

HUSCH BLACKWELL

**Summary of  
Proposed Title IX  
Regulations**

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# Regulatory Update

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- On June 23, 2022, the Department of Education released its Title IX Notice of Proposed Rulemaking
- 700-plus pages, responds to changes in Title IX regulations imposed in August 2020
- 60 days for public comments (September 12, 2022?)
- **When effective?**



A weathered street sign for 'MEMORY LANE' is mounted on a black pole. The sign is white with a black border and shows signs of rust and wear. The text 'MEMORY LANE' is written in bold, black, sans-serif capital letters. The sign is attached to the pole with a black metal bracket and four screws. The background is a blurred green hedge and blue sky.

**MEMORY LANE**

# Obama Administration OCR

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- Issued 2011 Dear Colleague Letter
- Ramped up Title IX program compliance reviews
- Created “list of shame”
- Was not deferential
- As a result, schools for first time in Title IX’s history took extraordinary steps to comply and ceased handling cases informally
- Disciplined students begin aggressively challenging institutions -- backlash



## *DeVos's Rules Bolster Rights of Students Accused of Sexual Misconduct*

Education Secretary Betsy DeVos released final regulations for schools dealing with sexual misconduct, giving them the force of law for the first time and bolstering due-process rights.



The rules preserve Education Secretary Betsy DeVos's broad goals in overhauling Title IX. Anna MoneyMaker/The New York Times

EDUCATION

# Biden's Title IX reforms would roll back Trump-era rules, expand victim protections

Updated June 23, 2022 · 2:40 PM ET ⓘ

DUSTIN JONES 





# Overview of Proposed Regulations

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1. Mix of provisions from the 2011 OCR Dear Colleague Letter, the 2020 Title IX regulations (currently in place) and some new provisions.
2. Not a return to 2011 – attempt to balance complainants’ rights and the rights of those who are accused.
3. Modest return to long history of institutional discretion with process (from elimination of virtually all administrative discretion to discretion with guardrails)
4. With discretion comes challenging choices



# Texas Law Reminder

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Institutional policy on sexual harassment, sexual assault, dating violence, and stalking must (1) “be approved by the **institution’s governing board** before final adoption by the institution” and (2) be reviewed at least “each biennium” and, “with approval of the institution’s governing board, revise the policy as necessary.” §51.282(c).

# Coordinator Responsibility Under Proposed Regs

“A recipient must:

(1) Require its Title IX Coordinator to monitor the recipient’s education program or activity for **barriers to reporting information** about conduct that may constitute sex discrimination under Title IX; and

(2) Take steps reasonably calculated to address such barriers.”

**Be sure to document your efforts in this regard.**

# Scope of Proposed Regs Coverage

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- Applies to all claims of sex discrimination
- Explicitly includes as forms of sex discrimination under Title IX: discrimination based on pregnancy, **sexual orientation, gender identity**, sex stereotypes, or sex characteristics (\*this will trigger a challenge)
- Proposed regulations' explicit definition of discrimination on the basis of gender identity: "different treatment or separation on the basis of sex in a way that would cause more than de minimis harm, including by adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with their gender identity."
- **Athletics: Stay tuned . . .**

# Hostile Environment

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- Subtly modifies the definition of hostile environment sexual harassment to align with Title VII (and Texas law).
- Unwelcome sex-based conduct that is sufficiently severe or pervasive, that, based on the totality of the circumstances and evaluated subjectively and objectively, denies or limits a person's ability to participate in or benefit from an education program or activity.
- Problematic: No guidance on potential tension between definition and institutional free speech obligations.

# Retaliation: A Broad Definition

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“Retaliation means **intimidation, threats, coercion, or discrimination** against any person **by a student**, employee, person authorized by the recipient to provide aid, benefit, or service under the recipient’s education program or activity, or recipient for the purpose of interfering with any right or privilege secured by Title IX . . . or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part . . . .”

# Retaliation

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- “A recipient must prohibit retaliation in its education program or activity. **When a recipient receives information about conduct that may constitute retaliation,** the recipient is obligated to comply with § 106.44. A recipient must initiate its grievance procedures upon receiving a complaint alleging retaliation under § 106.45.”
- “Prohibited retaliation includes but is not limited to:
  - a. Initiating a disciplinary process against a person for a code of conduct violation that does not involve sex discrimination but arises out of the same facts and circumstances as a complaint or information reported about possible sex discrimination, for the purpose of interfering with the exercise of any right or privilege secured by Title IX or this part; or
  - b. **Peer retaliation.”**

# Question 1

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- What are examples of peer retaliation?
- How will institution assess?

# Jurisdictional Scope

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- Harassment occurring outside of an educational program or activity can nevertheless violate Title IX if such harassment contributes to a hostile environment within an educational program or activity.
- Conduct occurring within an institution's education program and activity includes conduct that occurs off-campus when the respondent represents the institution or is otherwise engaged in conduct under the institution's "disciplinary authority."
- Net effect: End of bifurcated processes?

# Reminder: Texas Law On Mandatory Reporting

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- SB 212's employee reporting obligation is triggered when an "employee of a postsecondary educational institution" "**witnesses or receives information**" regarding an incident that "the employee reasonably believes constitutes **sexual harassment, sexual assault, dating violence, or stalking**" which was allegedly committed by or against "a student enrolled at or an employee of the institution at the time of the incident."
- The employee reporting obligation only exists, though, when the employee witnesses or receives information regarding sexual harassment, sexual assault, dating violence, or stalking "in the course and scope of [the employee's] employment."
- If a school determines that an employee failed to satisfy their mandatory requirement, the school would be required to terminate that employee "in accordance with the institution's disciplinary procedure."

# New Broad Mandatory Reporting Requirements

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- “Any employee who is not a confidential employee **and who has authority to institute corrective measures on behalf of the recipient** to notify the Title IX Coordinator when the employee **has information about conduct that may constitute sex discrimination** under Title IX”
- “Any employee who is not a confidential employee **and who has responsibility for administrative leadership, teaching, or advising in the recipient’s education program or activity** to notify the Title IX Coordinator when the employee has information about a **student** being subjected to conduct that **may constitute sex discrimination** under Title IX”

# New Mandatory Reporting Requirements

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- “Any employee who is not a confidential employee and who has responsibility for administrative leadership, teaching, or advising in the recipient’s education program or activity and has information about an **employee** being subjected to conduct that may constitute sex discrimination under Title IX to either:
  - Notify the Title IX Coordinator when the employee has information about an employee being subjected to conduct that may constitute sex discrimination under Title IX; or
  - Provide the contact information of the Title IX Coordinator and information about how to report sex discrimination to any person who provides the employee with the information”

# New Mandatory Reporting Requirements

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“All other employees who are not confidential employees, if any, to either:

- Notify the Title IX Coordinator when the employee has information about conduct that may constitute sex discrimination under Title IX; or
- Provide the contact information of the Title IX Coordinator and information about how to report sex discrimination to any person who provides the employee with information about conduct that may constitute sex discrimination under Title IX.”

# Question 2

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- What are some approaches to reconcile the mandatory reporting obligations in both statutes?
- Will failure to make mandatory IX report result in termination?
- How to memorialize in policy and training?
- What will be impact on “actual knowledge” argument?

# New(ish) Mandatory Training

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**“All employees** must be trained on:

- i. The recipient’s obligation to address sex discrimination in its education program or activity;
- ii. The scope of conduct that constitutes sex discrimination under this part, including the definition of sex-based harassment; and
- iii. All applicable notification and information requirements under §§ 106.40(b)(2) and 106.44.”

# New(ish) Mandatory Training

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**“all investigators, decisionmakers, and other persons who are responsible for implementing the recipient’s grievance procedures or have the authority to modify or terminate supportive measures under § 106.44(g)(4) must be trained on the following topics to the extent related to their responsibilities:**

- i. The recipient’s obligations under § 106.44\*;
- ii. The recipient’s grievance procedures under § 106.45, and if applicable § 106.46;
- iii. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- iv. The meaning and application of the term relevant in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under §106.45, and if applicable § 106.46.”

# New(ish) Mandatory Training

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- “**In addition to the training requirements** in paragraph (d)(1) of this section, **all facilitators of an informal resolution process** under §106.44(k) must be trained on the rules and practices associated with the recipient’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.”
- “In addition to the training requirements in paragraphs (d)(1)-(3) of this section, **the Title IX Coordinator and any designees** under paragraph (a) of this section must be trained on their specific responsibilities under paragraph (a) of this section, § 106.40(b)(3), § 106.44(f), § 106.44(g), the recipient’s recordkeeping system and the requirements of paragraph (f) of this section, and any other training necessary to coordinate the recipient’s compliance with Title IX.”

# Recordkeeping

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A recipient must maintain for a period **of at least seven years**:

1. For each complaint of sex discrimination, records documenting the informal resolution process under § 106.44(k) or the grievance procedures under § 106.45, and if applicable § 106.46, and the resulting outcome.
2. For each incident of conduct that may constitute sex discrimination under Title IX of which the Title IX Coordinator was notified, records documenting the actions the recipient took to meet its obligations under § 106.44.
3. All materials used to provide training under paragraph (d) of this section. A recipient must make these training materials publicly available on its website.
4. All records documenting the actions the recipient took to meet its obligations under §§ 106.40 and 106.57.

# Pregnancy

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- “A recipient must not discriminate in its education program or activity against any student **based on the student’s current, potential, or past pregnancy or related conditions**. A recipient may permit a student based on pregnancy or related conditions to participate voluntarily in a separate portion of its education program or activity provided the recipient ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.”
- **Another quasi-reporting obligation:** “A recipient must ensure that **when any employee** is informed of a student’s pregnancy or related conditions by the student or a person who has a legal right to act on behalf of the student, the employee promptly informs that person of how the person may notify the Title IX Coordinator of the student’s pregnancy or related conditions for assistance and provides contact information for the Title IX Coordinator, unless the employee reasonably believes the Title IX Coordinator has already been notified.”

# More on Pregnancy

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Once a student notifies the Title IX Coordinator of the student's pregnancy or related conditions, the Title IX Coordinator must promptly:

- (i) Inform the student, and if applicable the person who notified the Title IX Coordinator, of the recipient's obligations to:
  - (A) Prohibit sex discrimination under this part, including sex-based harassment;
  - (B) Provide the student with the option of reasonable modifications to the recipient's policies, practices, or procedures because of pregnancy or related conditions, under paragraphs (b)(3)(ii) and (b)(4) of this section;
  - (C) Allow access, on a voluntary basis, to any separate and comparable portion of the recipient's education program or activity under paragraph (b)(1) of this section;
  - (D) Allow a voluntary leave of absence under paragraph (b)(3)(iii) of this section; and
  - (E) Ensure the availability of lactation space under paragraph (b)(3)(iv) of this section.

# More on Pregnancy

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- **Allow the student a voluntary leave of absence** from the recipient's education program or activity to cover, **at minimum**, the period of time deemed medically necessary by the student's physician or other licensed healthcare provider. To the extent that a recipient maintains a leave policy for students that allows a greater period of time than the medically necessary period, the recipient must permit the student to take leave under that policy instead if the student so chooses.
- Upon the student's return to the recipient's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the leave began.
- Ensure the availability of a lactation space, **which must be a space other than a bathroom**, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

# Grievance Procedures Overview

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1. Proposed rules would allow educational institutions to use the “single investigator/decisionmaker” model again in many cases. **But should you?**
2. The current Title IX rules require the decisionmaker to be someone other than the investigator and Title IX Coordinator. The proposed rules would jettison that requirement, allowing the decisionmaker to be Title IX Coordinator, the investigator, or all three roles. **But should you?**
3. Another big change relates to hearings. The current rules require higher education institutions to have a hearing with live cross-examination by parties’ advisors for allegations of sexual harassment. The proposed rules would allow colleges and universities to decide whether to offer a hearing unless the law in their jurisdiction requires one. A college or university that does not provide a live hearing must require its decisionmaker to question the parties in one-on-one meetings instead of having live cross-examination at a hearing. **Should you retain hearings?**

# Grievance Procedures Overview

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4. Even if a higher education institution offers a hearing, it is not required to allow live cross-examination by advisors. Instead, institutions can have the decisionmaker question the parties and witnesses at the hearing. And because hearings and live-cross examinations by advisors are not required, higher education institutions would no longer be required to provide an advisor to every party, as mandated by the current rules. Only if a higher education institution chose to provide a hearing and allow cross-examination by advisors would it be required to provide a no-cost advisor to any party that does not have one. **But should you maintain live cross examination from advisors anyway?**

# Grievance Procedures Overview

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5. Finally, whereas the 2020 Title IX rules require appeals to be offered for several reasons, the proposed rules require appeals only for dismissals in higher education non-sex-based harassment cases, and with no guidance for the bases for appeals. For sex-based harassment in postsecondary situations, appeals are required for dismissals and determinations that sex-discrimination occurred, but not for a determination that sex-discrimination did not occur. Like the current rules, the decisionmaker in any appeal must continue to be different from the initial decisionmaker.

# Grievance Process (All Sex Complaints)

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“For purposes of addressing complaints of sex discrimination, a recipient’s prompt and equitable grievance procedures must be in writing and include provisions that incorporate the requirements of this section

1. Treat complainants and respondents equitably;
2. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator;
3. Include a presumption that the respondent is not responsible for the alleged conduct until a determination whether sex discrimination occurred is made at the conclusion of the recipient’s grievance procedures for complaints of sex discrimination;

# Grievance Process (All Sex Complaints)

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“For purposes of addressing complaints of sex discrimination, a recipient’s prompt and equitable grievance procedures must be in writing and include provisions that incorporate the requirements of this section

4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.
5. Take reasonable steps to protect the privacy of the parties and witnesses during the pendency of a recipient’s grievance procedures, provided that the steps do not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, subject to § 106.71; consult with a family member, confidential resource, or advisor; prepare for a hearing, if one is offered; or otherwise defend their interests;
6. Require an objective evaluation of all relevant evidence, consistent with the definition of relevant in § 106.2—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person’s status as a complainant, respondent, or witness.

# Dismissal of Complaint

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A recipient may dismiss a complaint of sex discrimination made through its grievance procedures under this section, and if applicable § 106.46, for any of the following reasons:

- i. The recipient is unable to identify the respondent after taking reasonable steps to do so;
- ii. The respondent is not participating in the recipient's education program or activity and is not employed by the recipient (**but beware Texas law**);
- iii. The complainant voluntarily withdraws any or all of the allegations in the complaint and the recipient determines that without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- iv. The recipient determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

# “Sex-based harassment involving student complainants or student respondents”

Everything in general process plus

1. Written notice of allegations.
2. “entitled to receive access to relevant evidence or to an investigative report that accurately summarizes this evidence.”
3. “A postsecondary institution must provide the parties with a reasonable opportunity to review and respond to the evidence . . . prior to the determination of whether sex-based harassment occurred. If a postsecondary institution conducts a live hearing as part of its grievance procedures, it must provide this opportunity to review the evidence in advance of the live hearing; it is at the postsecondary institution’s discretion whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing”

# Appeals

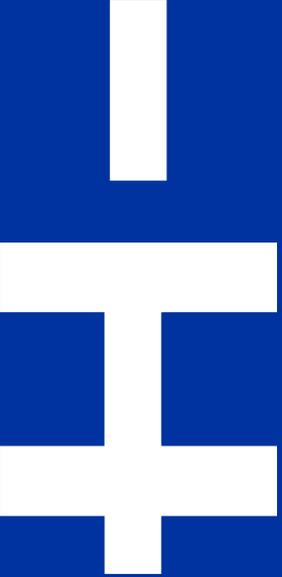
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- A postsecondary institution must offer the parties an appeal from a determination that sex-based harassment occurred, and from a postsecondary institution's dismissal of a complaint or any allegations therein, on the following bases:
  - i. Procedural irregularity that would change the determination of whether sex-based harassment occurred in the matter;
  - ii. New evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether sex-based harassment occurred or dismissal was made; and
  - iii. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the matter.
- A postsecondary institution may offer an appeal equally to the parties on additional bases, as long as the additional bases are available to all parties.

# What Now? Things to Start Considering

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1. Continue with detailed notice of allegations?
2. Transparency of evidence obtained?
3. Are we comfortable with one person for everything?
4. At your institution is single investigator/hearing process/something else best approximation of what happened?
5. Detailed explanation of decision?
6. Robust appeal process for all parties?



HUSCH BLACKWELL

# Case Law Update



## Federal judge blocks Education Department's Title IX guidance that protects transgender students

The preliminary injunction essentially ties the department's hands when it comes to protecting transgender students from discrimination in 20 states.



LGBT activists and their supporters rally in support of transgender people on the steps of New York City Hall in New York City, on October 24, 2018. | Drew Angerer/Getty Images



# Cummings v. Premier Rehab Keller

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- Supreme Court held that a plaintiff suing under Title VI (prohibiting race, color, and national origin discrimination), Title IX (prohibiting sex discrimination), the Rehabilitation Act (prohibiting disability discrimination), and the Patient Protection and Affordable Care Act (ACA) may not recover emotional distress damages.
- Court reasoned that the scope of available remedies under these Spending Clause statutes is limited to only those remedies generally available for breach of contract.



# Fairfax County School Board v. Jane Doe



LABOR --- DISCRIMINATION --- WAGE & HOUR --- STARBUCKS TRACKER --- MORE

## High Court Seeks SG's Take On Title IX Harassment Liability

By [Patrick Hoff](#) · May 16, 2022, 7:42 PM EDT ·  [Listen to article](#)

The [U.S. Supreme Court](#) on Monday invited the U.S. solicitor general's office to weigh in on whether the justices should consider a Virginia school board's appeal arguing it's off the hook for an alleged sexual assault on a student because no harassment took place after its investigation.



# Hall v. Millersville, 22 F.4th 397 (3rd Cir. Jan. 11, 2022)

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- Student murdered in her residence hall room by her boyfriend who was not a student
- “The record shows that Millersville knew, and intended, for its Title IX policies to apply to nonstudents. Millersville's 2014 Title IX policy, which was in place while Karlie was enrolled, defined sexual misconduct to include sexual assault and intimate partner/dating violence, and also required that incidents of sexual misconduct be reported to Millersville’s Title IX Coordinator. More importantly, as admitted by Millersville's corporate designee, this policy cover[ed] all areas of University operations, programs, sites, and include[d] the conduct of employees, students, visitors/third parties” To be liable under Title IX, the
- Liability predicated on university having “substantial control over both the harasser and the context in which the known harassment occurs.”



# Brown v. State, 23 F.4th 1173 (9th Cir. Jan. 25, 2022)

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- Plaintiff, a former student at the University of Arizona, brought a complaint under Title IX after she was physically assaulted by Orlando Bradford, her boyfriend who was also a football player at the University, in his private, off-campus residence.
- In asserting deliberate indifference to her risk, plaintiff alleged that the University did not respond adequately to two prior incidents in which officials knew that Bradford had assaulted other women on campus.
- In sustaining summary judgment in favor of the University, the court held that plaintiff's assertions about officials' response to the prior incidents did not establish that the University had control over the context in which her abuse occurred. The majority also rejected the focus in the dissenting opinion on the facts that Bradford's University scholarship paid for his rent and that Bradford needed the approval of a coach to live off campus. The majority held that these facts may be relevant to the University's control of the abuser, but they do not address the separate requirement under Title IX that the University also control the context in which the harassment occurred.

# Tension Between Policy & Speech Rights

## Professor who wouldn't use trans student's pronouns wins \$400K settlement

Nicholas Meriwether will no longer be required to refer to students at Shawnee State University in Ohio by their preferred pronouns.



## The Volokh Conspiracy

Mostly law professors | Sometimes contrarian | Often libertarian | Always independent

[About The Volokh Conspiracy](#)

FREE SPEECH

## Eleventh Circuit Strikes Down Univ. of Central Florida's "Discriminatory Harassment" Speech Code

EUGENE VOLOKH | 4.21.2022 6:50 PM

# Modest Uptick in Athletics Cases

Colleges cut sports to save money amid the pandemic. Then came the Title IX lawsuits.

 By Molly Hensley-Clancy

March 25, 2021 at 8:00 a.m. EDT





# Trends

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1. On the whole, feels like courts are starting to rein litigation in (especially complainant litigation)
2. Onslaught of respondent litigation has slowed (Covid, Trump regs?)
3. Pivot to tort?
4. Back to the future?



**HUSCH BLACKWELL**

# **Trauma-Informed Approach**

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Sec. 51.288. TRAUMA-INFORMED INVESTIGATION TRAINING. Each peace officer employed by a postsecondary educational institution shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.



## ATIXA POSITION STATEMENT

### TRAUMA-INFORMED TRAINING AND THE NEUROBIOLOGY OF TRAUMA

#### ABOUT ATIXA

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*Founded in 2011, ATIXA is the nation's only membership association dedicated solely to Title IX compliance and supports our over 3,000 administrator members who hold Title IX responsibilities in schools and colleges. ATIXA is the leading provider of Title IX training and certification in the U.S., having certified more than 4,000 Title IX Coordinators and more than 10,000 Title IX investigators since 2011. ATIXA releases position statements on matters of import to our members and the field, as authorized by the ATIXA Board of Advisors. For more information, visit [www.atixa.org](http://www.atixa.org).*

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ATIXA has, at times, issued position statements when we see an unhealthy direction in the field in the hope that our position can offer some level of correction. With this statement, ATIXA wishes to reiterate the value of being trauma-informed in our sexual misconduct interview techniques<sup>1</sup>, but encourages our members and the field to avoid the use of information on the neurobiology of trauma to substitute for evidence.



End Violence Against Women International  
(EVAWI)

## Statement on Trauma- Informed Responses to Sexual Assault

Kimberly A. Lonsway, PhD  
Sergeant Joanne Archambault (Ret.)

With contributions by Jim Hopper, PhD

September 2019

# Trauma-Informed

1. How brains and bodies respond to acutely stressful and traumatic events **as they are happening**
2. How these experiences of extreme stress are **encoded, stored, and potentially retrieved from memory**



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[Nat Neurosci](#). Author manuscript; available in PMC 2016 Mar 31.

PMCID: PMC4816215

Published in final edited form as:

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[Nat Neurosci](#). 2015 Oct; 18(10): 1376–1385.

PMID: [26404712](#)

Published online 2015 Sep 25. doi: [10.1038/nn.4087](#)

## Stress weakens prefrontal networks: molecular insults to higher cognition

[Amy F T Arnsten](#)



# Comparative Cultural Studies

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**Ashley A** 4 days ago

@ 1:07 Did he really say "Get in the car?" after asking what he should do? Wow!

1 [REPLY](#)



**Larry G** 3 months ago

Wait! That was less than 2 feet of water....why did he swim? And did that reporter(out of breath) really "save" the guy? Omg

2 [REPLY](#)



**Seth B** 1 year ago

Face it our American people do NOT have any common since they might be book smart but dumb as a wooden fence post when it comes to common sense. I am talking about you city people ranchers and farmers would never do something like this without a tractor or horse .

2 [REPLY](#)

[View 3 replies](#)



**Aaron Bills aka KillSauce** 1 year ago

natural selection was at work... leave him

# Habit Responses

- **Some engage in fighting or fleeing**
- Passive ones (which can avert additional violence or retaliation)
- Tonic immobility -- fear-based state of rigid paralysis (which can render one mute as well)
- Collapsed immobility, a different survival reflex that sends heart rate and blood pressure plummeting. The brain's loss of oxygen brings on faintness or even passing out as the body goes limp. Can happen when there is extreme fear and physical restraint





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## **Fear and the Defense Cascade** Clinical Implications and Management

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Kozłowska, Kasia MBBS, FRANZCP, PhD; Walker, Peter BSc Psych, MPsychol; McLean, Loyola MBBS, FRANZCP, PhD; Carrive, Pascal PhD

Harvard Review of Psychiatry: July/August 2015 - Volume 23 - Issue 4 - p 263–287

doi: 10.1097/HRP.0000000000000085

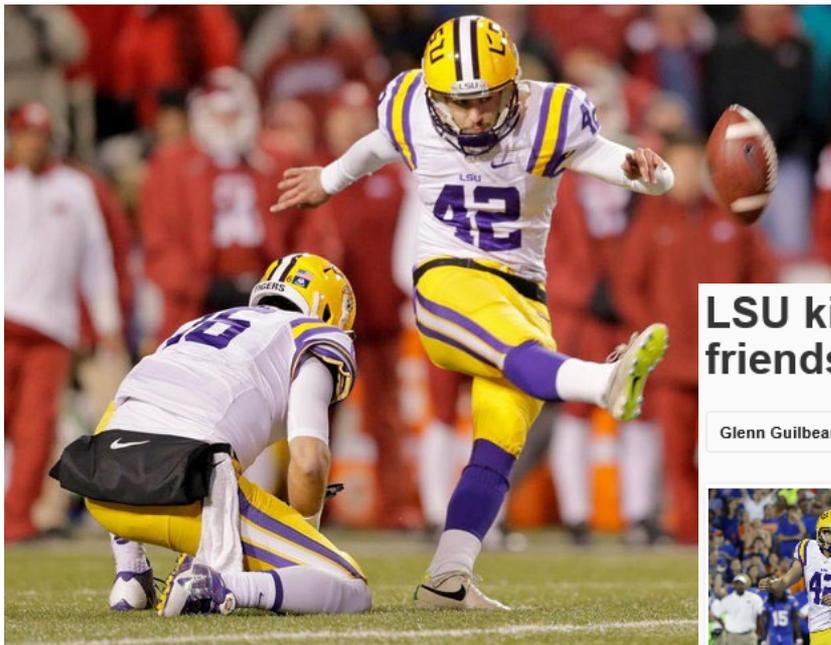
Perspectives

OPEN

8DC

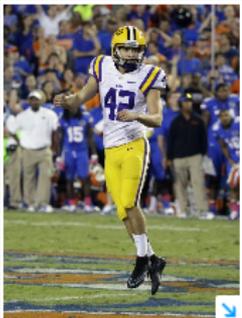
# Memory

- Fragmentary memories – Considerable research shows how stress can enhance memory for details closer to the onset of stress and then impair it for details that come later.
- Many studies have shown that the “central details,” **which had the most attention and significance at the time**, can be strongly encoded and stored, while the “peripheral details” may not get into memory and, even if they do, may fade quickly or be recalled inconsistently
- Encoding sequence problems



## LSU kicker Colby Delahoussaye on final moments before friends' fatal crash

Glenn Guilbeau, USA TODAY Network 7:18 p.m. EDT August 18, 2016



(Photo: John Raoux, AP)

BATON ROUGE — Snapshots and flashes are all LSU kicker Colby Delahoussaye remembers from just before and just after the car accident that killed two of his friends last month on rural Beaver Lake Road between Wales and Merton, Wis.

The wreck on July 23 killed former Michigan State punter Mike Sadler of Grand Rapids, Mich., who was driving, and senior Nebraska punter Sam Foltz of Grand Island, Neb., who was in the passenger seat.

Delahoussaye, an LSU senior from New Iberia, La., happened to sit in the two-door Mercedes coupe's back seat, an arbitrary fact that saved his life. That and the burning sensation he felt on his upper left leg after impact.

- “We were talking and all joking around. After we got in the car, Mike started playing some Justin Bieber, and me and Sam kind of looked at each other. And Mike said, ‘I hope you guys don’t mind. His new album (Purpose) is awesome.’ That’s what Mike told us. We were just having fun. Mike was always a humorous guy – just smiling, having a good time. And I remember that it was a really dark road, a back road.”
- “There were no lights or anything. I remember, on the GPS, I could see a curve coming up. But as soon as I told Mike, I said, ‘Hey, Mike, there’s a curve,’ I mean, as soon as I said that, the curve was right there. And you couldn’t see anything. The only thing you could see is what the headlights showed you because there were no lights around. Next thing I remember is he tried to turn, but it was raining, the roads were wet, and I remember us going down the hill. I remember seeing some trees and all that.”

- “The next thing I remember — I remember my leg burning, And I remember waking up, and I was hanging upside down. I had my seatbelt on. The car was upside down. I remember seeing the fire. I remember trying to get out of my seatbelt.”
- **“I don’t remember how I got out of my seatbelt. I don’t even remember how I got out of the car.”**
- “I remember being on my hands and knees in the mud in the woods, and running up and calling 911,” he said. “And my phone was shattered. **I don’t know how I called on that either.** But God was definitely right there with me because there’s no explanation why I’m here talking with you guys right now. Whenever people talk of miracles, that’s it. There are miracles. That was a 100 percent miracle. **I have no idea where my phone was before I called.**”

*Review Article*

# **The Temporal Dynamics Model of Emotional Memory Processing: A Synthesis on the Neurobiological Basis of Stress-Induced Amnesia, Flashbulb and Traumatic Memories, and the Yerkes-Dodson Law**

**David M. Diamond,<sup>1,2,3</sup> Adam M. Campbell,<sup>1,2</sup> Collin R. Park,<sup>1,2</sup> Joshua Halonen,<sup>1,2</sup> and Phillip R. Zoladz<sup>1,2</sup>**

<sup>1</sup>*Medical Research Service, VA Hospital, Tampa, FL 33612, USA*

<sup>2</sup>*Department of Psychology, University of South Florida, Tampa, FL 33620, USA*

<sup>3</sup>*Department of Molecular Pharmacology and Physiology, University of South Florida, Tampa, FL 33612, USA*

Received 28 July 2006; Revised 18 December 2006; Accepted 20 December 2006

# The Revolt of the Feminist Law Profs

Jeannie Suk Gersen and the  
fight to save Title IX from itself.

“It was likely, for instance, to promote the practice of so-called ‘trauma-informed’ investigation, which proceeds on the assumption that inconsistent or confused victim recollections reflect the traumatic effects of assault **and are themselves evidence of the truth of the accusation.**”

# The Bad Science Behind Campus Response to Sexual Assault

Assertions about how trauma physiologically impedes the ability to resist or coherently remember assault have greatly undermined defense against assault allegations. But science offers little support for these claims.

EMILY YOFFE | SEP 8, 2017 | EDUCATION

“As a result, those adjudicating sexual-assault allegations are told, the absence of verbal or physical resistance, the inability to recall crucial parts of an alleged assault, a changing story—none of these factors should raise questions or doubt about a claim. **Indeed, all of these behaviors can be considered evidence that an assault occurred.**”



Jim Hopper, Ph.D.

Sexual Assault and the  
Brain

# Sexual Assault and Neuroscience: Alarmist Claims vs. Facts

The science is strong, a solid foundation for trainings and fair investigations.

Posted Jan 22, 2018

# Power of 1<sup>st</sup> Impressions – Thin Slicing

- People quickly reach “macro” conclusions (pleasant, kind, hostile, creepy, competent) based on “micro” traits (smiling, eye contact, open-handed gestures, fidgeting, stiff posture, facing another direction)
- What is macro impression we are trying to communicate and what are nonverbal micro cues that can get us there?

## Acting on impulse

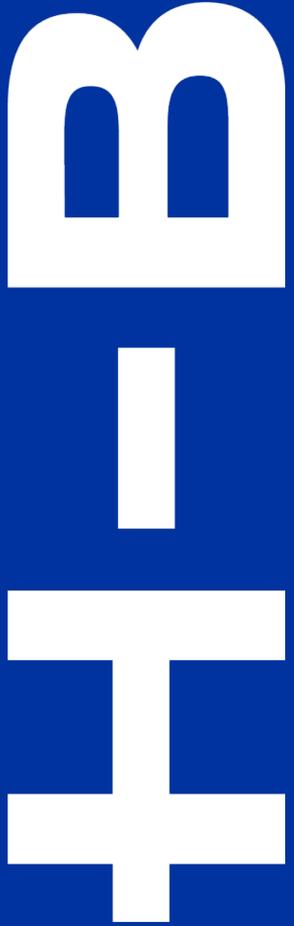
Ever felt that people are a bit quick to judge? That's because we are. Research shows we make up our minds about someone in a matter of seconds – and what's more, we're surprisingly good at it. Rosie Ifould explores the consequences of our snap decision-making



📍 Finding out you share the same name can create a sense of affection Photograph: Guardian

# Solid Ground

1. Basic initial interview/question approach with complainants and respondents is the same
2. Interviewing/questioning for clarification
3. This is about how some people respond to trauma
4. Gender-neutral



**HUSCH BLACKWELL**

# **Academic Medical Centers & Health- Related Environments**



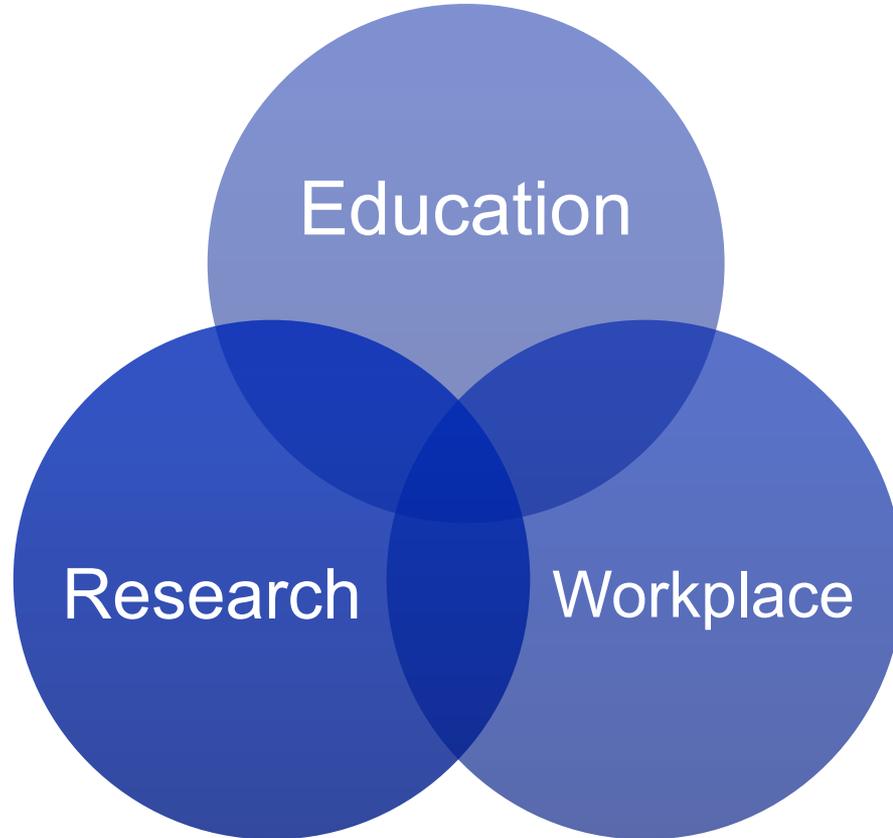


# Regulatory Bodies

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- U.S. Department of Education regulations effective August 2020
  - Apply to recipients of U.S. Department of Education funds
  - Add live hearing & cross-exam requirement
  - Will be amended after 2022 regulations become final
- U.S. Department of Health and Human Services
  - HHS Office for Civil Rights
- National Institute of Health
  - NIH policy/notification requirements

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# Application at Academic Medical Centers

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- All educational institutions receiving federal financial assistance:
  - All operations
- Educational programs and activities at federally funded hospitals



# UT Educational programs/ activities

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- All Graduate School programs and activities
- Undergraduate and graduate educational programs and activities
- Post-doctoral scholar and clinical fellow programs and activities
- Medical and nursing rotations, residencies and internships, and academic clinical placements

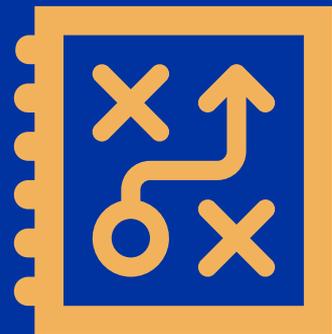
# Research & Employment

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- As educational program/activity
- Granting agencies
  - E.g.:
    - NIH
    - NSF
  - Grant agreements
- Employment related to educational program/activity

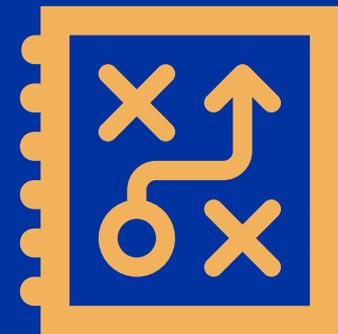


# Example – Education Program or Activity ?



A Graduate School Master's Program student has partnered with a colleague at an outside hospital to complete a thesis research project. The colleague has privileges at a UT AMC. The colleague sexually harasses the student when the two are working in a laboratory at the outside hospital.

# Example – Education Program or Activity ?



Two Post-Doc Scholars are at a conference in another state. One alleges that the other sexually assaulted the other in their conference hotel room.

# Civil Liability

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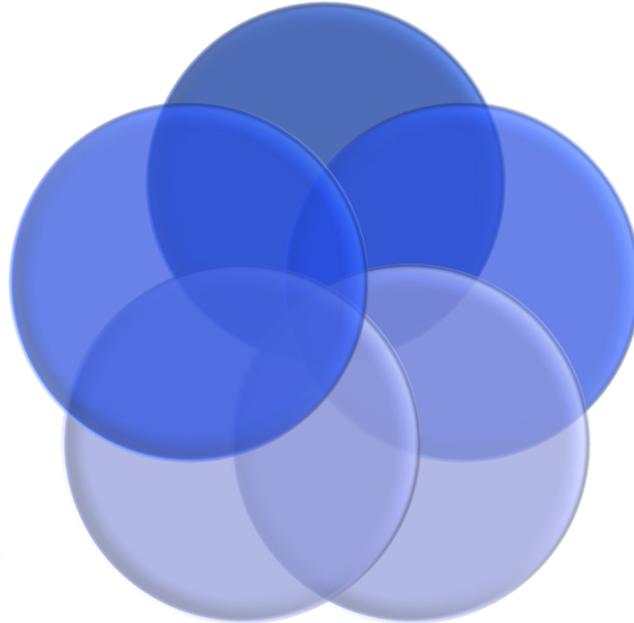
- Title IX
  - Actual knowledge
  - Deliberate indifference
  - Resulting in severe, pervasive, objectively offensive discrimination
- Title VII (workplace)
  - Essentially, failure to act reasonably
    - Exception: Tangible action by supervisor
- Tort Liability (negligent hiring, etc.)

# Policies

## Sexual Harassment in Educational Programs or Activities (Title IX)

Contracts  
(e.g., affiliation agreements,  
funding agreements)

Non-Discrimination and Non-Retaliation Policies



Faculty, staff, and student conduct policies

Personal relationship policies

*Consensual Relationships*  
*Conflicts of Interest*

# How do Title IX and Title VII standards compare?

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“Neither Federal non-sex discrimination civil rights law represents a ‘zero-tolerance’ policy banning all sexual harassment.” – Preamble to 2020 Title IX Regulations

## Title VII Sexual Harassment

Quid pro quo

Sufficiently severe  
or pervasive

## Title IX Sexual Harassment

Any quid pro quo by  
employee

Unwelcome and  
Sufficiently severe  
and pervasive and  
objectively offensive

Any sexual  
assault/DV  
/stalking

# Title VII of the Civil Rights Act of 1964

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- Prohibits discrimination in employment (private and public) based on:
  - Race
  - Color
  - Religion
  - National Origin
  - Sex



# Title VII Sexual Harassment Standard

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## Hostile environment

Unwelcome  
subjectively and  
objectively

“severe OR  
pervasive”

Similar conduct at  
issue under Title IX

*Quid Pro Quo*

Sexual Violence  
(e.g. assault)

# Example of typical “Title VII” process

Complaint to manager, HR,  
ethics line, etc.

HR/manager  
collaborate to provide  
information to parties,  
investigate, and resolve

HR/manager take any  
appropriate corrective  
and preventive action,  
and protect against  
retaliation

# Comparison

## Common Title VII Response

Resolution by internal investigation

Formal or informal complaint

Advisor silent supporter

Resolution does not require active complainant

May or may not result in formal report

## Title IX Regs Requirements

Discipline requires regimented investigation & hearing process

Formal complaint only

Advisor entitled to participate

Need participating complainant

Requires formal report & other documentation

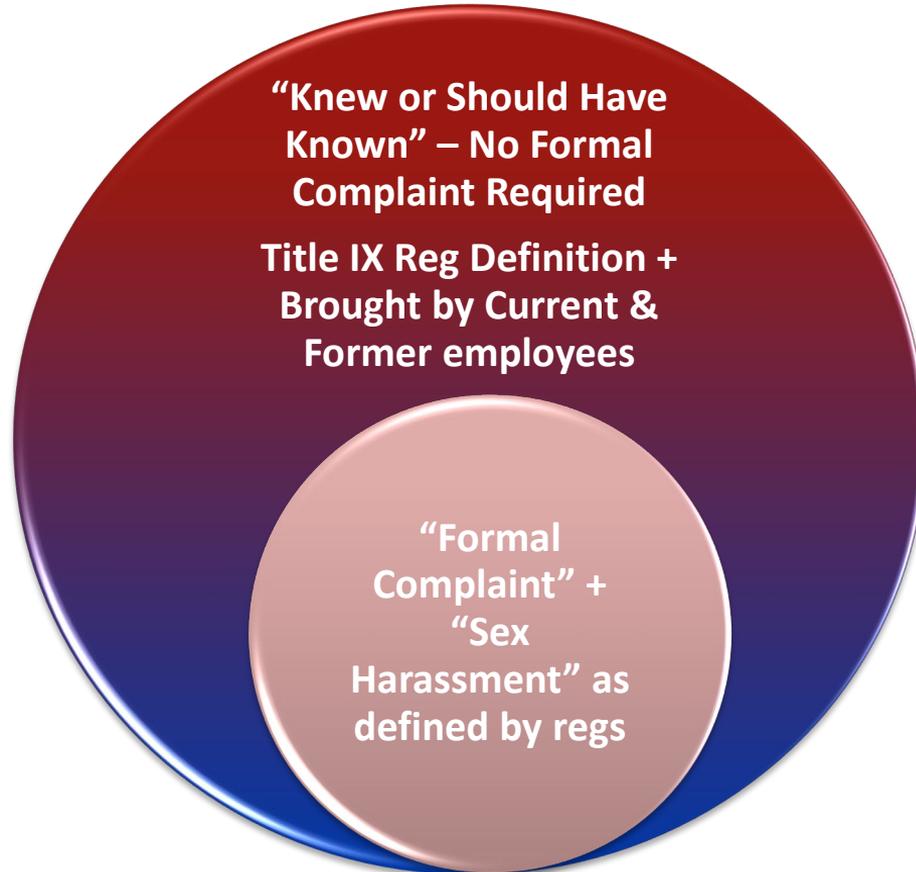


# What triggers an employer's liability for sexual harassment under Title VII?

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- ✓ An employer, its agent, or its supervisor
  - ✓ Knew or should have known
  - ✓ About severe **OR** pervasive sexual harassment
  - ✓ That a reasonable person would consider intimidating, hostile, or abusive
  - ✓ By an employee or non-employee over which it has control and
  - ✓ Failed to take appropriate corrective action
- U.S. Equal Employment Opportunity Commission, *Harassment* (<https://www.eeoc.gov/harassment>)

# What triggers obligations for VII vs. IX?





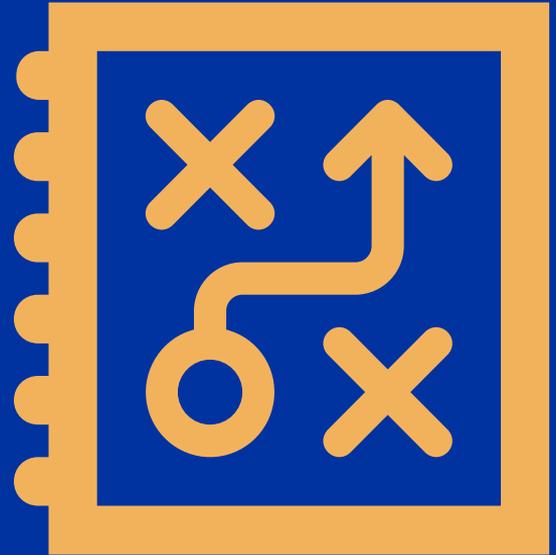
# Categories

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1. VII obligations but no IX obligations (no need to follow IX policies)
  - Should have known of discrimination but no formal complaint
  - Discrimination does not meet IX definition of SH
  - Complainant no longer employed or a student
2. Twin VII and IX obligations
  - Quid pro quo, “severe and pervasive,” VAWA crimes
  - ***Complainant currently employed or a student***
  - Formal complaint

# Example: Overlapping Policies

- Resident claims Attending Physician Supervisor is subjecting employee to pervasive and severe racial and sex harassment
- Other resident corroborates the claim
- How should institution respond in satisfying obligations under Titles VII and IX?



# Example: *Brock v. Mich. State Univ.* (2022)

---

- Two female employees in Neuro Clinic at MSU brought tort claims against MSU after a med student in the clinic allegedly sexually harassed and abused them. The med student had previously been found responsible for harassing another student, pleading guilty to criminal sexual conduct and using a computer to commit a crime. The court dismissed certain claims, but some claims remain pending, including: negligent hiring, retention, and supervision against the COM Dean; and failure to investigate against the clinic supervisor.



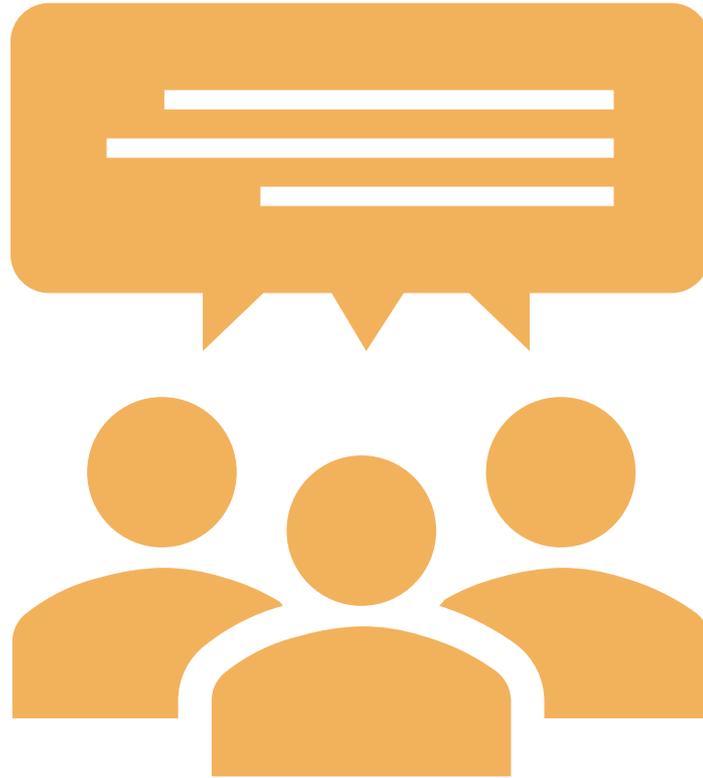
# Example: *Castro v. Yale Univ.* (2021)

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- Six physicians brought claims of alleged sex discrimination and retaliation under Title IX alleging that their superior at Yale New Haven Hospital sexually harassed them, and that both the hospital and university ignored their complaints. The Court held that Title IX applies to academic medical centers when certain criteria are met.



# Questions





**HUSCH BLACKWELL**

# Hearings & Sanctioning

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Lessons Learned



# Subjects

Pre-hearing conference

Remote or in-person

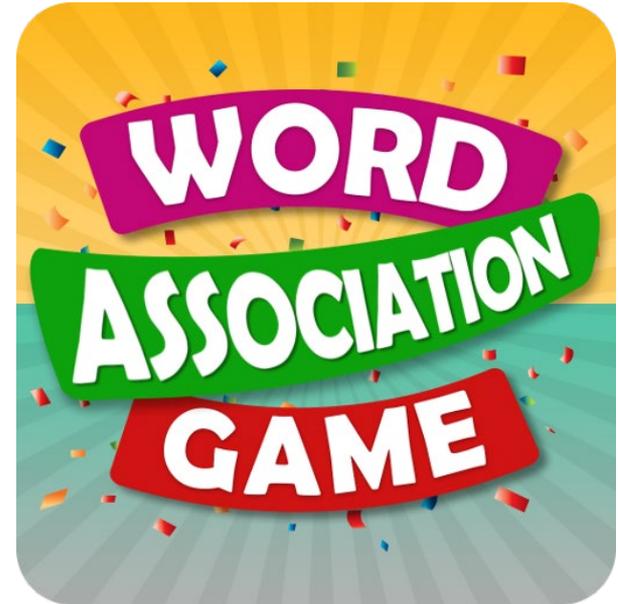
Facilitating questions

Managing time

Decision writing

Sanctioning matrix

Challenges

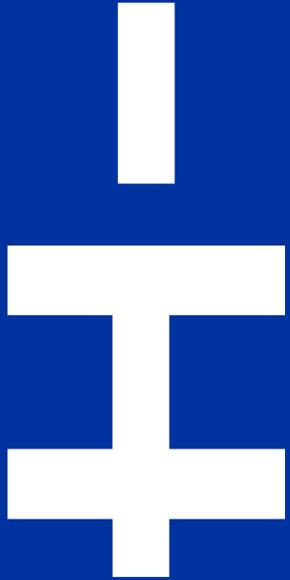




HUSCH BLACKWELL

**Prior Criminal &  
Disciplinary History**

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The New York Times

## He Committed Murder. Then He Graduated From an Elite Law School. Would You Hire Him as Your Attorney?

[Give this article](#) [Share](#) [Bookmark](#)





**THE BIG PICTURE IN TWO PICTURES**

# Common App removes School Discipline question on the application



By Emma Steele  
September 30, 2020



## Common App Drops Criminal History Question

Decision reverses one made a year ago to keep the question. Individual colleges may still ask it. Disciplinary records question remains.

By Scott Jaschik // August 13, 2018



The Common Application announced Tuesday that it is dropping the question it has been asking since 2006 about applicants' criminal histories.

Many educators and civil rights activities have been pushing the Common App for years to drop the question. For the organization, Tuesday's announcement is a major shift. In March 2017, after its last review of the issue, the organization **announced that it was keeping the question**. Individual colleges maintain the right to ask the question on their supplements to the Common Application, just as they have had the ability to not consider the information provided to date. But advocates for "banning the box," as the movement to end the question has been known, have said that including or dropping the question from the main application would have a major impact.

# A BYGONE ERA?

70 N.Y.2d 175

518 N.Y.S.2d 608

Jacob EISEMAN, Individually and as Administrator of the Estate of Rhona Eiseman, Deceased, et al.,  
Respondents,

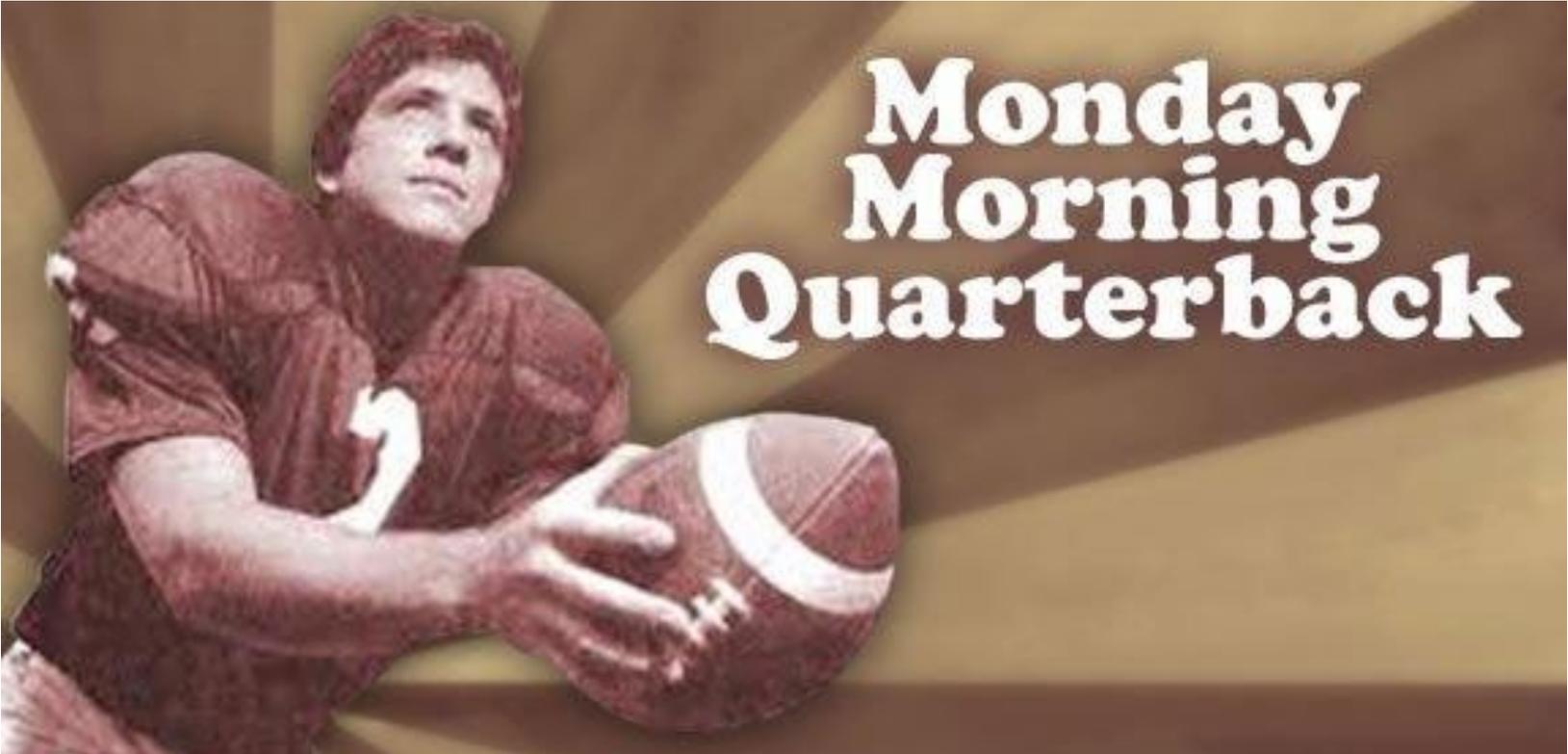
v.

STATE of New York, Appellant.

New York Court of Appeals

July 9, 1987.

“His release and return to society at the age of 33 — presumably with a long life still ahead of him — were mandated by law as well as by public policy, which have as their objectives rehabilitating and reintegrating former inmates in the hope that they will spend their future years productively instead of returning to crime. To this end, the value of education — both as an escape from society's underclass, and as a benefit to the public generally — is apparent.”

A young man with short brown hair, wearing a red football jersey with the number 2, is shown from the waist up. He is holding a brown football with white laces and stripes with both hands. He is looking upwards and to the right with a focused expression. The background is a dark brown wall with a diagonal light-colored stripe.

# Monday Morning Quarterback

## To ask or not ask?

- Three national surveys of institutional admissions practices, conducted in 2009, 2010, and 2014 by separate research teams, indicate that 60 to 80 percent of private institutions and 55 percent of public institutions require undergraduate applicants to answer criminal history questions as part of the admissions process.
- Unclear stats on prior disciplinary history



**IF EVERYONE ELSE JUMPED  
OFF A CLIFF, WOULD YOU JUMP, TOO?**

# WHAT TO ASK?

- Be specific about what must (and should not) be disclosed
- Time limits?
- Not arrests
- Juvenile records?



WHAT  
NOW?

# CRIMINAL AND DISCIPLINARY HISTORY IN COLLEGE ADMISSIONS

Released: December 17, 2019



[www.aacrao.org](http://www.aacrao.org)

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Washington, DC 20036



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## 404 - Page not found

Sorry, the page you requested cannot be found.

Many of the pages on the site moved to new URLs during our recent redesign. If you reached this page by using a bookmark or a link from another site, please search for the updated url using our [Bookmark Search](#) below.

If you arrived at this page by following a link within this site, please help us correct the problem by going to our [Report Technical Issues](#) form and logging the problem.

Otherwise, please ensure that you typed the URL correctly, and note that our server is case-sensitive.

You can also search for the page content by using our [Advanced Search](#) page or contact site administrators via [webmaster@ed.gov](mailto:webmaster@ed.gov) with any further technical questions.

## IF YOU ASK, THEN WHAT?

1. Whatever process you come up, be sure you can (and do) follow it (the curse of assumed duties)
2. Establish forms and process for securing additional information
3. Not for amateurs: Bit team/threat assessment matrix (appropriate training)
4. Does not have to be yes or no/Can we develop risk mitigation plans?
5. Appeal process
6. Periodic review for disparate impact

# NCAA Policy – Where we are going (Expectations)

# NCAA Sexual Violence Policy

The Policy requires member college and university chancellors or presidents, directors of athletics, and campus Title IX coordinators to annually attest that:

1. The athletics department is informed, integrated, and compliant with the following:
  - Institutional policies and processes regarding sexual violence prevention; and
  - Proper adjudication and resolution of sexual violence and interpersonal violence.

# NCAA Sexual Violence Policy

2. Policies and processes are readily available within the department and provided to student-athletes, including:
  - Institutional policies and processes on violence prevention and adjudication; and
  - The name and contact information of the campus Title IX coordinator.
3. All student-athletes, coaches, and staff are educated on sexual violence prevention, intervention, and response each year.

# The New Requirements

4. Collect annual disclosures from all incoming, continuing, and transferring student-athletes related to their conduct that resulted in discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal, or other acts of violence, and collect the same from transfer student-athletes if a Title IX proceeding related to their conduct is ongoing;
5. Take reasonable steps to confirm whether such student-athletes have been disciplined or criminally convicted of sexual, interpersonal, or other acts of violence; and
6. If recruiting incoming or accepting transfer student-athletes, have a written procedure that directs its staff to gather information from a former institution about any discipline or criminal conviction relating to any sexual, interpersonal, or other act of violence.

# Pregnancy & Parenting



Title IX Issues

## Legal Requirements

- Applicable Laws:
  - Title IX
  - Pregnancy Discrimination Act
  - ADA/Section 504
  - State and local civil rights laws





# Pregnancy Discrimination Act

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Title VII, as amended by the PDA, prohibits *employment* discrimination based on:

- Current pregnancy
- Past pregnancy
- Potential or intended pregnancy
- Medical conditions related to pregnancy or childbirth



## ADA / Section 504

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- Federal laws that prohibit disability discrimination and require institutions to make reasonable accommodations to qualified individuals with a disability.
- Disability = A physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.
- Pregnancy itself is not a disability, but complications from pregnancy or childbirth may qualify.

# Title IX Regulations: Gender-Neutral Rules

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A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

34 CFR § 106.40(a)

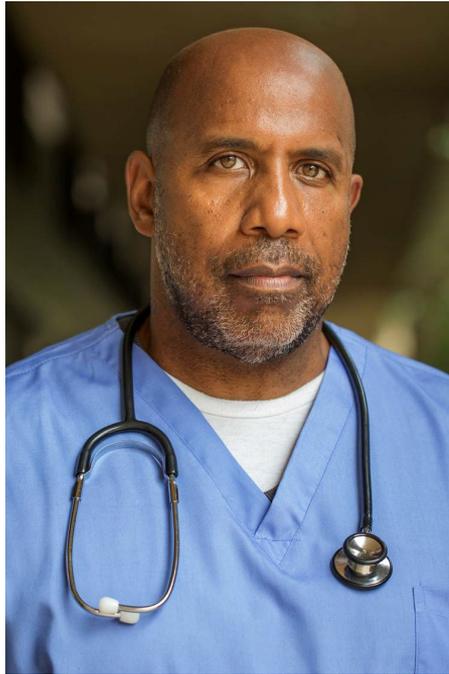
## Title IX Regulations: Equal Participation

A recipient shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient. 34 CFR § 106.40(b)(1)



# Title IX Regulations: Medical Certification

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A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

34 CFR § 106.40(b)(2)



## Title IX Regulations: Separate Programs

A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the separate portion is comparable to that offered to non-pregnant students.

34 CFR § 106.40(b)(3)



# Title IX Regulations: Temporary Disability Policies

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A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

34 CFR § 106.40(b)(4)



# OCR Guidance: Administrative Measures

## Schools **MUST**

- Protect students from harassment based on pregnancy or related conditions.
- Possess and distribute a policy against sex discrimination. OCR recommends the policy make clear that sex discrimination covers discrimination against pregnant and parenting students too.



# OCR Guidance: Administrative Measures

## Schools **MUST**

- Adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parenting.
- Identify at least one employee to carry out Title IX responsibilities.



## OCR Guidance: Day-to-Day

### Schools **MUST**

- Allow pregnant students to continue participating in classes and extracurricular activities.
- Allow pregnant students to choose if they want to participate in special programs or classes for pregnant students. Schools may not pressure students to participate in these types of programs.
- Provide reasonable adjustments such as a larger desk or elevator access.





## OCR Guidance: Day-to-Day

### Schools **MUST**

- Allow pregnant students to return to the same academic and extracurricular status as before medical leave, including the opportunity to make up missed work.
- Ensure that teachers understand the Title IX requirements. Teachers may not prohibit students from submitting work after a deadline missed due to pregnancy or childbirth. Students should be permitted to make up missed participation and attendance credits.



# OCR Guidance: Medical Accommodations



## Schools **MUST**

- Excuse absences due to pregnancy or childbirth for as long as medically necessary.
- Provide pregnant students with the same special services they provides to individuals with temporary medical conditions, including remote instruction, tutoring, and/or independent study.



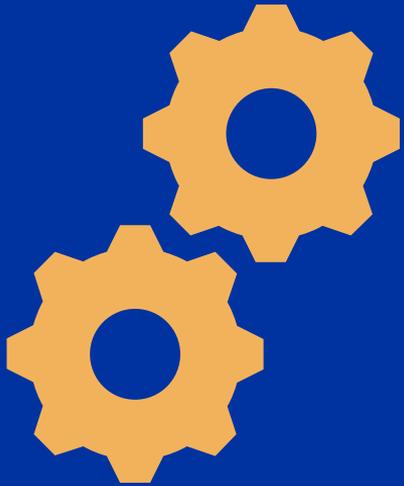
# OCR Guidance: Medical Accommodations

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- Schools may only require pregnant students to submit a doctor's note if the school also requires a doctor's note from all students who have a physical or emotional condition requiring treatment by a doctor.

## Hypothetical



Amy is enrolled in an accelerated program at Husch College of Nursing. Two months into the eight-month program, she notifies the nursing director that she is pregnant and is due in February. The nursing director reminds Amy that the college has a zero-absence policy and if she misses more than two consecutive days of class or clinical, she will be dismissed from the program. When Amy delivers her baby, she misses two days of class, including one pop quiz, and three days of clinical. She receives a zero for the absences in accordance with the college policy, which is applied consistently to all students regardless of the reason for the absence. Amy files a complaint alleging that she should have been allowed to make up the missed quiz and clinicals.



# Salt Lake Community College

## June 2022 OCR Decision

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- A student at SLCC found out she was pregnant after the semester began. She told her professor she was pregnant and struggling with morning sickness, which caused her to miss or be late to the professor's classes.
- The student requested academic adjustments from the professor to allow for additional absences and allow her to turn in assignments late.



# SLCC: Background

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- The professor told the student that she was concerned the student decided to continue with the class and that she had lowered final grades if missed days were excessive. The professor also told her a late submission penalty would apply to late assignments and advised the student to drop the class because “health is more important than a class.”
- The student contacted the Disability Resource Center on her own to seek formal academic adjustments and provided a note from her treating physician. An Advisor spoke with the student and referred the student to the Title IX Coordinator to discuss her adjustments.
- The Title IX Coordinator determined the student’s requested academic adjustments constituted a fundamental alteration to the courses.



## SLCC: OCR Findings

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- The professor's alleged comments encouraging the student to drop the class could constitute pregnancy discrimination and therefore merited a prompt and equitable resolution under Title IX grievance procedures (which SLCC did not conduct).
- The Title IX Coordinator did not create an investigatory file, obtain written statements, take notes of his conversations, or issue a notice of the investigation's outcome to the student.



## SLCC: OCR Findings

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- The Title IX Coordinator did not respond to the student's allegation the professor encouraged her to drop the class because of her pregnancy, which she viewed as discriminatory.
- SLCC did not engage in the interactive process with the student to determine appropriate academic adjustments in light of her pregnancy.



## SLCC: OCR Findings

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- To the extent SLCC determined the student's requested adjustments would have constituted a fundamental alteration, SLCC did not engage in a proper deliberative process in making such determination.
- SLCC did not consider whether the student's pregnancy caused a temporary disability or engage in the interactive process under Section 504.



## SLCC: OCR Findings

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- SLCC's failed to excuse the student's absences and tardies caused by her pregnancy in violation of Title IX.
- SLCC's website does not contain information on how a student may file a complaint alleging pregnancy discrimination, nor does SLCC mention pregnancy discrimination in their Student Code.



# SLCC: Voluntary Resolution Agreement

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- Revise its Nondiscrimination Statement to include reference to actual or potential parental, family, or marital status, including pregnancy and related conditions.
- Revise its grievance procedures to include information regarding students' opportunity to file a grievance based on alleged pregnancy discrimination, including grievances related to different treatment based on pregnancy, exclusion from the College's programs or activities based on pregnancy, or the College's failure to excuse pregnancy-related absences or provide appropriate academic adjustments in the same manner as it provides academic adjustments to students with temporary disabilities.



# SLCC: Voluntary Resolution Agreement

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- The College will provide information on its Title IX and Disability Resource Center webpages that describes the process under which pregnant students can seek academic adjustments, including:
  - the rights of pregnant students under Title IX;
  - how to request academic adjustments, special services, excused absences, or leaves of absence;
  - the process the College follows to determine appropriate academic adjustments and special services;
  - the process available to students if the College denies requested academic adjustments or special services; and
  - the process the College uses to determine when a requested academic adjustment constitutes a fundamental alteration of a program or activity.



# SLCC: Voluntary Resolution Agreement

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- Training for the professor, all staff in the DRC, and all staff in the Title IX office
- Conduct investigation into student's allegations of discrimination
- Promptly take any necessary steps to remedy any discrimination that is found



# Title IX Proposed Regulations

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- Include explicit protections for students and employees based on pregnancy or related conditions, including childbirth, termination of pregnancy, or lactation.
- Institutions would be required to provide reasonable modifications for students, reasonable break time for employees for lactation, and lactation space for students and employees.



# Title IX Proposed Regulations

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- The proposed regulations would expand the scope of protections for pregnancy or related conditions by prohibiting institutions from discriminating against a student or employee based on current, potential, or past pregnancy or related conditions.



# Title IX Proposed Regulations

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- When a student tells an institution's employee about the student's pregnancy or related conditions, the employee must provide the student with the Title IX Coordinator's contact information.
- The Title IX Coordinator must inform the student of the institution's obligations to prohibit sex discrimination and also to provide the student with options for reasonable modifications, access to separate and comparable portions of education programs or activities, allow for a voluntary leave of absence, and ensure there is available lactation space that is clean and private.



# Title IX Proposed Regulations

---

- Reasonable modifications for pregnancy or related conditions would be required to be provided to students based on their individualized needs.
- Such modifications may include breaks during class to attend to related health needs, breastfeeding, or expressing breast milk; intermittent absences to attend medical appointments; access to online or other homebound education; changes in schedule or course sequence; time extensions for coursework and rescheduling of tests; counseling; changes in physical space or supplies; elevator access; or other appropriate changes to policies, practices, or procedures.



# Common Policy & Practice Problems

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- Zero absence attendance policies.
- Targeted medical documentation requirements.
- Requirements to restart programs from the beginning rather than status at the time a leave began.
- Deference to discriminatory clinical site policies.

# Practical Guidance: Inclusive Language and Policies

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- Much of the statutory language surrounding pregnancy is not gendered.
- Students of many genders, including cisgender women, non-binary people, and transgender men, might be pregnant.
- Regardless of a student's gender-identity, they are protected through their status as a pregnant person.



## Practical Guidance: Faculty and Staff Training

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- Many pregnancy discrimination investigations share a common theme: students reach out to faculty and staff members who are not familiar with the rights of pregnant students.
- **Solution: Inform all faculty and staff of the rights of pregnant students under Title IX.**



## Practical Guidance: Review Institutional Policies

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- Another common problem OCR identifies is school Title IX policies which do not specifically address pregnancy.
- Clear, written guidelines will allow faculty and staff to understand their obligations towards pregnant students, as well as provide pregnant students with clear expectations for available support.
- **Solution: Review institutional policies to ensure pregnancy discrimination is explicitly addressed.**



## Practical Guidance: Review Institutional Procedures

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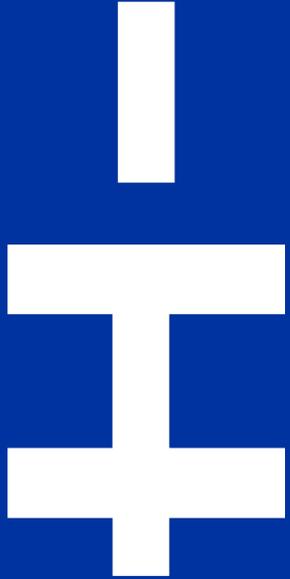
- A common challenge OCR often finds in pregnancy discrimination cases is a lack of prompt responses to student Title IX grievances.
- Individuals who express concerns about any type of discrimination, including pregnancy discrimination, should receive prompt responses to those concerns.
- **Solution: Evaluate your school's grievance procedures. Does every student receive a response to a report of discrimination? Is that response timely?**

Questions





HUSCH BLACKWELL



IPV Cases



# The Beginning

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- John Doe and Jane Roe attend Texas University where, after meeting during the fall of their freshman year, they began a steady, and steadily volatile, relationship.
- A mutual professor reported to the Title IX Coordinator that he was aware that arguments, sometimes violent, were common. During their first summer vacation, for example, Roe purportedly scratched and grabbed Doe's arm while traveling with Doe's family.
- Additionally, the professor reported to the University, the couple's penchant for physical altercations extended to intimacy, including “consensual choking” in Doe’s residence hall.



# Question 1

---

- How do you respond to this report?
- Obligations under federal or state law?



# Things Deteriorate

---

- Roe informed Doe she was dating others, and Doe called the relationship off.
- Except, it turned out, Doe had also been unfaithful. A revelation that did not sit well with Roe, which purportedly prompted Roe to spread rumors about Doe on campus.
- One such accusation: that Roe ended the relationship because Doe was physically abusive. And she threatened Doe directly via text: “take a year off and nothing will happen to you.”



## Question 2

---

- Concerned, Doe went to TU's Director of Student Life.
- In an email, Doe complained that he was being harassed by his ex-girlfriend, who was "spreading false information."
- Doe explained in the email that he "simply" did not "feel safe."
- Q: How should Director of Student Life respond?



## Question 3

---

- Dean of Student Life recommended that Doe seek mental health services. He did not recommend that Doe file a Title IX complaint and did not make his own report.
- Concerns?



# Roe Reports

---

- Meanwhile, Roe met with TU's Director of Gender Equity and Title IX Administration. Roe told the Director that she was a victim of “Intimate Relationship Violence” under University policy and described certain incidents of abuse by Doe.
- Roe explained that she was not interested in pursuing further action.
- How should Director respond?



# No Contact Order

---

- Soon after, when Doe began a new relationship, Roe requested an order prohibiting Doe and Roe from any contact.
- Question: How do you respond?
- On the day the mutual order issued, Roe approached Doe on a campus running trail, attempting to apologize.
- Doe notified the University of the incident.
- How should University respond?
- Assume TU told Roe not to let it happen again.



# A Change in Plans

---

- A few months later, Roe notified the Director that she would cooperate with a Title IX investigation.
- A formal notice was issued, and Texas University barred Doe—but not Roe—from campus during the investigation.
- Concerns?
- Then, several months later, Doe accidentally “liked” one of Roe's social media posts, in violation of the Order. Doe immediately self-reported the mistake but, TU launched another disciplinary process that resulted in a reprimand and a written warning from a dean.
- Concerns?



# The Hearing

---

- TU appointed a three-person panel to investigate Roe's allegations against Doe, review the evidence they gathered, weigh the testimony they allowed and then decide whether the facts they found violated the TU Policy.
- At one of Doe's meetings with the Panel, he mentioned an interest in pursuing counterclaims against Roe.
- How should University respond?



# Decision

---

- The Panel's investigation culminated in a “Report” finding evidence to support the incidents of physical abuse alleged by Roe.
- Doe received a letter with the Panel's punishment: expulsion.
- Vindicated, Roe tweeted “my life is good again ... worked out boy problems that were never real problems just things I created.”



# What Happens Next?

---

- Lawsuit
- What claims?



# **Doe v. Princeton Univ., 30 F.4th 335 (3rd Cir. Mar. 31, 2022)**

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- 3<sup>rd</sup> Circuit found that plaintiff's factual assertions regarding the University's different handling of his and his accuser's misconduct reports and order violations, together with his assertion that the Department of Education's 2011 Dear Colleague Letter created external pressure to which the University had yielded, were sufficient to permit his Title IX discrimination claim to proceed.
- 3<sup>rd</sup> Circuit also found plaintiff's factual allegations sufficient to permit his breach of contract and breach of implied covenant of good faith and fair dealing claims to proceed.

# A Reminder Though . . .

THE CHRONICLE OF HIGHER EDUCATION

NADIA EZALDEIN, SHANNON JONES, CECILIA LAM, DIAMONEY GREENE, MAGGIE WARDLE, KARLIE HALL, LATASHA NORMAN, JENNI-LYN WATSON, HYSEUNG LINDA HONG, JENNIFER DUKE, BOITUMELO MCCALLUM, DEMETRIA BRACEY, CHAKA BALDWIN, GENEVIEVE COMEAU, ALYSSIA WILEY, JENNIFER FORETICH, TAMARA SONYA WILLIAMS, ANARAE SCHUNK, RACHEL KATE JOINER, ROBIN EHLMAN, ALLISON MYRICK, JANA MACKEY, SHAO TONG, MARSY NICHOLAS, TYNESHA STEWART, SAMANTHA MACQUILLIAM, TINA CROUCHER, REBECCA ELDEMIRE, HAILEY NICHOLLS, ALINA SHEYKHET, MICHELLE DANIELLE MIELECKI, SHAKENA "AMY" VARNELL, ANDREA O'DONNELL, LAUREN MCCLUSKEY, MENGCHEN HUANG, EMILY RACHEL SILVERSTEIN, REBECCA KASPER, KIMBERLY SMITH, KELSEY ANNESE, TALISHA DANIELLE CROWDER, HEATHER CAMPBELL, EMMALLE TERRELL, DANIELLE TAGBERY, CAITLIN MCGUIRE, DANIELLE LATIF, KATHLEEN ROSKOT, AHYANNA BAKER-GRIFFIN, ROSEMARIE REILLY, CINDY NANNAY, GENA BARBER, SARA LAMONT, MICHEL DAVID, MACKENZIE MADDEN, ROSA SPEAGLE, SARANNAH MENEAL, KRISTY FLOWERS, CLARE ORTON, JENNIFER LYNN ROQUETA, SARAH HAWLEY, CHALALAI CHAIHIRUNKARN, DANNETTE WILLORY, MORIAH PIERCE, LAUREL R. CHASMAR, SUSAN CLEMENTS, KATY STRAALSUND, ASIA ADAMS, TIANA NOTICE, AIMEE GIRO, LACOY MCQUEEN, LINSI LIGHT, IRIS ACOSTA, JOSSELYN BISHOP, OLIVIA GREENLEE, AGATHA HALL, SALEHA HUUDA, JASMINE BENJAMIN, DEVON WADE

## In Plain Sight

The killing of a student, one in a growing list of victims, opened her university's eyes to the unseen danger of intimate-partner violence.

By EMMA PETTIT



# Big Picture Takeaways

---

1. Involve campus or external experts in IPV cases (experts **trained** to recognize the full array of domestic-violence signifiers).
2. Significance of **face-to-face meeting**.
3. Resources for students.
4. **Importance of coordinated, working institutional relationship.**
5. Report to **BIT**.
6. Lethality Assessment



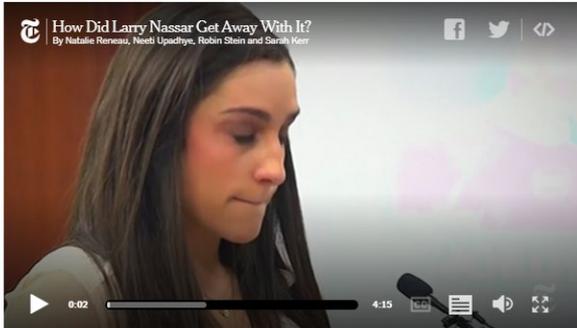
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# Avoiding System Failure



## *Michigan State's \$500 Million for Nasser Victims Dwarfs Other Settlements*

Give this article 183



Lawrence G. Nasser, the sports doctor accused of sexually abusing hundreds of young women, committed his crimes with impunity for decades. Here's how. Matthew Dae Smith/Lansing State Journal, via Associated Press

## Settlements in UCLA sex abuse cases reach nearly \$700 million

New \$374.4 million payout announced Tuesday to resolve claims related to former UCLA gynecologist James Heaps

By [Nick Anderson](#) and [Susan Svrluga](#)  
May 24, 2022 at 9:06 p.m. EDT



# After Michigan State: 'Could We Be Next?'



Randy Lyhus for The Chronicle



By Donald E. Heller | JANUARY 28, 2018

- “Are we as college leaders prepared to respond appropriately should evidence of wrongdoing appear on our campus?”
- “Will we be willing to stand up for what is **morally right** to protect potential victims of maltreatment, rather than reflexively reacting in a way that maximizes the interests of our institutions?”
- “These are questions that should be asked by all of us in leadership positions: presidents, provosts, board members, athletic directors, and university lawyers. None of us should be so **naïve** as to think that what happened at Penn State and Michigan State could not happen again.”

THE SUNDAY TIMES TOP TEN BESTSELLER

Yuval Noah Harari



# Sapiens

A Brief  
History of  
Humankind

"A RARE BOOK ... THRILLING AND BREATHTAKING"  
OBSERVER

JOHNSON



1. Are individual institutional players motivated to “maximize the interests of their institutions” or are they motivated to maximize their own personal interests within a large organization?
2. Does this ring true to you: that [fill in the name here] is willing to cover for a known pedophile to advance institutional or personal interests?
3. Reframe: why do well-intentioned, smart, skilled people who are willing to “stand up for what is morally right” occasionally reach the clearly wrong conclusion or do the clearly wrong thing.

IMHO, this requires a serious conversation about the common human frailties which impact all of us.





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HEART HEALTH

MIND & MOOD

PAIN

STAYING  
HEALTHY

CANCER

DI  
CO

*Harvard Women's Health Watch*

## Pelvic physical therapy: Another potential treatment option

***This treatment approach may help provide relief for many women with chronic pelvic pain and urinary symptoms.***

Published: June, 2018

The exact cause of pelvic pain for many women can be elusive, despite lots of tests and scans. In some cases, the symptoms are related to a problem that is often overlooked, says Dr. Eman Elkadry, an instructor in obstetrics, gynecology, and reproductive biology at Harvard Medical School. Pelvic pain may stem from a pelvic floor muscle problem that can be helped by a specialized form of physical therapy known as pelvic physical therapy.

"Although pelvic physical therapy may not work for everyone, it can be quite effective for certain individuals," says Dr. Hye-Chun Hur, director of the Division of Minimally Invasive Gynecologic Surgery at Harvard-affiliated Beth Israel Deaconess Medical Center and associate faculty editor of *Harvard Women's Health Watch*. She stresses that pelvic





# Why Did the Investigator Get It Wrong?

"We cannot find that the conduct was of a sexual nature. Thus, it did not violate the Sexual Harassment Policy. However, we find the claim helpful in that it allows us to examine certain practices at the MSU Sports Medicine Clinic."

And Nassar's copy:

"We cannot find that the conduct was of a sexual nature. Thus, it did not violate the Sexual Harassment Policy. However, we find the claim helpful in that it brought to light some significant problems that the practice will want to address."

## Larry Nassar: 2014 police report sheds light on how he avoided criminal charges

Police report shows how Larry Nassar avoided charges



- "Nassar stated he is not saying he did not touch (Thomashow)," Capt. Valerie O'Brien, who at the time was a detective, wrote in the report. "Nassar stated he purposely touched her there. Nassar stated he has been doing this since 1997. 'What now, what happened?' "
- Nassar began sending O'Brien emails, videos and references to other doctors who performed similar procedures.
- University police submitted a warrant request for a 4th-degree criminal sexual conduct charge, a misdemeanor. Prosecutors denied the charges and said what Nassar did appeared to be "a very innovative and helpful manipulation."



**Hey there!**

**Why don't you  
have a seat?**



## **Child Molesters: A Behavioral Analysis**

**For  
Law Enforcement  
Officers  
Investigating  
Cases of  
Child  
Sexual  
Exploitation**

**149252**

In cooperation with the **Federal Bureau of Investigation**

- “In view of the fact that many people still believe in the myth that child molesters are ‘strangers’ or misfits of society, this tactic can unfortunately be effective.”

- 10% of children were abused by a total stranger
- 30% of children were abused by a family member
- 60% were abused by an adult they knew who was not a family member



# Profiling Serial Child Sex Abusers

- Male and over 30 years of age
- Single or with few friends in age group
- Works in jobs with access to children
- Engages in activities with children, often excluding other adults
- Seduces with attention, affection, and gifts
- Has hobbies and interests appealing to children
- Popular with both children and adults
- Appears to be trustworthy and respectable -- has good standing in the community.
- Almost always collects child pornography or child erotica

# Confronted: How Do Serial Abusers Respond?

1. **Denial.** “The offender may act shocked, surprised, or even indignant about an allegation of sexual activity with children . . . He might admit to an act but deny the intent was sexual gratification: ‘Is it a crime to hug a child?’ He may imply that his actions were misunderstood, and a mistake has been made. His denial may be aided by relatives, friends, neighbors, and coworkers. These associates may be uncooperative and may even hinder police investigation of the offender.”
2. **Minimization.** “If the evidence against him rules out total denial, the offender may attempt to minimize what he has done, both in quantity and quality. He might claim that it happened on one or two isolated occasions or that he only touched or caressed the victim. He might admit certain acts, but deny they were engaged in for sexual gratification.”

# Confronted: How Do Serial Abusers Respond?

- 3. Fabrication.** “Some of the more clever child molesters come up with ingenious stories to explain their behavior. One offender, a doctor, claimed he was doing research on male youth prostitution. A professor claimed he was doing research on pedophilia and collecting and distributing child pornography for scientific research. A teacher said that his students had such a desperate need for attention and affection that they practically threw themselves at him and misunderstood his affection and response as sexual advances . . . In another case, a nursery school operator, who had taken and collected thousands of photographs of young, nude or seminude children in his care, claimed they were not for sexual purposes; he simply admired the anatomy of children.”

# Confronted: How Do Serial Abusers Respond?

4. **Sympathy.** “Pedophiles may resort to a ‘nice guy defense.’ In this defense, the offender expresses deep regret and attempts to show he is a pillar of the community, a devoted family man, a military veteran, a church leader, nonviolent, without prior arrests, and a victim of many personal problems. In view of the fact that many people still believe in the myth that child molesters are ‘strangers’ or misfits of society, this tactic can unfortunately be effective. Many traits introduced by the offender as evidence of his good character (*i.e.*, dedication to children, volunteer work, etc.) in fact contribute to his ability to access and seduce children.”

# Solomon Asch: Social Proof



*Exhibit 1*



A



B



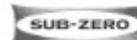
C

*Exhibit 2*





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The most effective marketing method for doing business online since 2006, now fully updated and optimized.



#### Brilliant Software >

Create marketing people love with HubSpot's integrated marketing tools.

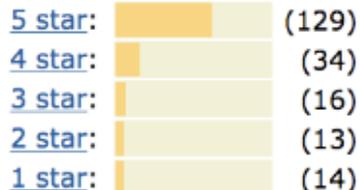


#### Amazing Training & Support >

Succeed with the help of our personalized consulting and technical support.



### 206 Reviews



### Average Customer Review

★★★★☆ (206 customer reviews)

Share your thoughts with other customers

[Create your own review](#)



# Social Proof

- People will conform to the actions of others under the assumption that those actions are reflective of the correct behavior.
- It is especially prevalent in ambiguous situations and when there are other people who are perceived to be particularly knowledgeable about a situation.
- **Social proof works through our very human need to belong, to be respected by others and to avoid social punishment such as ridicule or ostracism for taking a position apart from the herd.**



## *Apathy at Stabbing of Queens Woman Shocks Inspector*

By **MARTIN GANSBERG**

For more than half an hour 38 respectable, law-abiding citizens in Queens watched a killer stalk and stab a woman in three separate attacks in Kew Gardens.

Twice the sound of their voices

**Minimum Qualifications:** Master's degree in student affairs, higher education, social work, counseling, criminal justice or related field. Requisite knowledge, training and experience related to Title IX, VAWA, and conducting investigations necessary for a candidate to be considered. The candidate must have excellent problem solving and conflict resolution skills, strong organizational and administrative skills, strong interpersonal communication skills, excellent written and verbal communication skills, team building skills, the ability to build positive and effective relationships across the campus and community a strong commitment to diversity, ability to work independently with minimal supervision, ability to manage multiple tasks, ability to work evenings and weekends as needed, knowledge of legal issues in higher education, and ability to provide exemplary customer service. The candidate must have experience interacting with the public, attorneys, parents, students, staff and faculty.

# Civil Rights Investigators Cannot Be “People Pleasers”

- Who gets promoted and why?
- Role of Title IX investigator: “voice of institutional cognitive independence.” ~ legal ethicist Donald Langevoort.
- **You are a bearer of bad news.**
- Be mindful of normative influences (like social proof) and nevertheless reach unpopular decisions based on your own personal knowledge, your own rigorous analysis, and a thorough gathering of valid and factual information.
- Institutions must reflect on whether prioritizing things like collegiality over cognitive independence (and the attendant upset that occasionally comes with it) in evaluating performance creates environments where people avoid reaching difficult conclusions which could rock the proverbial boat.

**Selective**  
from Simo

**In**  
**Count how**  
**players w**  
**the**



# Selective Attention

- Attention is a limited resource, and what has been dubbed “selective attention” allows us to tune out details that we think are unimportant and focus on what really matters.
- The more that is going on, the more likely it is that busy people are missing the significant gorilla dancing in the room.
- Reasonable caseloads are not only a quality-of-life issue – they are a quality-of-investigation issue.

# Lessons

- We can continue to frame this as a battle of good versus evil and I suspect we will continue to make the same mistake
- Reaching the correct conclusion requires us to know **what** we are looking for, know **how to meaningfully investigate** in this space, and to recognize the **human frailties** that afflict us all and sometimes present us from reaching the correct conclusion

# Academic Safety Planning: Advocacy Goes to Campus

Leila Wood, University of Texas Medical Branch

Rachel Voth Schrag, University of Texas at Arlington

Cynthia Jones, University of Texas Rio Grande Valley

# Agenda

## Part 1:

- Context and the Academic Impacts of Dating and Sexual Violence

## Part 2:

- Overview of Academic Safety Planning
- Specific Tasks and Skills

## Part 3:

- Case Studies
- Discussion
- Q & A

# The Revised Campus-based Advocacy Toolkit



Health

Center for Violence Prevention

UTRGV™

UTA

THE UNIVERSITY OF TEXAS  
AT ARLINGTON

<https://www.utmb.edu/cvp/divisions/evaluation/campus-based-advocacy-evaluation-toolkit>

# The toolkit is divided into six sections:

## Section 1

Overview of advocacy services for survivors of violence in the community and on college-campuses.

## Section 2

Skills and strategies for implementing advocacy services on campuses and details the Campus-based Advocacy Logic Model.

## Section 3

Suggestions for potential adaptations of campus-based advocacy for diverse university settings.

## Section 4

Overview of the impact of campus-based advocacy services based on our evaluation of seven programs.

## Section 5

Evaluation guidance for campus-based advocacy programs.

## Section 6

Additional resources for programs, services, and evaluation.

# Giving you the Tools

We will be addressing common themes in campus advocacy. We will not be talking about specific policy, process, and laws, as they can differ from school to school.



Considerations when working with a campus:

What is their Title IX policy?  
Who is required to report disclosures?

- Who is providing supportive services?

Texas state laws-  
how has the trainings and requirements been implemented?

What resources are available to students, faculty, and staff?

Which resources are considered confidential?

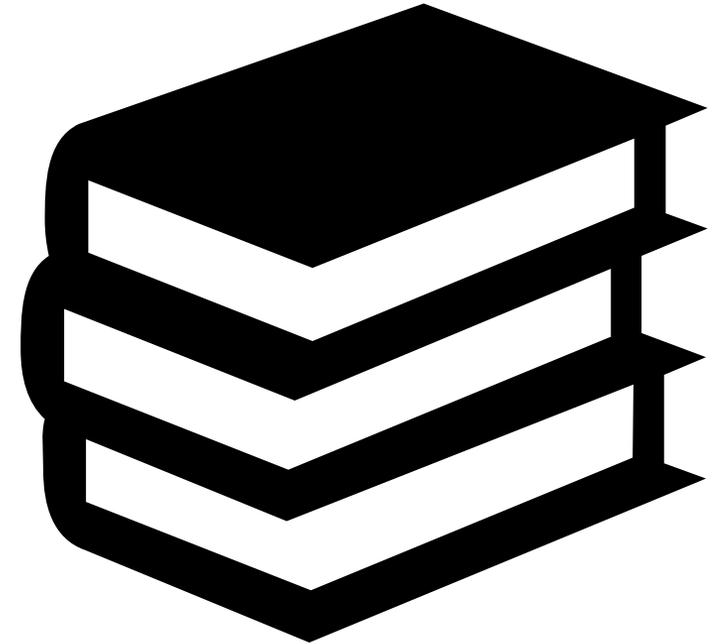
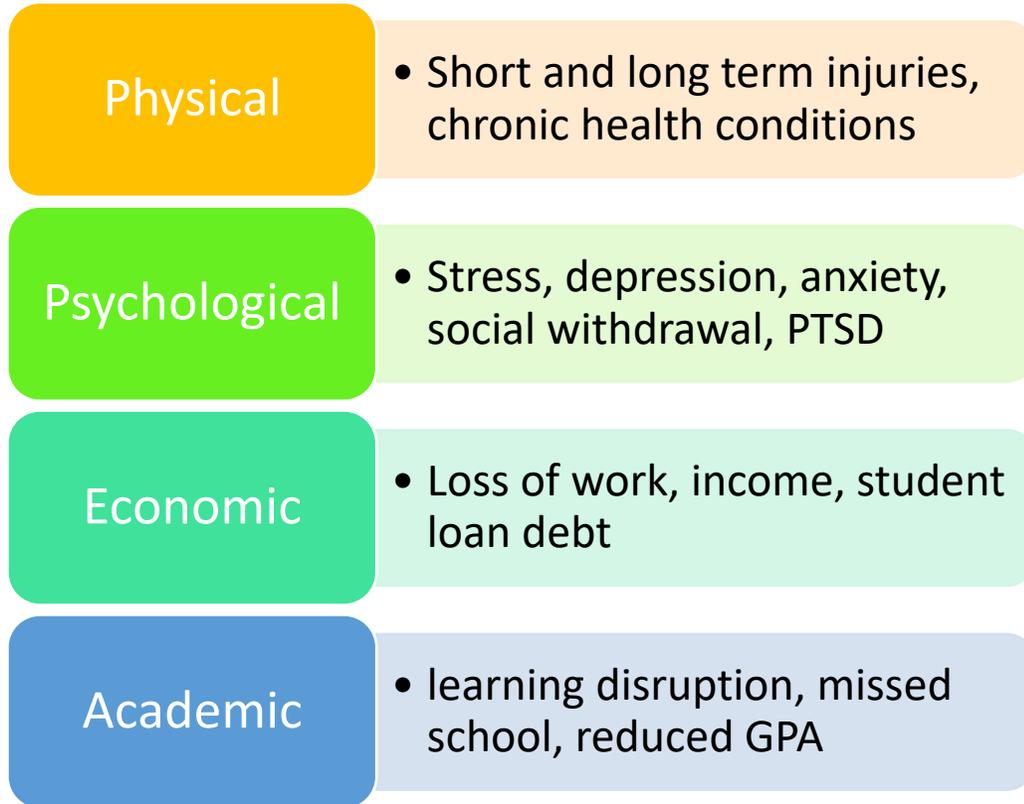
# Part One:

Context and the Academic Impacts of Dating and Sexual Violence

# Prevalence of Violence in College



# Impacts of Dating & Sexual Violence on Students



*I think in almost every case I've worked with, one of the biggest impacts is either on the academic side or within the friend group or the social group.*

- Campus Advocate

# Need for Support

## College Services

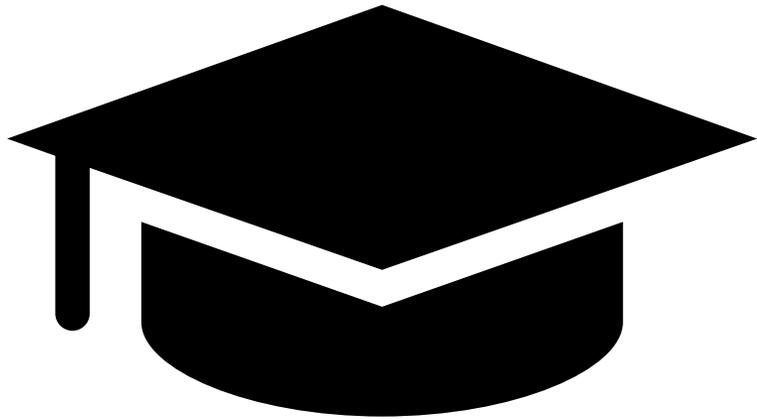
- Many colleges have implemented service models to address needs of students experiencing IPV and SA.
  - However, student accessing those services remains low.
- Risk for institutional betrayal.
- Students employ various routes to find support, both formal and informal, in the wake of a sexual assault.
  - However, they are more likely to report to their informal network.

### **Students at higher risk\* include:**

- Undergraduate females
- Latinx students
- Non-Latinx students of color
- International students
- Queer-identifying and/or LGBTQ+ students

*\*Within UT System Institutions*

# Interpersonal Violence and Academics



## Academic Impacts of IPV

Experiences of interpersonal violence can result in lasting impacts to physical, social, and emotional well-being, and survivors who are college students may face challenges, including:

- Disruption to housing
- Issues socializing with peers
- Academic disengagement
  - Coming late to class
  - Coming to class drunk/high
  - Not completing assignments
  - Problems focusing
- Reduced GPA
- Not finishing a degree
- Unenrollment/Dropping Out

# Recognizing Tactics of School Sabotage



Destruction of  
Books,  
Homework or  
Laptop



Stealing or  
Controlling  
Access to  
Educational  
Loans or  
Financial Aid



Sabotaging  
Childcare or  
Transportation  
Arrangements to  
Undermine  
Educational  
Efforts



Harassing or  
Belittling the  
Student's Efforts  
and Educational  
Goals

# Unique Survivor Needs

## Students Living On Campus

- Reliance on the campus community and resources

## Undocumented Students

- Risk of engagement with other systems
- Risk to future status or access

## Students Living Off Campus

- Safety needs both on and off campus
- Risk of homelessness
- Food access

## Students of color

- Lack of support or resources that reflect their identity
- Larger impact to their community or support system

## LGBTQ+ students

- Stigma and added barriers in policy and investigation processes

## “Non-Traditional” students

- International students: cultural differences
- Older students, veterans- other life dynamics and issues to address.

## Graduate Students

- Having a job at the institution
- Differing relationships with faculty and staff

# The Campus Community: Who is Involved (or Should Be?)

Title IX

Campus Law  
Enforcement

Academic  
Affairs

Campus  
Housing

Financial Aid

Human  
Resources

Community  
Agencies

Campus  
Health  
Services

Student Affairs

Office of  
International  
Students

Student Disability  
Services

# Core Values of Survivor Support



Survivor Dignity



Empowerment



Transparency



Trauma Informed Care



Cultural Humility



Survivor Voice and Choice

# Goals of Campus-Based Advocacy Services

- Goal 1: Secondary Prevention of Violence and Harm
- Goal 2: Provide Choices to Promote Agency
- Goal 3: Reduce Mental and Physical Health Consequences of Violence/Harm and the Intersection with Other Forms of Oppression
- Goal 4: Resource/Information Access
- Goal 5: Institutional and Social Support
- Goal 6: Academic Support
- Goal 7: Enhance Collaboration and Survivor Experience Across Campus and in the Community

Part Two:

Academic Safety Planning: Steps and Skills

# Goal 6: Academic Support

Campus-based advocates help survivors with academic safety planning and support to address the education consequences and impact of experiencing violence victimization.

## Skills for Goal 6

- Collaborate to provide academic accommodations
- Provide academic safety planning
- Connect professors and students
- Broker safety needs on campus

# What is a safety plan?

SAFETY		
No Violence	Basic Human Needs Met	Social and Emotional Well-Being
SAFER		
Less Violence	Economic Stability Increased	Well-Being Strengthened
<ul style="list-style-type: none"><li>• Reduced Violence</li><li>• Less Frequent</li><li>• Less Control</li></ul>	<ul style="list-style-type: none"><li>• Fewer gaps in meeting basic human needs</li><li>• More financial and material resources</li></ul>	<ul style="list-style-type: none"><li>• More resilience to effects of violence</li><li>• Emotional healing</li><li>• Increased social supports</li><li>• Reinforced cultural strengths</li></ul>

**A safety plan is a personalized, practical plan that includes ways to remain safe [while in a relationship, planning to leave, or after you leave]. Safety planning involves how to cope with emotions, tell friends and family about the abuse, take legal action and more. (NDVH)**

# Safety Planning

- A dynamic process that takes into consideration the client's current situation, resources, risks, limitations, and systemic barriers.
- It is inclusive of physical, emotional, and social safety.
- It is inclusive of the survivor, their children, their pets, and others important to them.
- It is developed in alliance with the survivor and tailored to her risk analysis and goals.
- It respects that the survivor holds the most important knowledge about the perpetrator and their likely reactions.



## *Academic safety planning and accommodation*

An Academic Safety Plan (ASP) is a "*personalized, practical plan that can help survivors to: 1). avoid and respond to physically and/or emotionally dangerous situations that may impact their academic achievement; 2). disclose violence to academic representatives and engage in academic and institutional processes related to accommodations, if they choose to do so; and 3). build or rebuild connections on campus*" (Voth Schrag, et al., 2020).

**The development and implementation of academic safety plans with survivors of violence is a central task of campus-based advocacy.**

# *Academic Safety Planning: Background and Key Considerations*

Safety planning is adapted for the college environment and the shifting risks in a small community. It is an on going and evolving process rather than a one-time intervention.

Advocates recognize the developmental stage that students may be in, and differences between students in needs based on developmental stages and community engagement.

Advocates focus on academic and social goals – keeping the reasons students choose to attend college in mind as they navigate shorter term safety needs.

Safety is defined beyond physical and emotional needs to include long-term academic, economic, and developmental impacts of violence.

If applicable: Advocates keep in mind their role as employees of a university, with aims for students that reflect this setting.

# *Academic safety planning and accommodation*

## **Safety planning for campus-based advocacy focus on:**

- Assessing and addressing students physical and mental safety on campus
- Advocating for academic accommodations
- (Re)building trust between the survivor and the institution or peer group

*“I wouldn’t have known about that if I hadn’t gone [to advocacy services]. I feel like it’s gotten a lot better. **This semester, I haven’t been as overwhelmed.** Even with the next semester, like, I’ll be taking 18 hours, but I feel like it’s actually doable because I have, like, support system, and ways to, like, get around that, and have the accommodations I need to, like, do well.... When I did that with my counselor, that’s when they introduced the accommodations to me.”*  
Campus-based advocacy service user

# Building Relationships Across Campus

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Multi-cultural  
offices

Office of  
international  
students

Student  
disability  
services

Student  
organizations

Academic  
advisors

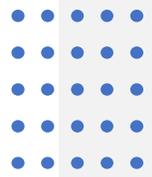
Deans of  
Colleges

# Providing Safer Passage- Physical Locations

- Navigating spaces shared with the abuser
- No contact orders or stay away orders
- Changes in living situations
- Police escorts to and from vehicles
- Working with professors to ensure separation

*\*Accommodations can be dependent on a TIX or campus police report\**

*\*keep in mind for the rest of the presentation*



# Emotional Safety on Campus

Supporting students to manage the impact of trauma triggers on academics.

Psychoeducation regarding trauma and memory

Plan safety accommodations the student can do for the classroom

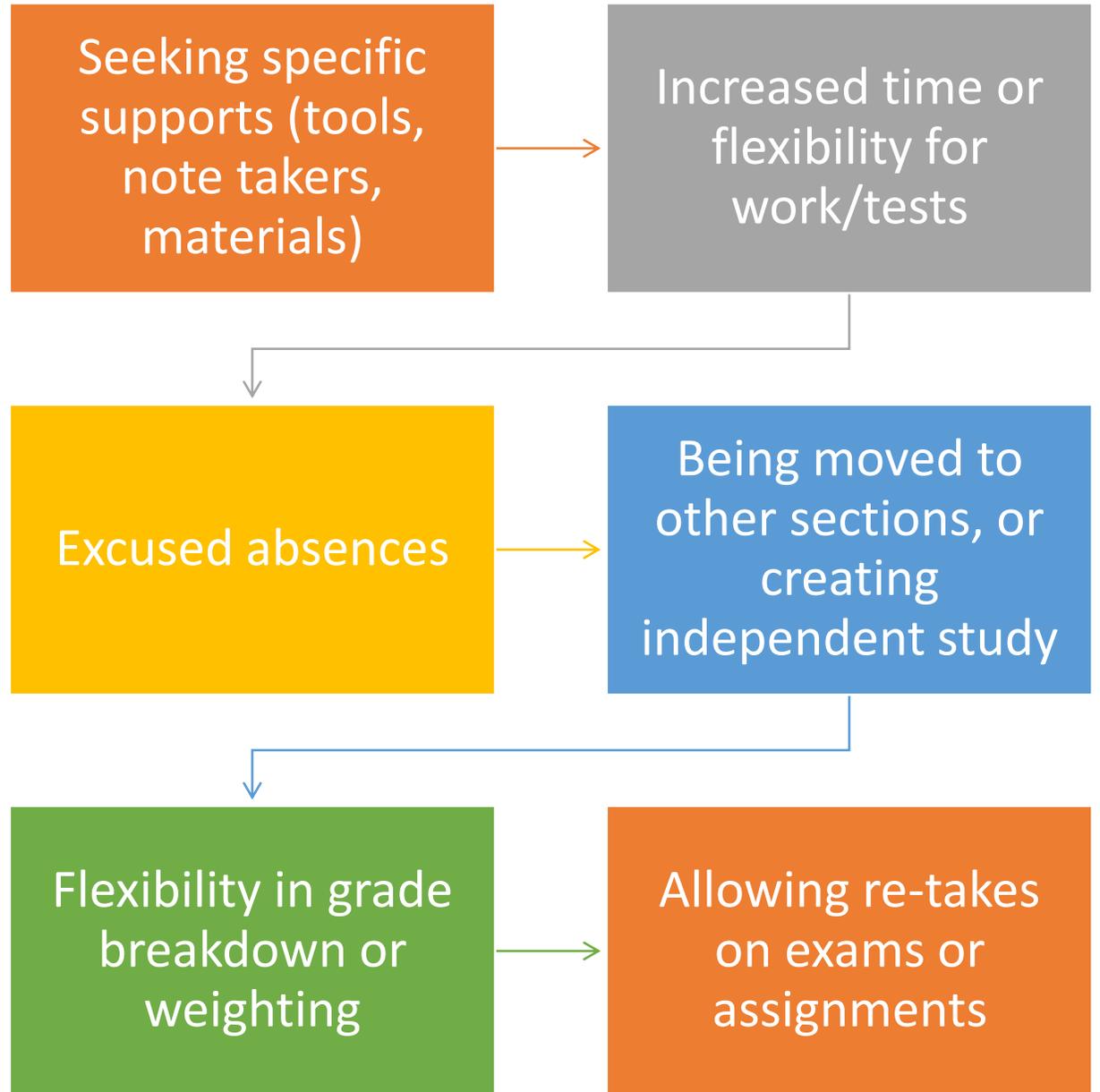
- Join late/leave early
- Review course work for triggering content

Provide referrals to mental health services

# Skill Highlight: Collaborate to provide academic accommodations

- Help survivors identify whether they would like academic accommodations and support what survivors believe would be helpful.
- In some cases, it may be helpful to discuss common or frequently used accommodations that are available to them.
- Identify the process needed to secure survivor-identified accommodations.
- Work with survivors through the complex decisions related to school/academic life and their long-term educational goals.
- Work with other campus collaborators to request identified accommodations with or on behalf of survivors (based on what survivors prefer).

# Academic Accommodations



# How To Advocate: Balancing Privacy and Disclosure

---

Do not share or contact anyone without the students' consent.

---

Discuss with students what, when and how to disclose to faculty and other program staff when asking for accommodations.

---

Create generic emails or forms for faculty and staff to inform them about your office/role and ask for specific accommodations.

---

Differing accommodations may require more disclosure or reporting- work with the student to understand the pros and cons of that disclosure and let them decide.

---

Ensure you, the student, and faculty all understand how your role intersects with Title IX reporting duties

# *Goal 6: Academic support*

## Short-term outcomes:

- Increased knowledge of campus resources
- Engaged in in learning opportunities
- Increased knowledge of rights and available supportive measures/accommodations
- Increased feelings of support from faculty and staff
- Increased safety in academic settings
- Reduced mental health symptoms negatively impacting academic work

# Short-term outcomes for Goal 6

- Advocating for survivors in campus spaces facilitates others in the community being aware of and supportive of survivor needs. In the initial impact survey, **over 40% of students reported** having received support from faculty or teaching assistants along with other campus resources.

*“These advocates, what they’re advocating on behalf of is an issue that is underrepresented, and so by having all these different resources that are relatively accessible, I think that makes it more—some things more accessible than people are gonna be getting—accessing it, they’re going to be talking about it, so it’s just raising awareness of an issue that’s already always been there.”*

Campus-based advocacy service user

# Long-term outcomes

## ➤ ***Met academic goals***

While participants in the initial impact survey reported strong short-term GPAs after their engagement with services, this was increased in the 6-month follow up survey, with the percentage of participants with an “A” GPA going from 56.5% to 64.2%. Similarly, from initial impact surveys to 6-month follow up surveys, **there were significant reductions in academic disengagement behaviors**, such as students skipping class, missing exams, and dropping or failing a class. Impact interviews found similar results.

*“I thought that because of personal trauma, I would have to experience loss and in all other aspects of my life. And I think through advocacy services, that loss was greatly reduced. I didn't lose my academic standing.”* –Campus-based advocacy service user

# Working with Faculty

- Brainstorm accommodations with student first
- Explain the impact of trauma and why accommodations are necessary
- Work with the disability office to receive documentation for accommodations, also helpful for long term support.
- Balance privacy and disclosure
- Support the student and faculty in continuing the conversation throughout the semester.
- Support faculty in providing trauma-informed response to students

*“We’re really trying to personalize and tell the professors, ‘Hey, this is going to be a conversation and it’s not just going to be like, ‘Oh, you’re going to do this one thing and everything’s okay.’ This is going to be a continuous conversation to get them through the semester.”*

- Campus Advocate

# Rebuilding Connection & Institutional Trust



Help students understand that the University is not a monolith



Help students recognize the disconnect and identify where advocacy is needed



Build relationships with main offices to create quick and easy referrals



Discuss expectations and possible outcomes of requested advocacy



Rebuilding connection in their campus community after betrayal

# Academic Safety Planning: *Advocacy Goes to Campus*

## Case Studies

# Potential Tools for your ToolKit

Support and advocate  
for physical and  
mental safety

- Assess physical safety from perpetrator
- Assess for school sabotage (tactics to intervene with academic progress)
- Create plan for and facilitate safety traveling to, from, and around campus
- Assess physical safety of locations around campus
- Provide psychoeducation on the impacts of trauma
- Provide connections to mental healthcare
- Help identify trauma triggers
- Identify resources for any financial or property loss

Support and advocate  
for access to  
academic  
accommodations

- Contact professors for accommodations for specific support on missed classes or extensions on assignments and tests
- Allow survivor to move class sections to reduce exposure to trauma triggers
- Support decision to withdraw and to ensure opportunity to re-enroll
- Work with other services and departments (like campus police and disability services) to access accommodations

Build trust between  
student-survivor and  
the school

- Support student's decision to withdraw and support process to ease ability to re-enroll
- Connect student with student-led networks
- Accompany student through institutional processes including Title IX processes

## Case Study : Li

Li is a female identified undergrad track athlete, and an international student from a country where females have fewer rights. She is a survivor of grooming and sexual coercion by a track coach. This was discovered by an athletic director, who initiated a Title IX report without Li's knowledge. The track coach was let go, and Li has been ostracized by her teammates because they all loved him. Li is currently living on campus and going through the Title IX process.

### Questions:

- What do you not know, what questions do you need to have answered as you engage with Li?
- What academic and life/systemic risks might Li be facing?
- What ASP strategies might be part of your conversation with Li?
- Which community & campus partners might need to be engaged?

## Case Study: Alex

Alex is a graduate student who is living off campus with their partner. They approached you via private chat after an online outreach event and disclosed that they are experiencing physical violence and school sabotage by their partner. They are a Dreamer, and have expressed mistrust of institutions and authorities, including the University's systems. They DO NOT WANT Title IX or their faculty to know what is going on. Alex's partner is not a member of the University community, and is using many tactics of school sabotage, including destroying their homework and emotional manipulation.

### Questions:

- What do you not know, what questions do you need to have answered as you engage with Alex?
- What academic and life/systemic risks might Alex be facing?
- What ASP strategies might be part of your conversation with Alex?
- Which community & campus partners might need to be engaged?

# In Your Role...

Be aware of campus resources and reporting requirements

Build relationships and advocate for survivor support in spaces.

What safety planning pieces can you incorporate into your work?

Create connections between campus and community resources

# Toolkit Resources Online

- At the Center for Violence Prevention web page, find:
- <https://www.utmb.edu/cvp/divisions/evaluation/campus-based-advocacy-evaluation-toolkit>
  - The Toolkit
  - The Campus-based Advocacy Logic Model
  - Three summary briefs
    1. Academic Safety Planning
    2. Digital Services
    3. Trauma-informed and Social Justice-Oriented Approaches
  - Survey tools

Check out our “What is Advocacy” videos for students on YouTube!

<https://www.youtube.com/channel/UCsFPPL5LGcRct6Sv8NwuWZw>

# ASP Brief



## WHAT IS ACADEMIC SAFETY PLANNING?

*Safety planning* is a collaborative process with survivors of sexual assault (SA) and intimate partner violence (IPV) to establish practical steps to reduce risks for current and future experiences of violence. The goal of safety planning is to identify potentially harmful situations, create plans to avoid or respond to those situations, and increase the overall safety of the survivor. These plans are individual, specific, and adaptable. Safety planning can happen while a survivor is in a violent relationship or planning to leave and can change over time as the survivor's circumstances and sense of well-being changes. In a campus setting the safety plan may respond to the academic harms and needs potentially experienced by student survivors. An **Academic Safety Plan (ASP)** is a "personalized, practical plan that can help student-survivors to: avoid and respond to physically and emotionally dangerous situations that may impact their academic achievement; disclose violence to academic representatives and engage in academic and institutional processes related to

accommodations, if they choose to do so; and build or rebuild connections on campus" (Voth Schrag, et al., 2020).

### ACADEMIC IMPACTS OF INTERPERSONAL VIOLENCE

Experiences of interpersonal violence can result in lasting impacts to physical, social, and emotional well-being, and survivors who are college students may face particular challenges impacting academics and future career. Potential impacts include:

- Disruption to housing
- Issues socializing with peers
- Academic disengagement
  - Coming to class late or intoxicated
  - Failure to complete assignments
  - Problems focusing
- Reduced GPA
- Failure to complete a degree
- Unenrollment or dropping out
- Mental health symptoms that limit school participation

# THANK YOU!

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Dr. Cynthia Jones

# SetTheExpectation

## THE TRACY RULE

A current or prospective<sup>1</sup> student-athlete who has been convicted of, pleaded guilty or no contest to a felony or misdemeanor involving Serious Misconduct, has been found a delinquent in relationship to a juvenile code equivalent, or has been disciplined by the university or athletic department at any time during enrollment at any collegiate institution (*excluding temporary disciplinary action during an investigation*) due to Serious Misconduct shall not be eligible for athletically-related financial aid, practice or competition at The University of Texas at San Antonio (“UTSA”). UTSA shall require all current and prospective student-athletes to complete the UTSA Minimum Expectations for Due Diligence Inquiries questionnaire regarding Serious Misconduct and if warranted, conduct an appropriate inquiry prior to providing athletically-related financial aid to a current or prospective student-athlete or allowing them to participate as a part of UTSA Department of Intercollegiate Athletics. Additionally, each prospective student-athlete, who is transferring to UTSA from another collegiate institution, is required to have their current school’s Title IX Coordinator, as well as any previous collegiate institution(s) that the student-athlete attended, complete an additional question on the UTSA Minimum Expectations for Due Diligence Inquiries questionnaire regarding whether or not the prospective student-athlete was a respondent in any matter and if they were found responsible. The completed additional question will have to be accompanied by the signature of the Title IX Coordinator. All completed UTSA Minimum Expectations for Due Diligence Inquiries questionnaires must be sent to The UTSA Athletic Compliance Office.

For purposes of this provision, “**Serious Misconduct**” is defined as any act of incest, rape, sexual assault, sexual violence, domestic violence, dating violence, stalking, sexual exploitation<sup>2</sup>, hate crime, murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury. Serious Misconduct includes any equivalent violation of the student code including but not limited to sexual misconduct, as defined in HOP 9.24<sup>3</sup>, including sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Serious Misconduct would also include any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where current or prospective student-athlete was convicted or pleaded guilty or no-contest.

A current or prospective student-athlete or their representative may request a waiver from The Tracy Rule by submitting their written request to the UTSA Tracy Rule Review Panel, defined below. A waiver will be granted when:

- (1) A panel from UTSA consisting of the University’s Title IX Coordinator or designee, Director for Student Conduct and Community Standards or designee, Faculty Athletics Representative, Athletic Executive Staff Member, and Senior Woman Administrator (“**The Tracy Rule Review Panel**”) with counsel from the Office of Legal Affairs, following a review of the pertinent facts and written waiver request, concludes that compelling exceptional circumstances exist for a waiver of The Tracy Rule;
- (2) The Tracy Rule Review Panel submits a written report to the University President, or his/her designee who shall be a Vice President outside the Athletic Department or the President’s Chief of Staff, and the Vice President for Intercollegiate Athletics (“**VP for Athletics**”) that describes the basis for its conclusion; and
- (3) Both the President, or his/her designee who shall be a Vice President outside the Athletic Department or the President’s Chief of Staff, and the VP for Athletics review and approve The Tracy Rule Review Panel’s report granting a waiver from The Tracy Rule.

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<sup>1</sup> Prospective student-athletes include but are not limited to high school student-athletes and transfer student-athletes.

<sup>2</sup> Sexual Exploitation includes but is not limited to sharing or distributing sexually explicit images of a person without that person’s consent.

<sup>3</sup> HOP 9.24 refers to the general provision of Sexual Harassment and Sexual Misconduct found in UTSA’s Handbook of Operating Procedures.

A UTSA Tracy Rule Advisory Committee will provide advisory opinions (*as requested*) on the application of The Tracy Rule to assist in the consideration of a current or prospective student-athlete's unique case. The Tracy Rule Advisory Committee, appointed by the President, shall include one person who is knowledgeable of trauma as it relates to survivors of Serious Misconduct (*e.g.*, Director and Prevention Coordinator, University Counselor, etc.).

###

# APPENDIX H: IMPACT SURVEY - CAMPUS ADVOCACY EVALUATION

This document is a template evaluation survey that includes assessment of campus-based advocacy programs, campus counseling services, and Title IX services and related outcomes. This survey includes suggested questions that may be tailored to fit different campus contexts, program availability, and evaluation goals.

## Survey Flow and Information

- Survey sections include: Informed consent, demographics, violence victimization experiences, service use experiences, academic outcomes, health, and recommendations for improved services. Questions are behaviorally specific to increase participant understanding and decrease attribution bias. Throughout this survey you will see the following:
- General survey flow and section notes: These will be indicated in Bold and will give you direction on which \ questions you may or may not want to include based on your particular context and evaluation goals
- Programming Notes: Notes are indicated in bracketed as [Programming Note: Directional Text] and will indicate how particular questions may be programmed in online survey software.
- Options for customization: There are places that indicate where you would include your campus name and/ or the name of your campus advocacy program. Those places are indicated as programming notes, such as [Insert campus here] and [Insert campus advocacy program name here]
- Footnotes and references: Certain questions or groups of questions were adapted from other surveys or measurement tools. Footnotes are included throughout this document to indicate what certain questions were adapted from and how to find the original measurement tool.

## Incentives

Incentivizing participants for their time in taking the survey through gift cards will increase participation in your evaluation survey and illustrate to participants that you value their time. If this option is available to your program, you should include this information in the survey promotional materials, introduction, and consent language. In the last section of this survey, we have included questions that ask for participant contact information for sending electronic gift cards. For example, the research team for this project sent out \$10 gift cards for participants who took the first (first impact survey survey) and \$15 for each follow-up time point survey they completed. This incentive structure can be customized to fit your budget and campus context.

## Follow-up surveys

This survey can be used as an initial, or first impact survey, survey. We have provided guidance on how to modify this tool as a follow-up survey to be sent out at specific time points after the individual has used the services to assess long-term outcomes and program efficacy. For this project, an initial survey was sent out to participants and then follow-up surveys were sent to those individuals at 3-months, 6-months, and 12-months post-first impact survey. Throughout the template campus advocacy survey, we have indicated questions that were either 1) only asked in the initial survey; 2) only asked in follow-up surveys; and 3) asked in both with the time frame changed in different time points. Reference times may need to be adjusted on follow-up surveys. There are several questions where the time frame did NOT change because that particular measurement has a set time frame. If this is so, we have indicated this the time frame does not change.

At the time of the first impact survey, participants should be asked if they would like to continue to be contacted for follow-up surveys. See Section 11 in the survey for sample language about follow-up surveys.

**[Note: This survey is formatted for use with people who have already begun advocacy services (longitudinal post-test design). First impact survey assessments can also occur before services begin. In this case, some of the consent language and service use questions will need to be augmented or removed.]**

Survey sections include:

- Informed Consent Information and Sample Consent Form
- Demographics and Eligibility Questions
- Violence Victimization
- Service Use and Experience
- Title IX
- Academic Outcomes
- Health
- Recommendations
- Incentive and Contact Information

# Section 1: Introduction and Informed Consent

## <Internal Heading Not Displayed to Participants>

[Programming Note: This is where you would insert your Informed Consent document into the survey. (See Appendix J for sample language.)]

1. If you agree to participate in the evaluation, please click “yes” below.
  - a. Yes
  - b. No

[Programming Note: skip to end if they answer “no”]

For follow-up surveys only: If you would like to track a particular respondent’s answers over time. You can provide them with a participant ID # that they will include at the beginning of each follow-up survey. This question should require an answer on your survey software. The following question could be included following the consent question to track participants over time.

You should have received a participant ID number in the email you received about this evaluation. Please enter your ID number below. If you cannot find your ID number, please list your email address instead.

Participant ID# \_\_\_\_\_

## Start of Survey

# Section 2: DEMOGRAPHICS

## <Internal Heading Not Displayed to Participants>

Thanks for taking the time to participate in this survey. The survey starts with a few demographic questions.

Just a reminder that answers are confidential and your specific information will not be shared. Data will be combined and presented in aggregate with all other participant data.

[Note: Include the following if you are going to provide incentives and/or follow-up surveys. At the end of the survey, we will ask for your contact information for [Insert gift card information]. This information will be kept separately from your survey answers. You may only take this survey one time; but you will be asked if you would like to participate in follow-up surveys [insert follow-up survey time points] for additional gift cards.]

[Note: Questions 1, 2, and 4 are eligibility questions and an answer should be required on survey software.]

[Ask question 1 on the follow-up surveys only: ]

We surveyed you about [3/6/12] months ago and you indicated you had participated in advocacy services at [insert campus name].

**You might have also participated in services at: [Insert Programs listed in First impact survey survey]**

1. Are you currently enrolled at [insert campus name]?
  - a. Yes
  - b. No
  - c. Enrolled elsewhere (fill in) \_\_\_\_\_
  - d. I graduated

[First impact survey Surveys would begin with this question:]

2. What is your age?
  - a. Under 18
  - b. 18 or older

[Programming Note: skip to end if they answer “under 18”]

3. Please enter your age in years: Drop-down menu ▼ 18 years old, 19 years old, 20 years old, 21 years old, 22 years old, 23 years old, 24 years old, 25 years old and continued.
4. Have you used advocacy, case management, counseling, or supportive services to help with academic and/or life needs at [Insert Campus Name] in the last [insert time frame 3/6/12 months]? This may include: [Insert list Campus Advocacy and Counseling services.]
  - a. Yes
  - b. No

[Programming Note: skip to end of survey if they answer “no”]

5. Are you currently enrolled at [Insert campus name] or have you been enrolled in the last [insert time frame 3/6/12 months]?
  - a. Yes
  - b. No
6. [Programming Note: display if they answered “no” to the question above] How are you affiliated with [Insert campus name]?
  - a. Faculty
  - b. Staff
  - c. Campus Visitor
  - d. Other, please specify: \_\_\_\_\_

[Programming Note: skip to 11 if they answer “faculty,” “staff,” or “campus visitor”]

7. [Programming Note: display if they answered “Yes” on 5] What is your current classification?
- Freshman
  - Sophomore
  - Junior
  - Senior
  - Graduate Student
  - Other, please specify: \_\_\_\_\_
8. [Programming Note: display if they answered “Yes” on 5] What is your enrollment status at [Insert campus name]?
- Enrolled full time (12+credit hours for undergraduate/9+hours for graduate students)
  - Enrolled part time (less than 12 credit hours for undergraduate/ less than 9 hours for graduate)
  - Not enrolled at campus - enrolled at another school
  - Currently withdrawn, but re-enrolling
  - Not enrolled at campus or any other school
9. [Programming Note: display if they answered “Yes” on 5] For the most recent semester you attended, which of the following best describes the type of classes you are taking?
- Only in-person classes
  - Both online and in-person classes
  - Only online classes
10. [Programming Note: display if they answered “Yes” on 5] What is your current living situation?
- Dorms/On campus in campus-owned housing
  - Off campus in campus-owned housing
  - Off campus in my own home/apt
  - Off campus with my parents or guardians
  - Staying with friends (couch surfing)
  - Living in a vehicle
  - Emergency shelter or transitional housing
  - Other, please specify: \_\_\_\_\_
11. Which of the following best describes your living situation?
- Living alone
  - Living with former or current romantic partner (spouse, boyfriend/girlfriend, partner)
  - Living with former or current romantic partner and children
  - Living with children only
  - Living with roommates
  - Living with parents
  - Other: Please fill in below \_\_\_\_\_
12. What is your current gender identity? (Select all that apply.)
- Male
  - Female
  - Gender queer/Gender non-conforming
  - Non-binary
  - Different Identity, please state: \_\_\_\_\_
  - Prefer not to answer

13. Do you identify as transgender?
- Yes
  - No
14. What is your race/ethnicity (as you define it)? (Please select all that apply.)
- White or Caucasian-Non-Hispanic
  - Hispanic or Latino/a
  - Black or African American
  - American Indian or Alaskan Native
  - Asian
  - Pacific Islander
  - Multiracial, please specify: \_\_\_\_\_
15. What is your sexual orientation?
- Gay
  - Lesbian
  - Bisexual
  - Pansexual
  - Asexual
  - Heterosexual/straight
  - Queer
  - A sexual orientation not listed
  - Unsure
  - Other, write in \_\_\_\_\_
16. What is your personal monthly income earned from working? Please do not include family or parents', partner's, or roommate's income. Please do not include any income from grants, loans, trusts, or other sources of income other than work.
- \$0 / I don't work for pay
  - \$1 - \$500
  - \$501 - \$1000
  - \$1001 - \$1500
  - \$1501 - \$2000
  - \$2001 - \$2500
  - \$2501 - \$3000
  - \$3001 - \$3500
  - \$3501 - \$4000
17. Do you have a history of any of the following?
- Hearing and/or vision impairment
  - Disability related to mobility
  - Developmental delay
  - Epilepsy or seizures
  - Cognitive impairment
  - Autism or pervasive developmental disorder
  - Anxiety, depression, PTSD or another psychiatric disorder
  - Attention deficit hyperactivity disorder (ADHD) or attention deficit disorder (ADD)
  - Eating disorder
  - Substance use disorder
  - Another chronic medical condition
  - Other \_\_\_\_\_

## Section 3. Violence Victimization

### <Internal Heading Not Displayed to Participants>

Over the next few questions, we will ask you about different experiences with behaviors/ situations you have experienced. Just a reminder that you may skip any question you do not wish to answer and that all your answers are confidential. You may stop taking the survey at any time.

In the following section, we will ask you what behaviors/situations you have experienced and then follow-up questions about the person(s) who engaged in these behaviors.

### <Internal Heading Not Displayed to Participants> Stalking Victimization

17. How many times have one or more people done the following things to you since you enrolled (for first impact survey)/since we last surveyed you [3/6/12 months ago] (for follow-up) at [Insert campus name]?
- Watched or followed you from a distance, or spied on you with a listening device, camera, or GPS (global positioning system)  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Approached you or showed up in places, such as your home, workplace, or school when you didn't want them to be there  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Left strange or potentially threatening items for you to find  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Left you unwanted messages (including text or voice messages)  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Sent you unwanted emails, instant messages, or sent messages through social media apps  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Made rude or mean comments to you online  
Answer choices: None; 1-2; 3-5; 6-8; More than 8
  - Spread rumors about you online, whether they were true or not  
Answer choices: None; 1-2; 3-5; 6-8; More than 8

[Programming Note: display questions 18-20 if the participant indicates any stalking victimization on Q17.]

Think about the situations that have happened to you that involved the experiences you marked above. Now think about the ONE SITUATION that had the greatest effect on you and answer the following questions.

18. In the situation that had the greatest effect on you from those you marked above, what was the gender of the other person?
- Man
  - Woman
  - Additional Gender
  - Don't Know
19. In the situation that had the greatest effect on you from those you marked above, what was your relationship to the person?

- a. Stranger
- b. Acquaintance
- c. Friend
- d. Romantic partner
- e. Former romantic partner
- f. Relative/family
- g. Faculty/staff

### <Internal Heading Not Displayed to Participants> Sexual Assault Victimization

20. How many times have one or more people done the following things to you since you enrolled (for First impact survey)/since we last survey you [3/6/12 months ago] (for follow-up) at [Insert Campus name]?
- a. Someone fondled, kissed, or rubbed up against the private areas of my body (lips, breast/chest, crotch or butt) or removed some of my clothes without my consent (but did not attempt sexual penetration).  
Answer choices: None, 1 time, 2 times, 3+ times
  - b. Someone had oral sex with me or made me have oral sex with them without my consent.  
Answer choices: None, 1 time, 2 times, 3+ times
  - c. Someone put their penis, fingers, or other objects into my vagina without my consent.  
Answer choices: None, 1 time, 2 times, 3+ times
  - d. Someone put their penis, fingers, or other objects into my butt without my consent.  
Answer choices: None, 1 time, 2 times, 3+ times

[Programming Note: display questions 21-22 if participant experienced sexual assault victimization on Q20.]

Think about the situations that have happened to you that involved the experiences you marked above. Now think about the ONE SITUATION that had the greatest effect on you and answer the following questions.

21. In the situation that had the greatest effect on you from those you marked above, what was the gender of the other person?
- a. Man
  - b. Woman
  - c. Additional gender
  - d. Don't Know
22. In the situation that had the greatest effect on you from those you marked above, what was your relationship to the person?
- a. Stranger
  - b. Acquaintance
  - c. Friend
  - d. Romantic partner
  - e. Former romantic partner
  - f. Relative/family
  - g. Faculty/Staff

### <Internal Heading Not Displayed to Participants> Partner Violence/Dating Violence Victimization

Answer the next questions about any hook-up, partner, boyfriend, girlfriend, or spouse you have had, including exes, regardless of the length of the relationship.

23. How many times, since you enrolled (for first impact survey)/since we last survey you [3/6/12 months ago] (for follow-up) at [Insert Campus name] have they done any of the following?

a. Not including horseplay or joking around, the person threatened to hurt me and I thought I might really get hurt.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

b. Not including horseplay or joking around, the person pushed, grabbed, or shook me.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

c. Not including horseplay or joking around, the person hit me.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

d. Not including horseplay or joking around, the person beat me up.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

e. Not including horseplay or joking around, the person stole or destroyed my property.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

f. Not including horseplay or joking around, the person can scare me without laying a hand on me.

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

[Programming Note: display questions 24-25 if participant experienced any partner or dating violence on Q23.]

Think about the situations that have happened to you that involved the experiences you marked above. Now think about the ONE SITUATION that had the greatest effect on you and answer the following questions.

24. In the situation that had the greatest effect on you from those you marked above, what was the gender of the other person?

- a. Man
- b. Woman
- c. Additional gender
- d. Don't Know

25. In the situation that had the greatest effect on you from those you marked above, what was your relationship to the person?

- a. Romantic partner
- b. Former romantic partner
- c. Other

## <Internal Heading Not Displayed to Participants> School Sabotage Victimization

Answer the next questions about any hook-up, partner, boyfriend, girlfriend, spouse you have had, including exes, regardless of the length of the relationship.

26. How many times, since you enrolled (for First impact survey)/since we last survey you [3/6/12 months ago] (for follow-up) at [Insert Campus name] have they done any of the following?

a. Stalked or harassed you at school

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

b. Threatened to prevent you from going to school

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

c. Sabotaged childcare or other important arrangements so you couldn't go to school

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

d. Told you that your schooling doesn't matter

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

e. Seemed threatened by the new skills you are learning

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

f. Destroyed books, homework, or equipment you need for school

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

g. Prevented you from doing your homework or studying

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

h. Took your student loan money or other money that was meant for school

Answer choices: Never, Once or Twice, Sometimes, Often, Many Times

[Programming Note: display questions 27-28 if participant experienced any school sabotage victimization on Q26]

Think about the situations that have happened to you that involved the experiences you marked above. Now think about the ONE SITUATION that had the greatest effect on you and answer the following questions.

27. In the situation that had the greatest effect on you from those you marked above, what was the gender of the other person?

- a. Man
- b. Woman
- c. Additional Gender
- d. Don't Know

28. In the situation that had the greatest effect on you from those you marked above, what was your relationship to the person?

- a. Romantic partner
- b. Former romantic partner
- c. Other

29. How safe do you feel from violence, threats, stalking or abuse in your current housing?

- a. Very safe
- b. Somewhat safe
- c. A little bit safe
- d. Not at all safe

### <Internal Heading Not Displayed to Participants> Additional Forms of Victimization

30. Have you experienced any of the following since you enrolled (for first impact survey survey)/since we last surveyed you [3/6/12 months ago] (for follow-up survey) at [Insert campus name]?

- a. Family Violence: (Physical, sexual, psychological, economic, or school abuse from a family member, such as parent or sibling.)  
Answer Choices: Yes, during my time at university, Yes, before my time at university, Yes, both before and during my time at university, No
- b. Hate/Bias Crime: (Targeted harassment because of group membership (or perceived membership) in a certain social group or race.)  
Answer Choices: Yes, during my time at university, Yes, before my time at university, Yes, both before and during my time at university, No
- c. Property Crime (Robbery/theft/burglary)  
Answer Choices: Yes, during my time at university, Yes, before my time at university, Yes, both before and during my time at university, No
- d. Other: [Fill In Box]  
Answer Choices: Yes, during my time at university, Yes, before my time at university, Yes, both before and during my time at university, No

Now we have some questions about whether the harm you experienced got worse or better after you stated getting help at [Insert campus name].

31. Please rate your safety in the last six months (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up):
- Very safe
  - Somewhat safe
  - A little bit safe
  - Not at all safe
32. Has your safety improved since using <program name> services?
- not at all
  - a little
  - somewhat
  - a lot
  - I did not have safety concerns

## Section 5: Service Use and Experience

### <Internal Heading Not Displayed to Participants>

For the next section, questions will cover what campus advocacy services you used at [Insert campus name].

33. [Programming Note: on follow-up surveys add: Since we last surveyed you about (3/6/12) months ago,] Have you tried to use services on campus because of an experience of violence or harm, and not been able to access services?
- Yes
  - No
34. [Programming Note: display if participant answered “Yes” on the question above] Can you tell us more about that? <open text response> \_\_\_\_\_

35. Have you used services from any of the following programs at [Insert campus name] in the last 6 months (first impact survey)/since we last surveyed you [3/6/12] months ago (follow-up)?

(Select all that apply.)

- a. [Insert campus advocacy program name] (if you are unsure what this service is, see website, [Insert campus advocacy program website])
- b. Counseling Services (if you are unsure, see website [Programming Note: insert campus counseling services website])
- c. Title IX Office (if you are unsure, see website [Programming Note: insert campus Title IX office website])
- d. Health Services (if you are unsure, see website [Programming Note: insert campus health services website])
- e. Other (Please fill in): \_\_\_\_\_
- f. No

[For follow-up surveys only:]

36. [Programming note: Display if participant answered “no” on question 35.] What was the primary reason for not engaging in these services again?

(Check all that apply.)

- a. Did not need them
- b. No longer enrolled at university
- c. Services were not helpful
- d. I did not like services
- e. No more sessions available
- f. Other (Please fill in.) \_\_\_\_\_

37. [Programming note: Display if participant answered “no” on question 35.] Can you tell us more about that?

\_\_\_\_\_

38. Are you currently using any other services off-campus related to past experiences of violence and/or harm, such as community-based counseling or advocacy services?

- a. Yes
- b. No

39. [Programming note: display if “yes” on question 38] Were you referred to these services by any university services/program?

- a. Yes
- b. No

40. [Programming note: display if “yes” on 38] What off-campus services are you using?

<open text response> \_\_\_\_\_

[Programming Note: skip to end of the next section if the participant answered “no” on 35, Continue to the remainder of the section if the participant answered, “campus advocacy program” on question 35.]

Now we are going to ask you some questions about your service experience at [Insert Campus Advocacy Program Name].

41. What services did you use at [Insert Campus Advocacy Program Name]?

- a. Counseling/therapy
- b. Advocacy/case management

[Programming note: Can include the following definition] Advocacy and case management are supportive services for individuals that have experienced unhealthy relationship, dating violence, or sexual violence to help with academic and life needs. May include crisis counseling, safety planning and referrals]

- c. Support group
- d. Other \_\_\_\_\_

[Programming Note: Ask Question 42 and 43 on first impact survey only:]

42. What month and year did you begin using these services at [Insert Campus Advocacy Program Name]?

(Month/Year): \_\_\_\_\_

43. What events brought you to services at [Insert Campus Advocacy Program Name]? <open text response> \_\_\_\_

\_\_\_\_\_

[Programming Note: Ask Question 44 on follow-up survey only:]

44. When was the last time you used services at [Insert Campus Advocacy Program Name]? (Month/Year): \_\_\_\_

\_\_\_\_\_

Ask Question 45 on First impact survey only:

45. How did you learn about [Insert Campus Advocacy Program Name]?

(Select all that apply.)

- a. Friend or classmate told me about it
- b. Faculty or staff member told me about it
- c. Website
- d. Referred from Title IX office
- e. Referred from the Counseling Services
- f. Referred from Office of Institutional Equity & Diversity
- g. Referred from Health Services
- h. Referred from Police Department
- i. Flyer or poster around campus
- j. Saw a presentation, table, or booth around campus
- k. Other office \_\_\_\_\_
- l. Can't remember
- m. Other \_\_\_\_\_

[Note: Questions 46-59 will help determine the level to which services are survivor-led.]

In the next set of questions, we are going to ask you about things people often get help with when using advocacy services on campus.

46. While you were working with the [Insert Campus Advocacy Program Name] office, did you get assistance with any of the following [for follow-up surveys add: since we last surveyed you (3/6/12) months ago]? Please

select “yes” or “no” from the drop-down menu for each item.

- a. Getting safe/safety needs
- b. Information about the impact of trauma/violence
- c. Information about healthy or unhealthy relationships
- d. Medical help
- e. Transportation
- f. Housing
- g. Emotional support/counseling
- h. Information about reporting to law enforcement
- i. Information about reporting to Title IX
- j. Information on drug or alcohol use
- k. Financial needs
- l. Academic accommodations (managing classes and coursework, letters to professors, etc.)
- m. Finding additional support/referrals to other resources
- n. Other

47. How helpful were the following services? [Programming note: include the items the participant selected from the question above.]

Please select from the choices in the drop-down menu for each item:

- a. Getting safe/safety needs  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- b. Information about the impact of trauma/violence  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- c. Information about healthy or unhealthy relationships  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- d. Medical help  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- e. Transportation  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- f. Housing  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- g. Emotional support/counseling  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- h. Information about reporting to law enforcement  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- i. Information about reporting to Title IX  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- j. Information on drug or alcohol use  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- k. Financial needs  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- l. Academic accommodations (managing classes and coursework, letters to professors, etc.)  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful
- m. Finding additional support/referrals to other resources  
Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful

n. Other: (Please fill in)

Answer choices: Not Helpful at All, A Little Bit Helpful, Somewhat Helpful, Very Helpful

48. [Programming Note: display if participant answered “yes” to “Finding additional support/referrals to other resources” on question 47] The person I worked with at [Insert Campus Advocacy Program Name] referred me to the following:

- a. Campus Police Department
- b. Campus Health Services
- c. Financial Aid
- d. Campus Counseling Services
- e. Dean of Students
- f. Title IX Office
- g. Office related to student disability/accessibility services
- h. Office related to student rights, responsibilities, conduct
- i. Off campus - community based therapy or counseling
- j. Off campus - community dating violence and sexual assault center
- k. Other \_\_\_\_\_

49. [Programming Note: display if participant answered “yes” to “Financial Needs” on question 47] What financial needs did you seek assistance with?

- a. Tuition
- b. Medical bills
- c. Food
- d. Other bills \_\_\_\_\_
- e. Rent or other housing costs

50. [Programming Note: display if participant answered “yes” to “Academic Accommodations” on question 47] What academic accommodations did you seek assistance with?

- a. Missed classes
- b. Missed exams
- c. Missing classwork
- d. Other academic accommodations \_\_\_\_\_

51. [Since you started working with [Insert Campus Advocacy Program Name] (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up)], how many times did you meet with staff in person?

Drop-down menu items ▼ 0-1 times, 2-3 times, 4-5 times, 6-7 times, 8+ times

52. [Since you started working with [Insert Campus Advocacy Program Name] (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up)], how many times did you communicate with staff over phone/text/email or secure message?

Drop-down menu items ▼ 0-1 times, 2-3 times, 4-5 times, 6-7 times, 8+ times

53. Overall, how satisfied are you with the amount of effort staff at [Insert Campus Advocacy Program Name] put in assisting you?

- 
- a. Very satisfied
  - b. Somewhat satisfied
  - c. Somewhat dissatisfied
  - d. Very dissatisfied
  - e. Not applicable
  - f. Declined to answer

54. Between you and staff members at [Insert Campus Advocacy Program Name] who decided what you worked on?

- a. I did, completely
- b. I did, mostly
- c. We did, equally
- d. The staff person did, mostly
- e. The staff person did, completely
- f. Declined to answer

55. Please click the answer choice that best reflects whether you agree or disagree with the following statement.

The staff person at [Insert Campus Advocacy Program Name] was available when I needed them.

- a. Strongly agree
- b. Agree
- c. Disagree
- d. Strongly disagree

56. Please click the answer choice that best reflects how true the following statement is based on your experience.

People's cultural backgrounds are respected at [Insert Campus Advocacy Program Name].

- a. Not at all true
- b. A little true
- c. Somewhat true
- d. Very true
- e. I don't know

57. Please click the answer choice that best reflects how true the following statement is based on your experience

Staff at [Insert Campus Advocacy Program Name] understand how discrimination impacts peoples' everyday experiences.

- a. Not at all true
- b. A little true
- c. Somewhat true
- d. Very true
- e. I don't know

58. The following questions are about your interactions with staff at [Insert Campus Advocacy Program Name] who you worked with after your experiences of violence and harassment (for example, advocates and/or

counselors). Please click the answer choices that best reflects whether you agree or disagree with the following statements.

a. I feel respected by staff.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

b. Staff help me to shape goals that work for me.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

c. Staff do not expect me to be perfect.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

d. Staff make sure that services are right for what I need.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

e. Staff offer choices.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

f. Staff believe that decisions about my life are mine to make.

Answer choices: Strongly Disagree, Disagree, Agree, Strongly Agree

59. Is there anything else you would like to tell us about your experience at [Insert Campus Advocacy Program Name]? \_\_\_\_\_

## Section 6: Title IX

### <Internal Heading Not Displayed to Participants>

[Programming Note: display the following section if participant worked with “Title IX Office” on question 39]

Now we are going to ask you some questions about Title IX services. If you are unsure what Title IX is at [Insert campus name], here is a link [Hyperlink to campus Title IX website]

61. Which services at Title IX did you use [in the last 6 months (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up)]?

- a. Advocacy [Supportive services to help with academic and life needs]
- b. Information/education
- c. Investigation
- d. Unsure

[Programming note: Ask question 61 and 62 on the first impact survey survey only:]

62. What month and year did you first make contact with Title IX? [Month/Year]: \_\_\_\_\_

63. How did you learn about Title IX? (Select all that apply.)

- a. Friend or classmate told me about it

- b. Faculty or staff member told me about it
- c. Website
- d. Referred from Title IX office
- e. Referred from Counseling Services
- f. Referred from campus advocacy program
- g. Referred from Health Services
- h. Referred from Police Department
- i. Flyer or poster around campus
- j. Saw a presentation, table, or booth around campus
- k. Other Office (Please fill in): \_\_\_\_\_
- l. Other (Please fill in): \_\_\_\_\_

64. When was your last appointment or when did you last seek services from Title IX? [Month/Year]: \_\_\_\_\_

65. What was your experience with the Title IX office like?  
<open text response> \_\_\_\_\_

## Section 7. Counseling

### <Internal Heading Not Displayed to Participants>

[Programming Note: display the following section if participant worked with “Counseling/Mental Health Services”]

Now we are going to ask you some questions about services you used [Insert Campus Counseling Program Name].

66. Which services did you use at [Insert Campus Counseling Program Name] [in the last 12 months (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up)]? (Select all that apply.)
- a. Counseling
  - b. Advocacy
  - c. Support group
  - d. Other (Please fill in): \_\_\_\_\_

[Programming note: Ask questions 66 and 67 on the First impact survey survey only:]

67. What month and year did you begin using these services? (Month/Year): \_\_\_\_\_

68. How did you learn about [Insert Campus Counseling Program Name]? (Select all that apply.)
- a. Friend or classmate told me about it
  - b. Faculty or staff member told me about it
  - c. Website
  - d. Referred from Title IX office

- e. Referred from [Insert campus advocacy program]
- f. Referred from campus health services
- g. Referred by campus police department
- h. Flyer or poster around campus
- i. Saw a presentation, table, or booth around campus
- j. Other campus office (Please fill in): \_\_\_\_\_
- k. Other (Please fill in): \_\_\_\_\_

69. When was your last appointment or when was the last time you used these services? (Month/Year):

\_\_\_\_\_

70. What was your experience with [Insert Campus Counseling Program Name] like?

<open text response> \_\_\_\_\_

## Section 8. Academic Outcomes

### <Internal Heading Not Displayed to Participants>

71. What is your estimated current overall GPA for the last semester you were enrolled in?

- a. A (3.34-4.00)
- b. B (2.34-3.33)
- c. C (1.34-2.33)
- d. D (.67-1.33)
- e. F (0.00-0.66)
- f. I did not receive grades in my course(s)

72. Is this GPA higher, lower, or about the same as the previous semester?

- a. Higher
- b. Lower
- c. About the same
- d. Unsure
- e. This is my first semester of college
- f. Other \_\_\_\_\_

73. Are you on scholastic/academic probation?

- a. Yes
- b. No

74. Are you on financial aid probation?

- a. Yes
- b. No

75. How do you meet your college expenses?

Fill in the answer that best approximates the amount of support from EACH of the various sources.

[Programming Note: Answer choices for each item: None, Some, A lot]

- a. Self (employment, savings, etc.)
- b. Parents
- c. Spouse or partner
- d. Employer support (tuition reimbursement, etc. employer support OTHER than your paycheck)
- e. Scholarships and grants
- f. Loans
- g. Other, fill in

### <Internal Heading Not Displayed to Participants> Academic Disengagement Scale

76. How many times have you done the following [in the last 6 months (first impact survey)/Since we last surveyed you [3/6/12] months ago (follow-up)] directly or indirectly because of violence, harassment, and/or abuse? Please select from the answer choices in the drop-down menu for each statement.

- a. Missed class (because of abuse, violence, or harassment experiences and not due to prior Services for Students with Disabilities (SSD) accommodations)

Answer choices: never, rarely, sometimes, most of the time, always

- b. Was unable to attend class due to safety concerns

Answer choices: never, rarely, sometimes, most of the time, always

- c. Was unable to attend class due to mental health symptoms

Answer choices: never, rarely, sometimes, most of the time, always

- d. Missed an exam, quiz, or other graded assignment

Answer choices: never, rarely, sometimes, most of the time, always

- e. Turned in poor schoolwork

Answer choices: never, rarely, sometimes, most of the time, always

- f. Attended class intoxicated or “high”

Answer choices: never, rarely, sometimes, most of the time, always

- g. Slept in class

Answer choices: never, rarely, sometimes, most of the time, always

- h. Failed in class

Answer choices: never, rarely, sometimes, most of the time, always

- i. Dropped a class

Answer choices: never, rarely, sometimes, most of the time, always

- j. Thought about quitting school

Answer choices: never, rarely, sometimes, most of the time, always

- k. Turned in homework/an assignment late or not at all

Answer choices: never, rarely, sometimes, most of the time, always

- l. Withdrew for a semester

Answer choices: never, rarely, sometimes, most of the time, always

77. Did any staff or faculty/professor/TAs at your campus help you address any of these issues?

- a. Yes
- b. No

78. How did your experiences of violence impact your academic experience at [Insert campus name]? <open text response> \_\_\_\_\_

79. Please rate how true each of these statements is for you now, after having worked with staff at [Insert campus name]?

a. I can cope with whatever challenges come at me as I work to keep safe.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

b. I know what to do in response to threats to my safety.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

c. I have a good idea about what kinds of support for safety that I can get from people in my university community (friends, classmates, instructors, staff members).

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

d. When something doesn't work to keep safe, I can try something else.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

e. I feel confident in the decisions I make to keep safe.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

f. Campus programs and services provide support I need to keep safe.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

g. I know what options are available to support my staying in school while dealing with the risks to my safety.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

h. I know what the next steps are in my path towards staying safe at school.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

i. I feel comfortable asking for help addressing the academic impacts of my experience.

Answer choices: Not at all true, A little true, Somewhat true, Very true, Decline to answer

## Section 9. Health

### <Internal Heading Not Displayed to Participants>

80. Would you say your general physical health is:

- a. Excellent
- b. Good
- c. Fair
- d. Poor
- e. Don't know/Not sure

81. Have you been diagnosed with any disability, impairment, or mental health condition (for follow-up surveys add: since we last surveyed you 3/6/12 months ago)?

- a. Yes
- b. No

82. [Programming Note: Display if they answered "Yes" on the question 80] Which of the following has been diagnosed?

- a. A sensory impairment
- b. A mobility impairment
- c. A learning disability (e.g. ADHD, dyslexia)

- d. A mental health condition
- e. A disability or impairment not listed

### <Internal Heading Not Displayed to Participants> Depression Symptom Scale

83. For the next questions, we would like to know how you have been feeling over the past two weeks.

How often have you felt...

- a. Little interest or pleasure in doing things  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- b. Feeling down, depressed, or hopeless  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- c. Trouble falling asleep, staying asleep, or sleeping too much  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- d. Feeling tired or having little energy  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- e. Poor appetite or overeating  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- f. Feeling bad about yourself - or that you are a failure or have let yourself or your family down  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- g. Trouble concentrating on things such as reading the newspaper or watching television  
Answer choices: Not at all, several days, more than half of the days, nearly every day
- h. Moving or speaking so slowly that other people could have noticed. Or the opposite - being so fidgety or restless that you have been moving around a lot more than usual  
Answer choices: Not at all, several days, more than half of the days, nearly every day

### <Internal Heading Not Displayed to Participants> PTSD Symptom Checklist

The next questions ask about how the experiences we asked you about have been affecting you in the past month.

84. In the last month have you...

Drop-down menu choices for each item below: Yes, No

- a. Had nightmares about the event(s) or thought about the event(s) when you did not want to?
- b. Tried hard not to think about the event(s) or went out of your way to avoid situations that reminded you of the event(s)?
- c. Been constantly on guard, watchful, or easily startled?
- d. Felt numb or detached from people, activities, or your surroundings?
- e. Felt guilty or unable to stop blaming yourself or others for the event(s) or any problems the event(s) may have caused?

### <Internal Heading Not Displayed to Participants> Alcohol and Drug Misuse

Now we would like to ask some questions about alcohol and drug use.

People use alcohol or drugs for a variety of reasons, and these questions help us to know how different people cope with different things in their lives and understand different health needs.

Violence that occurs when a person has been drinking or using drugs is never the survivors/victims fault.

85. Do you drink alcohol?

- a. Yes
- b. No
- c. Declined to answer

86. [Programming Note: display if “yes” on the question 84] In the last 6 months, have you...

Drop down menu: Yes/No

- a. felt you ought to cut down on your drinking
- b. had people annoyed you by criticizing your drinking
- c. felt bad or guilty about your drinking
- d. ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover (eye-opener)

87. Do you use drugs other than prescription medications and over-the-counter medicine (This includes weed, synthetic marijuana, cocaine and other drugs)? Or do you use prescription medications more than prescribed?

- a. Yes
- b. No
- c. Declined to answer

88. [Programming Note: if “yes” on the question 86] In the last 6 months (since school began this year), have you...

Drop down menu: Yes/No

- a. felt you ought to cut down on your drug use?
- b. had people annoy you by criticizing your drug use?
- c. felt bad or guilty about your drug use?
- d. ever used drugs first thing in the morning to steady your nerves or to get rid of a hangover (eye-opener)?

## <Internal Heading Not Displayed to Participants>

### Social Support

89. For the following statements, think about all the people in your life aside from staff and faculty at your campus. Please answer how strongly you agree or disagree with each of the following statements.

- a. There is a special person around when I am in need.  
Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree
- b. There is a special person I share joys and sorrows with.  
Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree
- c. My family tries to help me.  
Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree
- d. I get emotional help and support from my family.  
Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

strongly agree

e. I have a special person who is a source of comfort.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

f. My friends really try to help me.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

g. I can count on my friends when things go wrong.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

h. I can talk about my problems with my family.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

i. I have friends with who I share joys and sorrows.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

j. There is a special person who cares about my feelings.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

k. My family is willing to help me make decisions.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

l. I can talk about my programs with my friends.

Answer choices: Very strongly disagree, somewhat disagree, disagree, agree somewhat agree, very strongly agree

## Section 10: Recommendations

### <Internal Heading Not Displayed to Participants>

90. What recommendations do you have to improve services to survivors or violence, abuse and harassment at [Insert campus name]? \_\_\_\_\_

## Section 11: End of Survey

### <Internal Heading Not Displayed to Participants>

Thank you so much for taking this survey.

We have included resources listed below if you need more information or someone to talk to about your experiences with violence and/or abuse.

- The National Sexual Assault Hotline: 1-800-656-HOPE
- The National Domestic Violence Hotline: 1-800-799-7233 | 1-800-787-3224 (TTY)
- National Suicide Prevention Lifeline 1-800-273-8255
- Substance Abuse and Mental Health Services Administration Hotline 1-800-662-4357
- [Programming Note: Insert Local/Campus-Area Resources]

[Note: If you are going to provide compensation to individuals that are taking the evaluation survey, the following questions will be helpful.]

91. Thank you for participating in the survey. We appreciate your time and expertise.

Please provide your preferred email for the gift card and allow one week for processing. Only one gift card can be given per person/email.

This information will be kept separate from your survey data and will be kept confidential.

Preferred email: \_\_\_\_\_

92. Would you be willing to be contacted in the future for more voluntary surveys or interviews to further evaluate the campus services asked about today? You will be eligible for an additional [\$XX] gift card for each follow-up survey

If so, please enter your preferred email address and phone number below. This information will be kept separate from your survey data and will be kept confidential.

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_