



Advocate Privilege Overview

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- In 2015 the Oregon HB 3476, mandating confidentiality and victim-advocate privilege that applies to certified advocates working in qualified victim services programs.
- The resulting law (ORS 40.264) explicitly includes campus-based advocates.
- In a civil, criminal, or administrative proceeding and in institutional, disciplinary proceedings, the victim/survivor has a privilege to refuse to disclose: (1) confidential communication between the victim and their advocate, (2) records created or maintained in the process of providing services.
- The victim/survivor is the one who holds the privilege and who can waive, or give up, the privilege.
- A certified advocate is one who completes a 40hr training in advocacy for survivors of dating/domestic violence, sexual assault, and/or stalking. The training must be approved by the Attorney General.
- A qualified victim services program is a campus-based or affiliated program, specifically a sexual assault center, student affairs center, or other program providing safety planning, counseling, support, or services to victims. The program must be on the campus of, or affiliated with a two or four year postsecondary institution that enrolls one or more students who receive an Oregon Opportunity grant.





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- For the purposes of applying victim-advocate privilege, a qualified victim is a person seeking services related to domestic/dating violence, sexual assault, and/or stalking at a qualified victim services program. This definition includes individuals seeking services for friends or family members who are victims of/affected by dating/domestic violence, sexual assault, and/or stalking.
- Campus-based advocates employed by the institution of higher education are mandatory reporters of child abuse or neglect. It is important for campus-based advocates to communicate that with the survivors they serve.
- In order to share any personally identifying information, the advocate must have a Release of Information (ROI) from the survivor. ROIs should be written, informed, specific, time limited, and signed by the survivor. Survivors can revoke their ROI at any time; this should be done in writing.
- An ROI must not be presented as a condition of service.

