

Statement on Third Party Observers in Psychological Testing and Assessment: An Updated Framework for Decision Making

COMMITTEE ON PSYCHOLOGICAL TESTS AND ASSESSMENT AMERICAN PSYCHOLOGICAL ASSOCIATION

This Statement does not constitute an official policy of the American Psychological Association (APA), does not, and is not intended to, dispense legal advice, and is not intended to establish standards or guidelines for conduct by practitioners. The statement may prove useful in analyzing and responding to situations in which third parties request to be present, either in person or by electronic proxy, at the time psychological evaluations are conducted.

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INTRODUCTION

Psychologists occasionally receive requests that observers be allowed to witness or record the administration of a psychological evaluation. An evaluation is broadly defined as a standardized or non-standardized observation, interview, or test. An evaluation may occur in any number of clinical, educational, employment, and forensic contexts. For example, examinees may attempt to condition their participation in an evaluation upon the presence of a trusted friend or relative. Clinical supervisors may seek to provide qualified students or trainees with an in vivo demonstration of advanced evaluation techniques. Attorneys may desire—consistent with any latitude offered by statutes, regulations, or the courts—to obtain additional information about the processes contributing to the formation of a forensic psychological opinion. Hence, the observer may be a psychologist, a trainee, or some other third party.

The styling of and motivation behind requests to observe psychological assessment and testing are as varied and multifaceted as the purposes, settings, and conduct of the assessments themselves. The primary purpose of this Statement is to provide psychologists with information to assist them in (a) reaching a conclusion concerning the appropriateness of observation of psychological evaluations, (b) conveying the scientific and professional bases for such a conclusion, and (c) identifying options in light of such a conclusion, with sensitivity to the particular source and substance of a request for observation and the specific nature and circumstances of the assessment in question. A secondary purpose is to inform and educate non psychologists regarding these issues and the potential consequences of such observations. This Statement focuses specifically on third-party observations of a single-examinee as opposed to multi-examinee examinations.

Psychologists enhance the validity of evaluation results by adhering to standardized procedures (when the techniques they use outline standardized administration procedures) and by developing and sustaining rapport with the examinee. In most testing manuals, standardized procedures and recommended practices for developing and sustaining rapport specify that only the psychologist and the examinee are present in the assessment setting. However, in some cases, the presence of a third party may help develop and sustain rapport to facilitate validity. Examples of such cases include the use of sign or voice language interpreters, an assistant or aide to support physical accessibility, or the inclusion of a caregiver for an examinee whose ability to perform may be significantly impaired when the examinee is separated from the caregiver.

ASSESSMENT ISSUES

The use of uniform, standardized evaluation procedures is one of the fundamental canons upon which psychological assessment and testing is founded (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education [AERA, APA, & NCME], 2014). Failure to adhere to requisite data gathering procedures may compromise the validity of inferences made from these observations (Lezak et al., 2012; Wright & Raiford, 2021). Research in social psychology demonstrates that individuals' behavior frequently changes in the presence of a third party (Chekroun, 2008; Li & Zhao, 2019). Therefore, there is substantial reason to suspect that the inclusion of a third party in an assessment may influence the examinee's behavior.

The effects of observation upon an examinee's test performance may vary as a function of the identity of the observer, the purpose of observation, the manner of observation, the assessment instruments involved, the examinee's sensitivity to observation, and many other factors. Because psychological assessment procedures and tests typically are not standardized using scores obtained in the presence of third party observers, observation or surveillance may violate the conditions of standardization. Moreover, negative effects of observation on test performance may impair the validity of routine test interpretation strategies (Horwitz & McCaffrey, 2008). Various studies of neuropsychological evaluations indicate that the presence of observers increases performance errors on the measures used (Griffin & Gavett, 2018; Rezaei et al., 2017), particularly when the examinees are children (Yantz & McCaffrey, 2009).

Because some examinees may be less likely to share personal information if they believe that others are observing or could observe their actual statements or behavior (Sattler, 2020), the validity of nonstandardized or non-test assessment procedures, such as interviews or observations, may also be affected by the perceived or actual presence of a third party. Psychologists may also want to consider carefully the issues involved in recording evaluations for observation by third parties not present during the testing. Although surreptitious observation and recording (in which the examinee is unaware of the observation) may minimize the examinee's reactivity to observation, surreptitious surveillance may also raise ethical (e.g., APA, 2017a; AERA, APA, & NCME, 2014) and legal issues regarding the psychologist's obligation to disclose to the examinee the fact that the session is being

observed or recorded and the identity of individuals who may have access to the observation or recording.

With regard to test security and potential misuse of tests, the cautions that apply in allowing observation or recording of test administrations by unqualified individuals are essentially the same as those that have been presented in reference to the disclosure of test data (Bush et al., 2010; International Test Commission, 2016). These sources indicate that by creating a retrievable record of test items and responses and by making this record available to nonpsychologists, the security of test materials and the copyright may be compromised. Information contained in that record may also be subject to misuse. For example, observers who learn the specific item content of psychological tests could potentially use this information to "coach" or otherwise prepare subsequent clients (Brennan et al., 2009; Springman & Vandenberg, 2009).

Given that validity and test security may be compromised when third parties are allowed to observe or otherwise survey the process of test administration, some have proffered specific recommendations against allowing third party observation (Glen et al., 2021; Howe & McCaffrey, 2010; Lewandowski et al., 2016). However, there exist other approaches (Bruns, 2014; Otto & Krauss, 2009) that espouse a more balanced approach. It may be, for example, that a failure to include a third party may undermine the validity of assessment results. These situations are guided by the principle of ensuring access to the assessment setting for the examinee. There are important differences between access skills (i.e., skills and capabilities needed to comprehend and respond to the assessment) and target skills (i.e., the skills and capabilities that are the focus of the assessment). Barriers posed when examinees do not have prerequisite access skills (e.g., linguistic comprehension and expression, the physical ability to see or physically access materials, the emotional security needed to engage in cognitive processes) should be either removed or controlled as best as possible, while concurrently retaining the target skills demanded in the assessment. In some cases, access is facilitated through physical changes to the assessment environment (e.g., wheelchair accessible furniture, use of large print materials). In other cases, access is facilitated by a third party (e.g., voice or sign language interpreters, physical assistants, and caregivers to reduce anxiety). Psychologists may initiate a request to include a third party when, in their judgment, such inclusion would reduce barriers posed by access skills without altering the target skills demanded in the assessment.

AMERICAN PSYCHOLOGICAL ASSOCIATION GUIDELINES AND STANDARDS

The APA's *Guidelines for Psychological Assessment and Evaluation* (2020) recognize the importance—for students, for trainees, and for seasoned clinicians seeking to master a new or revised measure—of the opportunity to “practice and observe the administration of an instrument with an appropriate colleague” (p. 9). Along these lines, these *Guidelines* also note that “the supervisor strives to observe the individual conducting the testing, assessment, or evaluation with someone other than a patient/client to make decisions about level of competence and need for training” (p. 21). These *Guidelines* refer to third party observation in one additional context, advising that clinicians “are encouraged to obtain and to review carefully available collateral and supplemental information such as treatment histories, previous assessments, third party observations, and/or performance reviews for consideration and incorporation when reaching conclusions and/or making recommendations” (p. 10). It is unlikely that the authors were referring in this last instance to observations of psychological assessments *per se*. In any event, one can see that these *Guidelines* enable psychologists to sidestep neatly the occasionally raised argument anticipated by Hedge & Brodsky (2013) that declining third party observation is a moot issue because all trainees learn by administering tests to actual patients/clients while being observed by supervisors, colleagues, or fellow students.

Citing as their source the prior version of this Statement (Committee on Psychological Tests and Assessment, American Psychological Association, 2007), the APA's *Specialty Guidelines for Forensic Psychology* (2013) recommend that “when contemplating third party observation or audio/video-recording of examinations, forensic practitioners strive to consider any law that may control such matters, the need for transparency and documentation, and the potential impact of observation or recording on the validity of the examination and test security” (p. 16). Absent from this formulation is any reference to the “impact” that third party observation might have upon examinees themselves, although it should be noted that elsewhere in these *Guidelines* forensic psychologists recognize a broader striving to “protect persons from harm” where appropriate (p. 16). These *Guidelines* were developed in order to “improve the quality of forensic psychological services,” and as such were not intended to guide the activities of clinicians in general assessment practice.

Addressing another assessment context that in certain instances may have forensic as well as more standard implications, the APA's *Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations* (2018) indicate that “issues that may warrant clarification at the outset of the evaluation” include “the examinee's rights and limitations to access records of the examination and to use recording devices or third-party observers during the evaluation,” which in “some jurisdictions” may include “a right of representation present during the evaluation” (p. 192). This language clearly recognizes that fact in some cases recording and observation are likely to occur, and that the third party in question may not be a fellow mental health professional. These *Guidelines* advise that concerning in anticipation of such issues “the consent document be provided to the examinee with sufficient time in advance of the examination in order to allow for communication with other relevant parties,” who may include “attorneys, union representatives, and treating clinicians” (p. 192).

The most recent version of the APA's *Multicultural Guidelines* (2017b) encourages consultation with “local language experts, healing practitioners, stakeholders, health providers, and trained translators” when conducting evaluations in international settings (pp. 74-75), and further suggests that psychologists “use interpretation in situations where it is difficult to match on language, while recognizing the implicit challenges that occur, specifically in both assessment and clinical work where language variances can challenge effective communication” (p. 36), going so far as to suggest that psychologists aspire to “form a collaborative partnership that promotes an understanding of the client's experience” (p. 37). This sensitivity to linguistic and other dimensions of a clinically and ethically informed approach to intersectionality comports with other sources of APA guidance, such as the *Guidelines on Race and Ethnicity in Psychology* (2019), which recommend active consultation with “cultural brokers,” “interpreters,” and “other cultural experts” as a means of arriving at “more nuanced and accurate diagnoses” (p. 23). *The APA Resolution on APA, Psychology, and Human Rights* (2021) ties these and similar initiatives to an acknowledged responsibility to take measures that promote “cultural wellbeing” (p. 1).

All the various aspirational APA Guidelines take their cue from the APA's mandatory *Ethical Principles of Psychologists and Code of Conduct* (2017a; hereinafter, the “Ethics Code”). Standard 9.03, regarding “Informed Consent in Assessments,” refers to the need to explain the

“involvement of third parties” (p. 13). The Ethics Code does not, however, address the extent to which “involvement” may include “observation,” although it does acknowledge that psychologists may be “using the services of an interpreter” and that “test security” is a concern in this regard (p.13). Overall, psychologists are required to make “reasonable attempts to maintain the security and integrity of test materials and other test techniques” (p. 14), concerning the involvement of interpreters and any other third parties.

POTENTIAL OPTIONS

When psychologists are faced with requests for observation or participation of a third party, they may wish to consider—with the logical and institutional support afforded by the preceding guidelines and standards—one or more of the following options, when such options are both ethical and practical in the context of the particular assessment in question:

1. Conduct the Evaluation in the Presence of a Third Party Observer

In some instances, the psychologist may conclude that the assessment can be conducted with an observer in a way that would neither impair the validity or fairness of the evaluation and findings, nor raise ethical or legal problems. When a request for such an assessment is accepted, it may be appropriate to consider ways to minimize the impact of observation on the validity and fairness of the evaluation. Such steps include, but are not limited to, seating the observer behind the examinee and ensuring the observer consents to not speaking or otherwise influencing the examinee during the assessment. In cases in which the psychologist decides that participation of a third party in a role other than observing will facilitate the validity and fairness of the assessment, the psychologist may work with that party to ensure that their participation facilitates and does not undermine or impair the assessment. It may be useful for the psychologist to inform the examinee that the results of the evaluation may be altered by the process when seeking the examinee’s consent to be observed and to document this potential limitation in the report.

2. Minimize the Intrusion Afforded by Observation

If third parties request to observe or record an evaluation session, the psychologist may request that the observation occur in the least intrusive fashion reasonably available (e.g., through a one-way mirror as opposed to the actual presence of the observer in the testing room). For example, if the assessment and/or test administration is to be recorded, an audio recording may be less intrusive than a

video recording. When recordings are made, the psychologist may want to take steps to limit the availability of such recordings to individuals not immediately involved with the evaluation. For example, for evaluations that take place in the context of litigation, a protective order from the judge may be obtained, obligating all parties to maintain test security and to destroy the recordings at the conclusion of legal proceedings. In forensic or other legally indicated contexts, psychologists may wish to document and assist in clarifying the reasons for which observation was ultimately permitted. Provisions for the safekeeping, maintenance, and proper disposal of such records may be addressed via consultation with existing sources of scientific and professional guidance (e.g., American Psychological Association, 2007). Alternative approaches should take into account measures to avoid compromising the validity or fairness of the assessment.

3. Utilize Assessment Measures Less Affected by Observation

If observation is to occur, the employment of assessment measures less affected by observation may be appropriate. Observation of these alternative assessment approaches may be less intrusive to examinees. The purpose of choosing alternative instruments and/or methods is to help decrease the potential reduction of reliability and validity of the evaluation. However, there may be no psychometrically equivalent test instrument or procedure that provides the same quality of data, which may obviate these alternatives.

4. Recommend That the Request for Observation be Withdrawn

Psychologists may decide to inform the requesting party of the potentially deleterious influence of third parties upon a particular evaluation situation. If the request comes from an attorney or a court of law—perhaps even in the form of a court order—psychologists may file an affidavit with the court, or serve as a resource for an attorney seeking to file such an affidavit, to inform the court of the reasons why observation may be inadvisable. Under some circumstances, the request for inserting a third party into the assessment may be withdrawn.

5. Decline to Perform the Assessment Under Observation

If psychologists are unable to resolve observation issues to their satisfaction (e.g., a third party observer is requested to be present, but the psychologist has concluded that such

presence could affect the validity and fairness of the evaluation), the psychologist may decide to decline to conduct the assessment even if such observations are required by law. They may choose to cite in this regard the possibility that the validity of certain assessment procedures would be compromised by the presence of the third party observer.

CONCLUSION

This Statement is intended to be informational, rather than prescriptive. The inclusion of a third party in psychological evaluations raises complex and sometimes paradoxical issues. Inclusion of a third party in the assessment and testing process may affect validity of an evaluation or threaten test security and copyright. However, a third party may facilitate validity and fairness of the evaluation or be required by law. Options to address the request for external observation include, but are not limited to (1)

conducting the evaluation in the presence of an observer, (2) minimizing the intrusion afforded by observation, (3) utilizing assessment measures that are less affected by observation, (4) recommending that the request for a third party be withdrawn, and (5) declining to perform the assessment under observation. Psychologists will need to exercise their own professional judgment in choosing the appropriate course of action. Regardless of reasons for such a request (e.g., forensic case, supervision of a trainee, etc.) and the options ultimately chosen, further empirical studies are needed to address the multifaceted situations that psychologists may face with third party participants. The overall goal of any situation surrounding the formal psychological evaluation of an individual is to maximize the assessment conditions to complete the most valid and fair evaluation, in order to obtain the best data possible.

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