Domestic Violence Organizations Online
Risks, Ethical Dilemmas, and Liability Issues

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Abstract

Domestic violence service organizations are increasingly using the World Wide Web to provide information, secure resources, promote advocacy campaigns, and, more recently, to provide direct services online. The use of the Internet, however, creates potential risks, ethical dilemmas, and liability challenges in online service delivery. These include: threats to the privacy, security and confidentiality of online communications, unclear jurisdiction regarding provision of online services, unclear legal and liability standards surrounding the delivery of online supportive and counseling-related services, complexity in making appropriate assessment, difficulties in fulfilling duty to warn third parties, lack of empirical research about effective models of online service delivery, technical difficulties inherent in electronic communication, and potential harassment of Internet users whether these be organizations or consumers. In addition, organizations providing online services are faced with other risks related to their use of the Internet that include: disputes over the legal ownership of the website, use of copyright material, possible threats to staff, lack of policies sur-

rounding unsolicited email, unclear policies regarding staff use of email, and disruption to the organization through attacks on the website or by email. This paper outlines the risk and liability issues related to use of the Internet and suggests risk-management guidelines to protect organizations from liability. Finally, this paper discusses the lack of empirical research in online service delivery and suggests research approaches for further understanding of the use of online services.

Liability Issues for Online Domestic Violence Organizations

The Internet is a relatively new arena for delivery of human services. Some organizations are using the Web to supplement their services while others are "virtual organizations" that only exist online. The public is becoming accepting of using the Internet to find information about health and human service concerns. One study found that more than thirty-one million people had done so (Green and Himelstein, 1998). Moreover, the "gender gap" in computer use is disappearing. A recent study by Nielson/NetRatings notes that one-half of computer users are female and that women are more likely to use the Internet to find information about health and quality of life than are men (Glassner, 1999).

Domestic violence services are an excellent example of this growth, although there is little data about the extent to which domestic violence organizations are using the Internet. Finn (2000a) found that the number of nonprofit organizations (.org domain) websites with the word "domestic violence", "spouse abuse" or "family violence" in the title as indexed by the Hotbot (July, 1998) search engine was 15, 215. The same search in March 2001 found almost three times as many: 43,100. While this number no doubt contains duplicate findings and organizations whose primary purpose is not domestic violence, it does provide some indication of the rate of growth of online services. Another indicator of online services can be seen in a study that found 42% (n=166) of domestic violence services with a website had between 100 and 1000 "hits" per week and 10% of organizations received over 10,000 hits per week (Finn, 2000).

Domestic violence organizations are using the Internet for a variety of purposes that include (Finn, 2000a):

- *Organization Visibility*: linking the community with the organization through publication of phone numbers and email, use of the Internet to describe organization programs and services, publicizing special events, and providing other organization-related information such as the annual report, mission, goals, and Board of Directors.

- *Direct Services*: providing services such as online problem solving around specific areas of difficulty, counseling by email, online chat with a counselor, and online support groups. In addition, it includes supportive functions such as information and referral, publication of stories or art related to a specific social problem, and providing information useful for problem solving.

- *Community Education:* focusing on providing information about the causes and consequences of domestic violence, promoting community awareness events such as the Clothesline Project, and linking the community to other information resources.

- *Advocacy*: seeking to affect legal, legislative and policy change through focused information campaigns and by promoting communication and organizing efforts among interest group members.

- *Securing Resources*: efforts to use their website for fundraising, volunteer recruitment, and procuring donations of goods and services.

The research literature notes many benefits and advantages to organizations and individuals using the Web (Brandt, 1998 ; Ferguson, 1996 ; Finn & Holden, 2000 ; Laszlo , Esterman, &, Zabko, 1999 ; Giffords, 1998 ; Graham, 1996 ; Hannon, 1996 ; Miller & Gergen, 1998 ; Sampson, Kolodinsky, & Greeno, 1997 ; Winzelberg, 1997). These include:

- Access barriers, such as time and distance, are removed by the Internet.

- It is available on a twenty-four hour basis from any computer with Internet access, and thus provides a stable source of support in an increasingly mobile society.

- It is available to those who might not otherwise seek information due to time constraints, caregiving responsibilities, lack of transportation, physical or social isolation, and physical or psychological disabilities.

- It may provide an avenue to therapeutic or supportive services to those who might not otherwise seek such services in person.

- With the proper software, the Internet provides a means to anonymously seek information (see for example: Anonymizer [https://www.anonymizer.com/]).

- It can offer culturally relevant information and services when they may not be available in the local community.

- The information on the Internet can be readily updated so that it can remain current and relevant.

- The Internet can provide services to a greater number of people at less cost, which is especially important in a time of greater service demand and limited resources.

- The Internet can provide a supplement to in-person services as a source of support during waitlist conditions when other services may not be available, and may provide follow-up services.

There are potential risks, ethical dilemmas, and liability challenges in online service delivery (Banach and Bernat, 2000 ; Childress, 1998 ; Lee, 1998 ; Huang & Alesssi, 1996 ; Lebow, 1998 ; Pergament,1998 ; Waldron, Lavitt & Kelley, 2000). These include:

- lack of empirical research about effective models of online service delivery,

- unclear legal and liability standards surrounding online supportive and counseling-related services,

- threats to privacy, security and confidentiality of online communications,

- technical difficulties inherent in electronic communication,

- potential harassment of Internet users whether these be organizations or individuals,

- increased risk of victimization to individuals due to use of online services,

- presentation of wrong or misleading information by websites,

- initial and up-keep costs of websites to organizations,

- lack of coordination among Web-providing agencies, and,

- lack of access by many individuals.

Legal and liability issues related to the Internet are only beginning to be addressed (Banach & Bernat, 2000). For example, it is clear that a person may be sued for libel or defamation because of statements made over the Internet (Appleman, 1995 ; The Harvard Law Review Association, 1999 ; Zeran v. America Online, Inc., 1997).   In addition, it is illegal to threaten another person or to distribute child pornography over the Internet. A few states have passed laws against stalking that include "cyberstalking" (McGraw, 1997).

Liability issues surrounding human services on the Internet, however, are far less clear. Where no legal precedent has been established, liability cases would utilize standards established by state licensing codes and by professional codes of conduct (Bloom, 1998 ; Reamer, 1998). Risk-management refers to practices that should be instituted and others that should be avoided in order to reduce risk of legal liability for violation of legal and ethical codes. The following sections outline possible risks to domestic violence organizations and consumers in online service delivery and suggest risk-management practices based on the guidelines suggested by the American Psychological Association (APA, 1998), the National Association of Social Workers (NASW, 1996), the National Board of Certified Counselors (NBCC, 1998), and the research literature. While not all domestic violence organization workers are legally held to professional codes of conduct, these guidelines represent common values and practice in the helping professions.

Direct services online

Domestic violence organizations often use a social systems model in which the focus of services is on empowerment and advocacy. They seek to help consumers evaluate their options, develop supportive relationships, and make changes in their social environment. Domestic violence organizations reject a medical model that pathologizes and labels those who seek services. Nevertheless, many victims of domestic violence who suffer from difficulties such as depression, anxiety, and post traumatic stress disorder (PTSD) may require counseling or supportive intervention. In a recent survey of 166 domestic violence organizations with a website, Finn (2000) found 81.4% reported that a goal of their website was to provide "direct services" and that 18.7% specifically offered "online counseling". The Web is being used by domestic violence organizations to provide information, assessment tools, support, and information and referral to victims and other Internet users. Many organizations describe their intake procedures, services, and facilities. Some websites provide

assessment materials that suggest whether a relationship is abusive. Others provide information such as how to obtain an order of protection, make an escape plan, and promote self-protection. Domestic violence-related websites may help to provide a sense of community to consumers through statistics, stories, art, poetry, and links to a multitude of resources. These educational services generally do not incur liability. Many organizations, however, are providing email links to their organization and some specifically invite victims to "email for help" (Finn, 2000). (See, for example, Victim Services [http://www.safehorizon.org/index/get-help-8/ domestic-violence-and-abusive-relationships-35/tour-a-domestic-violence-shelter-3.html]).

Providing counseling-related services requires careful consideration of the following issues:

Protecting the Privacy, Security and Confidentiality

Domestic violence organizations are very aware of the need to protect the privacy of consumers who use their services. Many domestic violence shelters, for example, do not list their address for the safety of those who stay in shelter and the workers. In addition, many have established protocols to protect those who use their services. For example, a service provider would not call a victim at home and identify that s/he works for a shelter for fear that an abusive partner may overhear or be on the phone. In addition, human service professionals are both ethically and legally bound to maintain the confidentiality of client records (Johnson, 1997 ; Gellman & Frawley, 1996). Confidentiality is essential to the establishment of trust in a working relationship (Dickson, 1998).

Victims of domestic violence are often in relationships in which the abused partner is kept socially isolated. Attempts to find help or even other social networks are met with an increase in threatened or actual violence (Dutton, 1995 ; Gelles and Straus, 1988). If the abusive partner finds out that his/her partner is using the Internet to contact domestic violence agencies or seek other support, there is real danger of escalating violence and further monitoring and controlling of the abused partner's life. An abusive partner might find out which sites are visited by reviewing the list of sites that are often automatically maintained for a certain period by most browsers. In addition, there are software programs that automatically track all Internet activity.

Online practice creates new ways in which confidentiality and privacy might be breached. Email is not a secure medium (Speilberg, 1998). A practitioner's messages can be intercepted in transit by computer hackers. They can also be printed, inadvertently rerouted, and read by others if left on a computer screen in a non-secure environment. Messages can also be read by anyone with access to the computer (e.g. a partner or parent). Finally, it is easy to accidentally send email messages to the wrong party.

Another difference related to client records in online communications is that the entire transcript of sessions is recorded and is stored verbatim. In face-to-face services, practitioners generally maintain notes of sessions, but the entire transcript is not written. Should a victim or practitioner be involved in a malpractice action, either party could use verbatim transcriptions as evidence. In addition, control is lost over the content of the session. A victim may forward a practitioner's verbatim message, for example, to an ex-partner, as a means to "prove" the relationship couldn't work.

If a practitioner forwarded a victim's message to a colleague for consultation, there is no control over where the colleague might forward the message or how securely it will be handled.

The privacy of online records is also threatened when victims use their work computers to send and receive online information. Employee challenges to employer access to their email generally have not been successful. The courts have ruled that an employer can read all email residing on computers using the company network as long as workers are informed that company policy permits it (Pergament, 1998).

Domestic violence organizations should institute measures to protect the confidentiality and security of online messages.

- *Email should be treated as formally as other client documentation.*

- *Organizations should take steps to prevent unauthorized access to their electronic records through using password protection of their computer and maintaining storage of back-up files in a secure place.*

- *Victims and Internet users should be informed if and for how long their messages are being preserved as part of their file, and organizations should obtain signed informed consent before any materials are forwarded to another party.*

- *If messages are to be saved, there should be appropriate electronic and/or hard copy back up of all email messages. Alternatively, organizations may want to consider a policy in which all email from consumers is deleted after being read.*

- *Encryption software programs should be used to prevent messages from being read by anyone but the intended receiver.*

- *Victims and Internet users should receive education about online safety and privacy protection.*

- *Staff should receive training about maintaining secure electronic communications.*

- *To prevent access by hackers, electronic files containing victim or funder records should be kept on computers that are not connected to the Internet.*

- *Organizations should not permit staff to access organization email from their home computer.*

- *Finally, organizations should create written polices that establish how email is to be used, by whom, and what the sanctions are for violation of those policies.*

Jurisdiction

Laws differ by state as to who may deliver domestic violence and counseling-related services, what licensure or certification is required, and at what age someone may seek services without parent's permission. In some states licensure is required for those offering mental health services, and counseling of battered women may fall within this jurisdiction (Cushman & Detmer, 1997). In

other states only certification is required to provide domestic violence services, and in still others, neither is required. Jurisdiction in the delivery of online human service practice in cyberspace is a complex and yet unresolved issue (Johnson & Post, 1996). For example, it is not clear which state's laws will apply in a case if legal action is brought against an organization as a result of online services in which the organization resides in one state and the victim resides in another. Some states have begun to grapple with these jurisdictional boundaries. The state of California, for example, has legislated that anyone providing online mental health services to a California resident must be licensed in California (Stofle, 1999).

The impact of jurisdictional issues on domestic violence agencies has yet to be determined. In the case of domestic violence organizations, there are currently telephone hotlines as well as online resources that cross jurisdictional boundaries. Providing information and referral or crisis intervention is generally not considered "mental health" services. The delivery of longer-term services that may be interpreted as mental health services may be more problematic. Domestic violence organizations should have clear goals and policies about the kinds of services they wish to offer online.

Domestic violence organizations should seek legal counsel before providing longer-term online services to those in other states that may be interpreted to be counseling or psychotherapeutic. In addition, they should be sure their liability insurance coverage would extend to services that may be considered to be delivered in other states.

Establishing Consumer Identity

One of the benefits of using online services is that the victim may remain relatively anonymous. Some people that would not seek face-to-face services may be willing to do so online. Not knowing the identity of those seeking services, however, may create difficulties for the organization and the people who utilize its services. Since the victim does not physically come to an office for online practice, the organization practitioner has a more difficult time determining that the victim is, in fact, the person who is put forward online. It is common practice in many online forums and groups to assume a "virtual identity". One can never be sure of the age, sex, or other demographic characteristics that one presents in their online persona. This may be especially problematic if a an abusive partner uses a victim's email account and identity to communicate with a domestic violence organization and thus gain information about services that were provided.

Another area of difficulty related to an inability to confirm the consumer's online identity is the risk that the person seeking services may be underage. In some states domestic violence organizations may provide services to victims of physical or sexual abuse without parental consent. As discussed above, domestic violence laws vary among the fifty states, including what age and under what circumstances someone may receive services without parental consent. Liability issues are yet unclear when a minor who resides in a state that requires parental consent receives online services from a domestic violence organization that is located in a state that does not require parental consent.

Organizations that provide online supportive and counseling-related services should consider whether they have adequate safeguards (passwords, specific identifying questions) to insure that they know with whom they are communicating.

Domestic violence organizations residing in states that do not permit minors to receive services without parental consent should post a notice on their website that minors can only receive services with parental consent.

Appropriate assessment

In order to provide appropriate services, domestic violence organizations assess the medical, emotional, and practical needs of victims. Staff must engage in an assessment of the victim's strengths, capabilities, and life circumstances at the beginning of intervention services. Email tends to be a medium of short messages and quick answers, and there may be a temptation to provide services without proper assessment. Furthermore, concern has been raised in mental health fields that appropriate assessment cannot be done online (Shapiro & Schulman, 1996). Physical and nonverbal cues such as bruises, appearance, alcohol on the breath, and affect are not available. Without these cues it is difficult to assess the severity of the difficulties presented and the need for emergency or supportive health, drug rehabilitation, and counseling services. Even domestic violence organizations that only provide information and referral to other services may find assessment of needed services more difficult online. Finally, valid assessment tools, such as safety or lethality assessments, must be used. These can be administered though email or online forms at a website. This in itself, however, is problematic since the validity of assessment instruments has not been established when they are used online.

Domestic violence organizations that provide longer-term supportive or counseling-related services must use and document their online assessment procedures. They should develop specific assessment protocols for use with online clients. These should include questions about immediate safety, physical and mental health. They should ask specific questions about health, appearance, feelings, and life circumstances that compensate for lack of visual cues. Except in a crisis situation, these assessment protocols should be used before any intervention is initiated.

Untested methods

Human service professionals are ethically bound to use methods that have theoretical justification, empirical evaluation, and a history of successful practice. Although new methods and techniques are continually being developed, professionals must warn consumers when unproven methods are being tried and must receive consumers' consent to engage in unproven services. While not all domestic violence workers are bound by these professional standards, the standards represent guidelines for ethical and effective service delivery. The effectiveness of online services has yet to be demonstrated. In the mental health field there is still debate as to whether "therapeutic services" can be effectively provided online given lack of visual cues, asynchronous communication, transference issues, and differences between computer mediated and face-to-face communications (Holmes, 1997 ; Bloom, 1998). There is not yet research about the effectiveness of online domestic violence services. Online assessment, problem solving, and counseling-related services should be considered "experimental".

On their website, domestic violence organizations that provide supportive and counseling-related services should use a disclaimer that clearly explains the differences between in-person and online services and acknowledges that online services are untested and unproven methods.

Duty to third parties and vulnerable populations

Helping professionals are ethically and legally bound to warn others if a client presents a danger to themselves or to others, although the "duty to warn" statutes vary across the states (Pergament, 1998 , Kagle & Kopels, 1994). Organizations can be held accountable if actions are not taken when a victim issues threats against themselves or others (Reamer, 1994). In instances in which the organization and the victim reside in different states, the appropriate and necessary actions are unclear (Johnson & Post, 1996).

Fulfilling the duty to warn requirements may be more difficult in online practice. Given the potential for relative anonymity of cyberspace communication, a worker confronted with a potentially dangerous or suicidal client would have greater difficulty in facilitating needed help. This is compounded with the difficulties of locating the intended victim and the authorities in a geographic location in which the consumer (but not the practitioner) resides. The difficulties in notifying intended victims and authorities leaves the organization vulnerable to future malpractice claims by victims or family members of the victim (Kagle & Kopels, 1994).

Domestic violence organizations should assess the potential for self-destructive or other violent behavior of online clients. Individuals that utilize online services who are potentially dangerous to themselves or others during online services, should be referred to in-person services. Organizations should know the duty to warn laws in their own state and in all states and countries in which their online clients reside.

Duty to be available

Once a treatment relationship has been established, organization staff must be reasonably available to victims for both on-going and emergency services. Similar to issues involving the duty to warn, given geographic distance and lack of knowledge of local resources, an online practitioner may have greater difficulty providing services in an emergency situation. When on-going services are provided, victims must be clear about how often they may write, what is expected of their writing, and how long they will have to wait for a response. In addition, the technology itself poses a risk to the continuity of services due to malfunction of the technology.

Domestic violence organizations that provide ongoing online supportive and counseling services should discuss with victims the procedures to be used to contact the organization when they are not online. They should post an emergency phone number where they can be reached, and should locate emergency helping resources in the geographic area in which the victim resides. They should specify how often they will communicate and the expected time between receiving and responding to communications. Organizations should be aware that an Internet service provider may delay email messages for up to several days, so staff should not use email to convey urgent or important

information. In addition, domestic violence organizations should have a back-up system that can function in case of technological breakdown of their primary system.

Appropriate Referral

Domestic violence organizations may be tempted to refer victims to other online resources through their website or by email. For example, there are thousands of online self-help groups and tens of thousands of online human service information sites on the Internet that may provide victims with supplemental support and psycho-education (Ferguson, 1996). A number of these self-help sites deal with issues often encountered by victims of domestic violence including physical violence, sexual assault, depression, anxiety, and health issues. Referral to other Internet sites may be problematic because the content of the sites often changes frequently. The membership, mission, and degree of support offered by an online self-help group may also change over time. Recent research has also noted risks in participating in online self-help groups that includes receiving misinformation, being subject to verbal abuse, development of inappropriate relationships, and loss of privacy (Waldron, Lavitt & Kelley, 2000). Referral to online sites raises liability issues. For example, if an organization refers a victim to an online self-help group and the individual is psychologically injured as a result of participation in the group, is the referring organization liable? Or, if a victim is referred to a psycho-educational or health-related site and receives inaccurate or harmful information, is the referring organization liable? The answers to these questions will be decided by future court cases.

Domestic violence organizations should be cautious about referral to online sites and self-help groups with which they are not thoroughly knowledgeable. Risk management procedures should include referring a victim to a general rather than a specific category of online help. For example, a consumer might be referred to the national Mental Health Association website rather than to a specific online depression-related self-help group. Additionally, website disclaimers should include language indicating that the consumer agrees to hold the organization harmless for any adverse effects incurred as a result of these referrals.

Consumer education

The mission of domestic violence organizations often includes helping victim/survivors make a safety plan, that is, how to anticipate potentially dangerous situations and what steps to take if violence should occur. Similar safety plans should be provided for online victimization. Online victimization may include online harassment and threats, cyberstalking, identity theft, "page-jacking", and misrepresentation of their identity by others in online communication. (Banks, 1998 ; Finn & Banach, 2000). For their safety, consumers who use the Internet, especially those who have been victims of violence or are emotionally vulnerable, need education about the kinds of victimization that can occur online, how best to prevent it, and what to do if victimization occurs. They need information about password protection, encryption software, blocking and filtering software, anonymous remailers, alternate email receiving sites, chat room and newsgroup safety, the potential for misinformation, how privacy may be lost, how to deal with online harassment, policies and laws regulating (or not regulating) interactions in cyberspace, and where to get help if victimization occurs.

Although they are not legally bound to do so, given their mission, domestic violence organizations should be proactive in educating consumers about negative consequences that may be involved in online communications. Organizations do not need to recreate this information. Rather, each domestic violence website, no matter what its primary mission, should consider having links to resources that discuss online safety and privacy issues.

There are a number of websites that provide education and resources to promote online safety. A few include:

• Women Halting Abuse Online (W.H.O.A.) [http://www.haltabuse.org/] provides education about online harassment, and voluntary policies that systems can adopt in order to create harassment-free online environments.

• Stalking Victim's Sanctuary [http://stalkingvictims.com/] provides information and resources primarily for those who have been victims of stalking. The site also has an online support group and online chat for discussions of stalking.

• Cyberangels [http://www.cyberangels.org/] provides online safety tips primarily for families and children. They also address practical and legal concerns regarding online stalking.

• SafetyEd [http://www.safetyed.org/] provides online education regarding online safety and privacy. This site also focuses on child safety but include issues related to cyberstalking. They include research articles, online workshops, and links to many privacy-related organizations.

• American Bar Association Commission on Domestic Violence [http://www.ncdsv.org/images/aba_abuser.pdf] provides a document, *How an abuser can discover your Internet activities.* The document discusses email safety and methods for clearing the computer cache of visited sites.

• National Center for Victims of Crime [http://www.victimsofcrime.org/] and The Stalking Resource Center [http://www.victimsofcrime.org/our-programs/stalking-resource-center] offer a number of documents related to cyberstalking.

This paper has thus far discussed domestic violence organizations that are using the Internet to deliver a variety of online services. It should also be noted that there is yet no research that focuses on how many domestic violence organizations have chosen *not* to provide online services or their reasons for not doing so. Ethical and liability concerns no doubt play an important role in this decision. For example, in this author's email communications with one domestic violence organization, The Support Network for Battered Women, David Lee, Director of Community Education, states,

"We have decided this (not to have online services) because we have concerns about safety, privacy and confidentiality of email conversations. Counseling is an activity that requires confidentiality (and in California, DV counseling has special protected status). Emails could too easily be seen, ordered by the courts to be open, etc. We also did not want to create false promises of speedy responses. We decided that the best way we can serve battered women is to talk with them on the phone or in person.

It seems like there are ethical issues related to counseling via email anyway. Can you "counsel" merely through correspondence or does "counseling" involve more than that...Also, the whole idea of counseling to the world is a bit more than we can handle. It's hard enough to stay on top of the laws, culture, procedures, law enforcement attitude, etc. in our own community. I would be reluctant to say we can appropriately or adequately guide and counsel battered women from all parts of the country when so much of what we do is based on our knowledge of our own community... (David Lee, March 13, 2001 -- Personal Communication)."

Domestic violence organizations will increasingly be faced with decisions about whether to offer online services, and if so, which ones. Understanding of and debate about ethical and liability issues related to online practice is essential for the domestic violence community to make informed decisions about this new arena for practice.

Domestic Violence Organization Website Issues

Only a small proportion of all organizations that offer a website seek to provide online direct services. As stated earlier, organizations also seek to provide community education, promote advocacy efforts, solicit funds, goods, and services, and recruit volunteers through their website. Domestic violence organizations also face risk-management issues related to these other aspects of their website.

Who owns the website?

A recent study found that almost one-half of nonprofit agencies used volunteers to develop their Website (Finn, 1998). Unless there is an employee relationship or an agreement to the contrary, the creation of the website is not a "work for hire" under copyright laws, and the creator is likely to be the author and copyright holder (Blaustein, 1997). Legally, a volunteer who worked independently to create an organization website could simply move or delete the site because the organization may have no legal ownership of the site.

Domestic violence organizations should have a clear, written contracts with the developer of their website, whether it is a consultant or a volunteer, stating that ownership of the website resides with the organization.

Copyright

Many domestic violence organization websites are designed to provide community education about issues such as domestic violence, sexual assault, and mental health issues. In the service of community education, organizations may publish materials on their site that they did not create. Many educational publications and materials are copyrighted, as are design aspects of websites. The risk of using copyright materials is increased when volunteers or organization staff who are not familiar with copyright laws are involved in developing and maintaining the online materials.

Domestic violence organizations must insure that content on their website does not infringe on copyrights or trademark. Staff and volunteers should be trained to be sensitive to copyright issues and to ask permission when using other's written or Web-based materials.

Threats and Disruption

Domestic violence organizations may be the target of email threats or online disruption of their services. Given the hostility some organizations face from certain segments of society, organizations must be prepared to encounter attempts to disrupt their website. Organizations are vulnerable to disruption through flooding the email account with thousands of unwanted messages (spam), changing of website content by hackers, receiving computer viruses, receiving provocative or threatening messages to staff, and receiving false email requests for help (Johnson, 1994).

Domestic violence organizations should provide training to staff and volunteers about the range of messages that they may receive and use email filters and virus protection software. Organizations should maintain a copy of any threatening message and contact the police when threats are received.

Posting Names and Personal Information

Domestic violence organizations are generally careful to protect the identity and safety of their staff. Some organizations post the names and email address of staff and/or others who work with the organization. An organization might post the names of Board members, new volunteers, or donors. Posting names and other demographic information on a website may, however, be viewed as a violation of privacy. Others may target these individuals found on the website to receive threats, unwanted business or personal messages. In one study of online domestic violence organizations, several reported that they had received threats by email (Finn, 2000).

Domestic violence organizations should carefully consider whether it is safe to post names or email addresses of organization personnel on their website and should obtain written permission before posting any individual's name. Organizations should have a separate email account from which to transact consumer-related communications from their website.

Unsolicited Email

While some domestic violence organizations seek to provide services online, others intend only to offer information. Organizations may, however, receive email requests for help because their email address is posted on their website or someone found the email address of the organization through an Internet email search engine. A recent study of unsolicited email sent to health care providers found that half of the sites responded to unsolicited email and there was great variation in the provider's response to unsolicited email (Eysenback, & Thomas, 1998). An email response by an organization may be assumed to be the beginning of a treatment relationship, whether or not the organization intends to provide follow-up services. A "treatment (fiduciary) relationship" obligates a service provider to certain responsibilities such as the duty to intervene in emergencies and the duty to be available. The courts have established that a telephone consultation with a physician can constitute a treatment relationship (Grondahl v. Bullock, 1982 ; Hafner, 1989 , Miller v. Sullivan, 1995 ; Pergament, 1998). The same may be true of email. An organization posting "email for help" may see one email message that provides brief information or advice as the *end* of the relationship, but a consumer may view it as the beginning. This issue has not yet been clearly resolved by the

courts. In addition, a quick reply involving advice about a course of action may also leave the organization vulnerable to charges of inappropriate assessment.

Domestic violence organizations should assume that any answer to a victim's email may constitute a treatment (fiduciary) relationship, and should clearly state in their email and website that no such relationship is implied if that is the case. Organizations should also have written policies and staff training about how to handle unsolicited email. Organizations should also have carefully worded disclaimers outlining the parameters and limitations of their online services.

Email Policy

Organizations that provide email and Internet access for staff and volunteers may face internal issues related to privacy and personal use. It is assumed that organizational computer resources should be used for organization-related business. Staff may construe some email discussions with their colleagues that may appear personal, such as discussion of social and family events, as important in building and maintaining a working relationship. In addition, staff may be tempted to use their email or Internet connections for personal reasons during lunch or after work hours. As stated earlier, the courts have ruled that an employer can read all email residing on computers using the company network as long as workers are informed that company policy permits it.

Agencies should have written policies about appropriate use of email and the Internet, and should have documentation signed by staff that they are aware of the policy regarding online communications.

Fundraising

A number of domestic violence organizations are using their website to secure resources including funds, goods, and services. Online fundraising efforts range from sophisticated online appeals with secure credit card transactions to simple online requests for donations to be mailed to the organization. (Clark, 1995 ; Marx, 2000 ; Mercer, 1998). A recent study of nonprofits (Finn,1998) found that online fundraising was rated as an important goal by one-third of nonprofit agencies with a website. A study of domestic violence agencies found that 46.4% obtained donations of money or goods through their website (Finn, 2000). Online fundraising raises jurisdictional questions. Many states require that an organization be licensed in that state and pay registration fees in order to receive donations. The fees and the staff time needed for proper registration nationwide could conceivably cost an organization several thousand dollars (Mercer, 1998). Organizations ignoring these responsibilities or employing other organizations such as an auction house that neglect regulations could face legal liabilities (Williams, 1998).

Domestic violence organizations that solicit funds online should seek legal counsel and review the state laws regulating nonprofit contributions in each state from which funds may be received.

Given the risks related to offering services on the Internet, domestic violence organizations should use a carefully worded disclaimer on their websites. A disclaimer has the properties of initial contracting in that it cautions the Internet user about what can and cannot be expected from services (Beckman & Hirsch, 1996). The disclaimer should outline (Banach & Bernat, 2000):

- the limitations of online communication,

- the untested nature of online supportive or counseling services if these are offered,

- the limits of security and privacy of online communications,

- the nature and extent of the services that can be expected,

- a statement that online services do not constitute a fiduciary or treatment relationship,

- a statement that any disputes would be governed by the state in which the organization is licensed, and

- a "hold harmless" clause stating that the consumer agrees to hold the organization harmless from any damages that might be incurred by the consumer resulting from utilizing the information provided on the website since the information is meant to address general rather than specific concerns.

Research Needs

While there has been much discussion in the literature about the potential benefits and costs of providing online services, little empirical research has been done to assess the impact of these services for human service organizations or for victims (for recent reviews see: King, Engi & Poulos, 1998 ; Laszlo , Esterman, &, Zabko, 1999). One study of domestic violence organizations with a website found that the majority of organizations indicated that they did not evaluate their website or that they only used a "counter" to assess the number of "hits" received (Finn, 2000). Domestic violence organizations must view their website as a "program component" and evaluate the success, benefits, and costs of this service. Given the potential risks and the ethical and liability challenges inherent in online practice, evaluation of these services is essential to warrant their further development.

Research is needed to better understand the goals, services, processes, and outcomes of online service delivery. Research might include:

Content analysis of domestic violence organization websites

This would help to examine questions such as: What content and services are offered? To what extent is information accurate and up-to-date? To what extent are organizations providing appropriate information and disclaimers suggested in the risk-management guidelines stated above? To what extent are organization websites clear, organized and well designed? While the information that can be gathered is limited, such studies are relatively easy and inexpensive. They would help to identify current gaps in website focus and point to areas in which there is considerable duplication of efforts.

Online survey of online domestic violence organizations

Domestic violence organizations that are online already have Internet access and email. A web-based or email-based survey could be sent to these organizations requesting information about website development, funding, goals, services, benefits and costs, extent of use by consumers, impact on organization personnel, policies and procedures, and open ended questions seeking "advice" for other organizations that wish to establish online services. Thus far, only one study that directly surveys domestic violence organizations has been conducted (Finn, 2000). Such studies can lead to the development of protocols, guidelines, and "how to" manuals for future website development specifically targeted at domestic violence organizations.

Survey of victims and Internet users of domestic violence organization websites

No research has thus far been conducted that directly surveys victims who utilize services offered by domestic violence organization online. This research could be done by organizations as part of the evaluation of their services. One possibility is to post a request the website inviting victims to provide feedback about what they found useful or "needs improvement". Similarly, organizations could respond to online contacts with a request for feedback about online services. Finally, these organizations could collaborate in an online research project by developing a standardized evaluation instrument and providing a link on their website to the evaluation form. Many agencies could then use the same evaluation form. The evaluation form could include demographic data, reasons for using the services, types of help requested, satisfaction with services, and suggestions for improving services. This information would do much to improve online services by documenting for whom and under what circumstances services are effective.

Ethnographic study of victims who utilize domestic violence organization websites

Requests might be made to victims for in-depth interviews, either online or by telephone, that details their experiences with online services. Qualitative information can provide a rich, detailed, and insightful assessment of the helping process. This may highlight the similarities and differences between online and face-to-face service delivery. In addition, these interviews can be used both to improve services and, when published on the website (with permission and appropriate protection of privacy), can provide encouragement to other consumers to use the services.

Conclusion

We are entering an information age in which geography and the delivery of health and human services need no longer be linked. This opens the possibility of educational, supportive, and empowering services to an ever-increasing number of people. Given the rapid growth of Internet use, it is not surprising that human service practice on the Internet has developed well ahead of policies, procedures, legal regulation, and evaluation research to guide online practice. This paper has presented a review of the issues faced by domestic violence organizations in providing online services and

suggests risk-management procedures to protect both domestic violence organizations and victims from ethical and legal violations that might result in liability or harm to the victims. These are presented as guidelines only since many issues have yet to be heard and decided by the courts. Given the uncertain and changing nature of online practice issues, legal counsel should be consulted whenever liability issues arise.

Domestic violence organizations have always been at the forefront of developing innovative services. Judging from the number of victims that are visiting online domestic violence organizations, there is a demand for online services. There is, however, little research or even "practice wisdom" about the effectiveness or impact of online domestic violence services. We know little about the range of domestic violence services that are offered online or about the policies, procedures, protocols, or guidelines that shape online service delivery. Given the potential harm to both domestic violence organizations and victims, the domestic violence movement needs to gather information about this emerging practice, debate its value, and develop standards of practice for Internet-based services.

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