Implementing Respondent Services in Title IX Cases

Training | 2020 NASPA Strategies Pre-Con
Presenters

Jill Dunlap, PhD
Director of Research and Practice | NASPA – Student Affairs Administrators in Higher Education
jdunlap@naspa.org

Jennifer E. Henkle, MSW, CSW
Program Manager, Culture of Respect Collective | NASPA – Student Affairs Administrators in Higher Education
jhenkle@naspa.org

Joan Tabachnick
DSM Consulting
info@joantabachnick.com
Learning Outcomes

• Identify a range of perpetration behavior with which students might engage
• List a range of community resources to which respondent service personnel might connect responding parties
• Identify privacy constraints in working with responding parties
• Understand how to document and maintain records of support services provided
Introductions

- Name and Institution
- Current Role
- Respondent Services on Your Campus
  - Types of Services
  - Current Needs (services, resources, etc.)
- Why are you here today?
Study Overview
Landscape Analysis Research – Survey Participants

- Participants
  - 251

- Type of Institution
  - 52% public, four-year
  - 38% private, non-profit, four year
  - 6% public, two-year
  - 2% international

- Most Represented State
  - California

- Institution Size
  - 9% from 1,000 to 4,999 students
  - 21% from 5,000 to 9,999 students
  - 23% from 10,000 to 19,999 students
  - 47% more than 20,000 students
Landscape Analysis Research – Services Offered

• Nearly all (99%) of survey participants provide some sort of services

• Equal or Equitable
  – 48% said services were “equal”
  – 43% said services were “equitable”
  – 9% said “No, and they don’t seem similar/equitable/fair”
Landscape Analysis Research – Outreach & Education

• **Passive**: Institutions primarily educate via university sexual misconduct policy (63%) and their website (49%)

• **Active**: Thirty-eight percent (38%) inform during in-person presentations and 31% present about the topic during first-year and transfer student orientation

• **None**: Thirty-five percent (35%) of survey respondents do not educate the campus community
Landscape Analysis Research – Training

• In-house training is most common (94%)
• Consistent resources or oversight were not assessed, however institutions also utilized:
  - Online training (31%)
  - Training/certification by a national organization (41%)
  - Training/certification by a community organization (20%)
Landscape Analysis Research – Recommendations

• **Training** for those providing respondent services
• Increasing access to *community resources*
• Creating a *clear definition* of equitable and equal
• Funding/conducting research for *best practices*
• Expanding the *range of students served*
• **Informing and educating** the campus community
Current Policy Climate
How Did We Get Here?
What’s Old is New Again

• 2001 guidance included comment and review period
• Included in the 2001 guidance:
  – Title IX requirement to notify reporting party doesn’t violate FERPA
  – Defines sexual harassment as any unwelcome conduct of a sexual nature
  – Applicability of Title IX to all institutions receiving federal funds
Evaluating hostile environment harassment

- Degree to which a student’s education was impacted
- Type, frequency, and duration
- Identity of and relationship between harasser and impacted student
- Number of individuals involved
- Location and context in which incidents occurred
- Other incidents at the school
- Incidents of gender-based, but nonsexual harassment

2001 Guidance
2001 Guidance

- Determining Welcomeness
  - Evidence about credibility, other harassment by harasser
  - Recognition that harassed students’ reaction or reporting may be delayed
- Responsibility to respond promptly
- Responsibility to respond even when no control over harasser
- Training for responsible employees
2001 Guidance

Response to a report

- OCR will look for:
  - Disseminated a nondiscrimination policy
  - Appropriately investigated or responded
  - Taken immediate and effective corrective action

- Interim measures

- Confidentiality
  - Victim request may not allow for an investigation
  - Must consider harasser’s confidentiality as well
2001 Guidance

- Prevention
  - Prompt and equitable grievance procedures
- Due process rights of accused
- First Amendment issues
2011 Guidance

2011 Dear Colleague Letter

• Has a reputation for “changing” standard of evidence
• Most schools were already using this standard
• What didn’t change?
  – Publishing nondiscrimination procedures
  – Definition of sexual harassment
  – Adopting and publishing grievance procedures
  – Equitable processes
2011 Guidance

• What changed?
  – Designated Title IX Coordinator
  – Preponderance standard
  – 60 calendar days as prompt timeline for investigations
  – Notice of outcome to both parties
  – Expanded suggestions for training
  – Prohibition of retaliation
  – Suggestions for interim measures/remedies
  – Record keeping for OCR investigations
2014 FAQ

• What was the same?
  – Protections for LGBT student survivors
  – Notice occurs when responsible employees report to the institution
  – Did not require a new procedure for sexual violence cases
  – Definition of responsible employee
  – Confidentiality requests for survivors
  – Elements of an investigation
  – Equal notice to both parties
2014 FAQ

• What was new?
  - Amended unwelcome standard – consent standard
  - Definition of responsible employee
  - Discussion of marginalized populations (international students, students with disabilities)
  - More detailed treatment of confidentiality for survivors
  - Prohibits schools from using criminal investigations to postpone campus investigations
  - Appeals must be equal for both parties
  - Education for students about Title IX
February 2017 Dear Colleague Letter

- Rescinded previous guidance
- Offered nothing as a replacement
Title IX Proposed Rule

- Education Department proposed a rule on November 29, 2018
- 60-day public comment period ended January 28, 2019

1. Narrower definition of harassment
2. Scope of institutional responsibility
   - Only “actual knowledge” will require action
   - Misconduct that occurs outside official programs and activities?
3. Informal resolution
   - Vague direction re: operationalizing (e.g. training standards )
   - Mediation still an option
4. Religious exemption
   - Potential chilling effect on reporting
   - Broader concerns about removing student protections

5. Increased staffing and capacity
   - Potential bottlenecks around Title IX Coordinator
   - Number of staff required for adjudication process
   - Increased costs for implementing new model
2018 NPRM: Major Provisions continued

6. Cross examination
   - Potential harm to both parties
   - Costs associated with retaining counsel

7. Standard of evidence
   - Implications of aligning student and faculty misconduct cases
   - Equal standards for all civil rights cases

8. Resolution timeline
   - Potential delays
   - Delays due to concurrent law enforcement investigations
VAWA / Clery Requirements

- Training for employees
- Education for students
- Maintain and publish policies
  - List possible sanctions and interim measures
Bipartisan Task Force to End Sexual Violence

- Specifically:
  - Mediation is not allowed
  - Eliminate harassment, prevent its recurrence and address its effects
  - Requires preponderance standard
  - Consent from the complainant before beginning an investigation
  - 60-day timeline
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### State Action on Campus Sexual Assault – 2016

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State Action on Title IX

• Several states are seeking to codify Title IX within state laws
  – Massachusetts, California, Texas and New Jersey

The Senate Higher Education Committee also unanimously passed S3488, a bill that “requires institutions of higher education to use procedures in response to allegations of sexual harassment that are consistent with certain federal guidance and to report incidence of sexual assault.”

In the wake of Betsy DeVos’ Sept. 22 announcement that she planned to revise Title IX guidelines for colleges, this bill would require colleges in New Jersey to follow the guidelines set by former U.S. President Barack Obama’s administration that DeVos later withdrew.

The Title IX guidelines set by the Obama administration in 2011 required colleges to use the lowest possible standard of proof — a preponderance of evidence — when evaluating sexual assault cases. One of DeVos’ major changes to college Title IX guidelines is giving greater due process rights to
BREAK

15-minutes
Understanding Offender Behavior: 
*What we know – and don’t know – about respondents*
"We can't move to a culture that eliminates sexual violence if we're not dealing with how harm-doers become harm-doers and how they undo that. Leaving them in a heap on the side of the road is not the answer; allowing them to sneak back in through the back door [...] and acting like nothing happened [is not] the answer. There should be an expectation that there's real rehabilitation and that [offenders] have seen the light and want to make dramatic shifts in their behavior."

Adapted from Wilgus & Tabachnick, 2019.
Exercise: “Who are they?”

Adapted from Wilgus & Tabachnick, 2019.
All People Who Sexually Abuse

Registered Sex Offenders

Campus Students with Abusive/Problematic Sexual Behaviors

Adapted from Wilgus & Tabachnick, 2019.
Perpetration Data from College Campuses*

College Samples: Rape/Attempted Rape, Males

DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.

* Information should be viewed with caution, as surveys and samples may use different definitions of sexual assault and related terms and may cover different populations.
Perpetration Data from College Campuses*

College Samples: Any Type of Sexual Misconduct, Males

DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.

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The Sexual Behavior Continuum

Healthy/Helpful/Appropriate/Respectful/Safe (P: HARS)
Playful/Teasing/Flirting (P:T/F)
Mutually Inappropriate (MI)
Harmful: Bullying
Harassment (H)
Violent/Illegal (V/I)

Cordelia Anderson, 2001

Adapted from Wilgus & Tabachnick, 2019.
Types of Sexual Violence

- **Sexual Assault**
  - Physical force/threats or victim incapacitated by drugs/alcohol

- **Rape/Attempted Rape**
  - Physical force/threats or victim incapacitated by drugs/alcohol

- **Unwanted Sexual Contact**
  - Psychological/nonphysical coercion or drugs/alcohol used to impair/lessen victim resistance

- **Sexual Coercion**
  - Psychological/nonphysical coercion or drugs/alcohol used to impair/lessen victim resistance

DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.

Adapted from Wilgus & Tabachnick, 2019.
Not all people who abuse are the same.

Not all behaviors are the same.

Adapted from Wilgus & Tabachnick, 2019.
A Heterogeneous Population

• Individuals who sexually offend:
  - Have a broad diversity of sexual interests and arousal patterns
  - Engage in a wide range of sexually abusive behaviors
  - Exist within all social identity groups
  - Have varying levels of understanding (both cognitive and developmental)
  - Live in environments that encourage and/or deter perpetration

Source: Center for Sex Offender Management, The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies

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No Single “Cause”...

- Contributing factors can include:
  - Negative or adverse conditions in early development;
  - Cognitive distortions, which often parallel rape myths and diminish internal feelings of shame;
  - Repeated exposure to sexually aggressive pornography and violence;
  - Hostility toward women and increased acceptance of physical violence toward women;
  - Problems with self-regulation and impulse control;
  - Short-term relationships and negative attitudes toward women.

Source: U.S. Department of Justice, Office of Sex Offender Sentencing, Management, Apprehending, Registering, and Tracking, Sex Offender Management, Assessment, and Planning Initiative (SOMAPI)
Adapted from Wilgus & Tabachnick, 2019.
Impact of the Physical Environment

“It is unreasonable to expect that people will change their behavior easily when so many forces in the social, cultural, and physical environment conspire against such change.”

-- The Institute of Medicine’s health promotion study (2006)

Adapted from Wilgus & Tabachnick, 2019.
No Single “Cause”...

“Research has shown that entitlement and dominance are core contributors both to sexually aggressive behavior (e.g., Knight & Guay, 2018; Malamuth, 2003) and to the maintenance of privilege and the continuance of racial prejudice.”

-- ATSA Statement on Race and Privilege

Adapted from Wilgus & Tabachnick, 2019.
No Simple, Single Answers

- There is no simple answer to why people engage in this behavior.
- Problem of sexual offending is too complex to attribute solely to a single theory (multifactor theories stronger).

Adapted from Wilgus & Tabachnick, 2019.
Finkelhor 4 Precondition Model

- Motivation to sexually abuse
- Overcoming internal inhibitions
- Overcoming external inhibitions
- Overcoming victim’s resistance

Adapted from Wilgus & Tabachnick, 2019.
Red Flags

“It’s *always* about power and control...”

“This is how *all* college rapists find their victims...”

“This is what *all* sex offenders do...”

Adapted from Wilgus & Tabachnick, 2019.
To Be Clear...

Understanding perpetration does **NOT** lessen the impact on the victim.
Exercise

WHAT DO VICTIMS/SURVIVORS WANT?

WHAT DO PERPETRATORS/RESPONDENTS WANT?

WHAT DOES THE CAMPUS COMMUNITY WANT?

Adapted from Wilgus & Tabachnick, 2019.
In What Ways Can Risk Be Assessed?

Adapted from Wilgus & Tabachnick, 2019.
The Information from an Assessment

1. What risks does the student pose (e.g., other allegations)?
2. Are there associated risks such as alcohol and/or drug abuse?
3. Is the student involved in pro-social activities (safety factors)?
4. What is the student’s cognitive understanding and developmental stage?
5. Is the student motivated to change?

The Risk-Needs Inventory displayed on this slide was developed under a project funded by the United States Department of Justice Office of Justice Programs (Grant Number: 2014-AW-BX-K002). The Principal Investigator is Robert Prentky, PhD, at rprentky@fdu.edu and the Co-Principal Investigator is Mary Koss, PhD, at mpk@u.arizona.edu.

Adapted from Wilgus & Tabachnick, 2019.
Primary Methods of Risk Assessment

- Unstructured Clinical Judgment
- Empirically-Guided (PROFESSOR. Worling, J., 2017)
- Actuarial

Source: Center for Sex Offender Management, *The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies*
<table>
<thead>
<tr>
<th>Protective</th>
<th>P</th>
<th>N</th>
<th>R</th>
<th>Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hopefulness regarding a healthy sexual future</td>
<td></td>
<td></td>
<td>Hopelessness regarding a healthy sexual future</td>
<td></td>
</tr>
<tr>
<td>Respectful sexual environment</td>
<td></td>
<td></td>
<td>Abuse supportive sexual environment</td>
<td></td>
</tr>
<tr>
<td>Respectful and age-appropriate sexual beliefs and attitudes</td>
<td></td>
<td></td>
<td>Abuse supportive sexual beliefs and attitudes</td>
<td></td>
</tr>
<tr>
<td>Respectful sexual interests in age-appropriate partners</td>
<td></td>
<td></td>
<td>Abuse supportive sexual interests</td>
<td></td>
</tr>
<tr>
<td>Balanced sexual interests</td>
<td></td>
<td></td>
<td>Preoccupied/obsessive sexual interests</td>
<td></td>
</tr>
<tr>
<td>Good awareness of laws and procedures to facilitate respectful sexual relationships</td>
<td></td>
<td></td>
<td>Poor awareness of laws or procedures to facilitate respectful sexual relationships</td>
<td></td>
</tr>
<tr>
<td>Good awareness of the consequences for sexual offending</td>
<td></td>
<td></td>
<td>Poor awareness of the consequences for sexual offending</td>
<td></td>
</tr>
<tr>
<td>Appropriate use of reasonable strategies to prevent sexual offending</td>
<td></td>
<td></td>
<td>Lack of use of reasonable strategies to prevent sexual offending</td>
<td></td>
</tr>
<tr>
<td>Compassionate and caring attitude towards others</td>
<td></td>
<td></td>
<td>Callous and/or uncaring towards others</td>
<td></td>
</tr>
<tr>
<td>Prosocial values and attitudes</td>
<td></td>
<td></td>
<td>Antisocial values and attitudes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Good self-regulation</td>
<td>Poor self-regulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Good problem-solving</td>
<td>Poor problem-solving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Makes positive changes in behavior following consequences</td>
<td>Failure to make positive changes in behavior following consequences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Responsive to reasonable guidance and support</td>
<td>Rejecting reasonable guidance and support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Healthy self-esteem</td>
<td>Unhealthy self-esteem</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Emotional intimacy and close friendship with prosocial peer(s)</td>
<td>Lack of emotional intimacy and/or close friendship with prosocial peer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Feels close to and supported by a parent/caregiver</td>
<td>Feels distant and/or rejected by parents/caregivers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Strong commitment to and engagement in school and/or work</td>
<td>Weak commitment to and/or engagement in school and work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Strong commitment to and engagement in organized prosocial activity</td>
<td>Weak commitment to and/or engagement in organized prosocial activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Feels stable and secure in current living arrangement</td>
<td>Feels unstable and/or insecure in current living arrangement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Which interventions are most effective?

Adapted from Wilgus & Tabachnick, 2019.
Findings Regarding Treatment

The following approaches have the greatest impact:

• Interventions provided by professionals with specialized training
• Cognitive-behavioral/relapse prevention approaches
• Programs that adhere to the risk-need-responsivity model
• Interventions that meaningfully engage higher risk offenders in the process of changing criminogenic needs

Adapted from Wilgus & Tabachnick, 2019.
All you would want to know about Individuals with PSB

Sex Offender Management Assessment and Planning Initiative
A SMART Office report documenting current research and practice in sex offender management.

LEARN MORE
Challenges to and Opportunities in Providing Respondent Services
Making the Case for Providing Respondent Services

Ensures solid outcomes for survivors

Better outcomes for respondents found not responsible

Repairing harm to the community

- Reduces likelihood of liability in case of litigation
- Impact on prevention efforts
- Prevents further retaliation or re-traumatization
Lunch
1-hour
Program Structure
Role Differentiation

• Evolution of role development on campus
• Importance of role differentiation / distinctions
  – Judicial process advising
  – Advocacy services
  – Respondent services
Models of Respondent Service Programs

- Types of respondent support models
  - Team approach
  - Single person
    - Full time versus percentage of full-time duties
  - Staff or office model

- Pros and cons
  - Volunteer model
    - Eligibility / fit
    - Coordination
    - Supervision / leadership
Identifying Personnel

- Qualifications
- Experience
- Potential challenges
- Reporting considerations
Promising Practices for Physical and Institutional Placement

- Survey responses showed inconsistencies across institutional placement of services
  - Title IX
  - Dean of Students
  - Case Management
- Personnel serving each party
  - Same for responding and reporting parties (48%)
  - Different for responding vs. reporting parties (52%)
Promising Practices for Physical and Institutional Placement

- CAPPA has formally stated it should not live within survivor advocacy offices and HECMA has acknowledged a fit within case management services.
- Considerations include equity, ability to remove actual or perceived bias, and student privacy.
Other Considerations

- Budget
- Physical location of office
- Tracking of hours, coordination with other support staff
- Ongoing professional development of staff
- Participation on campus-wide response teams
Job Duties and Available Services
Full Continuum of Situations with PSB

Risk Factors
No PSB

PSB
No Report
Survivor
Student
Community

PSB
With Report
Survivor
Respondent
Community

Responsible
For PSB
Survivor
Respondent
Community

Not Resp.
For PSB
Survivor
Respondent
Community

Respondent
Survivor
Community

Reintegration
Post-PSB
Survivor
Community

Expelled
Individuals with Problematic Sexual Behavior

1. Risk Factors
   No PSB

2. PSB
   No Report

3. PSB
   With Report

4.a. Responsible
     For PSB

     For PSB

5. Reintegration
   Post-PSB

"Not responsible," not over...

Suspended or non-
removal sanction

Expelled

Adapted from Wilgus & Tabachnick, 2019.
In pairs, come up with one or two examples of services to provide for each “bucket.”
Services for Individuals with Problematic Sexual Behaviors

- Accommodations
- Safety planning
- Acting as a liaison
- Resource referrals
- Process advising
- Accompaniment to investigation or hearing meetings
- Education
- Reintegration and/or risk assessment
Individuals with Problematic Sexual Behavior

1. Risk Factors No PSB
2. PSB No Report
3. PSB With Report
4. Responsible For PSB
   4.a. Responsible For PSB
   4.b. Not Resp. For PSB
5. Reintegration Post-PSB

“Not responsible,” not over...

Adapted from Wilgus & Tabachnick, 2019.
Accommodations / Interim Measures

• Equitability is also important here
• Possible accommodations should mirror those available to the reporting party and should be based on individual needs of the responding party
  – Absence leniency for court or hearing meetings
  – “Incomplete” grades with interim suspensions
  – Financial support in accessing off-campus therapy
Safety Planning and Adhering to Boundaries

- Important to address the safety of all parties
- Discussion of boundaries / sanctions and action plan for adhering to those
  - Protects responding party from further sanctioning due to retaliation and potential stress
  - Protects community from additional stress and/or trauma
- Consider the following
  - What can be risky to me? How do I avoid/manage these?
  - What can protect/grow me? How do I engage in/with these more?
  - Who needs to know?
  - Who can help me? What do they need to know to help me?
- See shared library for additional resources
Safety Planning Guide for Students with PSB

- What is safety planning?
- What are your guiding principles?
- Seven Steps to Developing a Plan

- Seven Major Risk / Needs Factors
  - Substance Abuse
  - Pro-criminal / misconduct attitudes
  - Antisocial personality pattern
  - Social supports for misconduct
  - Family / peer relationships
  - School and work
  - Prosocial recreational activities
Acting as a Liaison

• Determine which offices are most frequently contacted
• Consider the need for additional FERPA forms and privacy
  – Might other offices assume the nature of a student’s involvement with your office?
  – See shared library for additional resources
Resource Referrals

• Knowledge of on- and off-campus resources is vital, as well as eligibility requirements
  – Association for the Treatment of Sexual Abusers: www.atsa.com
  – Safer Society Foundation: www.safersociety.org

• Intake assessments can clarify student needs
• Importance and practice of a trauma informed response
• Consider stress caused by investigation and hearing processes
  – Psychological needs
  – Risk for homelessness
Process Advising

- Most campus policies and processes are confusing to non-lawyers or campus administrators
- Additional stress of process can leave students unsure of rights or what to expect
- Learn the process well and connect with Title IX coordinator and other relevant personnel
- Can be helpful to develop a pamphlet explaining process and listing resources available to all involved parties
  - See shared library for additional resources
Accompaniment

• Important to consider:
  – **Equity**: Do reporting parties have access to supports that will attend meetings with them?
  – **Resources**: Do you have the time and enough staff to attend meetings?
  – **Policy**: Does your campus Title IX policy allow for support people in meetings?

• Difference between support and legal counsel
  – Potted plant analogy
Individuals with Problematic Sexual Behavior

1. Risk Factors
   No PSB

2. PSB
   No Report

3. PSB
   With Report

4.a. Responsible
   For PSB

   For PSB

5. Reintegration
   Post-PSB

“Not responsible,” not over...

Expelled

Suspended or non-
removal sanction

Expelled

Adapted from Wilgus & Tabachnick, 2019.
Individuals with Problematic Sexual Behavior

1. Risk Factors
   - No PSB

2. PSB
   - No Report

3. PSB
   - With Report

4.a. Responsible For PSB

4.b. Not Resp. For PSB

5. Reintegration Post-PSB

"Not responsible," not over...

Adapted from Wilgus & Tabachnick, 2019.
Additional Possible Functions of Respondent Service Personnel

- Reintegration after a finding of not responsible
- Reintegration after a separation from the institution
- Transcript notion and education goals
  - Assessment of admission if separation occurred from another institution
  - See shared library for additional resources
How feasible do you think it will be to implement some of these strategies and supports into what you are offering responding parties at your institution?
BREAK
15-minutes
Other Considerations
Documentation

• Survey showed that most practitioners are not documenting the work being done
  – Concerns for liability or compliance failure
  – Push for assessment in higher education

• Recommendations
  – Case note system (homegrown, Maxient, Symplicity, etc.)
    ▪ Connect with others on campus to share a system if needed
  – Checklist (see shared library for example)
Current Sanctioning Practices
National Survey of Sanctioning Practices

“When students are found responsible for sexual misconduct, how do you determine what sanction(s) would be most appropriate?”

National Survey of Sanctioning Practices

“In cases of sexual assault, what would you describe as the primary purpose of the assigned sanctions?”

- Retribution
- Campus/Community Safety
- Rehabilitation
- Reparation
- Deterrence
- Education

% of institutions where purpose was listed as one of the top two

In cases of sexual harassment, what would you describe as the primary purpose of the assigned sanctions?

- Retribution
- Campus/Community Safety
- Rehabilitation
- Reparation
- Deterrence
- Education

% of institutions where purpose was listed as one of the top two

National Survey of Sanctioning Practices

Ever used results from a validated sex-abuse specific assessment instrument to inform your sanction decision or interventions?

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>98%</td>
<td>2%</td>
</tr>
</tbody>
</table>

Ever made a referral to “specialized clinicians for treatment specific to sexual misconduct or other sexual behavior problems?”

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>71%</td>
<td>29%</td>
</tr>
</tbody>
</table>

National Survey of Sanctioning Practices

- 79% do not assess the effectiveness of their approaches.
- 20% collect follow-up info from complainant to determine if they remained or graduated.
- 30% gather follow-up info about students found responsible to identify if they engage in further sexual behavior problems.

ABA Task Force Recommendation for Addressing Campus Sexual Misconduct

In the event of a finding of responsibility, the consensus of the Task Force is that a particular sanction should not be presumed or required. Instead, the Task Force proposes that sanctioning should be decided on an individualized basis taking into account the facts and circumstances including mitigating factors about the respondent, the respondent’s prior disciplinary history, the nature and seriousness of the offense, and the effect on the victim and/or complainant as well as the university community. The Task Force believes that a presumption of expulsion may have unintended consequences such as discouraging reporting and a finding of responsibility.

Primary Methods of Risk Assessment

- Unstructured Clinical Judgment
- Empirically-Guided
- Actuarial

Source: Center for Sex Offender Management, *The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies*
Compliance and Privacy

• Ensure documentation that services were offered
  – Title IX, VAWA, and Clery
• Important to clarify privacy versus confidentiality
  – FERPA versus confidentiality (see shared library for example)
  – Equity of services between reporting and responding parties
  – Consult with legal counsel and Title IX coordinator as this may require a policy amendment
Team Membership and Campus Dynamics

- Respondent service personnel should be a part of campus safety and prevention efforts
  - Study showed campuses are doing this, but not consistently
  - Involvement in sexual violence response (55%) and behavioral intervention teams (57%) is most common
- There may be difficulty in building relationships due to stigma
Case Studies
Discussion

What types of services would you offer the student in this scenario?

With which offices would you partner?

What unique struggles/challenges might you anticipate facing in this situation?

What possible implications might there be for the reporting party? For the campus community?
Additional Resources

ATSA Statement on Campus Sexual Misconduct - https://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf

Center for Effective Response to Sexual Misconduct (Fairleigh Dickenson University) – https://tinyurl.com/uuasdjk

Higher Education Case Managers Association - www.hecma.org

SOMAPI Report - www.smart.gov/SOMAPI/

22nd Annual MASOC/MATSA Joint Conference
Preventing Sexual Violence
Through Assessment, Treatment and Safe Management
APRIL 13, 14 & 15 2020
Royal Plaza Hotel & Trade Center • Marlborough, Massachusetts
Questions?
Next steps…

http://bit.ly/2Nn51Ci
Thank you!
<table>
<thead>
<tr>
<th>References</th>
</tr>
</thead>
</table>


DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.


