

Ethics in Victim Services:

Exploring Our Responsibilities to Ourselves and Others

Friday, May 18, 2012

Vermont Technical College

9:00 am – 4:00 pm

Sponsored by the Vermont Center for Crime Victim Services

Planning Group

- Vermont Center for Crime Victim Services
- Vermont Attorney General's Office
- WISE - Women's Information Service
- South Burlington Community Justice Center
- Disability Rights VT
- Lamoille County State's Attorney's Office
- Vermont Network Against Domestic & Sexual Violence
- H.O.P.E. Works

Goals for Today:

To create a day of dialogue with challenge, introspection, self-reflection, assessment, safety, clarity, and respect.

We hope to:

- Ask questions...
- Examine options...
- Explore values, ethics and morals...
- Understand our responsibilities and limitations...
- Support each other in a process...

Today's Agenda

- Welcome, Introductions & Opening Framework
- Activity: Self-Assessment
- What are ethics? Why do we have them? Why do we need them? What ethical dilemmas do we face?
- Ethical Standards in Victim Services & Victim's Rights
- Self Care as an Ethical Standard
- Lunch, Networking & Informal Discussion
- Ethical Decision Making Process and Tools
- Examination of Case Examples
- Resolving Conflict: Collaboration
- Reflection, Action Planning & Evaluation

Definitions

- **VALUES** are the **ideals or beliefs** to which an individual or group aspires.
- **MORALS** relate to **making decisions** between right and wrong.
- **ETHICS** is the articulation of **standards of behavior** that reflect those values or morals.

Questions to ask ourselves:

Why should we examine our personal values, morals and ethics?

How do our personal ethics compare to those at our places of work?

What's the difference between professional guidelines and ethical standards?

Perspectives on Ethics

- **Individual** – based on personal experiences and feelings of right and wrong.
- **Social** – informed by family, peers, community and social institutions such as church, schools employers and media.
- **Professional** – informed by professional standards, statutory obligations, legal standards and licensure.
- **Social Justice** – informed by the idea of creating a society or institution that is based on the principles of equality and solidarity, that understands and values human rights, and that recognizes the dignity of every human being. (Wikipedia)

A Short History of Ethics

- **A philosophical start:** Aristotle 300 B.C.
- **Societal well-being:** John Stuart Mill & Immanuel Kant
- **Social justice & inequality:** John Rawls
- **Advocacy, service and support:** Nel Noddings, Carol Gilligan, Annette Baier & Rita Manning
- **Political and social paradigms:** Paulo Freire

Professionalization of Ethical Standards

- 4th Century B.C. - Hippocratic Oath
- 1803 - American Medical Association (AMA) Code of Ethics
- 1950 - The National Association of Social Workers Code of Ethics
- 1999 - The National Victim Assistance Standards Consortium
- 2001 - Vermont discussions of state victim services standards

WHY BOTHER TALKING ABOUT ETHICS?

Why Bother?

How do we do our jobs well and ethically?

What are your personal values and morals which inform your work with victims?

How do ethical standards help with this?

Think of a situation in which your personal ethics were in conflict with what your professional ethics required of you?

How did your personal AND professional ethics impact how you handled the situation?

What ethical dilemmas, if any arose for you?

How often does this conflict happen?

Why Bother?

“... if professionals do anything at all, they are always professing, always declaring openly, by their words and actions, what is morally important to them.”

Robert J. Nash, *“Real World” Ethics: Frameworks for Educators and for Human Service Professionals*

Commonly Accepted Basic Human Rights

... to have privacy, to live, to exist, to have a family, to own property , to have free speech, to be safe from violence, equality of both males and females, to have fair trial if accused of a crime, to be innocent until proven guilty, to be a citizen of a country, to express one's sexual orientation, to keep one's own gender identity and rights to have or not to have a surgery, to vote, to seek asylum if a country treats you badly, to think freely, to believe and practice the religion a person wants, to peacefully protest and speak against a government or group, to health care & medical care, to education, to food and water, to communicate through a language, not to be forced into marriage... (Wikipedia)

Victims' Rights in VT: Listed Crimes

- The Right to Choice
- The Right to be Informed
- The Right to the Return of Property
- The Right to Safety
- The Right to Notification
- The Right to be Heard – Testimony
- The Right to Compensation
- The Right to Victim Assistance

Victim Assistance Programs and Provider Standards

There are four areas of Ethical Standards as developed by the National Victim Assistance Standards Consortium (NVASC, 1999).

- **Scope of Services**
- **Coordinating within the Community**
- **Direct Services**
- **Administration and Evaluation**

Confidentiality & Informed Consent!?

- What level of confidentiality can a victim expect and from whom?
- How do we know when we have obtained informed consent?
- What about mandated reporting?

What is Confidentiality?

- An ethical principle associated with professional conduct.
- Ensuring that information is accessible only to those authorized to have access.
- Some types of communication between a person and a professional is "privileged" and may not be discussed or divulged to third parties.
- What are the limits to confidentiality within your organization?
 - **Mandated Reporting**
 - **Evidentiary Privilege/Crisis Worker Privilege**
 - **Parental Consent**

State-Based Victim Advocates

- States Attorney Victim Advocates must provide the prosecution with any information provided by the victim which could indicate the offender's innocence, or would tend to reduce punishment.
- Exculpatory information
- Victims who speak to State-Based Victim Advocates should be made aware that their conversations may not be kept confidential.
- DCF, DOC, Law Enforcement
- Mandated reporters

Community-Based Victim Advocates: VT Network Against Domestic and Sexual Violence

- “Evidentiary privilege” – Under the law, victims have the right to have their statements and records kept private when confiding in Network Advocates.
- 12 VSA §1614 Victim and Crisis Worker Privilege

What is Informed Consent ?

- Informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action.
- In order to give informed consent, the individual concerned must have adequate reasoning faculties and be in possession of all relevant facts at the time consent is given.

Self Care: Should it be an Ethical Standard?

Trauma Stewardship & Laura Van Der Noot Lipski

<http://traumastewardship.com/the-book/videos/>

Where is self care in the ethical standards?

Whole Hearted Living

Brene Brown

<http://www.brenebrown.com/videos/>

TED Talks 20 min.

Ethical Decision Making Process

Step 1: Assess the facts.

Step 2: Identify relevant ethical standards.

Step 3: Assess practical concerns that impact the decision making process.

Step 4: Consider possible courses of action.

Step 5: Consult with a peer or supervisor.

Step 6: Select the best option or action.

Step 7: Evaluate the outcome.

How do you resolve conflict when it arises?

- Open Atmosphere
- Victim-Centered
- Confidentiality
- Assume Good Intent
- Who?
- Kind of Conflict
- Talk to People! and Cultural Variation
- Preparation

Accountability

- What are the accountability mechanisms if an advocate is not maintaining ethical conduct?
- Who can a victim contact to make a complaint?
- Is there a formal process?
- Does the process differ depending on the type of advocate?
- Have we informed the victim about this early in the process?
- How do we check with victims for understanding?

Ethical Decision Making Tools

- Refer to the ethical standards.
- Refer to the list of Victims' Rights.
- Discuss dilemmas with a peer or supervisor on a regular or routine basis.
- Utilize the decision making process as a guide.

Next Step: Develop an action plan for yourself, within your organization, to support yourself and others in following ethical standards.

Remember, we are always working towards best practice!