

Confidentiality Protections for Survivors of Domestic and Sexual Violence

Confidentiality and Advocate Privilege September 17th and 18th, 2015

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For more information about the Oregon Law Center and free civil legal assistance for low-income people, see: www.oregonlawhelp.org

Context and Background

- This training was created as a result of passage in 2015 of HB 3476 by the Oregon Legislature.
 - HB 3476 requires confidentiality and creates a statutory privilege for certified victim advocates.
 - Passage of this bill was a high priority for survivors, victim advocates, and allies across the state. State and local elected officials provided leadership and support.
 - The bill passed both chambers of the legislature unanimously, and takes effect October 1, 2015.

Context and Background

- HB 3476 applies to “certified advocates” at qualified victim services programs. Advocates must be trained as required by the Attorney General’s rule.
 - This presentation meets the confidentiality/privilege component of the training requirements for those advocates with previous advocacy training.
 - Other training requirements apply, see later slides on this topic.

Topics Covered

- Importance of Confidentiality and Privacy
- Review of VAWA and funders' Confidentiality Requirements
- HB 3476 - Confidentiality and Privilege
- Federal Laws and Campus Victim Services
- Record-Keeping and Subpoenas
- Working with Community Partners
- Resources

Materials will be Available

PowerPoint and Additional Materials will be available:

- SATF website – www.oregonsatf.org
- OCADSV – www.ocadsv.com
- And more

Why is confidentiality important for survivors?



- Fundamental principle at core of victim services.
- Without confidentiality, survivors:
 - May fear humiliation, blame, or rejection by friends, family, and community;
 - Are less likely to come forward for assistance;
 - Are less likely to disclose the true nature of abuse or assault to allow effective safety planning and responses;
 - Lack the trust and confidence they need in advocacy services.

What happens when a survivor loses control over her information?



- Disclosure could:
 - Create safety risks to the survivor and the survivor's friends or family;
 - Affect a survivor's health and/or re-traumatize the survivor;
 - Affect a survivor's employment, education, or housing;
 - Affect a survivor's relationships with family, friends, and the community;
 - Be manipulated by perpetrators;
 - Otherwise negatively impact the survivor.

Why is confidentiality important?



- Confidentiality enhances survivor safety.
 - Disclosure could cause escalation of violence, reveal the safe location of a survivor or family members, or otherwise compromise her safety plan.
- Confidentiality protects survivor dignity and autonomy.
- Confidentiality increases likelihood that survivors feel safe in coming forward to seek the help they need and deserve.

How have advocates historically protected survivor confidentiality?

- Commitment of victim services programs and advocates (community-based, campus-based, and DA-based).

Confidentiality Protections Prior to Passage of HB 3476

- **Federal and state funding streams** (such as VAWA funds, FVPSA funds, etc) applicable to many victim services programs have long required confidentiality of survivor information.
- Funding conditions are recognition by policy makers of the importance of confidentiality.

Confidentiality Required by Funding Streams

- Principle confidentiality requirements are found in VAWA 2013, and apply to all VAWA grantees.
- VAWA conditions are extended by contract to all victim services funds administered by CVSD and DHS.
- General rule is that grantees are required as a condition of funding to protect confidentiality and privacy of survivors.

VAWA Basics - A Quick Review

- **Nondisclosure – The General Rule**
 - Grantees are required to protect the confidentiality and privacy of persons receiving services
 - Grantees may not disclose, reveal or release personally identifying or individual information.

VAWA -

When is Disclosure Allowed?

VAWA allows disclosure of information in only 3 circumstances:

- With the written, informed and reasonably time-limited consent of the person
 - Remember **WITS**: written, informed, time-limited, survivor centered.
 - Special rules if person is minor or legally incapacitated with guardian.

VAWA –

When is Disclosure Allowed?

- Statutory mandate (e.g. child abuse reporting when required by law –more later)
 - ***HB 3476 contains similar exception.***
- Court mandate (judge's order).
 - ***Court orders requiring disclosure are much less likely in light of HB 3476.***

VAWA – *Release of Information (ROI)*

Must be Reasonably Time Limited

- Reasonable time frame given needs of survivor and purpose of release.
- 15 to 30 days ideal but can be longer.
- Balance inconvenience of signing new release with protecting survivor.

VAWA – *What Is Informed Consent?*

- The **knowing and informed** decision to waive privilege/confidentiality and disclose information.
- The survivor **MUST** understand the **alternatives** to and **risks and benefits** of disclosure.
- It is the responsibility of advocates to have this conversation with survivors.

VAWA - Consent to Release Cannot Be a Condition of Services

- VAWA 2013 explicitly provides that **in no circumstances** may:
 - a survivor be required to provide a consent to release personally identifying information as a condition of eligibility for the services provided by the grantee.

VAWA - When Release Without Consent Is Compelled by Statutory or Court Mandate

If compelled by statutory or court mandate, VAWA requires programs and advocates to:

- Make reasonable attempts to **notify** survivor and
- Take **steps necessary to protect the privacy and safety** of the persons affected by the release of information.

Challenges

Prior to Passage of HB 3476

- Courts have been reluctant to rely on statutory funding conditions and other policy arguments to protect the confidentiality of communications between advocates and survivors.
- As a result, advocates have been without effective tools to resist subpoenas and protect against disclosure.

Campus Challenges Prior to Passage of HB 3476

- Federal laws (Title IX, Clery Act) applicable to educational institutions require reporting of campus sexual assault, domestic violence, stalking, and other crimes to campus authorities.
- Guidance from the Department of Education recognizes the need for access to truly confidential services, and exempts those with statutory confidentiality or privilege from reporting requirements.
- While federal guidance allows the designation of additional confidential resources, many campuses have not seen a pathway to provide these services without a state statute on point.

Passage of HB 3476

- **HB 3476 changes the landscape.**
- Prior to passage of HB 3476, confidential victim advocates were sometimes unable to follow through on their promise of privacy for survivors. In some cases, this put survivors at risk, and created a barrier to accessing services.
- Passage of this law provides important new protections for survivors, and facilitates the work of confidential advocates.

Effect of HB 3476 on VAWA Confidentiality Requirements

- HB 3476 does not affect obligations under VAWA – specific confidentiality requirements set out in VAWA still apply.
- HB 3476 was drafted to interact seamlessly with VAWA 2013.
- HB 3476 does not conflict with VAWA funding conditions, or impose new conditions.
- HB 3476 simply codifies in statute some of the VAWA principles, and makes them more secure.

HB 3476 Overview

- Protects **communications** and **records**
- Has two parts:
 - **Confidentiality** mandate;
 - Advocate **privilege**.
- Takes effect October 1, 2015.

HB 3476 Overview

Common terms which apply to the confidentiality protections and to the privilege protections:

- Confidential communications
- Victim
- Certified advocate
- Qualified victim services program

What Is a Certified Advocate?

A person who:

- Has completed at least 40 hours of training in advocacy for victims of domestic violence, sexual assault or stalking, approved by the Attorney General by rule;
- Is an employee or a volunteer of a Qualified Victim Services Program (QVSP).

More on Certified Advocates:

- DOJ working on administrative rules relating to training, to take effect October 1.
- Any training meeting the requirements set out in the rule is approved.
- The draft rule requires training consistent with that currently set out in CVSD and DHS contracts. **New requirement** is that everyone is required to have 2 hours of confidentiality training.

More on Certified Advocates:

- Advocates who have completed 40 hours of qualifying training prior to October 1 will need to additionally complete this 2 hour confidentiality training that covers HB 3476.
- New advocates must complete a similar 2 hour confidentiality training in their overall 40 hours.

More on Certified Advocates:

- The rules require that each program keep a roster of employees and volunteers who have completed the requisite training and are therefore certified advocates.
- It is anticipated that all advocates providing client services at QVSPs will be certified.

What Is a QVSP?



- A Qualified Victim Services Program is:
 - A nongovernmental, nonprofit, community – based program receiving DHS or DOJ funds that offers safety planning, counseling, support or advocacy services to victims of domestic violence, sexual assault or stalking; **OR**

What is a QVSP, cont'd

- A Qualified Victim Services Program is also:
 - A campus-based or campus-affiliated victim services program.
 - Specifically, a sexual assault center, victim advocacy office, women's center, student affairs center, health center, or other program providing safety planning, counseling, support or advocacy services to victims that is on the campus of or affiliated with a two or four year post-secondary institution that enrolls one or more students who receive an Oregon Opportunity Grant.

What is a QVSP, cont'd

Law enforcement or DA-based VAPs are not QVSPs.

- Law enforcement and prosecution based programs have special responsibilities in addition to their commitment to victim safety.
- Such programs have dual responsibilities – to victims and offender accountability.
- In these settings, confidentiality must sometimes give way to a requirement to provide exculpatory information as well as meet other law enforcement and prosecutorial obligations.

Who is a qualifying Victim?

HB 3476 defines victim as:

- A person seeking safety planning, counseling, support, or advocacy services related to domestic violence, sexual assault, or stalking.

- Person need not be the primary victim
 - *Could be a family member or friend.*
- Services “related to” is a broad definition.
 - *Need not have been an occurrence of DV, SA, or stalking – fear or concern is enough.*
 - *Sexual harassment may be related to sexual assault continuum.*

What is a Confidential Communication?



A written or oral communication that is not intended for further disclosure, **except to:**

- A person present when the communication is made and who is there to further the interest of the victim in the course of seeking services;
 - *For example, a friend or family member.*
- Persons reasonably necessary for the transmission of the communication;
 - *For example, an interpreter.*
- Other persons, in the context of group counseling.

HB 3476 Part 1: Confidentiality Requirement

A certified advocate or a QVSP ***may not*** disclose:

- Confidential communications between a victim and a certified advocate or QVSP made in the course of providing services **OR**
- Records created or maintained in course of providing services.
- Without the written, informed, and time limited consent of the survivor.

HB 3476 Part 1: Confidentiality Requirement

- Confidentiality now required by state law – not just federal and state funding conditions.
 - Some very narrow exceptions apply, which we will get to in a few slides.
 - **Campus-based certified advocates take note:**
 - Now prohibited from reporting requirements under Title 9;
 - Now may not impose Clery Act “duty to warn” reporting on survivors without their consent.

HB 3476 Part 1: Confidentiality Requirement

- Confidentiality protections apply to communications and records made before, on, or after passage of the bill.
- Unless communications were disclosed to a third party before October 1, 2015.

Aggregate Data Disclosure OK

- HB 3476 specifically provides that the disclosure of aggregate, non-personally identifying data is allowed.
- No consent needed for this disclosure.

HB 3476 Part 2: Advocate Privilege

- In addition to the statutory confidentiality protections, HB 3476 creates an evidentiary privilege, which we refer to as **“advocate privilege.”**



- Law applies to proceedings on or after October 1, 2015.

HB 3476 Part 2: Advocate Privilege

Privilege vs. Confidentiality

- Confidentiality obligations apply in general to all covered communications in the course of doing the work.
- Privilege provides specific protection against disclosure in court, administrative, and school disciplinary proceedings.

HB 3476 Part 2: Advocate Privilege

Current Oregon Statutory Privileges

- Attorney – Client
- Priest – Penitent
- Psychotherapist – Patient
- Doctor – Patient
- Counselor – Client
- And others.



Common theme:

Public policy requires that we protect the ability to speak freely to certain individuals without fear of repercussions.

Advocate privilege has now been added to this list of statutory privileges.

What is Advocate Privilege?

- Terms and definitions are the same for the privilege as for confidentiality requirements:
 - Certified advocate
 - QVSP
 - Victim
 - Confidential communication.

Advocate Privilege Details?

Applies to:

- **Civil, criminal, or administrative proceedings and school disciplinary proceedings.**
- Survivor has a **privilege** to refuse to disclose and to prevent any other person from disclosing confidential communications or records.

Advocate Privilege Details

- Without the written, informed time-limited consent of the survivor, confidential communications may not be disclosed in a **civil, criminal, administrative, or school disciplinary** proceeding.
 - Advocate may not be examined, records may not be produced.
- Unless narrow exceptions apply.

Who holds the privilege?

THE SURVIVOR

***Privilege exists unless/until it is
waived by the Survivor***

***** unless narrow exception applies***

Who has duty to protect the privilege?

THE PROGRAM AND THE ADVOCATE*

*UNLESS: Survivor makes informed decision to allow disclosure,
or narrow exception applies.

Survivor Consent to Disclosure – Caution!

- Advocates must not disclose information without the survivor's permission & ROI
- Advocates should inform survivor of potential consequences of or alternatives to disclosure.
- *Sound familiar?* (These general provisions have been in effect for a long time as a condition of funding - see VAWA, FVPSA, ODSVS, etc)

What is waiver of privilege?

- Relinquishment of a right.
- In general, most privileges can be destroyed, or waived, by the protected person if:
 - The privilege holder (survivor) has disclosed **substance of confidential communication(s)** to third parties.
- In general, if a privilege has been waived, the holder of the privilege cannot rely on the protection in proceedings, where it would be available otherwise.

*Waiver thru Voluntary Disclosure by Victim - **Warning***

- ORS 40.280 sets out the general rule that a privilege holder waives the privilege when voluntarily disclosing any significant part of the confidential communication.
 - **Note** that waiver only applies to disclosure of *communication*, not facts.
 - For example, Survivor could confide in a neighbor about occurrence of abuse without waiving privilege. On the other hand, the survivor will waive privilege by telling a neighbor about the contents of a conversation with an advocate.
 - Remember: advocates have a duty to help survivors understand the risk of waiver by voluntary disclosure.

HB 3476 Allows Certain Disclosures Without Waiver

- **Disclosure of communication when reasonably necessary to accomplish the purpose for which the certified advocate is consulted is not a waiver.**

Consider these examples:

- Helping a survivor access TA-DVS emergency assistance benefits; *or*
- Helping a survivor navigate a change to a class schedule for safety reasons.
- The statute may permit disclosure in these circumstances, if necessary to get the survivor the necessary help.

BUT.....see next slide

Cautions re “reasonably necessary” exception

Consider:

- Person to whom disclosure is made may not be bound by privilege or confidentiality rule.
- Can you achieve the same result without revealing confidential information? For example, would sharing the fact that the survivor is a victim of abuse be sufficient to accomplish your purpose?

Remember:

- Informed, written, time-limited consent (ROI) from survivor is still required prior to disclosure.

Cautions re: “reasonably necessary” exception

- In some circumstances, best practice may be to avoid being conduit of information
- Support survivor in communicating directly with third parties
- Case-by-case analysis as to whether disclosure is “reasonably necessary.”
- Remember, in many circumstances you can work with partners to help survivor without disclosure of confidential communications.

Limited Exceptions to HB 3476 Protection:

- Defense in lawsuit;
- As specifically required by law;
- If victim presents an intent and risk to commit a serious crime posing physical danger to any person (ORS 40.252).
- *All very narrow exceptions, see following slides*



Defense in Lawsuit Exception:

Disclosure without consent allowed only:

- To extent necessary for defense in civil, criminal or administrative action against an advocate or QVSP brought by or on behalf of a victim.



“Required by law” Exception

- If state or federal law **requires** disclosure, a communication may be reported without the consent of the survivor.
 - Same as VAWA “statutory mandate”
 - For example, child abuse reporting laws
 - More on that in a few slides

“Required by law” Exception

- **Campus-based programs take note** that federal Title 9 reporting requirements and Clery Act duty to warn requirements each contain an exception for circumstances in which state law provides confidentiality protection.
- **After passage of HB 3476, these reporting requirements no longer apply.**

ORS 40.252 Exception:

State law permits disclosure if:

- Communication reveals that victim has “clear and serious intent at the time of the communication”
- To subsequently commit a crime involving sexual abuse, death, or other threat to physical safety of any person, and
- Victim poses a danger of committing the crime.

ORS 40.252 Exception:

Query: How does the ORS 40.252 exception impact VAWA requirements?

Answer: It is not a statutory mandate, because law is permissive. Disclosure would technically violate VAWA.

Note: These questions are challenging and should be discussed with your director on a case-by-case basis.

Waiver or Disclosure Of Privilege Doesn't Mean Free For All:

- Even if privilege has been waived, or there is an exception, advocate is still bound by confidentiality promise to extent protections are not waived.
- Advocate has continuing obligation (ethical and under state and federal law) to protect confidentiality to the greatest extent possible.

How Do HB 3476 and VAWA Interact with Child Abuse Reporting Practices?

- Child abuse reporting, like any other disclosure without informed consent, would violate HB 3476 confidentiality requirements unless report is required by law.
- VAWA rule is the same – reporting allowed only if statutory mandate exists.

What is mandatory child abuse reporting?

- Refers to law that requires certain “public or private officials” to report child abuse.
- ORS 419B.005 to 419B.050.



Crux of Law at ORS 419B.010(1)

- “Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made...”

What Does Public or Private Official Mean?

- Law defines this term and some examples are:
 - **Physicians**, including any intern or resident, dentist, **school employee**, licensed practical or registered **nurse**, **psychologist**, member of the **clergy**, licensed clinical **social worker**, **attorney**, licensed professional **counselor**, employee of **DHS**, **others**.
 - **Note that advocates are not public or private officials.**

What Does Abuse Mean?

- Spelled out in statute at ORS 419B.005(1).
- Definition includes ten separate categories.
- Injuries to child that are child abuse range from assault, rape, and sexual abuse to negligent treatment endangering the health and welfare of a child.
- May differ from common understanding or individual ideas of what constitutes child abuse.

***Advocates** in Non-Profit VSPs Are Not Mandatory Reporters*

May **Advocates** in Non-Profit VSPs Report Without Consent?

- No, unless they are also a public or private official subject to a mandatory reporting statute.
 - For example, a licensed clinical social worker working as an advocate in a shelter.

Campus Employees are Mandatory Reporters of Child Abuse, BUT:

- Exception: An employee who is a psychiatrist, clergy, attorney or guardian-ad litem is not required to report if the communication is covered by a statutory privilege.
- Certified advocates who are school employees are most often going to be mandatory reporters of child abuse.
 - Note that student volunteers are not specified as a public or private official.

Community-Based Advocates and Child Abuse Reporting

- Query: Does state or federal law allow an advocate who is ***not*** a mandatory child abuse reporter to make a report of child abuse?



Can Non-Mandatory Reporters Make Reports?

- NO.
- VAWA has long **prohibited** an advocate, who is ***not*** a mandatory child abuse reporter, from reporting child abuse **unless** the survivor signs a **release of information that complies with VAWA.**
- **HB 3476** also prohibits this.

QVSP and Advocate Responsibilities

- To understand the difference between mandatory child abuse reporting and “voluntary” child abuse reporting.
- To disclose your reporting obligations (if any) to the survivor *BEFORE* the survivor makes disclosures.
- To know who among your staff and volunteers is a mandatory reporter.
- Program directors should review current policies on child abuse reporting to take into account state and federal law on this topic.

When You Have Concerns About the Safety of a Survivor's Child -



Help

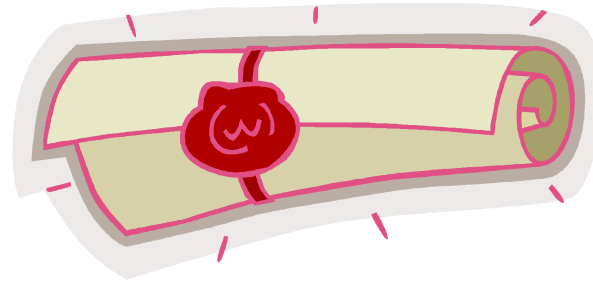
- Speak with your immediate supervisor or Executive Director.
- Make a report if you are a mandated reporter.
- Consider working with the survivor to make a voluntary report.

For More Information About Child Abuse Reporting in Oregon

- See booklet called: What you can do about child abuse @ <http://dhsforms.hr.state.or.us/Forms/Served/DE9061.pdf>

What Is A Subpoena?

- A subpoena is a document that orders a person to appear and provide testimony in a court or administrative proceeding..
- A subpoena duces tecum is an order that requires the production of records or documents.



1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON
3 FOR THE COUNTY OF SPRINGFIELD

4 In the Matter of:

5 MARGE SIMPSON,

6 Petitioner,

7 and

8 HOMER SIMPSON,

9 Respondent.

)
)
) Case No. 12-75582

)
) SUBPOENA DUCES TECUM
)
)
)
)
)

10 TO: Lisa Lionheart, Executive Director of Springfield Safe Shelter:

11 You are hereby required to appear in the above entitled court of the county courthouse of Springfield
12 County in the city of Springfield, Oregon on the 2nd day of June, 2014, at 9:00 a.m. in Room 203C to testify
13 as a witness in the above captioned case on behalf of the following party: Homer Simpson, and to produce,
14 and to bring with you any and all documents and materials regarding services provided or denied to
15 Petitioner Marge Simpson.

16 Dated: May 19, 2014.

17 Lionel Hutz
18 Lionel Hutz, Attorney for Respondent, OSB #9905
19 I Can't Believe It's A Law Firm
20 123 Springfield Mall
21 Springfield, OR 54321
22 (541) 555-4555

23 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in the
24 above cause.

25 Lionel Hutz
Lionel Hutz, Attorney at Law

26 Witness fee . . . \$ 30.00
27 Mileage \$ 00.50
28 Total \$ 30.50

STATE OF OREGON)
) ss
County of Springfield)

29 I hereby certify that I served the within subpoena on May 20, 2014, on the
30 within named Lisa Lionheart, by personal delivery, and giving or offering at the
31 same time the fees and mileage to which she is entitled for travel to and from the
32 place designated in the subpoena and for one day's attendance. I am a competent
33 person 18 years of age or older.

34 Chief Clarence Wiggum
35 Print Name: CHIEF CLARENCE WIGGUM

HB 3476 is a Defense to Subpoena

- HB 3476 provides new protections that prohibit disclosure as a matter of state law.
- **BUT** – Programs and Advocates receiving subpoenas **must still respond to the subpoena, or risk being held in contempt.**
- Because the new law provides a defense to a subpoena that did not previously exist, hopefully we will see fewer subpoenas and response will be easier.

Subpoena Response Policy

- Every program should have a designated “custodian of records”
- Never disclose anything to the person serving (delivering) the subpoena.
- Note how subpoena was served, by whom, and when it was received (date/time).
- Note whether it is accompanied by a check for appearance fee and mileage.
- Inform your supervisor and “custodian of the records” immediately.
- Call an attorney for immediate assistance.
- NOTE: subpoena response must be timely!

What is Best Practice Subpoena Response?

- In every case, immediately notify survivor and provide safety assistance.
- Consult with survivor – this is her decision to make (role of advocate is to make sure it is an informed decision).
- If survivor does not consent, or if you cannot find survivor, you must object.
- Notify Executive Director and get legal advice.

What Steps Can Victim Services Providers Take to Protect Survivor Confidentiality?

- Develop and adhere to clearly written confidentiality policies and protocols.
- Require strict confidentiality of survivors participating in support groups



Why Are Written Policies and Protocols Important?

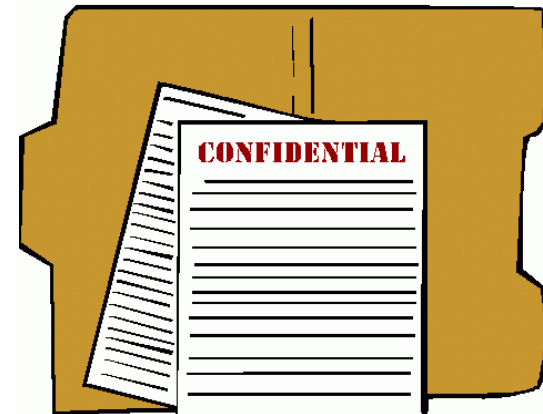
- Best protect survivor confidentiality and safety.
- Emphasize agency commitment to confidentiality.
- Ensure that staff, volunteers, and clients all have the same information/understanding.
- Ensure consistency of agency practice.
- Decrease likelihood of inadvertent release of information.

Explaining Confidentiality to Survivors

- Survivors should be provided with clear, easy to understand information about program confidentiality and privilege policies and protocols BEFORE they are asked to make disclosures.
- Such explanations should include a discussion of any exceptions to confidentiality and privilege.

What Are Best Practices Re: Record Keeping Policies?

- Develop a program policy to keep minimal survivor records.
- Identify custodian of records.
- Limit access to survivor files.
- Consider keeping survivor files locked.



Record Keeping, cont'd.

■ **Records should include:**

- Only what is necessary to ensure continuity of services.
- Non-personally identifying information required by funders.

■ **Records should not include:**

- Casual comments, verbatim statements made by or concerning a survivor (including emails, letters), opinions, criticisms, observations or speculations, information from other sources or information unrelated to providing services.
- Photos.
- Anything that would compromise survivor safety if released.

Why Worry About Records?

- There is always the risk that records could be successfully subpoenaed, or that an exception will apply.
- Programs must balance the need for documentation with the potential risk to survivor if information is disclosed.



Successful Community Partnerships

- Know your community partners and their policies regarding confidentiality of survivor information.
 - For example, law-enforcement and DA based advocates, child welfare workers, and others.
- Provide partners with information about your confidentiality policies and funding restrictions.
- Important to understand respective roles, range of services and strengths.
- Respect and mutual understanding is key.

What Can You Do About Challenges Around Confidentiality?

- Discuss confidentiality issues at outset.
- Develop written policies or MOUs around confidentiality policies for the collaboration.
- Consider structures for ongoing communication and problem-solving.
- When it becomes a struggle, remember who is standing with you:



Role of Advocates Participating in Co-location or Other Collaborations

Victims services programs can still collaborate without violating the law. Disclosure of confidential communications are not necessary when:

- Providing general information about intimate partner violence dynamics.
- Identifying gaps in services.
- Offering support services and safety planning information to collaborators.
- Giving perspective on survivor experiences.
- Suggesting ways agency, campus, and community partners can increase survivor safety.

More Pointers to Enhance Collaboration

- Help partners understand:
 - Necessity of proper releases of information;
 - Negative impact of subpoenas:
 - Undermine survivors' trust in nonprofit victims services provider and
 - Undermine nonprofit victim services providers' ability to serve the community.

What Are the Benefits of Effective Collaboration?

- Effective collaboration leads to:
 - More effective referrals.
 - Appropriate division of labor.
 - Survivors receiving a broad spectrum of services.

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**Oregon
Law Center**

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

Additional Resources

- 2015 HB 3476
<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3476/Enrolled>
- Temporary Rules regarding training will be available as of October 1
- Great resources about campus sexual assault from Oregon SATF at:
<http://campus.oregonsatf.org/>

Federal Campus Resources – CLERY Act

- <http://www2.ed.gov/admins/lead/safety/handbook.pdf> U.S. Dept. of Education “Handbook for Campus Safety and Security Reporting” (*Addresses CLERY Act aggregate (non-identifying) reporting requirements, duty to warn requirements and exceptions, and confidentiality responsibilities for various campus officials.*)
- <http://clerycenter.org/> National training, advocacy and support organization for campuses implementing CLERY Act

Federal Campus Resources – Title IX

- <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> - The US Department of Education Office of Civil Rights FAQ on Title 9 issues. Specifically, Section E addresses confidentiality issues, and E-3 speaks specifically to confidentiality protections for victim advocates.
- <http://www.nacua.org/documents/OCRLetterviolence.pdf>
- The US Department of Education Office of Civil Rights “*Dear Colleague*” letter on Title 9 and sexual violence issues.

Final Note

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