

Dehart, D.D. (2003) *National Victim Assistance Standards Consortium: Standards for Victim Assistance Programs and Providers*. Columbia, SC: Center for Child and Family Studies, University of South Carolina.

Ethical Standards for Victim Assistance Providers

Ethical Standards for Victim Assistance Providers identifies behavioral expectations for victim assistance providers based on core values for the field. Ethical Standards for Victim Assistance Providers is intended as an aspirational guideline applicable to a range of issues addressed in daily service provision. The standards apply only to the victim assistance provider's work-related activities; that is, activities that are part of the victim assistance provider's functions or that deal explicitly with victim service issues. Included are activities involved in on-the-job performance and off-duty times when the victim assistance provider is acting as a representative of the victim service program (e.g., at professional meetings), delivering victim services in the community (e.g., on volunteer crisis teams), and responding to professional information (e.g., maintaining confidentiality of client information). Work-related activities should be distinguished from the purely private conduct of a victim assistance provider, which ordinarily is not within the scope of the Ethical Standards for Victim Assistance Providers.

Each ethical standard has two components:

- **Standard statement.** A declarative sentence outlining a clear expectation for ethical conduct.
- **Standard commentary.** The commentary clarifies intent of the standard by providing narrative and/or examples. Although all examples may not be applicable to individual situations, the victim assistance provider is strongly encouraged to comply with principles set forth in the commentary for Ethical Standards for Victim Assistance Providers.

Professionals formally trained in another field (e.g., psychology, social work) but engaging in victim services will abide by their own professional codes of ethics. If Ethical Standards for Victim Assistance Providers establishes a higher standard of conduct than is required by law or another professional ethic,

the victim assistance provider must meet the higher ethical standard. If Ethical Standards for Victim Assistance Providers appears to conflict with the requirements of law or another professional ethic, the victim assistance provider should make known his/her commitment to the Ethical Standards for Victim Assistance Providers and take steps to resolve the conflict in a responsible manner. If neither law nor the Ethical Standards for Victim Assistance Providers resolves an issue, the victim assistance provider might consider other professional materials and the dictates of conscience, and perhaps seek consultation with others in the field.

Section I: Scope of Services

ETHICAL STANDARD 1.1: The victim assistance provider understands his/her legal responsibilities, limitations, and the implications of his/her actions within the service delivery setting and performs duties in accordance with laws, regulations, policies, and legislated rights of persons served.

ETHICAL STANDARD 1.2: The victim assistance provider accurately represents his/her professional title, qualifications, and/or credentials in relationships with the people served and in public advertising.

Commentary: The victim assistance provider's job title and/or professional credentials are to be disclosed to all the people served and in written professional communications to avoid misunderstandings and misconceptions about the victim assistance provider's credentials, role, and responsibilities. An exception may be when credentials are unrelated to the job or role being performed (e.g., one may choose not to list a counseling degree when employed in a position that does not allow counseling). The victim assistance provider has an obligation to inform the victim of the nature of services to be provided and the purposes, goals, procedures, and limitations that may affect the professional relationship.

The victim assistance provider's title is to be included if the victim assistance provider's name appears on business cards, letterhead, brochures, directories, and advertisements. In advertisements, the victim assistance provider may describe fees, professional qualifications, contact information, and services provided. The victim

assistance provider is discouraged from advertising services in terms of quality or uniqueness and from using victim testimonials. Advertisements are to be factual and are to avoid false promises of cures.

The victim assistance provider is to abstain from fraudulent use of letterhead, business cards, and other promotional materials or of any record, diploma, or certificate. Fraudulent use includes materials that have been illegally or fraudulently obtained or issued or which are misrepresentative in any way.

ETHICAL STANDARD 1.3: The victim assistance provider maintains a high standard of professional conduct.

Commentary: The victim assistance provider is to be respectful of rules, procedures, and decorum before a court or other adjudicatory body. The victim assistance provider is to avoid impropriety and the appearance of impropriety and should not engage in any conduct that would adversely affect his/her fitness to provide services. Such conduct may include, but is not limited to violence, dishonesty, interference with the administration of justice, and/or abuse of a professional position or public office. In rare cases, exceptions might include conduct explicitly directed toward demonstration, protest, or other forms of social change advocacy; victim assistance providers are strongly encouraged to seriously consider costs, benefits, and ethical implications of such actions and to seek consultation and/or supervision about such advocacy.

The victim assistance provider is not to use his/her official position to secure gifts, monetary rewards, or special privileges or advantages. The victim assistance provider is to clearly distinguish his/her personal views from positions adopted by organizations for which he/she works or is a member, and is not to communicate personal views on organizational letterhead or any other organizational communication tools.

ETHICAL STANDARD 1.4: The victim assistance provider achieves and maintains a high level of professional competence.

Commentary: The victim assistance provider is to take all necessary and reasonable steps to maintain continuing competence in service provision, including knowledge of relevant scientific and professional information

related to the services he/she renders. The victim assistance provider will recognize the need for ongoing professional development and make appropriate use of professional, technical, and administrative resources. The victim assistance provider is to obtain supervision or engage in consultation when necessary to serve the best interests of a victim.

The victim assistance provider is to limit services to those permitted in the program position, and service will be confined to tasks within the victim assistance provider's range of knowledge and skill. The victim assistance provider is to make a referral to other professionals when the services required are beyond the victim assistance provider's competence.

When acting as a supervisory authority, the victim assistance provider refrains from assigning a task to another individual when the victim assistance provider knows that the other individual is not licensed to perform the task or has not developed the competence to perform such a task.

The victim assistance provider will not provide services while impaired by medication, alcohol, drugs, or other chemicals, and will refrain from providing services when experiencing a mental or physical condition that impairs the ability to practice safely.

ETHICAL STANDARD 1.5: The victim assistance provider who provides a service for a fee informs a person served about the fee at the initial session or meeting.

Commentary: For any billed services, payment must be arranged at the beginning of the professional relationship. Discussion is to include the use of insurance reimbursement and how it will be handled and charges for missed or canceled appointments, vacations, and any other financial issues. The payment arrangement must be provided in writing to the person served. The victim assistance provider is to furnish, on request from a person served, his/her legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

The victim assistance provider may not accept goods or services from the person served or a third party in exchange for the victim assistance provider's services (e.g., bartering). Only in exceptional circumstances would acceptance of goods or services be appropriate

(e.g., when refusal would disrespect culturally specific customs), in which case the victim assistance provider is to seek consultation or supervision regarding possible conflicts of interest.

The victim assistance provider will neither accept nor give a commission, rebate, fee split, or other form of remuneration for the referral of a person served.

Section II: Coordinating Within the Community

ETHICAL STANDARD 2.1: The victim assistance provider conducts relationships with colleagues and other professionals in a way that promotes mutual respect, public confidence, and improvement of service.

ETHICAL STANDARD 2.2: The victim assistance provider shares knowledge and encourages proficiency in victim assistance among colleagues and other professionals.

Commentary: The victim assistance provider possesses a willingness to transmit his/her knowledge and skills to others, including paid and volunteer victim assistance providers. This includes attempting to ensure that volunteers have access to the training, supervision, resources, and support required in their efforts to assist the people served.

The victim assistance provider is to view his/her role and responsibilities as part of an overall team effort by justice and service personnel, with knowledge sharing directed to delivery of quality victim services. The victim assistance provider is to interact effectively and sensitively with all members of the team. This interaction includes use of group skills, such as cooperation, leadership, and listening; respect for cultural and religious differences of team members; management of conflict in the workplace through consideration of others' points of view; and respect for philosophies and practices of various disciplines.

ETHICAL STANDARD 2.3: The victim assistance provider serves the public interest by contributing to the improvement of systems that impact victims of crime.

Commentary: The victim assistance provider is expected to participate in professional activities and to assume community responsibilities when these are

essential to the attainment of program goals. The victim assistance provider is to be sensitive to service needs of the public and to promote the development and implementation of programs that address such needs. As allowed by agency policy and/or funding source, the victim assistance provider is encouraged to participate in community efforts to prevent victimization, improve the justice/services systems, or improve access to these systems. The victim assistance provider is further encouraged to work toward change in policies, laws, and systems that are unjust, discriminatory, or ineffective.

Section III: Direct Services

ETHICAL STANDARD 3.1: The victim assistance provider respects and attempts to protect the victim's civil rights.

Commentary: In addition to basic civil rights, a number of other rights have been prescribed for victims through state standards, legislative proposals, and other sources. The victim assistance provider is encouraged to abide by the following guidelines for victim rights:

- The victim retains all basic civil rights in the professional relationship.
- The victim retains the right not to be discriminated against on the basis of race/ethnicity, language, sex, gender, age, sexual orientation, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, or HIV status in the provision of services.
- The victim retains the right to release her/his confidential information and records and have that right protected.
- The victim retains the right to know any and all exceptions to the confidentiality privilege, including state or federal laws governing the victim assistance provider's duty to report child abuse and elder abuse.

ETHICAL STANDARD 3.2: The victim assistance provider recognizes the interests of the person served as a primary responsibility.

Commentary: Although service provision is dictated by the limits of ethics, program policy, and state and

federal laws, the victim assistance provider should pursue the best interest of the person served and should advocate for what the victim desires (see Ethical Standard 3.4). When conflicts arise between the victim's interests and those of the victim assistance provider or program, the victim assistance provider is to offer verbal disclosure to the victim, give the victim a referral for an alternate provider, or seek professional consultation regarding appropriate resolution of the conflict.

ETHICAL STANDARD 3.3: The victim assistance provider refrains from behaviors that communicate victim blame, suspicion regarding victim accounts of the crime, condemnation for past behavior, or other judgmental, antivictim sentiment.

Commentary: The victim assistance provider will make efforts to suspend judgment in order to maintain professional trust and to advocate effectively for the victim.

ETHICAL STANDARD 3.4: The victim assistance provider respects the victim's right to self-determination.

Commentary: In some cases, the victim assistance provider's perception of victim wants, needs, and rights may not correspond with the victim's perception. Unless dictated by program policy, the victim assistance provider shall under no circumstances use ultimatums in provision of services (e.g., only providing services if a battered woman agrees to leave a relationship). The victim assistance provider is also prohibited from intentionally withholding service information that might contribute to the victim's decisionmaking. The victim has the most informed perspective of his/her own history, inclinations, risks, and resources. Accordingly, the victim carries ultimate authority over his/her own interests. When victim wants are at stark odds with the victim assistance provider's perception of the victim's best interest, the victim assistance provider can present information to help the victim gain a fuller perspective. Nevertheless, the victim assistance provider is to ultimately encourage the victim to make his/her own decision, and the victim assistance provider is encouraged to support the victim in this decision.

ETHICAL STANDARD 3.5: The victim assistance provider preserves the confidentiality of information provided by the person served or acquired from other sources before, during, and after the course of the professional relationship.

Commentary: The victim assistance provider is to be aware of and abide by program policy and legal authority governing confidential information in the jurisdiction. The person served is to be provided with information regarding limits of confidentiality; preferably, this information should be provided in the first meeting (unless crisis circumstances render this infeasible).

Confidential communications are not to be disclosed *except*

- In the course of formally reporting to, or conferring or consulting with administrative superiors, colleagues, and consultants who share professional responsibility, in which instance all recipients of such information are similarly bound to regard the communication as confidential.
- With the written consent of the person who provided the information.
- In the case of death or disability, with the written consent of a personal representative or the beneficiary of an insurance policy on the person's life, health, or physical condition. Special consideration may be given to domestic violence cases or other cases in which disability may have been inflicted by the personal representative (e.g., if a batterer is the personal representative, disclosure of confidential communications could put the victim at future risk).
- When a communication reveals the intent to commit a crime or harmful act and such disclosure is judged necessary to protect any person from a clear, imminent risk of serious mental or physical harm or injury or to thwart a serious threat to the public safety.
- When a medical emergency occurs and the victim is not able to authorize the release of information, information limited to the medical emergency may be disclosed.
- When the person waives confidentiality by bringing any public charges against the provider.
- As appropriate, in accordance with legal authority, program policy, and in certain exceptional crisis situations.

When the person is a minor under state laws, certain conditions may warrant disclosure of confidential information. Like adults, minors should be forewarned, in language they can understand, of limitations on confidentiality. The victim assistance provider is encouraged to make efforts to avoid unnecessary disclosure of victim confidences, unless a compelling reason exists to warn parents/guardians of danger to the child or to others. If the information acquired by the victim assistance provider indicates a minor or vulnerable adult was the victim or subject of an unreported crime, the victim assistance provider may be required to report the crime or testify by state law.

When confidential communications are disclosed in response to the above conditions, the victim assistance provider is to discuss with the person served the information that is being disclosed. Furthermore, the victim assistance provider should be prepared to address the reactions evoked by discussion of the disclosure.

It is appropriate to provide statistical information to an outside source, without revealing victim identity.

The victim assistance provider shall not use confidential communications to the disadvantage of the victim or to the advantage of the victim assistance provider.

Any person having access to records or anyone who participates in providing services who, in providing services, is supervised by a victim assistance provider, is similarly bound to regard all information and communications as privileged in accordance with the above conditions.

ETHICAL STANDARD 3.6: The victim assistance provider avoids conflicts of interest and discloses any possible conflict to the program or person served, and also to prospective programs or persons to be served.

Commentary: The victim assistance provider is to act within the bounds of the law, for the benefit of the person served, and to make efforts to avoid compromising influences and loyalties. Although avoiding all such conflicts may be more difficult in small towns, reasonable efforts are to be made. Neither the victim assistance provider's personal or professional interest, nor those of other clients or third persons should compromise professional judgment and loyalty to the person

served. The victim assistance provider is to avoid conflicts of interest that may arise from previous assignments, whether for a present or past employer/program or person served. The victim assistance provider is also encouraged to avoid conflicts of interest that arise from family relationships and from personal and business interests. The victim assistance provider may reveal sufficient nonconfidential information about a person served (preferably to other program staff) to reasonably ascertain if an actual or potential conflict of interest exists.

ETHICAL STANDARD 3.7: The victim assistance provider terminates a professional relationship with a victim when the victim is not likely to benefit from continued services.

Commentary: The victim assistance provider who anticipates the termination of services is encouraged to give reasonable notice to the victim. As appropriate, the victim assistance provider is to take reasonable steps to inform the victim of the termination of a professional relationship. The victim assistance provider should provide referrals as needed or at the request of the person served. The victim assistance provider is strongly discouraged from terminating a professional relationship for the purpose of beginning a personal or business relationship with a person served.

ETHICAL STANDARD 3.8: The victim assistance provider does not engage in personal relationships with persons served that exploit professional trust or that could impair the victim assistance provider's objectivity and professional judgement.

Commentary: When a victim assistance provider is unable to avoid a personal relationship with a person served, the victim assistance provider must take appropriate precautions, including informed consent and consultation or supervision to ensure that the victim assistance provider's objectivity and professional judgement are not impaired.

The victim assistance provider is strongly discouraged from engaging in social or business relationships with clients, both past and present. This does not include purchases made by the victim assistance provider from the person served when that person is providing necessary goods or services to the general public, and the victim assistance provider determines that it is not possible or reasonable to obtain the necessary goods or

services from another provider. The victim assistance provider may engage in a professional relationship with an individual with whom the victim assistance provider had a previous personal or business relationship only if a reasonable person would conclude that the victim assistance provider's objectivity and professional judgement will not be impaired by reason of the previous relationship.

If the victim assistance provider plans to engage in a personal relationship with a client, the provider must seek consultation and/or supervision and must notify the person served of the termination of the professional relationship. The victim assistance provider should continue to consider the best interests of the former client, and not engage in a personal relationship with a person served if it is reasonable to conclude that the person continues to relate to the victim assistance provider in the victim assistance provider's professional capacity. It is the responsibility of the victim assistance provider to demonstrate that the former client has not been exploited or abused either intentionally or unintentionally.

The victim assistance provider is prohibited from engaging in or requesting sexual contact with a person served under any circumstances. Under no circumstance is the victim assistance provider to engage in verbal or physical behavior toward a person served that a reasonable person would find to be sexually seductive, sexually demeaning, or sexually harassing.

The victim assistance provider is not to offer medication or controlled substances to a person served, or to accept these substances from a client for personal use or gain. Under no circumstance should a victim assistance provider offer alcoholic beverages to a person served or accept such from a person served.

The victim assistance provider is solely responsible for acting appropriately in relationships with persons served. A client or a former client's initiation of a personal, sexual, or business relationship is not a defense by the victim assistance provider for a violation of standards.

These guidelines also apply to the victim assistance provider's relationship with persons supervised, other staff, and family members or significant others of a person served.

ETHICAL STANDARD 3.9: The victim assistance provider does not discriminate against a victim or another staff member on the basis of race/ethnicity, language, sex, gender, age, sexual orientation, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, or HIV status.

Commentary: If the victim assistance provider is unable to offer services because of a concern about potential discrimination, the victim assistance provider is to make an appropriate and timely referral. When a referral is not possible, the victim assistance provider should obtain supervision or consultation to address the concern.

ETHICAL STANDARD 3.10: The victim assistance provider furnishes opportunities for colleague victim assistance providers to seek appropriate services when traumatized by a criminal event or client interaction.

Commentary: Although seeing a colleague as a client may present a conflict of interest, limited resources within the victim assistance community may necessitate provision of services to colleagues under some conditions. When the victim assistance provider seeks victim services, it is suggested that he/she attempt to utilize providers in other jurisdictions or take other measures to minimize conflicts of professional interest.

Section IV: Administration and Evaluation

ETHICAL STANDARD 4.1: The victim assistance provider reports to appropriate authorities the conduct of any colleague or other professional (including oneself) that constitutes mistreatment of a person served or that brings the profession into dishonor.

Commentary: The victim assistance provider reports to appropriate authorities clear violations of ethical standards. Appropriate authorities might be professional boards, program administrators, funding administrators, or other entities responsible for adoption of standards. The victim assistance provider is not knowingly to assist any individual with the commission of an act that is in direct violation of the standards or governing

laws. A victim assistance provider is encouraged to self-report any personal action that would require that a report be filed. Generally, reports are to be submitted no later than 30 days after the occurrence of the reportable event or transaction.