

SAMPLE

CONFIDENTIALITY POLICY

I. INTRODUCTION AND PURPOSE

The purpose of this policy is to ensure the safety of women who have been sexually assaulted and/or battered and their children. This policy provides guidelines for advocates so that any requests for assistance are dealt with respectfully, as relatives. Policy around confidentiality reflects the reality that violence against native women is a crime. Our actions as advocates must always be mindful that a woman's safety may be dependent upon our safeguarding information regarding her whereabouts or situation.

It is the intention of this policy to hold all communications, observations and information made between, by or about women who are the recipient of shelter/outreach advocacy as paramount to the safety of the woman. All communication, regardless of form, and whether between adult or children, advocates, volunteers, safehouse-provider, student interns or board members of Kiicha or Strong Hearted Native Women's Coalition, Inc. are to be held in trust and are confidential.

II. WHAT IS CONFIDENTIALITY?

Confidentiality is defined as the assurance that the access to information regarding a woman utilizing shelter/program advocacy shall be strictly controlled and that any violation is not only a breach of faith, but has the potential to threaten the safety and life of a native woman and her children.

III. WHAT IS INFORMED CONSENT?

Informed consent means providing all relevant information about the nature and consequences of signing a release of information. This includes advising her to consider how the information may be used once released from the shelter/program to enhance her safety and the possibility of the batterer obtaining the information.

IV. FEDERAL LEGAL CONSIDERATIONS

All policies and procedures regarding confidentiality shall consider the Family Violence Prevention and Services Act (FVPSA) and the Victims of Crime Act (VOCA) including; Victims Assistance in Indian Country (tribal set-aside).

FVPSA: "...ensure confidentiality of records pertaining to any individual who is provided prevention or treatment services by any program assisted under the Act (and) that the address or location of any shelter facility will not be made public except upon written authorization from the persons responsible for operating the shelter."

VOCA/VAIC: "...(a) to protect privacy of individuals by requiring that information identifiable to a private person obtained in research or statistical program may only be used and/or revealed for the purpose for which obtained; (b) to insure that copies of such information shall not, without the consent of the person for whom that information be admitted as evidence or used for any purpose in any judicial or administrative proceeding...and (f) to insure the confidentiality of information provided by crime victims to

SAMPLE

crisis intervention counselors working for victim services programs receiving funds under (the Act).

1. Shelter/program confidentiality policies apply to all advocates, other department staff, including administration, volunteers, safehouse-providers, student interns and board of directors. This policy shall apply to any information provided by a woman who is sexually assaulted and/or battered to any employee of Strong Hearted Native Women's Coalition, Inc. or Kiicha Partner shall be considered the guardian of this information. As such, employees shall make every effort to safeguard the information and function with in the guidelines of this policy.
2. Methods of determining eligibility, statistical or other information that does not identify an individual is not considered confidential.
3. Any personal documentation, such as birth certificates, social security numbers, copies of divorce decree, etc., shall be maintained in a separate and locked file and only at the women's request. These documents are not program property and shall be returned or utilized by the individual upon request.
4. Documentation/records shall contain minimal information and the documentation must be directly related to the violence perpetrated against the woman, including description of injuries, statements regarding the assault, past history of violence, threats, etc. Advocates shall show women any written information after the form has been completed. At no time shall information be recorded that contains any subjective progress or observation notes.
5. Documentation or records shall he locked and accessed on a need to know basis. NO person, regardless or relationship, employment, educational, political or social status shall have access to this information without a signed release of authorization; this includes relatives and systems personnel such as Law enforcement, social services, court, etc. Any information released shall be used only for the purpose intended by the woman authorizing the release of information with her informed consent. Blanket releases are prohibited.
6. If an attempt is made to serve a court order, summons, subpoena and/or warrant regarding an individual woman in shelter or receiving advocacy services, the advocate will inform the person attempting to make service of Strong Hearted Native Women's Coalition, Inc. confidentiality policy (see #7) and refuse service - "We don't give out information. I can take a message but that doesn't confirm or deny that she is here or receiving services. I cannot accept service of any individual woman's legal paperwork."

The advocate shall immediately inform a supervisor and/or member of the Management Team. If the woman in question is in shelter or receiving advocacy services, she shall be informed of the attempted service. Referrals for legal services will be made, per the request of the individual woman.

7. Callers inquiring about an individual woman and/or her children shall be told: "We cannot give out information. I can take a message but that doesn't confirm or deny that she is here or receiving services."
8. Any woman seeking outreach advocacy, including legal, medical, social, housing or any other face-to-face advocacy and any woman participating in support groups or any other educational,

SAMPLE

informational or supportive services type offerings of the organization shall be advised of the purpose and substance of this confidentiality policy, not only as it pertains to that individual woman but in relationship to any other women s/he may encounter in the course of obtaining personal safety.

9. All women entering shelter shall be required to sign an agreement to maintain the confidentiality of other women in shelter, including names, possible residence, site of relocation, and situation.
10. Suspected child abuse or child sexual assault must be reported under the federal law advocates and/or other employees shall report these suspicions to the supervisor. In the event that a woman seeking advocacy is suspected of child abuse and/or child sexual abuse, the supervisor shall inform the woman prior to reporting and advise her of the option to self-report. The supervisor shall offer advocacy.

MY SUPERVISOR HAS REVIEWED THE Kiicha/Strong Hearted Native Women's Coalition Inc. CONFIDENTIALITY POLICY WITH ME AND I UNDERSTAND THAT IT IS SIGNED
ACKNOWLEDGEMENT WILL BE PLACED IN MY PERSONNEL FILE.

I ALSO HAVE BEEN ADVISED THAT the Kiicha/Strong Hearted Native Women's Coalition Inc. POLICIES AND PROCEDURES INCLUDE PROVISIONS FOR IMMEDIATE DISMISSAL OF ANY Strong Hearted Native Women's Coalition, Inc. EMPLOYEE VIOLATING CONFIDENTIALITY.

Employee Signature

Date

Supervisor Signature

Date