

Survivor & Respondent Services on Campus

Navigating Services for Both Responsibly



Presenters

Jill Dunlap, PhD

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



Jennifer E. Henkle, MSW, CSW

Higher Education Professional and Ph.D. Student
jennifer.henkle@uky.edu



Joan Tabachnick

Fellow | U.S. Department of Justice, SMART Office
info@joantabachnick.com

Learning Outcomes

- **Understand the differences** between services provided to survivors and respondents
- **Identify the ways** that providing respondent services can serve both survivors and the institution
- **Understand the national landscape** of respondent support services at institutions across the country and implications for your own campus

Introduction of Terms

Equal vs. equitable

Safety planning and risk reduction

Importance of person-first language

Stress – External events that tax our typical coping strategies

Crisis – When coping mechanisms are overwhelmed and external support is needed

Trauma – Psychobiological response that is sustained after experiencing an acute awareness of a threat to life/physical safety

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

- More than 50% of institutions provided one or more of the following:
 - Explaining rights and assisting in the hearing process
 - Referring to on- and off-campus resources
 - Assisting in accessing interim measures and accommodations
 - Assisting in adherence to interim sanctions, maintaining boundaries, and understanding protective orders
 - Accompanying to conduct meetings or hearings
 - Operating as a liaison between other offices
 - Services to students currently being investigated, recently found responsible, or those re-entering following institutional separation

Landscape Analysis Research – Services Offered

- Fewer than 50% of institutions offered:
 - Referrals to legal services
 - Services to students transferring with transcript notation or those on the sex-offender registry upon acceptance

Landscape Analysis Research – Services Offered

- When asked what services were not offered to both parties, xx% said:
 - Confidential advocacy and support
 - Medical services
 - Counseling
- Very few institutions offered services to:
 - Students transferring into campus and had been found responsible at another institution
 - Students entering and also on the sex offender registry

Landscape Analysis Research – Outreach & Education

- Institutions primarily educate via university sexual misconduct policy (63%) and their website (49%)
- 35% of survey respondents do not educate the campus community

National Sex Offender Public Website

www.nsopw.gov



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

10

SMART.GOV | @DOJSMART

What We Know — And Don't Know — About Adolescent and Adult Sex Offenders

All You Would Want to Know About Adolescent and Adult Sex Offenders

Sex Offender Management Assessment and Planning Initiative

A SMART Office report documenting current research and practice in sex offender management.

[▶ LEARN MORE](#)



- We don't know the full population of sex abusers, thus we don't know what percentage are registered sex offenders.
- However, based on victimization prevalence research, we know that registered sex offenders are a small percentage of all sexual abusers (15+ data sources).

SMART
Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

13
SMART.GOV | @DOJSMART

Types of Sexual Violence

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.

SMART
Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

14
SMART.GOV | @DOJSMART

Findings: Etiology

- 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).
- RED FLAG: This is what ALL sex offenders do...



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

15

SMART.GOV | @DOJSMART

Not all people
who abuse are the same.



Not all behaviors are the same.



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

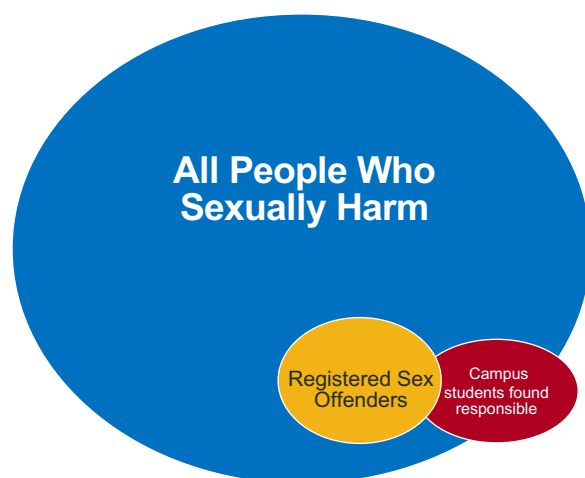
16

SMART.GOV | @DOJSMART

What do we know — and don't know — about respondents?



SMART.GOV | @DOJSMART



- On campuses, schools may classify sexual misconduct as policy violations, often defined more broadly than criminal offenses.
- Some students may be accused of sexual misconduct, but not found responsible.



18
SMART.GOV | @DOJSMART

What We Know About Respondents

- Difference in behaviors
- Differences in those who exhibit those behaviors
- Differences in campus responses
- Services for people who have not been reported by seeking help



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

19

SMART.GOV | @DOJSMART

ABA Criminal Justice Section Task Force

ABA Criminal Justice Section Task Force on College Due Process Rights and Victim Protections: Recommendations for Colleges and Universities in Resolving Allegations of Campus Sexual Misconduct, June 2017

E. Sanction

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.



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

20

SMART.GOV | @DOJSMART

National Survey of Sanctioning Practices



do not assess the effectiveness of their approaches



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

National Survey of Sanctioning Practices for Student Sexual Misconduct at Institutions of Higher Education, 2014: A collaboration between the University of Michigan's Office of Student Conflict Resolution and Sexual Assault Prevention and Awareness Center, The Center for Effective Public Policy's Center for Sex Offender Management, and the Association for Student Conduct Administration.



SMART

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

21

SMART.GOV | @DOJSMART

Services for Individuals Seeking Help

- Risk Assessment
- Education
- Treatment/Counseling
- Accommodations
- Safety Planning
- Other



SMART

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

22

SMART.GOV | @DOJSMART

Additional Possible Functions of Respondent Services Personnel

- Reintegration after a finding of not responsible
- Reintegration after a separation from the institution
- Assessment of admission if separation occurred from another institution
- Transcript notation and education goals
- Connecting respondents to community resources



23

SMART.GOV | @DOJSMART

Institutional Placement of Services

- Personnel serving each party
 - Same for responding and reporting parties (48%)
 - Different for responding vs. reporting parties (52%)
- Supervision
 - Dean of Students (27%)
 - Non-clinical case management office (21%)
- Confidentiality
 - FERPA, HIPAA, and state licensure

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%)

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

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

Questions?



References

Ali, R. (2011). Assistant Secretary for Civil Rights, U.S. Department of Education. *Dear colleague letter: Sexual violence*. Washington, DC: U.S. Department of Education, Office for Civil Rights. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

Bolger, D. (2015). Gender violence costs: Schools' financial obligations under Title IX. *Yale Law Journal*, 125, 2106.

Fenwick, K. (2018). Why social workers should care about changes to Title IX under Trump. *Social Work*, 63(3), 269-271. doi:10.1093/sw/swy021

Jackson, C. (2017). Acting Assistant Secretary for Civil Rights, U.S. Department of Education. *Dear colleague letter on sexual misconduct*. Washington, DC: US Department of Education, Office for Civil Rights. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>

Koss, M. P., Wilgus, J. K., Williamsen, K. M.. (2014). Campus sexual misconduct: Restorative justice approaches to enhance compliance with Title IX guidance. *Trauma Violence Abuse*, 15(3) 242-257. doi:10.1177/1524838014521500

Lhamon, C. E. (2014). Assistant Secretary for Civil Rights, U.S. Department of Education. *Questions and answers on Title IX and sexual violence*. Washington, DC: U.S. Department of Education, Office of Civil Rights. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

McCarthy, C. (2017). Beware perceived bias against respondents in Title IX-related cases. *Student Affairs Today*, 20(1), 6-6.