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SURVIVOR DISCLOSURES IN A DIGITAL ERA: ETHICAL AND LEGAL CONCERNS

Presenters:

Whitney Laas, National Domestic Violence Hotline

Alicia Aiken, Confidentiality Institute

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CCR CAMPUS TEAM:

Denice Labertew, Director of Advocacy Services and Campus Programs

Leona Smith Di Faustino, Training & Technical Assistance Provider

Sari Lipsett, Training & Technical Assistance Provider

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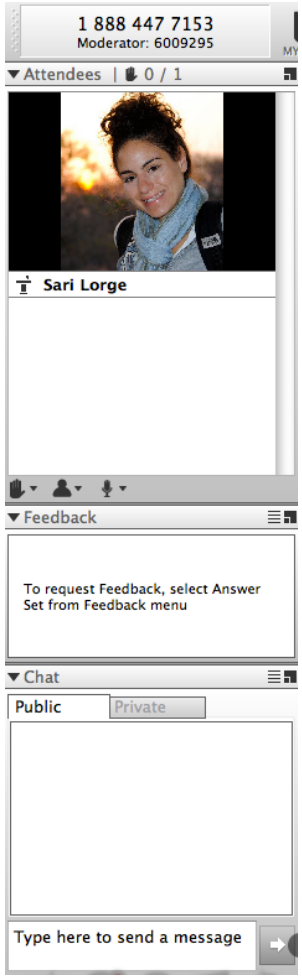

How to use this technology:

- Raise Hand
- Text Chat
- Powerpoint Slides
- Phone

Please send a private message for help

Call ilinc technical support at 800.799.4510

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love is respect org

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24/7 Help Services

Helping Service

- Staffed and supervised by peer advocates in Austin, TX
- Receive 40hr new advocate training as well as ongoing education
- Teaches young people how to distinguish between healthy, unhealthy and abusive relationship behavior
- Provide crisis intervention

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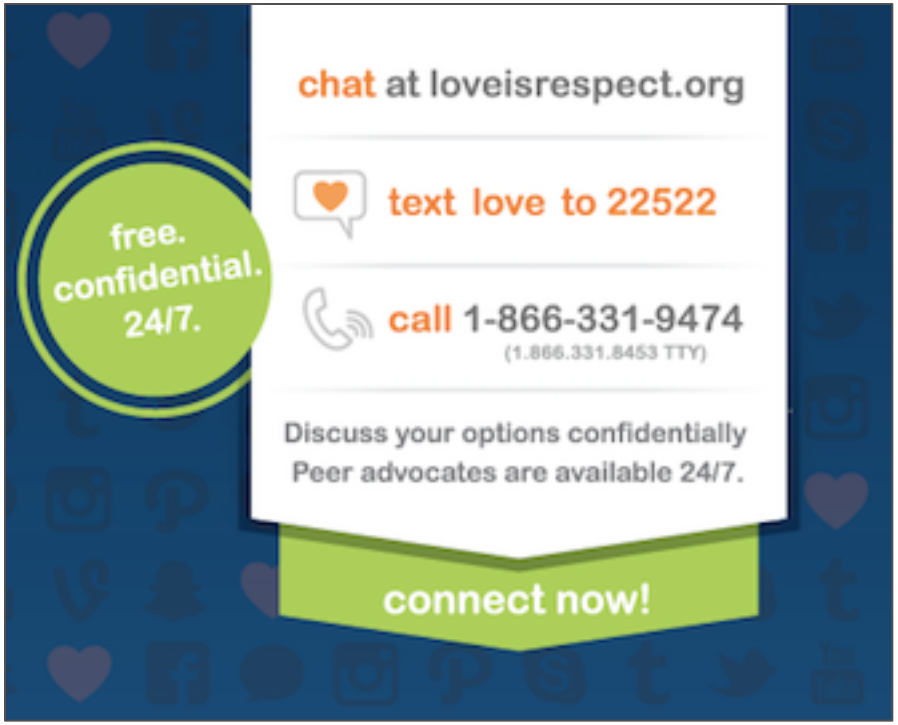
Our Digital Services

- Chat
- Text for help
- Text for information
- Website
- Social Media



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Why Digital Services?

- Lower threshold for engagement
- Difficult issues are easier to talk about
- Young people have very few moments when they are alone to talk
- People are more specific and more to the point

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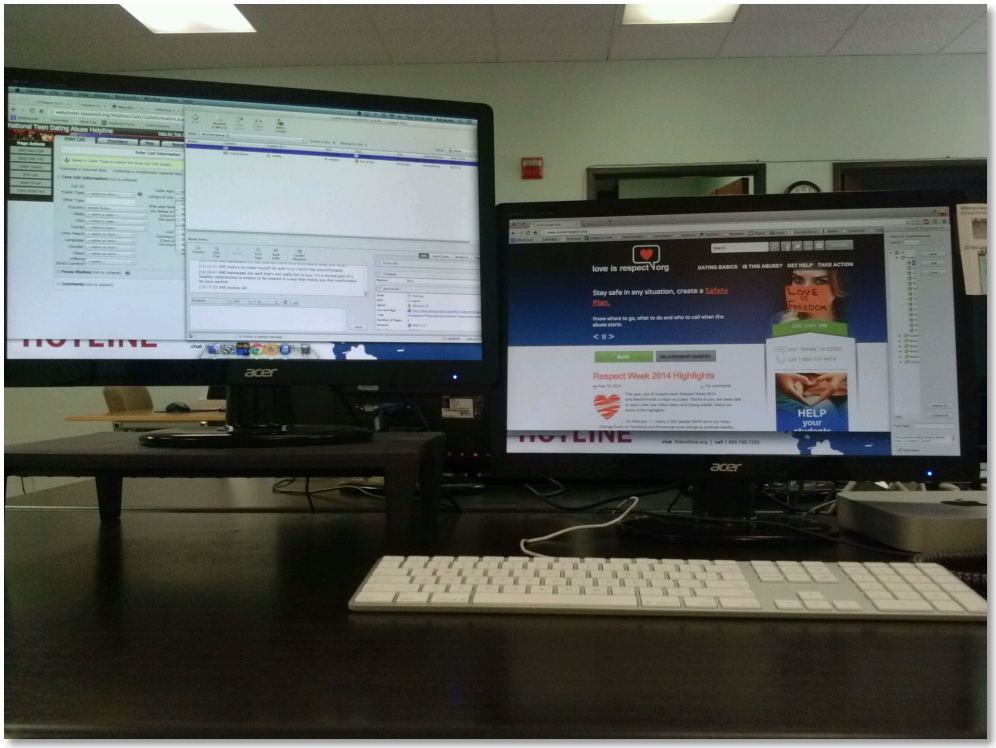
How does it work?



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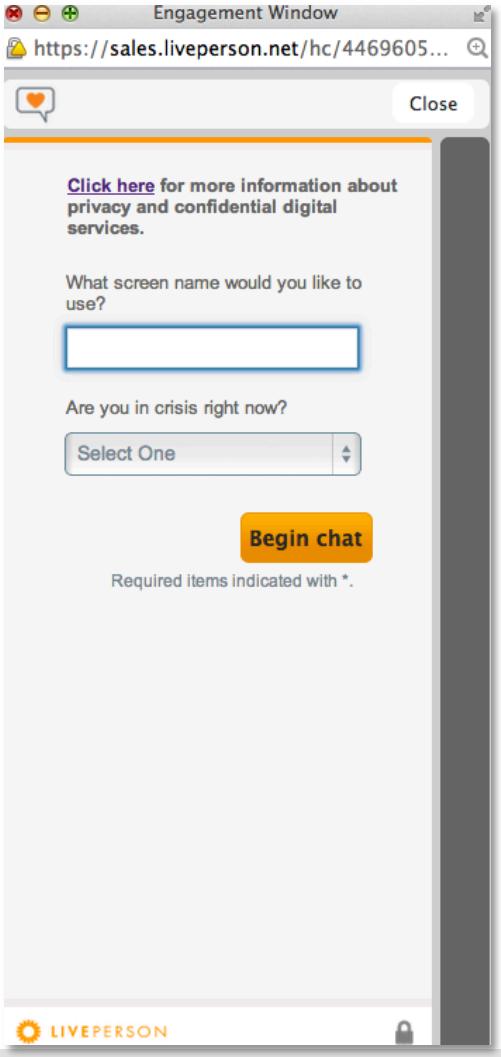

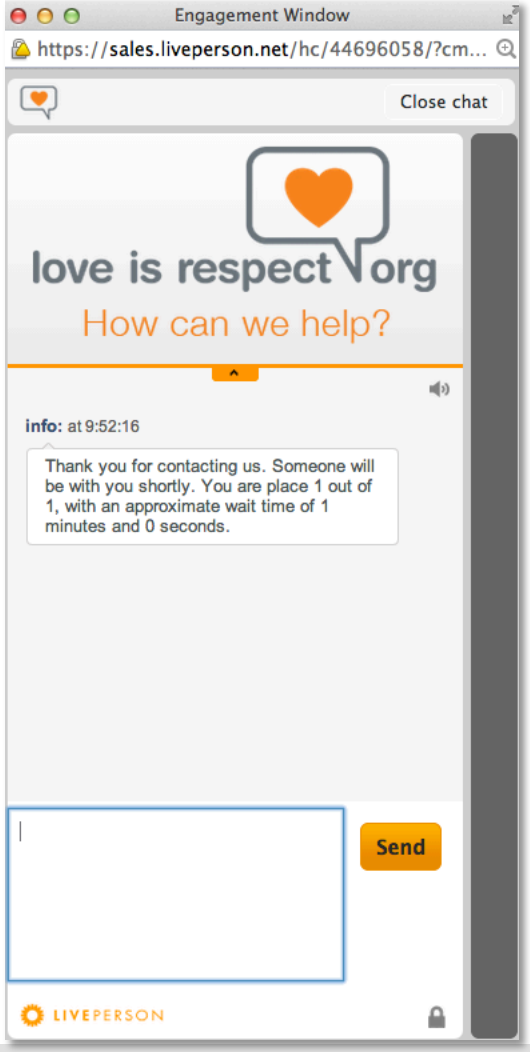

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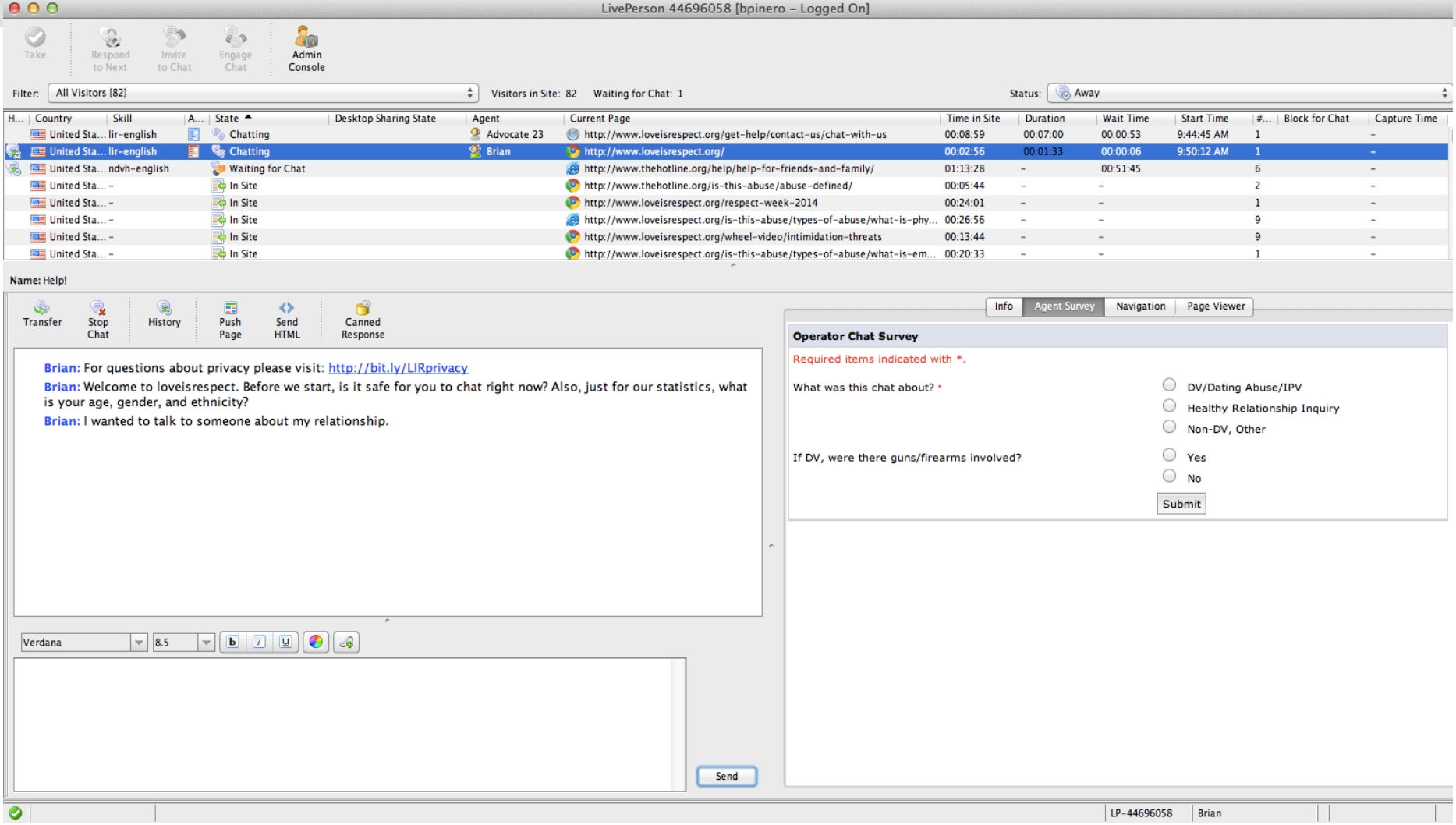

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Chat Transcript

Show/Hide timestamp for each chat line ☐

info: Thank you for contacting loveisrespect. A peer advocate will be with you shortly.
info: You are now chatting with Advocate 1
Advocate 1: For questions about privacy please visit: http://bit.ly/LIRprivacy
Advocate 1: Welcome to loveisrespect, before we get started can I ask if you are safe to talk and what is your age, gender and ethnicity?
collegegal: 18, hispanic, and female
collegegal: and yes
Advocate 1: thanks, how can I help you today?
collegegal: I had a question is mental abuse more serious than physical abuse?
Advocate 1: both are really serious, neither one is necessarily worse than the other
Advocate 1: a lot of times some people think that mental abuse isn't as serious, but the emotional affects of
serious
collegegal: okay thank you, cause i was wondering why physical abuse is highlighted more
collegegal: and do you know how many teens do not report domestic violence incidents?
collegegal: percentage wise?
Advocate 1: you're right, it is highlighted more and a lot of people don't even realize that a lot of emotional/me
Advocate 1: i can see if I found out, one second
collegegal: okay
Advocate 1: well it's hard to say how many don't report, because if we had those numbers than they would
Advocate 1: but, we do have a page full of statistics:
Advocate 1: dating abuse statistics
Advocate 1: so 1 in 3 teens reports experiencing dating abuse, so the number may actually be higher since
Advocate 1: do you have any other questions I can answer for you>?
collegegal: no that was all the wuestions i could think of
collegegal: thanks so much
Advocate 1: here is one that may help:
Advocate 1: "Only 33% of teens who were in a violent relationship ever told anyone about the abuse"
Advocate 1: you're welcome, before you go can I ask how you heard about us?
collegegal: jaslene(winner of americas top model)
Advocate 1: great, thank you so much
collegegal: i have a question
Advocate 1: ok
collegegal: is love is ntoabuse and loveisrespect the same
collegegal: organization?
Advocate 1: no, they're two separate organizations
Advocate 1: but they deal with the same topics
collegegal: okay thanks so much
collegegal: have a good dat
Advocate 1: you too
Advocate 1: Thanks for contacting loveisrespect, National Dating Abuse Helpline. Please remember not to sa
info: Thank you for chatting with us. For safety reasons, please delete these text messages from your phon

Pre-Chat Survey

What screen name would you like to use? (identifier)	collegegal

*back to top

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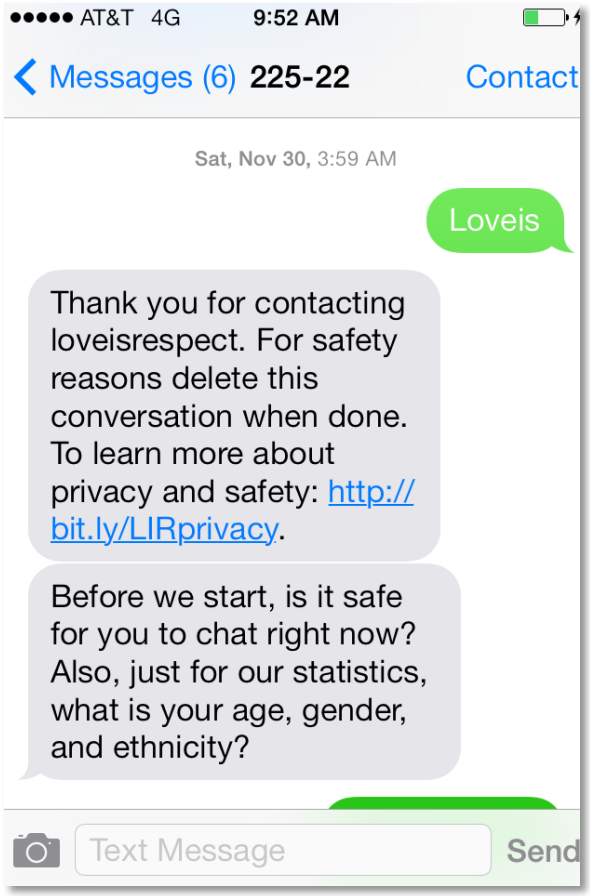
Text Messaging

- Second most popular way people reached us last year
- Ability for people to reach us immediately
- Wanted to be available to people who didn't have home computers



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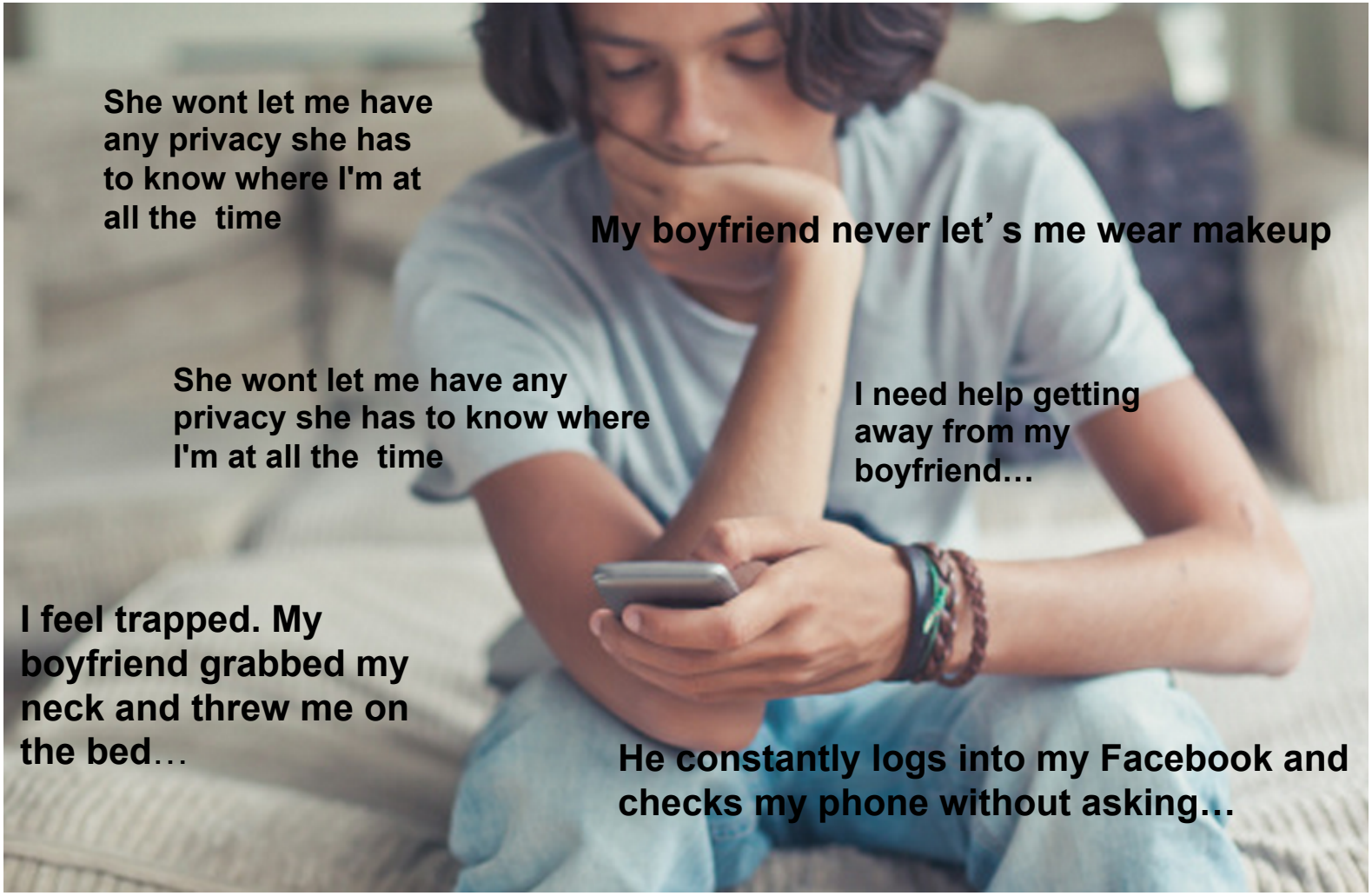

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Content and Blogging

• Opportunities to write commentary on Pop-Culture to connect to the audience.

•Credibility and cultural relevance on the issue.

•Content helps draw in users.

•Allows users to become the expert.

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“We will always go to good writing”…

Breaking Down the Jealousy Myths

Wed, 12/04/2013 - 09:52 -- cristina
By Nicole Seligman
Loveisrespect Peer Advocate

Jealousy in relationships is one of the most common issues we hear about at loveisrespect. Whether you've just started to date someone or have been going strong for a long time, jealousy is a feeling that comes up in most relationships.

What determines if your relationship behaviors are healthy, unhealthy, or abusive is how you deal with your jealous feelings. Since there are so many different ways to go about confronting your own jealousy, we want to break down some of the myths and help you learn to always handle jealousy in a healthy way.

Myth 1: My boyfrie… other girls/guys.

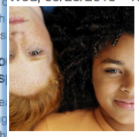
False! In a healthy rela… friends of any gender … make sure you're both … you and your partner …

Myth 2: Going thro… media is ok if I sus…

False! Whether you he… never ok to look throug… permission. In a health… cheating, you commun…

Open Relationship Bill of Rights

Wed, 09/25/2013 - 16:49 -- cristina



At loveisrespect, we get a lot of questions about “open relationships” -- but what does that even mean? Generally, it's when a couple agrees to see other people while still seeing each other. And like any relationship, a healthy open relationship requires trust, communication, respect and honesty. So, how do you do that? Check out our bill of rights for open relationships below!

Article I. The Right to Mutual Agreement

First and foremost, you have the right to decide if and when you are ready to have an open relationship. If you or someone you're seeing decides they want one, talk freely about what this would mean and work it out together. For an open relationship to be healthy, everyone has to agree.

Start by coming up with a personalized set of rules that you'll both follow. Be honest and clear about your expectations -- not just with each other, but anyone else you might see.

Article II. Boundaries and Expectations

Do you want to know about certain things in advance? How much will you tell each other about who you're going out with, when and where? Are there certain things you decide never to share? What kind of sexual contact with other people are you comfortable with?

Decide what works, then adjust accordingly. While these may feel like difficult

What is Digital Abuse?

Digital dating abuse is the use of technologies such as texting and social networking to bully, harass, stalk or intimidate a partner. Often this behavior is a form of verbal or emotional abuse perpetrated online.In a healthy relationship, all communication is respectful whether in person, online or by phone. It is never ok for someone to do or say anything that makes you feel bad, lowers your se… You may be experiencing digital abuse if your partner…

…you can or can't be friends with …

…gative, insulting or even threateni… …eets, DMs or other messages onli…

… Facebook, Twitter, foursquare a…

…n in their status updates.

…wanted, explicit pictures and dem…

… to send explicit video.

Setting Boundaries

Wed, 11/16/2011 - 09:19 -- admin

Whether you're casually hooking up or have been going out for a while now, setting boundaries is an important part of any relationship. It's good for both individuals to be on the same page. To have the healthiest relationship, both partners should know each other's wants, goals, fears and limits. You

…e or she might do in …d, gets angry with you or …er may not be showing …

…way to make sure that …relationship. Here are …relationship:

…nt people and different …u don't feel that way yet, …our partner know how it …wn goals for the …

…f time with your partner, …y from each other too. …t with friends (male or

Relationship Math: Love = Respect

Wed, 11/13/2013 - 10:03 -- cristina
By Heather Frederick
Loveisrespect Peer Advocate

I know a lot of people don't like math but there are a handful of rules (it's not really math!) that can make it easier to navigate your relationships. The decision of whether to stay or leave in any relationship -- abusive or not -- is a very personal one. No matter what you choose, we want your emotional and physical safety to be your main priority.

Just know that if any kind of abuse is present in your relationship, it's not likely that it will get better or go away. Abuse is about power and control and usually just gets worse and more dangerous over time. If your partner is abusive you should know that their behavior is their choice -- it is never your fault or your responsibility. If you feel like you've put too much time into your relationship to end it now, look at it this way: if your partner doesn't treat you the way you deserve to be treated *they have to be the one to change.* This brings me to our **Principles of a Healthy Relationship:**

It Takes Two

For a relationship to be healthy, it takes two people working together with similar desires for the relationship. If only one person is putting in the effort to make the relationship work, not only is it unhealthy, it's like a boat with one paddle: just going in circles. We can each only control our own actions and words, so there's no way

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Recent Project

- Blog and content for parents
- Info on how to help a student
- Updates on issues and tech for young people
- Recommended reading

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“..the future of business isn’t tied to the permeation of Facebook, Twitter, smartphones, tablets or real-time geo-location check-ins. The future of business comes down to relevance and the ability to understand how technology affects decision making and behavior to the point where the recognition of new opportunities and the ability to strategically adapt to them becomes a competitive advantage.”

Brian Solis

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Questions?

- Please feel free to enter your questions in the text chat

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Alicia L. Aiken, J.D. of Confidentiality Institute

in partnership with

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Privacy & On-Line Disclosures

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Old Wine

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New Bottle

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Privacy

I decide who knows my information.

Confidentiality

You commit to protect my information.

Privilege

They can't make you share my information.

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Individuals

need privacy to exercise control over life situations.

Professionals

promise confidentiality to build working relationships.

Governments

bestow privilege to protect social values.

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KEY LEGAL PHRASE!!

Reasonable
Expectation
of
Privacy

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EDUCATE ABOUT
3 DANGERS

1. Theft of Information
   - Via Spyware or Equipment theft

2. Accidental Disclosure of Information
   - One click *BLOWS AWAY* privacy

3. Intentional disclosure
   - Distributed beyond what intended

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Social Media: *Privacy?*

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Bosses & Admissions Officers…

Are searching PUBLIC social media profiles
& making decisions based on what find

Are requesting access to PRIVATE profiles, passwords
& that's legal in most states

Active area of legislation
& more states protect every year

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Social Media: *Confidentiality?*

1. Social Media = Sharing
   - Do not pretend it can be confidential!

2. Promote Conscious Disclosure Choices
   - Warnings, Reminders, Education

3. Prevent Third Person Disclosure
   - Remove stories *about* someone else

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Social Media: *Privilege?*

PA court: Personal injury plaintiff ordered to give defendant social media passwords

"tacitly submit" to possibility of third-party reading your post.

CA court: No privilege with attorney if discuss communications on social media

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Private Messaging on Social Media

1. Technologically safer from hackers
   - Intranet

2. Not safe if someone has your password

3. More reasonable expectation of privacy

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Chat Rooms & On-Line Groups: *Privacy?*

- Build awareness among participants
- Warn of impostors, lurkers
- Creates potential record if typing information
- Spyware, keylogger, intercepted wifi risks

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Chat Rooms & On-Line Groups: *Confidentiality?*

- Privacy-by-design
  - How little information can you collect/preserve
  - Work HARD to impress confidentiality on group
- Use a platform program controls
  - Decide how to control & monitor who is present
    - Participation by invitation?
- Remind: spyware, keylogger, intercepted wifi

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Chat Rooms & On-Line Groups: *Privilege?*

- Every state differs on basic advocacy privilege
  - Inter-state connection complicates privilege issue
- States differ on third-party presence
- Records easier to disclose than memories

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Chat, Text, E-mail: *Privacy?*

- Still poses 3 dangers:
  - Text/Chat may be stored, intercepted, disclosed from survivor's machine
- Best used as a first door to begin working together
  - Exchange minimal detail
- Be wary of impostors

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Chat, Text, E-mail: *Confidentiality?*

- How little information can you collect/ preserve?
  - Via secure 3rd party so program has no ISP address
- Best not between survivor & individual device
  - No one staffing device 24/7
  - Clearly explain response protocol
- Routine & prompt destruction policy

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How Do You Want to Receive Your Response?

◯ **By email.**

For added safety, your response will come from **Info** and the subject will look like this: **Info [Ticket 3568]**. Please check your junk mail folder. You may also read it on your secure account, signing in with the email and password you entered above.

◯ **Online at http://hotline.WomensLaw.org.**

You'll sign in to your secure account with the email and password you entered above.

If you choose this option, we will **never** send you email messages unless you want us to.

Let us know if you want us to email you:

- ☐ your password in case you forget it
- ☐ alerts when there are messages waiting for you online

Submit

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Chat, Text, E-mail: *Privilege?*

- Very reasonable expectation of privacy
  - But watch out for FORWARDING!
    - Forwarded lawyer email to daughter & then not privileged

    U.S. v. Stewart, NY

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Bottom Line

- Think consciously about system you choose.
- Ask questions & understand basics of technology being used.
- Remind survivors of invisible risks.
- Don’t cut corners.
- Ask for help.

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Resources

- SafetyNet at NNEDV
  - National TA provider on tech & safety
  - On-line toolkit at tools.nnedv.org
  - safetynet@nnedv.org
- Confidentiality Institute
  - National expertise on confidentiality for survivors
  - alicia@confidentialityinstitute.org

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