Ethics, Boundaries and Confidentiality in Campus Advocacy

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Our Work for Today

1. Define the concepts of ethics, boundaries and confidentiality;
2. Discuss ethical standards for campus advocates;
3. Identify common ethical issues faced by campus advocates; and
4. Explore decision-making processes to address ethical issues.
Who we are...

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Legal Requirements

Professional Responsibilities

Institutional Policies

Personal Values

Ethics

Boundaries

Confidentiality
What are ethics?

➢ Webster says: “a set of moral principles; a theory or system of moral values; the principles of conduct governing an individual or a group; a guiding philosophy; and/or a consciousness of moral importance.

➢ Ethics are NOT laws- but there are intersections of the law and ethics that we must abide by.

➢ So-let’s unpack this! How does this look for those of us doing campus advocacy work with survivors of gender violence?
Sharing our stories: Ethical Dilemmas

- Former respondents want to access services as survivors
- Pressure from colleagues to share information
- Work at alma mater (know people, relationships established, power differentials, etc.)
- Clery reporting obligations vs. maintaining confidentiality
- Addressing other departments/colleagues who need training/aren't doing what they should to respond to survivors
- Can't advocate fully, because not confidential
Two ways to think about ethics on campus

1. Our work with individual survivors

2. Our work as advocates within our institutions and communities.

Advocates serve the needs of survivors, even when those needs conflict with the best interest of our institution.
How are ethics shaped?

We are guided by…
legal requirements, professional codes of ethics, institutional missions, and personal values.
Professional Codes of Ethics

1. How many of you practice under a professional code of ethics?

1. If so, what profession?
What are values?

➢ Our ethics are shaped by values… but they are also distinct from them!
➢ Values are defined as a set of principles…what one sees as important in life
➢ Values are informed by culture, family of origin, religious convictions/affiliation, geographic location, and other individual and group differences.
➢ Values look very different from person to person and group to group.
Participant Poll

What are some values shared by campus advocates?
Examples of Shared Values...

- Strength
- Dedication
- Transparency
- Trauma-informed
- Confidentiality
- Survivor-centered
- Intersectionality
- Anti-oppression
- Accountability
- Compassion
- Justice
What does all of this mean?

➢ There will be times our system of values will differ from the survivors with whom we are working.
➢ One of our most significant ethical tasks is to avoid placing our own values and judgements on others, even when we are trying to help.
➢ We must be vigilant that we are not lifting our own voices and values over those we serve.
➢ This requires constant self-assessment and checking in with trusted colleagues when we need guidance.
Boundaries and Dual Relationships
What are boundaries?

➢ Put simply, boundaries are where we stop and another person begins.

➢ Our boundaries as advocates are related to the ethics of this work- but we also have to consider the boundaries that are put in place by state law, institutional policy and federal mandates.
Some considerations...

➢ Negotiating boundaries may be an area survivors struggle to navigate.

➢ Many advocates may also identify as survivors - how can this impact the relationship with survivors we serve? The work in general?
Examples of boundary violations

➢ Engaging in “over-helping”
➢ Over-utilizing self-disclosure: finding the balance between bringing our authentic selves to the work and maintaining boundaries that serve the interest of the survivor
➢ Minimizing self-care, which may lead to burnout
➢ Going beyond your professional limits (e.g. not referring out when client needs more care than you can provide as an advocate)
➢ Using your journey as a model for “what to do”
Boundaries and Dual Relationships

➢ College campuses are often small communities and many of us wear more than one hat and serve in multiple roles.

➢ For example, many of us serve as both a faculty member and advocate, or advocate and health care provider.
Sharing our stories

- Survivor only/mostly trusts you and not other partners requiring extraordinary amount of time and resources
- Own sense of wanting to "help" and survivor doesn't want to do anything
- Sharing phone or other contact information when no office contact information available. (Or because there is no 24 hour office response.)
- Also a student where working- run into survivors who are served in office in other capacities
- Multiple hats- which to wear and when? How does this impact serving survivors?
Avoiding the unlawful practice of law as an advocate

➢ While it is natural to want to provide assistance and all the answers, providing legal advice is NOT our role.
➢ Know your community and find a person/place where you can build a relationship. This will allow you to make referrals and know that the survivor will be served by someone who is trauma-informed.
➢ Explain that this is a part of a larger system of support, with each person/agency as experts in their area to provide the best and most comprehensive support to survivors.
Remember...

➢ Stay in your lane!
➢ Advocates give options, not advice. When something is beyond our scope, the ethical thing to do is to make an appropriate referral.
➢ It can be hard to remember this when survivors ask us what they should do- but our job is to remind them that they are the experts in their own lives!
➢ *We facilitate the process for survivors*- we don’t own it.
Confidentiality, Privilege and Mandated Reporting
Participant Poll

How many of you feel confident that you can articulate the difference between confidentiality and privilege, mandatory reporters, responsible employees, and campus security authorities?
Unpacking confidentiality...

➢ **Confidentiality** is a value, an institutional practice, a professional expectation, and an ethical promise. It is **not** a legal mandate.

➢ **Statutory Privilege** is a legal term typically addressed through state law protecting health professionals, mental health professionals, and victim advocates. It is rare that campus advocates have it, and advocates must be providing services within a privileged realm to maintain privacy.
Mandatory reporters vs responsible employees

**Mandatory reporters** are based on state law (common mandated reporting statutes outline child abuse, elder abuse, harm to self or others as reportable - and that usually means reporting to a health and human services state government division, not the institution).

**Responsible employees** are employees who are designated by their institution to report all Title IX offenses to the appropriate campus authority.
Pick your battles!

➢ Counsel/Title IX will always accept more information.
➢ Understand your legal obligations and ethical responsibilities.
➢ This will empower you to set your boundaries within your institution and advocate for yourself and survivors.
➢ Don’t forget to always inform survivors of your reporting responsibilities and limits to confidentiality.
Communication of responsibilities

➢ Be VERY clear regarding your limits of confidentiality. Recognize that what may be difficult for you (having someone not share with you after hearing your limits) is still better than a survivor being blindsided by report they didn’t know would need to happen.

➢ Communicate in multiple ways! (In person, written materials, online, signs in office, etc.)
Food for thought...

It is important to recognize the tension between preserving rights for survivors to report when/if ready, and encouraging institutional response.

How can we advocate for survivors to do what is best for them, while continuing to move processes and systems forward so they are survivor-centered and viable options for those who do want to report?
Managing written records and data collection requirements

Think of written records in a few ways:

1. What is required of us professionally? (Both by state statute and professional code of ethics)?
2. How might records be interpreted if subpoenaed by a defense attorney?
3. How are records best stored? (Handwritten, electronically)
4. Where are they best protected? (File cabinets vs. personal computer)
A few ideas to guide your work with written records:

➢ Always keep the interests of survivors as a guiding principle.
➢ Consult with local advocacy agencies/state coalitions. They can help you understand if advocate’s notes are easily subpoenaed and share any guidelines they use.
➢ Understand your own professional requirements, what is required by law, etc.
➢ Utilize national resources to guide your decisions.
Consult, consult, consult!
No one should feel like they are doing this work on their own!

1. Supervision
1. Peer supervision
1. Ethics helplines
1. Professional networks
Consider this...

It’s a good idea to have a model or framework in mind for making decisions, especially when they involve ethical dilemmas.

It’s always easier to think through strategy when we are not in the midst of a difficult situation. If we are confident and consistent with our approach, we will feel better equipped to respond.
Ethical decision-making model for campus advocates

1. **Assess** the facts.
2. **Identify** the ethical standards that are in conflict.
3. **Brainstorm** at least three courses of action and the potential consequences of each.
4. **Consult** peers or supervisor.
5. **Choose** the best option and act.
6. **Evaluate and reflect** on the process.

Questions?

Thank you for your participation!
Do you have more questions or comments?
Email us!

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