

10 Tips for Tough Conversations about Confidentiality

Organizations serving survivors of violence often face tough conversations about confidentiality with partners, funders, and law enforcement. These *Tips* can help you prepare for and navigate those tough conversations.

1. Lead With Your Values

Difficult conversations are often exacerbated because those involved do not understand each other's role or values. A clear understanding of roles and values can help everyone navigate the conversation and think creatively about how to meet the other's needs.

Be careful, however, not to convey judgement. Sometimes, explaining our values can imply judgement. Others may feel that we are saying we are the only ones with values, or that our values make us the more compassionate or ethical. Part of leading with values is showing—implicitly or explicitly—that you understand that there are other important roles and other important values.

Think before you email.

Most of us have a difficult time writing emails that convey all the different things we want to express, like our values, openness to feedback, or sensitive details. And even if we craft a perfect email, the recipient is likely to skim it, missing key points and potentially mistaking the context or our intention.

In short, email is a horrible form of communication for tough issues.

If you need to communicate with someone about an issue that may be difficult to resolve, involves change, or is sensitive, pick up the phone or set up a meeting.

Here's an example of how a service provider might start a conversation with law enforcement:

“As you know, my job is to represent the needs of survivors of violence and make sure that their individual rights are protected. I also get that you have the important job of holding abusers accountable. Sometimes our goals are not going to be the same. I'd like to think through how to move forward in a way that fully honors each of our roles, even when we aren't aligned.”

2. Be Flexible

Part of managing difficult conversations is to recognize where we have flexibility. Being flexible does not mean compromising on your values or your confidentiality obligations to your clients. It means being open to changing the things that you can, while maintaining your values. Recognize that all of us struggle to see different ways of approaching our work. Challenge yourself to be flexible and creative in trying to meet the needs of your partners.

3. BUT, Be Clear About Your Limits

If you have clear limits, be forthright about them. You do not want your counterpart to feel misled or that their time has been wasted. Be matter of fact and unapologetic, but not aggressive.

An effective way to clearly state your limits and bring partners along is to acknowledge that the situation is challenging or frustrating for them and indicate where you can be flexible. Here's an example:

“My legal obligations to survivors mean that I can't share that information with you. I recognize that the challenge in addressing violence is sometimes that what the survivor needs can make holding abusers accountable more difficult. And I get why that is frustrating. But, I do think there might be other things I can do to be helpful...”

4. Avoid Drowning Your Conversation In Fact, Law, or Details

Facts alone do not change people's minds.¹ And an over-reliance on fact can cause the listener to hold onto their opinion tighter, rather than bring them along. Facts may be necessary for most conversations, but they should be used thoughtfully. Focus on framing the discussion more around respecting one another's roles and responsibilities rather than the "truth."

One technique for effectively talking about facts or information is to explain how your mind has changed (if it has) and give your counterpart an excuse for changing their minds. For example:

"I had a hard time getting my head around this too. In the end, I realized that I hadn't ever been given all the information I needed. Now that I have all the information, I've had to shift things around in my mind."

5. Recognize That Issues Often Shouldn't Be Resolved In One Conversation

Humans are bad at change. Generally, we need time to adjust to new concepts or to contemplate new perspectives. Approach difficult interactions knowing everything may not be resolved at once. Be prepared to end a conversation without clarity and give the issue time to marinate.

If the conversation gets tense, consider asking for another meeting/call so that you can think about your conversation—even if you are confident in your position. This will help you exit a conversation gracefully and help convey to your counterpart that you are taking their thoughts and concerns seriously. It will also give you both time to reflect (and give you time to regroup).

6. Let Struggling Partners Make Their Mark (If You Can)

Letting a struggling partner make their mark on your issue can make them feel valued and respected. Including partners in the solution can help turn that partner into a champion. For example, if you are drafting a memorandum of understanding together, you may choose to defer to your partners' word choice if the meaning is the same.

7. Line Up Your Allies

Sometimes, you simply are not the best messenger. If you are navigating multiple partners or know that you do not have the trust of a particular stakeholder, connect with your allies. Ask them for advice about how to navigate the conversation. If it is appropriate, ask them if they can have a warm-up conversation or a follow-up conversation with a struggling partner on the issue.

8. Take Time To Plan (Ten Minutes Before the Conversation Doesn't Count)

Take the time to prepare for the conversation. Write down or otherwise articulate for yourself your role, values, limits, and where you can be flexible. Talk through the conversation out loud with others. Navigating tough conversations is a skill; you have to practice.

9. Get In The Right Headspace

People can sense when you are unsure, nervous, angry, or frustrated. Check in with yourself before the conversation, notice if you are feeling anxious or defensive. Call on whatever tools you have found work well for you to calm your mind and bring your best self to the conversation.

10. Keep It Simple

Using plain language makes people appear more credible; using more formal language makes people appear nervous.

¹ See e.g. Julie Beck, *This Article Won't Change Your Mind: The Facts on Why Facts Alone Can't Fight False Beliefs*, THE ATLANTIC, March 13, 2017, available at <https://www.theatlantic.com/science/archive/2017/03/this-article-wont-change-your-mind/519093/>

