

Subject: Faculty Statement of Support for a Victim Advocate at Washburn University

Description: Washburn University does not employ a professional staff person designated to provide confidential services and advocacy to students and employees of Washburn and Washburn Tech who have experienced victimization. The U.S. Justice Department's Office on Violence Against Women (OVW) recently awarded Washburn University a major grant to develop sexual assault education and prevention. The Project Coordinator position this grant funds through September 2018 will not, however, be available to provide confidential victim advocacy services. It is our position that these services are urgently needed at Washburn.

A confidential victim's advocate would be available to assist victims/survivors in understanding and navigating university policies and procedures related to victimization and promote their academic and professional success and personal wellness. This professional position requires knowledge and competence in providing confidential, victim-centered, trauma-informed services in order to meet best-practice standards in responding to victims/survivors of sexual violence and harassment as well as all types of victimization.¹ A confidential victim advocate is knowledgeable in crisis management, community referral services, and the criminal justice system. No other position on campus, including the Sexual Assault Education and Prevention Project Coordinator, currently provides these services, or has this cross-discipline professional development and competency. A confidential victim's advocate would further be available to collaboratively develop (e.g., with Sexual Assault Education and Prevention Coordinator, WU Police, WU counseling, Multi-Cultural Affairs, etc.) and continuously implement and update training to prevent victimization at Washburn, especially sexual assault, in an effort to ensure the University remains Title IX compliant even after the conclusion of the OVW grant.

Rationale: Recent federal regulations regarding the reporting of students who experience incidents of sexual assault and harassment have intensified discussions at Washburn regarding appropriate responses to victims/survivors of sexual discrimination and abuse. Providing confidential victim-advocate services to students and employees who have experienced such victimization, as well as to those who have experienced other types of discrimination, including racial and ethnic bias, is not only organizationally ethical, it may also positively affect admissions and

¹ "ATIXA Position Statement on the Need for Victim Advocates on College Campuses." Available at <https://atixa.org/wordpress/wp-content/uploads/2012/01/2015-ATIXA-Victim-Advocates-Position-Statement-FINAL.pdf>

retention. In addition, this position would strengthen the effectiveness of the Title IX officer at Washburn, and assist Washburn in living up to both its mission as an open-admission, municipally funded university and its legacy as Lincoln College. Finally, providing victim-advocate services would help to protect the University in the event of an U.S. Department of Education's Office for Civil Rights (OCR) investigation.

Universities across the nation have increasingly assumed a proactive service response to victims, particularly those who have experienced sexual violence and harassment.² It is no longer considered innovative for a university to have confidential victim services on campus. As students and parents compare universities and services, having a comprehensive response would help to convey the impression that Washburn is a student-centered institution and may result in improved admissions.

Furthermore, the impact of victimization on admitted students' emotional and social functioning is frequently such that academic performance is impaired and thereby negatively affects retention of these students.³ A recent survey of Washburn students revealed that in the past year over 28% experienced a traumatic event(s) and almost 19% reported having witnessed a traumatic event(s). Further, over a quarter of the respondents reported having haunting memories, nightmares, physical reactions, excessive vigilance, and/or flashbacks related to the event(s).⁴ While the survey did not define "traumatic event" as victimization, a victimization event, especially violent victimization like a sexual assault, is often traumatic. Sexual victimization rates tend to be higher for traditional college-age students than most other age groups. Indeed, the White House Task Force to Protect Students from Sexual Assault reported in 2014 that at least one in five college students experience sexual assault during their

² For example, the University of Kansas, Kansas State University, and Emporia State University all currently employ confidential victim advocates to provide services to their students.

³ According to one study: "sexual assault has a deleterious impact on college women by adding academic impairment to negative health and mental health sequelae." Carol Jordan, Jessica Combs, and Gregory Smith, "An Exploration of Sexual Victimization and Academic Performance Among College Women" *Trauma Violence Abuse* 15.3 (July 2014): 191-200. Available:

http://uknowledge.uky.edu/ipsvaw_facpub/38

⁴ Jody Toerber-Clark, "Behavioral Health Assessment of Washburn University," Washburn University DNP Project, 2015.

college careers.⁵ A more recent study by the United States Department of Justice Bureau of Justice Statistics (BJS) put the number at one in four.⁶

Negative experiences regarding institutional responses to reports of sexual assault and harassment in which institutional personnel may express adverse attitudes centering on attributions of blame toward the victim/survivor may exacerbate the traumatic impact on the victim/survivor, thus further affecting student performance and attrition.⁷ Fortunately, however, research seeking to understand these effects has demonstrated the efficacy of various interventions to decrease individuals' victim-blaming attitudes and to improve services for individuals who have experienced victimization, particularly sexual violence and harassment.⁸ Thus, appropriate responses by the University to victims/survivors are likely to improve performance and retention of both students and employees at Washburn.

The Association of IX Administrators (ATIXA), the nation's only membership organization dedicated solely to compliance with Title IX and the support of over 4,000 administrators who hold Title IX reporting responsibilities in schools and colleges, issued a position statement in 2015 strongly endorsing the need for universities to provide free and confidential support and advocacy to students and employees who experience sexual assault, sexual harassment, or other gender-based or sex-based harassment or violence. According to ATIXA:

Our experience from over 20 years of work in the field clearly shows that in the vast majority of cases, the college's resolution process is optimized for victims/survivors when a trained,

⁵ *Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault*. Available at <https://www.notalone.gov/assets/report.pdf>

⁶ *Campus Climate Survey Validation Study Final Technical Report*. Available at <http://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>

⁷ Rebecca Campbell and Sheela Raja, "Secondary Victimization of Rape Victims: Insights from Mental Health Professionals who Treat Survivors of Violence," *Violence and Victims* 14.3 (Fall 1999): 251-275.

⁸ Rebecca Campbell, "Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference?" *Violence Against Women* 12.1 (January 2006): 30-45. John D. Foubert. "The Longitudinal Effects of a Rape-Prevention Program on Fraternity Men's Attitudes, Behavioral Intent, and Behavior" *Journal of American College Health* 48 (2000): 158-163.

Available at http://works.bepress.com/john_foubert/29.

Mara G. Latts and Charles J. Gelso, "Countertransference Behavior and Management with Survivors of Sexual Assault," *Psychotherapy: Theory, Research, Practice, Training*, 32.3 (1995): 405-415.

confidential Victim Advocate is involved, regardless of the ultimate outcome of the process. ... [The Victim Advocate] strengthens the ability of the Title IX Coordinator or Investigator to be both present and equitable in their job duties.⁹

The presence of a confidential victim advocate who could strengthen the role of Washburn's Title IX Coordinator would thus help ensure Washburn is compliant with Title IX and, in the event of an OCR Title IX investigation, protect the University's reputation, potentially saving it millions of dollars.

Failure to provide confidential advocacy resources as an early step in the reporting process increases risk to students and to the University. Students who begin the reporting process without fully understanding the limitations to confidentiality are at risk of feeling disempowered by having personal information shared against their will. To the extent that personal information becomes public, they may be at risk of emotional, social, and/or practical harm should their peer group, family, home community, or professional network respond negatively to the information. This is particularly important in light of Washburn's active efforts to recruit students from diverse global communities, where reports of sexual victimization may have especially devastating effects. A confidential advocate can fully explain the limits of confidentiality at each step of the reporting process, allowing students to make informed decisions and reducing the likelihood that a student will regret seeking help.

Some colleges have resisted providing victim advocate services based on a misunderstanding that doing so would obligate them to provide an advocate for an individual accused of sexual misconduct as well. According to ATIXA:

Although the reauthorization of the Violence Against Women Act (VAWA - 2013) requires that all parties have the same opportunities to have others present at any institutional disciplinary meeting or proceeding, and to have the same opportunity to be accompanied by an advisor of their choosing, nothing in the law or in the concept of equity would require colleges to provide an advocate to the individual accused of misconduct. Rather, equity requires that an advocate be provided regardless of the gender of the victim/survivor.¹⁰

⁹ "ATIXA Position Statement on the Need for Victim Advocates on College Campuses."

¹⁰ "ATIXA Position Statement on the Need for Victim Advocates on College Campuses."

**Faculty Requests of
Victim Advocate and
Victim Advocate Hiring
Process:**

Washburn has multiple faculty and staff members with expertise in victim advocacy. We therefore respectfully ask that these faculty and staff experts be significantly represented on a hiring search committee to select the confidential victim advocate(s) and have meaningful input regarding how this new staff member(s) will fit within the institution. Faculty requests of this position include, but are not limited to, the following:

We request that the confidential victim advocate be an entity distinct and independent from the Title IX Coordinator/EEOC officer.¹¹

We request that the confidential victim advocate be specially designated and trained to fulfill the roles outlined above, with a demonstrated ability to effectively provide confidential sexual assault victim/survivor services, as recommended by ATIXA.¹²

It is our position that members of the faculty cannot adequately provide victim advocate services, as faculty members' job descriptions include evaluation of student performance. The roles of evaluation and advocacy will directly contradict one another in some cases. Moreover, faculty who are licensed helping professionals and who are requested to engage in dual relationships that go against their profession's code of ethics are putting their licenses in jeopardy. Finally, the advocacy support a student may need is likely to exceed the capacity of a faculty member.¹³

¹¹ Competency Standard 3.2 of the National Victim Assistance Standards Consortium is to “value the victim’s right to self-determination and advocate for victims’ wants, rights, and needs.” This cannot be accomplished by a professional who is required to uphold Title IX mandates as a primary part of her job description. National Victim Assistance Standards Consortium “Standards for Victim Assistance Programs and Providers.” Available at <http://ualr.edu/avaa/uploads/2010/07/Victim%20Standards.pdf>. The roles of advocacy and reporting will directly contradict one another in some cases. The position statement of the ATIXA concurs, stating: “Advocates should have no institutional role in the investigation except to support and advocate for the victim/survivor.”

¹³ According to a recent survey of Washburn faculty and staff, respondents said they do not feel they have the necessary skills to identify (23.8%) and discuss (16.9%) mental

We request that the advocate offset Title IX restrictions pertaining to reporting for faculty.¹⁴

We are asking the faculty senate to petition the administration:

- A) to create a confidential victim advocate position capable of providing Victim Advocacy Services for students and employees at Washburn University and Washburn Tech.**
- B) to request that faculty and staff with expertise in victim advocacy be predominately represented in the hiring process to select a person(s) for the provision of victim advocate services**
- C) to request that faculty be given a prominent voice in the determination of how confidential victim advocacy services will fit within the institutional structure complying with federal reporting policy and best practice in victim advocacy on college campuses.**

health problems/concerns with students. Toerber-Clark, "Behavioral Health Assessment of Washburn University."

¹⁴ The American Association of University Professor's October 2012 statement supports this stance. "Campus Sexual Assault: Suggested Policies and Procedures." Available at <http://www.aaup.org/report/campus-sexual-assault-suggested-policies-and-procedures>.