, to provide informed consent

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The Rights of Testtakers (continued 1)

Components of competency include:

1) Being able to evidence a choice as to whether one wants to participate
2) Demonstrating a factual understanding of the issues
3) Being able to reason about the facts of a study, treatment, or whatever it is to which consent is sought
4) Appreciating the nature of the situation

- If competency cannot be provided by the person, consent may be obtained from a parent or a legal representative

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The Rights of Testtakers (continued 2)

The right to be informed of test findings - In the past, testtakers were often not informed of diagnostic findings or anything that might hurt their self-image

- Currently, giving information about test performance to examinees is ethically and legally mandated and may be useful from a therapeutic perspective as well
- Testtakers have a right to know about test findings and recommendations
- Test users should sensitively inform testtakers of the purpose of the test, the meaning of the score relative to those of other testtakers, and the possible limitations and margins of error of the test

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The Rights of Testtakers (continued 3)

The right to privacy and **confidentiality** - In most states, information provided by clients to psychologists is considered **privileged information**

- Privilege is not absolute - Psychologists may have to disclose information if it will prevent harm either to the client or to some endangered third party
- Another ethical mandate regarding confidentiality pertains to safeguarding test data

The right to the least stigmatizing label **-** The *Standards* advise that the least stigmatizing labels should always be assigned when reporting test results

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