

Ethics, Boundaries & Confidentiality

Trauma-Informed Ethics

What we will cover...

- Explain the background and importance of maintaining a code of ethics in helping professions
- Illustrate how to maintain boundaries within the context of your roles and its importance for wellbeing, including avoiding over-helping and the unlawful practice of law
- Define and explore what confidentiality (or privacy) looks like in your setting and how this can be explained.
- Utilize real-life scenarios to explore ethical concerns.

Before we start...

- Ethical conduct is anchored in understanding your role and policies.
- We love: “*Yeah but...*”-ers

Ethics: *What are they and why are they important?*



Defining Ethics

- Values
 - Personal Values
 - Community Values
 - Professional Values

} ***These can conflict or compete for priority.***
- Morals
 - System of community beliefs and values that determines what is right and wrong
 - How our values determine what is “good” vs “bad”
- Ethics
 - Moral values in action
 - Dictates our practical behaviors to create a standard
 - Articulation of standards of behavior that reflect those values or morals

Defining Ethics

What does this all 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.***

Defining Ethics

Professional Codes

- Professional licensure
- Corporate code and policy
- Customer/Staff privacy
- State and federal laws

Trauma-Informed Practice

- Do no harm
- Set healthy and professional boundaries
- Appropriate intervention

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Ethics in Reality

Navigating COVID-19

- Funding and personnel cuts
- Inaccessible programs and increased isolation
- Increased crime and complex trauma
- Loss of privacy
- Loss of division between home, school and work
- Death and loss
- Conflicting personal and professional concerns
- Racial injustice and historical trauma
- Financial and medical stress
- Remote work

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Confidentiality | Boundaries | Burnout & Trauma | Injustice & Values

Boundaries

What are Boundaries?

Boundaries are where one person (or role) stops and another begins.



Boundaries can be:

- Personal & Professional
- Internal & External

Boundaries with Brene Brown



[WATCH VIDEO](#)

What to consider...

- Personal questions and self-disclosure
- Setting realistic/unrealistic expectations
- Engaging in over-helping personally
- Going beyond your professional limits
- Maintaining long-term contact
- Social media
- Looking after yourself/self-care

And why...

- You're more likely to burnout
- Can reinforce unhealthy boundaries
- Re-traumatizes you or the survivor
- Misleads the survivor
- ***Enables rather than empowers the survivor***

Self-Disclosure

- What are the pros and what are the cons?
- Think **BEFORE** you are in the situation. Take time to carefully consider how you might respond.
- Who does it benefit?
- What are they *really* asking?
- Know your limit.
- Less is always more.
- Similar is not the same.

Self-Disclosure (What it isn't)



Unlawful Practice of Law

- Non-lawyer who has not been licensed or admitted to practice law in a given jurisdiction providing legal advice.
- “The Google-ability Rule”

Spot the legal advice

1. Telling someone they could apply for a restraining order
2. Telling someone they will likely get a restraining order
3. Telling someone a prosecutor will likely take their complaint to trial
4. Telling someone they cannot sue for damages
5. Telling someone about how to find an attorney in their state
6. Telling someone that something is not a crime

Setting the Stage:



BOUNDARIES:

- Explain your role succinctly and clearly
- Create expectations, including for follow-up communication
- Empower victims/survivors with resources
- Utilize warm handoffs

Self-Disclosure & Dual Relationships

What is a dual relationship?

Dual Relationships

- Friendships
- Sexual relationships
- Self-disclosure
- Rescuing/over-helping
- Transference & Countertransference
- Multiple professional roles in small communities

Ask:

- **Whose needs are being met?**
- **Is this Survivor-Centered?**
- **Is this empowering?**

DUAL RELATIONSHIPS

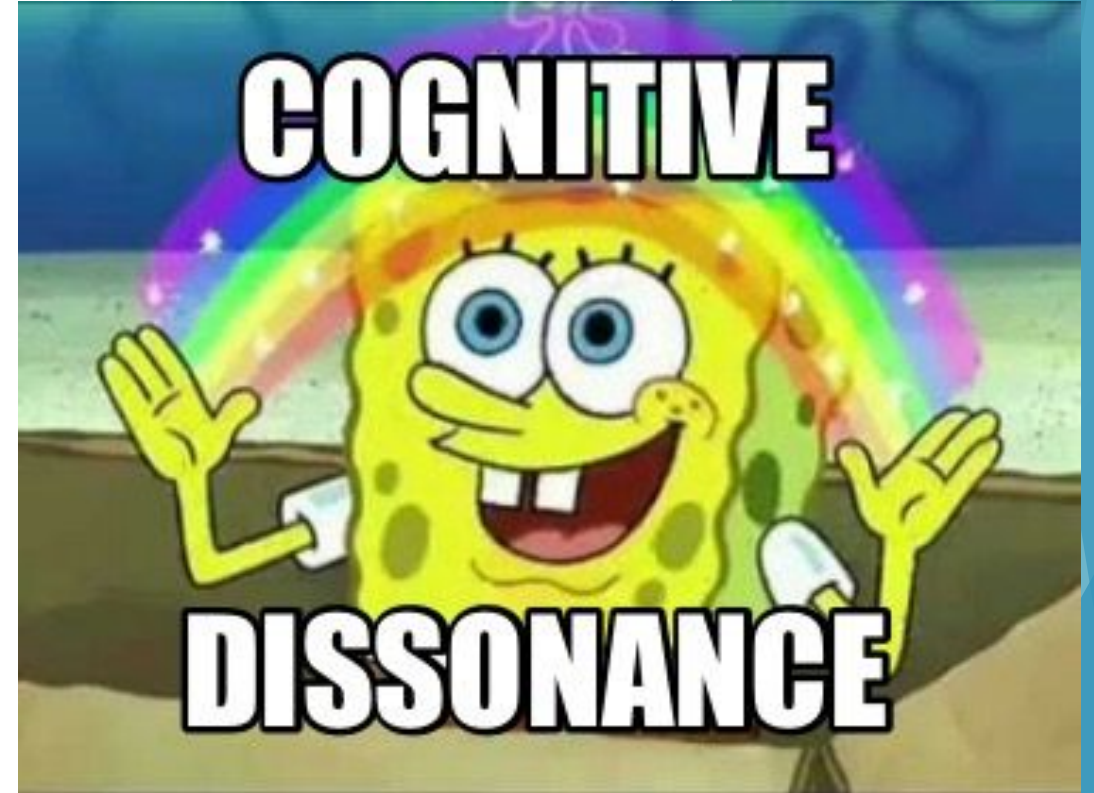


"I'm right there in the room, and no one even acknowledges me."

The elephant in the room

Red Flags

- Pay attention to your own defense mechanisms or gut feelings
- Are you keeping secrets? Is there any area of your relationship you are keeping hidden?
- Listen for the “yes, *but...*” phrase
 - Denial
 - Externalizing
 - Rationalizing



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Confidentiality & Privacy

Know Your Stuff...

- Privacy/Confidentiality is the foundation of trust in an advocate-victim relationship
- What is your understanding of the policies around confidentiality? Are there exceptions to confidentiality?
- How will you communicate this information to the reporter?
- How are records maintained and who has access? Is the reporter aware of their file?

Levels of Confidentiality

Privacy

Unnecessary
intrusion/disclose



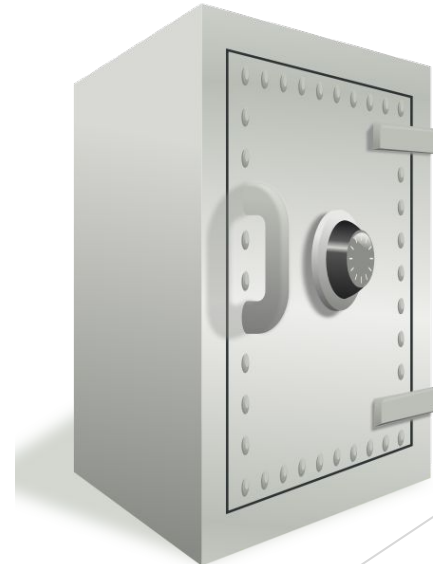
Confidentiality

Professional
ethical promise,
requiring consent



Privilege

Legal right that
exempts
disclosure



Challenges to Protecting Privacy

- Mandated Reporting policies
- Communication methods:
 - Email: Who has access?
 - Phone: Who is nearby?
- Investigating the accused
- Small communities with dual roles
- Working with law enforcement and other first responders
- Physical barriers to confidentiality (offices, thin walls, waiting rooms)
- Media and social media

It is important to think systematically about our actions and their unintentional impact.

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CONFIDENTIALITY/PRIVACY:

- Discuss any **reporting requirements**
- Explain purpose of any forms/required questions
- Answer all questions you can and check you have been understood (*Be clear about why, if you can't answer specific questions*)

Note Taking

- Intentional Skill
- Quality over Quantity
- Always consider the unintentional impact
- Know program expectations and policies



Navigating Dilemmas

Scenario

A GLMA Cadet, Jennifer, is currently spending the semester on a Sea Project and reports feeling uncomfortable and often hearing inappropriate sexual comments about her made by other crew members. As you talk, she shares that a crew member, Andrew, sexually assaulted her a few weeks ago. Jennifer tells you that you are the first person she has told about the assault, because she fears retaliation and the impact reporting may have on her career. She becomes more and more upset on the call, repeatedly asking you not to tell anyone and claiming that starting this process was a huge mistake. She discloses that she had been drinking with Andrew prior to the incident and is concerned about her career.

What ethical issues should be considered?

Ethical Decision-Making

Ethical decision-making model:

- **Assess** the facts.
- **Identify** the ethical standards that are in conflict.
- **Separate** practical considerations from ethical considerations
- **Brainstorm** at least 3 courses of action and the potential positive or negative consequence of each.
- **Consult** peers or supervisor.
- **Choose** the best option and act.
- **Evaluate** and Reflect on the process.

Build Your Team

Practicing good ethics is challenging and we all need a **team** to support us!

1. Build a team you trust
2. Know each other's role
3. Be accountable and hold others accountable
4. Assume best intentions

Questions?