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Where Are We Losing Them? An Exploration of Barriers to Buy-In of Higher Education Responsible Employee Policies

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Danielle Snow

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Abstract

Sexual violence is a pervasive issue on college campuses across the U.S. In order to address this issue, the U.S. federal government has implemented certain acts and guidance to prevent violence and promote campus safety. One of the most controversial pieces of guidance is the responsible employee policy. In theory, this reporting system would allow students to have better access to victim support services and allow campuses to have more accurate data as to the reality of sexual violence happening on their campuses. In practice, however, this has not been the case for many individual institutional policies. Instead, many institutional employees have disagreed with and undermined the implementation of such policies. Although this policy should be taken with a critical eye, the overwhelming lack of support for it is detrimental to the policy's full potential and institutional prevention work. This document explores six categories of barriers that prevent higher education employee support of the responsible employee policy itself and even the training and education surrounding it. After evaluation of data and literature on this topic, along with the use of Western Michigan University as a case study, this document concludes with recommendations on generating better employee buy-in to the policy.

Terms and Abbreviations

Term/Abbreviation	Explanation
ACHA	American College Health Association
Buy-in	For the purposes of this paper, buy-in is described as support for the responsible employee policy. This could be shown through increased attendance at responsible employee trainings and through the verbal opinions of university employees.
Campus SaVE	The Campus Sexual Violence Elimination Act
Clery Act	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
DCL	Dear Colleague Letter
OCR	The Department of Education's Office for Civil Rights
Full Potential/Potential	This phrase and word, in the context of responsible employee policies, is used in this paper to describe what could happen if there were campus-wide buy-in to responsible employee policies. It describes having more accurate rates of reporting, a more accurate understanding of sexual misconduct happening on their campus, and students would have more access to victim support services
Q&A	Question and Answers
Responsible Employees	This "includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty," (OCR, 2001. p. 13).
Sexual Violence/ Sexual Misconduct	This paper uses sexual violence and sexual misconduct interchangeably as umbrella terms. Within these terms could be acts of sexual harassment, non-consensual sexual contact, rape, sexual coercion or any other form of sexual contact (verbal, physical, online, etc.) that happens without consent of all parties involved.
Title IX	Title IX of the Educational Amendments of 1972
U.S.	United States of America
VAWA	Violence Against Women Act
Victim	For clarity purposes, this paper uses victim-centric language. Typically, victim-centric language is used for data and symptomology purposes while survivor-centric language is used in almost all other circumstances (programming, working directly with survivors, etc.).
WMU	Western Michigan University

Introduction

The issue of sexual violence on college campuses has been a long and tiring problem. This issue is not without effort to resolve, though. For over 45 years, colleges in partnership with the federal government have been making strides to address the sexual misconduct faced by college students. These efforts have looked very different over the last few decades. They have looked like *Title IX* (1972) prohibiting any sex or gender discrimination. They have also looked like the *Clery Act* (1990) intending to create transparency of crimes happening on or relatively near college campuses. These efforts have also looked like the creation and application of mandatory reporting policies and systems otherwise known as responsible employee policies.

In order to increase reporting, track patterned problems, and give students the most support they can, federally funded institutions have been expected to implement responsible employee policies on their campuses. This means having certain institutional employees (like administrative staff, professors, resident assistants, teaching assistants, etc.) take on the role of a mandatory reporter in cases of sexual misconduct. In theory, this policy would do everything mentioned above in order to achieve an overall goal of a safe and healthy educational environment for students. In practice, it's been halted by a number of issues. The issues explored within this document are the barriers that are preventing employee buy-in to this policy and the education surrounding it. I hypothesize that with better buy-in, colleges would have more accurate rates of reporting, a more accurate understanding of sexual misconduct happening on their campus, and students would have more access to victim support services. Considering this hypothesis, this thesis questions what barriers are preventing university employee buy-in to

mandatory reporting policies and how institutions of higher education can improve their

responsible employee buy-in rates.

Sexual Violence on Campus

In the fall of 2016, 20.1 million people across the U.S. were enrolled as either a full or

part-time student on a college or university campus (National Center for Education Statistics,

n.d.). These students probably held certain expectations for what college life was like or

"supposed to be" like. Some of them may have anticipated that college was a time of partying,

less supervision, more interactions with new people, and possibly substance use. These are the

perceived social norms of what college life is like. While many students will go into college

believing these to be to standard for the college experience, not many will look at these social

norms as factors that increase the risk of sexual violence victimization (Fisher, Cullen, & Turner,

2000; Franklin, Franklin, Nobles, & Kercher, 2011).

The American College Health Association (ACHA) considers college campus sexual

violence to be a public health problem (ACHA, 2008). It's been reported that about every one in

five women and one in 16 men have experienced sexual assault since attending college (Krebs,

2007). It's also been reported that around 21% of transgender, genderqueer, gender

nonconforming or gender questioning college students have experienced some form of sexual

misconduct (Cantor, et al., 2015). These statistics are startling, to say the least. As alarming as

these statistics are, all research contains limitations. One of the common limitations in research

on sexual violence is the amount of underreporting (Wolitzky-Taylor, et al., 2011). There are a

number of studies showcasing the dearth of sexual violence reports being delivered to both legal

systems and academic institutions (ACHA, 2008; Fisher, et al., 2000; Langton & Truman, 2014).

Overall, it's been estimated that only 7% of victims use their school's reporting procedures

(Buelow, 2015). Looking at just Western Michigan University (WMU) alone, only around 4% of students used the University's formal procedures to report sexual violence incidents in the 2015 school-year (EAB, 2016; See appendix A). This can be attributed to a number of different barriers victims face such as the concern of being publicly known as a victim of sexual violence, the fear of victim blaming, a lack of education around reporting, or a lack of resources and support (Wolitzky-Taylor, et al., 2011). It's important to realize that these barriers may not break down for victims just because the idea of reporting is put in a research context (Wolitzky-Taylor, et al., 2011).

Sexual violence on college campuses and within their communities can create hostile environments, which limits students' abilities to participate in or benefit from school programs and events (U.S. Department of Education, Office for Civil Rights [OCR], 2011). This type of environment has resulted in lowered academic success and graduation rates for colleges and universities (ACHA, 2008). In fact, around 38% of victims of sexual violence experience work or school problems (Langton & Truman, 2014). Sexual violence has also been correlated with an increase in mental health difficulties for victims (ACHA, 2008). Around 70% of rape or sexual assault victims experience anything from moderate to severe distress (Langton & Truman, 2014). The effects of sexual violence are not only felt by victims but can also be experienced by friends and families of the victim, the perpetrator, and general community members (Koss et al., 2014). According to Western Michigan University's campus climate survey, the top three people that WMU students will turn to in cases of "unwanted sexual contact" were friends (60%), no one at all (35%) and romantic partners (20%) (EAB, 2016; See appendix B). Taking this data together, the high frequency of sexual violence on college campuses and the reporting rates to friends and partners, suggests that many college students are personally affected by sexual violence

(Richards, 2016). Furthermore, this data suggests that a shift in the culture of reporting needs

occur (Buelow, 2015).

    In order to support students who have experienced sexual violence while attending

college, institutions are expected to offer different services to these victims which could include

emotional, physical, academic, or legal support (Koss Wilgus, & Williamsen, 2014). This

support is sometimes different than that of what police departments or off-campus support can

give like changing a student's schedule or housing reassignment for protection (Clark & Pino,

2016). While these obligations have social expectations tied to them, there are also federal

expectations and mandates on how colleges should be supporting their students. These mandates

are not only there to promote campus safety, but to ensure that students are able to achieve an

education in non-threatening environments (OCR, 2011). In order to reasonably and

appropriately address this issue of campus sexual violence, universities and colleges have been

made to adhere to guidelines set forth under federal legislation. All of the laws, provisions, and

guidance have set the standard for the ways that colleges handle issues of sexual violence, (Koss,

et al., 2014). Through these laws and guidelines, colleges have become responsible for

addressing 42 different types of sexual misconduct behavior with attempts to prevent, remedy

and eliminate this issue (Koss et al., 2014).

    These pieces of legislation place a great deal of emphasis on education and institutional

transparency (Deamicis, 2013; Payton-Jones, 2014). While these laws and letters have given a

great point of direction in regard to campus safety, the difficulty in writing these guidelines is

that a "one size fits all" approach to the problem of campus sexual violence may not be useful to

a majority of colleges (Fusilier & Penrod, 2014). For instance, a public university with 25,000

students may not require the same type of prevention program implementation as a 4,000 student

private college. Because of this, each university has the ability to slightly modify policies to

address, prevent and respond to the crimes happening on their own campus (Fusilier & Penrod,

2014).

Accessibility is a crucial aspect of the usefulness of sexual misconduct policies and other

forms of sexual violence education (Fusilier & Penrod, 2014). Students are not the only ones

looking for or in need of comprehensive sexual misconduct education, though (Holland &

Cortina, 2017; Kafonek & Richards, 2017). In order to best serve students, colleges should be

striving to start and maintain conversations centered on sexual violence framed by trauma-

informed dialogue. In order to keep ongoing discussions of this topic on their campuses, colleges

have engaged a multitude of voices on their campuses. This includes professors, coaches, staff

members, etc. Colleges have begun to do engagement work through the implementation of

mandatory reporting policies, otherwise known as responsible employee policies. These policies

were first brought up in the 2001 Revised Sexual Harassment Guidance and then again in the

2011 Dear Colleague Letter (DCL) and had a more in-depth explanation in the 2014 Questions

and Answers Letter (OCR, 2001; OCR, 2011; OCR, 2014).

These "new" responsible employee policies being implemented across college campuses

have not been taken without concern or resistance (Deamicis, 2013; Flaherty, 2015; Pryal, 2016).

While expressing concerns for any new program or policy implementation is valid, I assert that

these mandatory reporting policies have the potential to be just as impactful as sexual

misconduct policies in helping student victims of sexual violence and preventing these crimes

from occurring in the future (Deamicis, 2013; Mancini, Pickett, Call, & Roche, 2016).

Unfortunately, this view is not a popular one. Both faculty and staff members have not been

silent about their confusion of, concern for, or sometimes disdain of these policies (Baurelein, 2015; Deamicis, 2013; Engle, 2015; Flaherty, 2015; Letarte, 2013; Pryal, 2016).

In order to maintain transparency, protect students, and stay in compliance with *Title IX*, all federally funded institutions of higher education have been requiring nearly all of their employees to become mandated reporters (Deamicis, 2013). Although many professors have reported appreciation and praise towards better campus safety and the efforts that have followed, some feel that mandatory reporting is taking this a step too far and could cause more harm than help (Deamicis, 2013; Flaherty, 2015). While colleges may be collecting their own data on responsible employee training and employee buy-in rates, there is a lack of generalizable empirical data on this topic.

There are numerous reasons that college employees may not buy-in to their campus' responsible employee policy. These range from the belief of rape myths that permeate our society all the way to the general lack of knowledge that they are even required to be mandatory reporters. These reasons will be delved into later in this paper and hold extreme value in understanding how to better serve not just students, but employees as well. DeGue, et al., (2014) make a strong point by saying without sufficient buy-in to this policy, the ability to give proper support and prevent sexual misconduct on campuses will be insignificant. However, this is not a feat for professors, RAs, teaching assistants and others to face by themselves. They need administrative backing to be able to best serve students. Before grasping this though, we must first understand what the legislation and guidance say about college campus safety and handling sexual violence claims.

Sexual Misconduct Prevention Guidance

In order to understand campus sexual violence and the value of mandatory reporting, four pieces of legislation and a few pieces of work from the Department of Education must be explained and understood. These are the *Title IX* (1972), the *Clery Act* (1990), the (2013) revision of *Violence Against Women Act (VAWA)* (1994), along with the *VAWA* provision *Campus SaVE* (2013). These laws coupled with the U.S. Department of Education, Office for Civil Rights (OCR) issuance of the 2001 Revised Sexual Harassment Guidance, the 2011 Dear Colleague Letter (DCL), the 2014 Questions and Answers on *Title IX* and Sexual Violence and the newest piece of guidance, the 2017 Questions and Answers on Campus Sexual Misconduct have had extreme power in setting forth the standard of campus safety. Each piece has had its own unique effect on how colleges have grown to understand sexual misconduct and college campus safety.

Title IX (1972) and Sexual Misconduct

Title IX has been recognized as one of the most important acts to happen to higher education (Triplett, 2012). This is the act that guarantees federally funded institutions will maintain gender discrimination-free education for all its students (OCR, 2011). The act itself states "no person in the United States shall on the basis of sex be excluded from participating in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal funding," (*Title IX*, 1972). *Title IX*, in contexts of higher education, addresses things like equal participation in athletics, financial aid services, sexual violence, sexual harassment, pregnancy rights, and any other issue that may involve discrimination based on sex or gender (*Title IX,* 1972; Triplett, 2012). *Title IX* expects institutions to provide discrimination-free education by conditioning federal funding on *Title IX* compliance (Triplett,

2012). This applies to about "16,500 local school districts, 7,000 postsecondary institutions, as well as charter schools, for-profit schools, libraries, and museums," (OCR, 2015). This means that nearly all colleges must be in compliance with *Title IX* because most of them receive some sort of federal funding through financial aid programs used by a majority of students (Veidlinger, 2016).

The understanding we have of *Title IX* today has been guided by different legal cases which have pointed out aspects covered and not covered by this statute (Block, 2012). Some of the initial court hearings about *Title IX* centered on equality in athletics (e.g. *National Collegiate Athletic Association v. Califano, 1978, Haffer v. Temple University, 1988*) (Block, 2012). In a later case, it was found that *Title IX* gave students the private right to sue institutions in violation of this statute on the basis of gender discrimination (*Cannon v. University of Chicago, 1979*) (Block, 2012). Though some cases that gave *Title IX* clarification didn't come from higher educational circumstances, they were still valuable and found to apply to higher education (Block, 2012). One of those cases was *Franklin v. Gwinnett County Public Schools* (1992), which tried to understand if institutions and school districts under *Title IX* were required to be financially liable for a teacher's sexual misconduct against a student (Block, 2012). It was decided in this case that *Title IX* does apply to students being sexually harassed or assaulted by teachers when the institution or school district knows of the misconduct (Block, 2012). Years after the Franklin case, the *Davis v. Monroe County Board of Education* (1999) case was brought to the Supreme Court under different, but similar circumstances (Block, 2012). The findings from this case made it so *Title IX* also prohibited any sexual misconduct of students by students when the misconduct was known to the institution (Block, 2012). Schools were now liable for sexual harassment and violence when they had knowledge of the harassment, if they acted with

deliberate indifference, and if the harassment was "so severe, pervasive, and objectively

offensive that it can be said to deprive the victims of access to the educational opportunities or

benefits provided by the school," (*Davis v. Monroe County Board of Education.,* 1992 p. 633).

Because sexual harassment and assault are considered forms of gender discrimination,

this means that in order to comply with *Title IX*, all institutions receiving federal funding must

strictly prohibit all sexual misconduct against all employees, students, anticipated students and

any other persons affiliated with the institutions (Koss et al., 2014; Fusilier & Penrod, 2015).

Sexual harassment, in regard to *Title IX*, has been defined as "… unwelcome conduct of a sexual

nature such as unwelcome sexual advances, requests for sexual favors and other verbal, and

nonverbal or physical contact of a sexual nature" (OCR, 2015 p.15). Sexual violence, on the

other hand, is defined for the purposes of *Title IX* as "a form of sexual harassment and refers to

physical sexual acts perpetrated against a person's will or where a person is incapable of giving

consent" (OCR, 2015 p.15). In some cases, both of these terms have been blanketed under the

umbrella term "sexual misconduct".

Court cases not only helped to broaden the areas in which *Title IX* was expected to

provide protection but also helped to clear up the meaning behind certain aspects of these

seemingly-new protections. For instance, based on court cases against some institutions,

indifference has been defined as when a school does nothing at all, when institution officials tell

victims to not tell anyone that they have been assaulted, or when investigations are blatantly

biased. Additionally, based on circumstance and policy work, many courts have considered

faculty and staff knowledge without an official report being made as institutional knowledge of

the event (Cantalupo, 2014). This is just one reason why education, training, and overall buy-in

of these reporting responsibilities are all so valuable.

Overall, federally funded institutions are found to be in compliance with *Title IX* in the context of a sexual misconduct case when they have discovered discrimination or harassment promptly and handle any investigations appropriately (OCR, 2015). This means that if an investigation has determined that sexual misconduct did occur, the institution has to take "prompt and effective steps…to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects," (OCR, 2014. p. 3). The institutions must ensure complainant safety, prohibit retaliation, and keep in contact with both parties (OCR, 2014). Compliance doesn't just come from the investigation side of *Title IX*. Institutions must also distribute a notice of nondiscrimination, designate a Title IX coordinator, and both "adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints," (OCR, 2014. pp. 9-10).

The Clery Act **(1990) and Campus Safety**

A valuable piece of legislation on-campus sexual misconduct is the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (1990), known simply as the *Clery Act*. Similar to *Title IX*, this act handles cases of victimizations against students in higher education (Cantalupo, 2014). Instead of having a sex-based victimization focus, this act deals with a broad range of violence and misconduct (Cantalupo, 2014). The groundwork for this act began with the *College and University Security Act* passage in 1988 (in PA) (Clery Center, 2018b). This act required colleges to: (a) have an open and accessible report of on-campus and certain off-campus crime statistics, (b) offer safety and security policy descriptions, (c) keep an open crime log (Clery Center, 2018a).

The *Clery Act* took this groundwork and developed the Annual Security Report, which must collect and publish categories of crimes that occur on campus (Cantalupo, 2014; Clery

Center, 2018a; Nobles, Fox, Khey, & Lizotte, 2012). This report must be accessible to both

current and prospective students, along with employees affiliated with the university (Cantalupo,

2014; Clery Center, 2018a; Nobles, et al., 2012). The *Clery Act's* security report was broken into

specific categories of criminal offenses (criminal homicide, sexual assault, robbery, arson, etc.),

hate crimes (simple assault, intimidations, damage of property, etc.), and arrests and referrals for

disciplinary action (weapon, drug or liquor violations) (Clery Center, 2018a). All reports that go

into the Annual Security Report as designated by the Clery Act are based upon four factors: the

location of the crime, the type of crime, to whom the crime was reported and when the crime was

reported (Cantalupo, 2014). The *Clery Act* was not done here, though.

Violence Against Women Act (1994) and Campus SaVE (2013)

Over the next 28 years, the *Clery Act* would see a number of amendments. In discussions

of sexual misconduct, the *Violence Against Women Act (VAWA)* and the *Campus Violence*

Elimination Act (*Campus SaVe*) provision were incredibly valuable revisions to the *Clery Act.*

The *Violence Against Women Act (VAWA)* was passed in 1994 as part of the federal Crime Bill

(Wies, 2015). It became bridged to the *Clery Act* in 2013 (Clery Center, 2018b; Sutton, 2015).

Originally *VAWA* addressed women's physical and sexual safety in general (both institutional

contexts and not) (Wies, 2015). The act funded domestic violence and sexual violence services,

provided victims with federal rights to sue their perpetrators on the bases of gender-based

violence and also mandated that states and Native American nations provide "full faith and

credit" for restraining orders, (Wies, 2015). This act also allowed for the implementation of the

national, 24-hour toll-free domestic violence hotline. When reauthorized in 2013, *VAWA* added

the new crime categories of domestic violence, dating violence and stalking to the *Clery Act* and

also detailed that campuses must comply with the current definition of rape as defined by the FBI

(Clery Center, 2018a; Sutton, 2015).

When *VAWA* was reauthorized as an amendment to the *Clery Act*, something incredibly

important happened. The *VAWA* provision *Campus SaVE* was implemented in order to address

problems highlighted by an investigation put on by the Center for Public Integrity (Lombardi,

2013). The Center for Public Integrity showcased the problems with *Title IX* sexual misconduct

investigations on college campuses claiming they were usually confusing, somewhat hidden or

hushed, and incredibly delayed in their actions (Lombardi, 2013). *Campus SaVE* itself requires

widespread prevention and awareness initiatives including programs, trainings and events aimed

at both students and faculty and require that these initiatives be ongoing (Payton-Jones, 2014;

Kafnoek and Richards, 2017). Furthermore, the *Campus SaVE Act* mandates that institutions

collect certain crime statistics from different campus officials (Engle, 2015). These officials can

range from resident assistants, deans, coaches, campus police, etc. (Engle, 2015). An important

distinction to make though is that these reports and reporters are much different than the *Title IX*

responsible employees (Engle, 2015). In essence, the *VAWA*'s reauthorization, including *Campus*

SaVE, was intended to inform everyone about the rate of campus crime along with the ongoing

prevention and awareness programs for anyone affiliated with the university (Payton-Jones,

2014).

Letters and Guidance Issued by the Department of Education

Any *Title IX* and sexual misconduct information distributed from the Department of

Education is done so with the intention of giving colleges the knowledge on how to make their

campuses safer for students. Because there are separate requirements for the different aspects of

Title IX, this will just be focused on sexual misconduct and everything that falls under that

umbrella term. This section reviews the Revised Sexual Harassment Guidance of 2001, The Dear Colleague Letter of 2011, Questions and Answers on Title IX and Sexual Violence of 2014, and the most recent piece of guidance from OCR, Questions and Answers on Campus Sexual Misconduct of 2017. It's vital to note that the newest piece of guidance rescinds both the 2011 and 2014 pieces of guidance (Kreighbaum, 2017; OCR, 2017). With that being said, the discussion of these letters is not something that can be dismissed as they have still shaped the way in which institutions view sexual misconduct on their campuses and the expectations for the way in which reports are handled.

In order to stand strong against campus sexual misconduct, the Dear Colleague Letter of 2011 (DCL) was distributed by the U.S. Department of Education Office for Civil Rights (OCR). This piece of guidance was issued to clarify procedures institutions must follow in order to remain compliant with *Title IX* (Triplett, 2012) and has been one of the most groundbreaking pieces of guidance. According to the DCL 2011, sexual misconduct against students interferes with students' right to discrimination-free education. In addition, every federally funded university must have and distribute in some capacity a policy that prohibits sexual misconduct. They must also have a designated *Title IX* coordinator and make known the procedures for students to file complaints of sexual misconduct. The *Title IX* coordinator's prime responsibilities include overseeing all *Title IX* reports along with identifying and addressing any patterned issues that may come forth during investigations and reviews. All complaints and reports that are received by the *Title IX* coordinator must be processed regardless of their location, even if it was an off-campus and non-school affiliated event where the sexual misconduct happened (OCR, 2011).

The DCL 2011 had some major clarifications on the investigative processes with *Title IX* and sexual misconduct cases. *Title IX* investigations of reports made must be adequate, reliable, and unbiased (OCR, 2011). The DCL clarifies that all students are protected under *Title IX* at any institutionally sponsored event, whether it be educational, athletic or otherwise (OCR, 2011). However, it also mentions that colleges must address any complaints filed by students no matter if it were an institutionally affiliated event or not (OCR, 2011). Although students are never to be dissuaded from filing a criminal report, under *Title IX* there is no force of legal reporting (OCR, 2011). Confidentiality is not an obligation colleges are expected to uphold (OCR, 2014). Although they will do their best to keep student's information confidential if they can, sometimes risk(s) with the alleged perpetrator can be too high and keeping the student's information confidential would be putting the entire campus community at greater risk (OCR, 2014). An example of this would be if the alleged perpetrator had been found (criminally or not) to have committed other sexual misconduct or violence serially in their time on campus (OCR, 2014). Using the student(s) who made cases against this alleged perpetrator would be useful in demonstrating the seriousness of the case and the need for immediate, appropriate action. In a case like this, the institution would have to recognize its responsibility to provide a safe and hostile-free environment for the greater student population (OCR, 2014). If the school must break confidentiality for any reason it at all, they must make sure the complainant is aware of this occurrence (OCR, 2011).

Although the 2017 Q&A guidance rescinded the 2011 and 2014 letter, the information derived from those pieces of guidance is still relevant. The 2011 and 2014 letters altered the way in which colleges handled cases of sexual misconduct. Even if aspects of the guidance are no longer enforced by the U.S. government, campuses may still choose to implement them.

Currently all of the information is still relevant because campuses are still using the guidelines

from these letters to structure the way in which they take on issues of campus sexual violence.

The 2017 guidance's most prominent alterations were the removal of the fixed time frame for

investigations and the emphasis on due processes in investigations and case hearings (OCR,

2017). What does this mean for the enforcement of responsible employee policies? Nothing has

really changed in that regard because the 2017 guidance did not supersede the 2001 guidance

(OCR, 2017). The Q&A only mentioned responsible employees once in the entire seven-page

document (OCR, 2017). Although the 2014 Q&A was much clearer and gave a better description

of what is expected of responsible employees, the 2001 guidance enforces the basics of a

responsible employee and what should be discussed in a responsible employee policy (OCR,

2001). This includes why campuses need the responsible employee role, who a responsible

employee is, what their training requirements are, and who to report incidents of harassment to

(OCR, 2001).

Responsible Employees Policy Guidance

After the 2011 Dear Colleague Letter reminded college and universities that sexual

discrimination was a part of *Title IX*, many rushed to revisit their policies (if they even had one

in place at all) (Deamicis, 2013). While this guidance was incredibly explicit in some areas, other

areas were still left unclear. One area that perplexed many colleges was the understanding of

institutional knowledge and reporting procedures (Deamicis, 2013). According to the DCL, "if a

school knows or reasonably should know about student-on-student harassment that creates a

hostile environment, *Title IX* requires the school to take immediate action to eliminate the

harassment, prevent its recurrence, and address its effects," (OCR, 2011 p.4). This is where

mandatory reporting/responsible employee policies come into effect.

The U.S. Department of Education, Office for Civil Rights defines responsible employees as: "anyone who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designees; or whom a student could reasonably believe has this authority or duty," (OCR, 2001. p. 13; OCR, 2014. p. 15). These individuals may include people like resident assistants, advisors, coaches, professors, instructors, and campus safety personnel (Veidlinger, 2016). There has been a variety of interpretations about who to deem as a responsible employee. Some colleges have made every faculty and staff member a responsible employee (Deamicis, 2013); other colleges have made selections on their responsible employees (Western Michigan University, n.d. d). Because of these various interpretations, there is not generalizable information about responsible employee policies to give outside of what OCR has distributed. Colleges have the ability and the right to alter any policy to fit their specific campuses need, so long as it still fits within OCR's expectations for policy work. Even the reporting processes are different for colleges based on their interpretations and the needs of their campuses.

Groups outside of colleges have also chimed in on this topic, giving their interpretations and suggestions for responsible employee policies. Two groups that have been a part of conversation around *Title IX* and campus safety have been NCHERM Group, LLC and Association of Title IX Administrators (ATIXA) (Lewis, Schuster, Sokolow, Swinton, 2013; Sokolow, 2013). In 2013, these groups wrote the article *The Top Ten Things We Need to Know About Title IX (That the DCL Didn't Tell Us)* wherein they suggest a model for colleges to consider naming all institutional employees mandatory reporters. They make it clear that this mandatory reporting status is different from a responsible employee status. Instead of just

blanketing all responsible employee obligations over faculty and staff in the same way, there

would be a sort of leveled responsibility based upon the person's employment status (Lewis, et

al., 2013).

The way in which this idea is explained by NCHERM Group, LLC and ATIXA is that all

employees would be expected to report incidents of sexual misconduct to whomever their

designated coordinator is within 24 hours of having knowledge of an occurrence. Some

employees would have the ability to make Jane/John Doe reports (reports that omit identifiable

information). For example, professors may still be considered responsible employees and thus

must give information on the names of the victim(s) and perpetrator(s), the location, and any

incident details. On the other hand, a counselor or clerical member would be able to be a

mandatory reporter that submits anonymous reports "statistical purposes and pattern tracking, but

do not divulge personally identifiable information without client consent," (Lewis, et al., 2013. p.

11). This anonymous reporting preserves victim autonomy and agency, while also still tracking

patterns and satisfying other reporting mandates, like the *Clery Act*. This makes viewing the

scope of sexual misconduct on college campuses a little closer to its reality and could have the

effect of making responsible employees a little more at ease in regard to reporting campus

incidents (Lewist, et al., 2013).

These responsible employees must report incidents of sexual violence to the campus'

Title IX coordinator or other designees (OCR, 2014). Schools are expected to make it clear to all

affiliated members of a college which employees are considered responsible employees (OCR,

2014). This is an aspect designed to support students in informed decision-making (OCR, 2014).

Responsible employees must provide certain information to students who disclose any

information that calls for a *Title IX* report (OCR, 2014). This information includes (a) the

responsible employee's reporting obligations, (b) the option to request confidentiality from *Title IX* and how the request would be reviewed, (c) any available confidential resources (OCR, 2014). Any report made by a responsible employee is expected to include any relevant facts which may include the date, time and location of the event (OCR, 2014). In order to fulfill this role as a responsible employee are recommended to receive training provided by the schools (OCR, 2014).

Although the 2014 Questions and Answers on *Title IX* and Sexual Violence says that responsible employees should be trained to understand their requirements (OCR, 2014), this training does not actually determine the status of a responsible employee (Pryal, 2016). In fact, employees are expected to follow the mandatory reporting policy even if they are untrained or unaware of their obligations (Pryal, 2016). For this policy to be at its best efficiency, employees must be trained to understand their obligations (Sokolow, 2013; OCR, 2014).

Unfortunately, many responsible employees have been found to be uncomfortable with the responsibilities of a mandated reporter (Pryal, 2016). Many employees that have constant interaction with students, like professors or advisors, have been worried that these requirements may have negative effects on their interactions and relationships with students (Wilson, 2014). Some employees view this obligation as a violation of their students' trust and privacy (Deamicis, 2013). They argue that *Title IX*'s purpose is to protect and empower student victims and that mandatory reporting diminishes this purpose (Sokolow, 2013). Some felt that these policies would do the opposite of their intended purpose and silence victims (Baurelein, 2015). The concern that students will report even to college faculty and staff at lower levels due to mandatory reporting requirements is one of the largest concerns of the policy work (Mancini et

al., 2016). This would mean that students would be less inclined to be informed about on or off

campus victim services (Mancini et al. 2016).

Mandatory Reporting Outside of the Academic Context

Mandatory reporting systems for protection of vulnerable groups are not new concepts.

The first U.S. mandatory reporting laws began in 1963 and were centered on child protection

(Brown & Gallagher, 2014). These laws first began in hopes of increasing reporting rates of

abusive or neglectful incidents (Brown & Gallagher, 2014). It seems this ideology rings true

even today with institutional responsible employee policies.

The effectiveness of these policies have been measured in a few ways, by noticing a

decrease in abuse and by how useful they are for those being abused. In order to get a grasp on

how effective mandatory reporting can be, this section looks at a few studies that evaluated

mandatory reporting. Unfortunately, there is no data on sexual violence mandatory reporting and

how victims have felt after going through the processes. Because of this, this section focuses

mandatory reporting responses in the context of domestic violence, as this is the closest

comparable data. A study conducted by Antle, Barbee, Yankeelov, and Bledsoe (2010) said that

generally victims of domestic violence were in favor of mandatory reporting. However, around a

third of these same women said that they would have also liked to have been able to stop the

report at their own free-will (Antle et al., 2010). Overall though, the women of listed having

mostly positive encounters with social services, saying they felt the employees were able to help

them cope with their situations (Antle et al., 2010). In an earlier article, these same authors

actually commented on positive encounters with social services after a report has been filed.

They say that there is actually little value in mandatory reporting laws without some sort of

service to give support to victims once a report has been made (Bledsoe, et al., 2004). In essence,

mandatory reporting as a concept can only be effective when placed in conjunction with useful

and appropriate supportive services (Bledsoe, et al., 2004).

An earlier study comprised of both domestic violence victims and women who had never

experienced domestic violence, two-thirds said mandatory reporting laws would make

themselves less likely to talk to a care provider and half of them thought it had the possibility to

put women in domestic violence situations at an increased risk (Gielen, et al., 2000). In that same

study though, three-fourths of the women participating believed that mandatory reporting would

make it easier for victims to get help (Gielen, et al., 2000). Overall, although some seem to be a

little hesitant on mandatory reporting, the majority of this study could still see the benefits

surrounding the policies and laws.

Similar fears of increased risk or lack of interest in reporting have been found in other

studies as well. In a 2005 study, participants noted fear in the possibility of increasing their risk

due to reporting their violence. Because of this fear, women said that they would lie about

injuries in order to avoid law enforcement or any reporting instances. In cases where victims did

report their abuse, many were disappointed by the responses from law officials and stopped

further participation in the system, even when the violence continued (Sullivan & Hagen, 2005).

While it has been noted that many victims have had positive experiences with and

opinions of mandatory reporting laws, this is not the case for all. In the Sullivan and Hagen

(2005) study, out of 61 participants, 60 did not support domestic violence centered reporting

laws unless there were drastic systematic changes. Specifically, women felt that they should be

able to choose if there was any police involvement (Sullivan & Hagen, 2005). A 2001 one study

found similar results in which participants were more likely to support these policies and laws if

they took more of the victim's preferences into account (Rodriguez et al., 2001). Both of these

studies suggest that victims prefer more control in decision making when it comes to reporting to the police (Rodriguez et al., 2001; Sullivan & Hagen, 2005).

In general, mandatory reporting laws have been found to increase the number of reports made (Mathews, 2015). Mandatory reporting has also been found to encourage people to self-report, giving victims a feeling of control over their cases (Mathews, 2015). Child abuse and neglect advocates have found that mandatory reporting laws prevent children facing violence from going unnoticed (Richards, 2015). This has allowed for more opportunities to prevent any more damage from occurring to these victims (Richards, 2015). In addition, mandatory reporting has helped in better understanding, identifying, and addressing the factors creating the abuse in the first place (Richards, 2015).

Opinions on mandatory reporting of any type have been ambivalent, to say the least. For a lot of mandatory reporting laws, the emphasis or seeming emphasis is on identifying and apprehending the perpetrator(s) rather than on supporting the victim and getting them any help they may need (Goldson, 2015). Though this may be useful in ending abuse, it is not useful in assisting and rehabilitating victims of violence or abuse. In reality, most negative responses to mandatory reporting laws did not involve an issue of the mandatory reporting itself, but rather the poor response to reports and support afterward (Flaherty, 2015). This data helps to understand the way in which victims may respond to sexual violence mandatory reporting as there is a dearth of data over sexual assault mandatory reporting on college campuses.

Why These Reports Aren't Being Made

While many people are mandated reporters due to jobs or volunteer work, it's important to understand if reports are being made and if they're not, why they're not happening. Because there have not been any empirical studies on responsible employee and sexual violence

mandatory reporting, this section looks at other types of mandatory reporting in order to get a grasp for the reasons why people may not be fulfilling their obligations as mandatory reporters. It's been said that 20-50% of psychologists, social workers, child care providers and principals fail to report all instances of suspected child abuse (Flaherty, 2015). Likewise, some physicians have admitted to not reporting suspected child abuse (Flaherty, 2015). Although there are penalties for failure to report, including imposing fines, jail time, or suspension of work or doctoral licensing, there is still an issue of gaining mandated reporter buy-in of their own responsibilities (Richards, 2015).

There are multitudes of reasons given for why people chose not report an incident. The most common reason given by physicians is that they were not certain if a child had been abused (Flaherty, 2015). The top three reasons from teachers who failed to report a child abuse incident are a lack of knowledge about mandatory reporting, the thought that someone else had or would take action, and/or the belief of reporting myths (Crenshaw, Crenshaw, & Lichtenberg, 1995). These reporting myths included things like the teacher needing to prove the abuse or the teacher assuming that reports do not actually help the child (Crenshaw et al., 1995).

The lack of knowledge or attendance of training on expectations for mandatory reporters seems to be a large reason for failure to report. For instance, despite the mandatory reporting laws physicians must follow, there is little education on the subject of child abuse (Flaherty, 2015). In the Crenshaw, et al. (1995) study, only 9.6% of respondents felt adequately prepared to recognize and report child maltreatment. It can also be assumed that potential negative outcomes or negative opinions can influence a mandated reporter's decision to uphold their obligation to report or ignore it.

How Students Feel About Mandatory Reporting Laws

There has only been one generalizable study that has provided an understanding of students' views on mandatory reporting. The researchers for this data found it to be useful to understand student views of mandatory reporting in order to better modify and improve them. In this case, the mandatory reporting policy made it so that reports would be filed not just with *Title IX*, but also with law enforcement officials. The study asked students their opinions of the likelihood of reporting under this policy, faculty compliance, perceptions of the policy and expectations for outcomes of this policy (Mancini et al., 2016).

Overall, students supported the proposed mandatory reporting policy with 37% in support and 28.5% in strong support of it (See appendix C). Around 57% of these students also thought that it would increase or strongly increase their own reporting on campus (See appendix D). However, 62% of these students thought that it would decrease peer reporting (See appendix E). Over 80% of the students believed that this policy would lead to better victim assistance, increased arrest risk, prevent university cover-up, increase university accountability, increase punishment for perpetrators and 60% of them believed it would reduce sex crimes on campus (See appendix E). At the same time, however, over 50% of these same students also thought that this policy would increase wrongful arrests, reduce help-seeking, re-traumatize victims, waste official resources and over 70% of these students believed it would take away victims' autonomy (See appendix E). It was reported by 85% of students that they felt that faculty would comply with the law, even if it went against students' wishes (Mancini et al., 2016; See appendix F)

Barriers to Responsible Employee Buy-In

These policies truly have the potential to significantly increase safety on college campuses and help provide victims with the support they need and deserve. However, this can

only happen when employees have a full understanding of their expectations and obligations as responsible employees. There are barriers that halt an employee from fully buying-in to their role as a responsible employee. Many responsible employees have been found to be uncomfortable with the responsibilities of a mandated reporter (Pryal, 2016). Here some of the problems employees have reported having with the responsible employee policies and other aspects surrounding them.

Lack of Incentives for Education

Although mandatory reporters are required by federal law to uphold *Title IX* compliance or risk penalties such as fees (Triplett, 2012), there is no federal law or other mandatory policy to enforce training of these responsibilities (Holland & Cortina, 2017). Although it would be fantastic for every member of every college to attend sexual misconduct trainings, this is an unrealistic expectation, especially without some sort of incentive to attach to these trainings. For example, all first-year, non-transfer students at Western Michigan University are expected to complete an educational module (*Haven*) that evaluates their opinions about sexual misconduct, while also providing education and risk reduction strategies against sexual violence (Crawford, 2018; Western Michigan University, n.d.c). This educational model is incentivized by making its completion mandatory before registering for spring courses (Western Michigan University, n.d.c).

Making policy training mandatory and holding students, faculty, and staff accountable for retaining *Title IX* and sexual misconduct information is such an important approach for colleges across the U.S. to take up (Richards, 2016). If there were better incentives for employees, it seems as though they would be more likely to attend. For example, if the training is at a time that they are not paid for, they should be able to achieve special pay for that day. In order to better

understand what would improve attendance to in-person trainings, colleges should gather the

opinions of their employees to see what types of incentives would gain their buy-in.

University Controversies and Responses

There have been numerous articles and even a documentary (*The Hunting Ground*) about

the lack of seriousness colleges take in handling students' sexual misconduct reports and the

attempted cover-ups of these reports (Mancini, et al., 2016). As of April 2018, 458 institutions of

higher education have been investigated for possible mishandling reports of sexual violence (The

Chronical of Higher Education, 2018). Of these cases, 121 cases have been resolved and 337

remain open for investigation (The Chronical of Higher Education, 2018). These government

investigations could be triggered by the lack of *Title IX* investigations schools have reported. In

Senator McCaskill's 2014 report of sexual violence on college campuses, institutions were found

to be "reporting as many as seven times more incidents of sexual violence than they [were]

investigating," (U.S. Senate Subcommittee on Financial & Contracting Oversight, 2014). This

finding could be due to a number of circumstances such as survivors requesting reports go

uninvestigated or that the accused perpetrator is not affiliated with the university. However, of

the 236 national four-year institutions of higher education that participated, 41% of the national

institutions claimed to have not conducted an investigation of sexual misconduct in the last five

years (U.S. Senate Subcommittee on Financial & Contracting Oversight, 2014). Because of all of

these different aspects, employees of colleges and universities may feel their institutions won't

handle a reported case in a way that will keep the student safe and fully supported in the way

they deserve (Holland & Cortina, 2017).

Ironically, these institutional controversies have to do with why there's such a push for

responsible employee policies. Although some schools needed the federal push to comply with

Title IX, some employees and students have become worried that this seemingly newfound

compliance motivation is not about campus safety (Deamicis, 2013). Instead, it seems like they

may be much more concerned with liability (Deamicis, 2013). Although the protection of the

economic and structural integrity is a fundamental level that colleges must be aiming to achieve

(Engle, 2015), this can make discussing topics of sexual violence on college campuses

uncomfortable. Colleges are educational institutions first and foremost, not just compliance

machines (Lake, 2017). With that being said, it is not impossible to achieve financial and

campus-wide safety for colleges and students. As Peter Lake (2017, para. 20) wrote, "it's time to

recast *Title IX* in positive and inspiring ways and in so doing to fulfill its original mission:

Reducing sex discrimination and improving educational opportunities."

Rape Myths

  In 1980, sociologist Martha R. Burt coined the concept of "rape mythology". She defined

these myths as being "prejudicial, stereotyped, or false beliefs about rape, rape victims, and

rapists," (Burt, 1980. p. 217). These are empathy reducing, victim blaming, and have the ability

to negatively affect the support (or lack thereof) given to the victim (Burt, 1980). Rape myths

continue the misconceptions of personal and situational features that determine societal

expectations of a "good victim," (Hartmann, 2015). These stereotypes and misconceptions

influence how Congress, university officials, responsible employees and students think about

sexual violence (Hartmann, 2015).

  We can see these rape myths affecting college campuses and federal legislation. One

example could be that professors may, consciously or unconsciously, believe that men cannot or

do not get raped (Hamlin, 2001). Statistics showcase that more men (63%) are graduating with

STEM degrees than women (37%) (Stockwell, 2017). So, professors in STEM fields may not

feel any push to understand their roles as responsible employees because they're under the belief

that the majority of their students won't experience sexual violence. Another example could be

the new decisions made by United States Secretary of Education, Betsy DeVos and the rest of

the OCR to rollback Obama-Era *Title IX* guidance (Vagianos, 2017). According to news outlets,

DeVos' concern is that the guidance issued out in the 2011 DCL and 2014 Questions and

Answer Letter has been not only detrimental to victims but to accused perpetrators as well

(Vagianos, 2017). Part of this conclusion comes from multiple meetings held in the summer of

2017 with victims' advocacy groups, university officials and other organizations concerned with

the rights of accused perpetrators (Kreighbaum, 2017). These other organizations included

"men's rights groups" (Futrelle, 2017; Kreighbaum, 2017). These groups include one that

suggests that as many as 90% of sexual assault accusations are false (Futrelle, 2017). This is a

common rape myth, but the reality is that the rate of false reports actually lies closer to between

2-10% (Lonsway, Archambault, & Lisak, 2009).

Disrupting Campus Climate

For many, these reporting policies are new to university employees (Flaherty, 2015).

Many university employees that have constant interaction with students, like professors or

advisors, have been worried that mandatory reporting requirements may have negative effects on

their relationships with students (Wilson, 2014). Some employees view this obligation as a

violation of their students' trust and privacy (Deamicis, 2013). Although *Title IX* is expected to

empower student victims, some employees feel that these mandatory reporting policies would do

the opposite and actually silence victims (Baurelein, 2015; Sokolow, 2013). They think that these

policies have the potential to make students feel unsafe or pressured to report (Flaherty, 2015).

The fear that students will report even less to college faculty and staff is probably the largest concern expressed by faculty and staff (Mancini et al., 2016).

If these fears manifested, it would mean that students would be less likely to be given information about on or off campus victim services (Mancini et al. 2016). Colleges are definitely struggling with how to balance victim sensitivity with social obligations and legal requirements (Engle, 2015). This is not an easy task and becomes less easy when there's such a lack of employee support. However, it's also difficult when university officials do not prove the way in which they're providing proper victim support. University officials need to not only expect employees to buy-in to these policies but also meet employees where they are at in regard to their concerns. This idea is discussed more thoroughly below.

Lack of Knowledge and Inaccessibility

Marcelline Fusilier and Charlie Penrod (2015) call universities to action to not only have quality sexual misconduct policies but to have accessible ones as well. If research says that sexual misconduct policies themselves must be accessible (Fusilier and Penrod, 2014), why shouldn't training and education on this policy and other associated policies also be as accessible as the policy work that they're enforcing? Not only should this work be accessible, but the colleges themselves should be promoting the education, training, and any other aspects of providing prevention tactics (Buelow, 2016).

This doesn't mean that colleges aren't trying. Western Michigan University is doing what they can to make these trainings and this knowledge known by all members affiliated with this campus, including students, faculty, and staff. A quick google search for more information on Western's sexual misconduct policy and the responsible employee policy results in links to PDF versions of these policies. There are also web pages that give the dates and times for

responsible employee trainings, an online module of this training, an online reporting form and Western's *Title IX* coordinator's contact information. This accessibility has been noted as an effective guide for employees and students (Lewis, Schuster, Sokolow, & Swinton, 2013). It also helps public safety to accurately categorize and classify these reports (Lewis, et al., 2013). In addition to all of this work, Western has also been sending emails to professors, offering for trainings at staff meetings and has created a double-sided flyer for professors that have the quick facts of being a responsible employee.

Not only do universities need to make this education accessible and well-known, but as John Kalin said, we also have to make prevention work "cool" (TEDx Talk, 2013). College officials cannot just assume that faculty and staff will come to them. Instead, they need to meet these employees "where they are at," (TEDx Talk, 2013). Meeting employees where they are, while can be taken as a physical notion, has more to do with understanding where they are in their knowledge and ability to discuss sexual violence. This could look like a gender and women's studies professor already being aware of these issues and being asked to implement the sexual misconduct policy and responsible employee policy into their syllabi. This could look like a presentation to explain the way in which men are affected by sexual violence and the ways they can make a difference in this realm to athletic directors and coaches of male sports teams. This could look like a meeting with resident assistants to dispel rape myths. Overall, these responsible employee policies are not just up to the employees. University officials have to attempt to gain buy-in, not assume it.

Training and Education

A study of 350 institutions of higher education found that more than 20% of institutions did not provide any sexual assault response training for faculty and staff members (U.S. Senate

Subcommittee on Financial & Contracting Oversight, 2014). This is actually a bit of

improvement from the 2002 report that stated 49% of institutions did not provide sexual assault

response training for faculty and staff members (U.S. Senate Subcommittee on Financial &

Contracting Oversight, 2014). While it's nearly impossible to train all university employees on

reporting requirements with in-depth, diverse and clear information (Sokolow, 2013), this cannot

discourage colleges from doing their best. In all reality, this issue is not just about compliance,

it's about safety and support of students (Lake, 2017).

A major concern employees and researchers have expressed is not having victim-centric,

trauma-informed or culturally sensitive trainings for employees (Richards & Kafonek, 2017).

While this is a valid and valuable concern to have, the OCR actually came up with guidelines

that express the expectations for responsible employee trainings. These guidelines do express the

attributes mentioned above along with others. Under this guidance, schools must provide training

to all faculty and staff who have been identified as responsible employees. This training should

include pragmatic approaches to preventing and identifying sexual violence. This would include

same-sex sexual violence, behaviors that have been connected to sexually violent experiences,

bystander intervention information, the impact of trauma on victims, and the potentiality of

revictimization and these effects on students. The guidelines also include informing employees

on the appropriate methods for responding to students disclosing their stories of sexual violence

and how to use nonjudgmental language. The training is also expected to address the entirety of

reporting obligations of employees, including who receives the reports from responsible

employees (i.e. if it's a supervisor or if it's the Title IX coordinator themself). This must also

include the consequences for failure to report. Employees must be aware of who the *Title IX*

coordinator is after this training, too. Although there is not really a standard length of time for

these trainings, the expectation is that they will be continuous and offered frequently. These trainings should be fit to best suit the campus at which the training is being held and should be conducted by someone who has expertise in this area (OCR, 2014).

It's almost indescribable the value that responsible employees have, let alone what the training and education around this role can do for college campuses and victims. The quality of first responses to the stories of victims is pertinent to a victim's healing process and can swiftly alter the feelings they have for their campus (Lake, 2017). When an employee doesn't know how to respond to these stories, victims are being cheated out of the support and service referrals that they deserve (Lake, 2017). Employees should have a general knowledge or at least be given resource packets that they can go over with students (Richards & Kafonek, 2017). Along with that, universities need to not only rely on community resources for victims but have some located on campus where they are easily accessible to students at nearly anytime (Richards & Kafonek, 2017).

Recommendations

So far this paper has gone through the scope of sexual violence on college campuses and the federal laws and guidance that have steered the understanding of this issue. This was done in order to give a better grasp for the reality of this issue and how the government has been treating college campus sexual violence. In addition, there have been sections devoted to mandatory reporting including reporting both within and outside of the higher education context. These sections explored the purpose of responsible employee policies, the purpose of mandatory reporting as a whole, and some of the reasons mandatory reporters fail to file reports. This also touched on the opinions of victims of sexual violence and domestic violence, along with the opinions of students on a college campus. The purpose of mentioning these reactions to

mandatory reporting was to create an understanding of how individuals can be affected by, or

expect to be affected by, these types of reporting policies. Then, there was an exploration of

barriers to responsible employee buy-in. This section looked at the lack of support in both the

training and education surrounding this policy and the policy itself. In this final section, the

question of how institutions of higher education improve their responsible employee policy buy-

in rates is answered through an exploration of barrier breakdown recommendations.

Framework

These recommendations are framed by EVERFI's analysis of college campus prevention

methods and guidelines. EVERFI, Inc. (n.d.) "is the leading education technology company that

provides learners of all ages education for the real world, through innovative and scalable digital

learning." Not only do they provide accessible education to almost all age groups, but they are

also a research and data analyst group (EVERFI, n.d.). They collect and analyze data in order to

better their educational technology and better educational institutions (EVERFI, n.d.). The data

EVERFI (Buelow, 2016) used for their best practices model was collected mostly in the 2014-

2015 academic year, with a few pieces of information collected in 2016. The actual collection of

evidence happened a few different ways. First, they conducted campus climate surveys,

involving over 14,000 students from 65 different participating colleges across the nation. Then,

they created and tested a Sexual Assault Diagnostic Inventory, which focused on a holistic

examination of college prevention methods. The last of their data came from their online

program *Haven- Understanding Sexual Assault;* a prevention program that has over 650 colleges

participating. After compiling and evaluating the data from these sources, they "identified 115

distinct recommendations across 22 different categories related to prevention," (p. 4). From this,

EVERFI found that these recommendations and categories fell into three main sections of

prevention: institutionalization, critical processes, and prevention programming. EVERFI

identified and defined these categories in a way that allows all three to intersect and support one

another (Buelow, 2016). I use these three core areas as a way to organize this section.

Institutionalization

Institutionalization has the goal of making prevention "an organized priority," (Buelow,

2016. p. 9). This has to do with gaining support from every institutional level of a college.

EVERFI describes three pieces of criteria that colleges should aim to meet when setting up this

solid base of institutionalization. These are (1) system-wide buy-in, (2) a strong infrastructure,

and (3) employing and funding the proper amount of full-time sexual violence prevention staff.

In this section, I will look into the first and last pieces of criteria mentioned (Buelow, 2016).

System-wide buy-in and everyone is a reporter.

Institutionalization beings with a system-wide buy-in of prevention. There are a number

of ways to gain a system-wide buy-in and each campus could differ based on their student

population, employee population, or historical association with *Title IX*. Something all colleges

should consider is gaining support from their high-level administrators. Having the faces of the

university backing these programs has the potential to greatly impact college prevention efforts

(Buelow, 2016). It might increase student application rates. It might make students feel like

administrators really care about their well-being on campus. It has the possibility to create an

overall better buy-in of responsible employee policies. If other employees like professors or

support staff see people like the president of the school or the deans of individual colleges within

the university supporting prevention, they could feel a better trust in their school and its ability to

serve students.

In addition to gaining better administrative support, schools could implement a campus-wide mandatory reporter policy, as NCHERM Group, LLC and ATIXA suggested. Explained earlier in the responsible employee guidance section of this paper, these groups created a model of mandatory reporting in response to the responsible employee policy (Lewis, et al., 2013). Although colleges would need to evaluate and determine the logistics of implementing such an initiative on their campuses, it is still an option for colleges to consider. This type of model would make it more than well-known that sexual misconduct is prohibited by the university. It would also allow for greater accuracy in their prevention programs by allowing for a better understanding of the true scope of sexual violence on their campuses.

Employment and funding.

Institutionalization cannot even begin without two important things. The first is an adequate staff. This means both having the physical amount of adequate staff and people with the proper training to hold the types of positions needed for sexual violence prevention. The latter will be discussed within the critical response section of this paper. According to EVERFI, most institutions need to improve or increase their sexual violence prevention staff. Their data has found that the average number of employees whose specific responsibility is working in the field of sexual violence prevention is less than two. This is a stark comparison to the average of six alcohol and other related drug abuse prevention employees (Buelow, 2016).

The second vital aspect to curate institutionalization is a budget. EVERFI found that not only are a majority of institutions lacking in their employment of sexual violence prevention staff members, but they are also doing a disservice to their sexual violence prevention budgets. The average annual budget for most universities is lower than $31,000. Colleges that spend more on

sexual violence prevention strategies have the potential to gain money back by saving on any costs related to sexual misconduct investigations, adjudication, accommodations, compensation, and litigation. In addition, colleges that allocate more funds to prevention endeavors are creating healthier and safer campuses for their students, faculty, and staff. In essence, colleges with inadequate staffing and limited budgets are less likely to be able to tackle this challenge of sexual violence (Buelow, 2016).

Critical Process

Applying critical processes is the next step of the pillars of sexual violence prevention. This is where programs, training and education, and policy work are all developed. Importantly, all aspects designed here must be tactical, collaborative, and research-based. EVERFI recommends that instead of asking questions like "How do we accomplish these goals?" or "What is our budget?" campuses should be asking questions like "What is the problem on our campus? How do we best serve our students affected by this issue?" EVERFI asserts that asking these types of questions, and doing the research and work to answers them, are some of the best ways campuses can fully use these critical processes (Buelow, 2016).

Employee Training Standards.

Transparency has been a common theme throughout federal guidance and acts. Colleges have been made to reevaluate and revamp their distribution of information about crime and violence happening on and near their campuses through the implementation of acts like *Clery* and *Title IX*. One of the best ways to remain transparent is to be as accessible as possible in regard to information on policies, education, and information (Clery Center, 2018; Fusilier & Penrod, 2014). *Title IX, The Clery Act, and VAWA* all have mentions of transparency and accessibility that help guide colleges on their journeys to better serve their students.

To understand what this looks like, it's useful to have an example. An example of a college making the effort to address education accessibility is Western Michigan University. WMU provides in-person responsible employee trainings at least once a month and allows for groups and departments to request trainings at the times that work best for their organizations (Western Michigan University, n.d.c). In 2017 from February-December, at least 447 faculty, staff, graduate assistants, and administrators had attended training on sexual misconduct response and *Title IX* (Crawford, 2018; See appendix G). This does not include the 732 faculty, staff, administrators and student employees that completed Western Michigan University's online module (Crawford, 2018; See appendix G). Not only are there these in person and online training modules, but Western Michigan University's website also gives information on their system and protocols for reporting, a vital piece in sexual misconduct prevention (Engle, 2015; Western Michigan University n.d. c). This reporting information is not just geared towards helping students, but there is also useful information for employees on how to report if a student has come to them with an incident (Western Michigan University, n.d. c). This information is easily accessible and readily available for any affiliate of the university.

Just providing general information to students and employees is not enough. There must be standards for these training events and these standards should not be bare minimum. Instead, we must be advocating for victim-centric, trauma-informed and culturally sensitive trainings for employees (Richards & Kafonek, 2017). These trainings should explain the way in which to support a victim, who to turn to when looking for sexual misconduct support, and should dispel rape myths where they can. Training should also provide skills to employees on ways to convey that they are mandatory reporters without purposefully deterring the victim from telling their story (Lewis, et al., 2013).

EVERFI mentions that programming and training should be mandatory for all students and employees. These pieces of education, along with the policies surrounding the issue of sexual misconduct, must be "reviewed, revised, distributed, and enforced," (Buelow, 2016. p. 10). The information must be comprehensive for all people engaging in the topic and it must be factual information being distributed. This prevention education must not only accessible but persistently promoted by the college (Buelow, 2016).

We are losing them because we are not meeting them.

John Kalin discussed the way in which we, as advocates, need to re-think sexual assault prevention in high school and college. Though he doesn't discuss responsible employee policies in his TED Talk, his thoughts on this topic can and should be connected to gaining better buy-in. His two main points are revamping the way in which sexual assault prevention is approached along with meeting people where they are at in regard to their level of knowledge and development within this topic (TEDx Talks, 2013). Although this is such a seemingly minute aspect of sexual violence prevention work, it is one that needs to be taken seriously and realistically implemented on college campuses.

I already delved into this conversation earlier and that is because there is such value in this small aspect. There is not any information on this in regard to buy-in of responsible employee policies. In order to combat this lack of data, I suggest research in the future look into how employees are best connected to this information. With this, information cannot be generalized as "all professors feel this way" or "RA's believe this," rather this data should be broken down further to account for gaps in education, along with differing experiences in the realm of sexual violence and prevention. Instead, data could be framed by department or

category. For example, research could categorize professors by their department and RA's by the

type of students that are being housed in their halls.

Prevention Programming

Prevention programming is the tip of the iceberg when it comes to sexual violence

prevention. It appears that many colleges are sort of going backward through the pillars; starting

with programming and then maybe considering the critical processes of their own campus and

ending with attempting to gain administrative support. As crucial as prevention programs are,

they can only work to their full capacity when the first two pillars are solidly in place (Buelow,

2016). There are a number of programs that colleges can implement on their campuses. I look at

Western Michigan University to help guide the understanding of valuable programming.

Specifically, I look at their bystander intervention, sexual violence prevention education, and

their resource and support service programming.

Prevention education programming and victim support services.

Both the Bledsoe, et al., (2004) and the Antle, et al., (2010) studies mention a majority of

their study participants noted that mandatory reporting policies and laws are only effective when

used in conjunction with proper victim services. Looking at Western Michigan University as an

example, they have a *Title IX* office, but their support services do not end there (Western

Michigan University, n.d. c). This university also has the support service FIRE Place Resource

and Support Center. This support center has compiled a large pool of education and referral

handouts that anyone affiliated with WMU can come in and learn about. In addition, FIRE Place

allows students to engage in art and awareness projects that may give them visual ways of

expressing and understanding how they are feeling. This area is a safe place for members of

WMU to come in and talk about any experiences of sexual violence or bias with trained student

educators. This is also a place for students and employees to gain information and even

assistance with reporting (Western Michigan University, n.d. b). This is a great resource for

victims, friends of victims, or anyone just looking for information on sexual violence and bias

incidents on Western's campus.

Campuses also need prevention programs in addition to their victim support programs.

Sometimes these two can be combined initiatives. Looking at Western Michigan University once

more and taking into account FIRE Place Resource and Support Center, this program actually

has a second branch called FIRE! (Fighting Ignorance and Rape through Education) Sexual

Assault Prevention Peer Educators. This group of trained students travels around campus hosting

presentations discussing sexual violence, risk reduction, consent, supporting survivors, campus

culture change through bystander intervention, and other themes around sexual violence. They

also host events throughout the fall and spring semester, including Western's annual Take Back

the Night event (Western Michigan University, n.d. a). Western's prevention programming does

not end here, though. They also have a bystander intervention program (HEROES), a male

violence prevention group (Gentlemen United), a sexual health group (The Sexperts) and a

theatre group that creates shows comprised of different themes from all of these programs

(Theatre for Community Health) (Western Michigan University, n.d. c). EVERFI describes the

best practices for prevention programming as those that create environmental changes; those that

are aware of sociocultural influences that lead to sexual violence; and those that are skills-based,

allowing students to take messages or actions (i.e. bystander intervention, consent, risk

reduction, etc.) and practice them in their own social circles (Buelow, 2016). Western goes to

show that prevention programming can have a multitude of styles and appearances.

Conclusion

When I began this review and analysis, I thought I had a solid and unchangeable view of responsible employee policies. I believed that employees need to just buy-in to these policies because they were overall helpful to campuses and greater surrounding communities. Although I still believe in this idea that institutional employees should definitely buy-in to these policies, I've come to realize it is not that simple. Employees face many barriers that prevent their buy-in of these responsible employee policies. Sometimes they don't trust their university's investigation processes. Sometimes they're unaware of their obligations as university employees. Sometimes they fall into believing rape myths and this affects their perception of these programs. In short, it's not necessarily that higher education employees don't want to buy-in to responsible employee requirements. Instead, there could be something preventing their investment into these policies. Through understanding these barriers, colleges can do better in gaining the support of these employees. I recommend using EVERFI's sexual violence prevention pillars to help colleges guide their own prevention standards on their own campuses. This includes making their sexual violence prevention trainings mandatory for all members of their institutions, making sure their education meets a certain standard in regard to its accurateness and clarity, making these programs accessible, and others.

The end of this document should not be the end of this conversation, though. There were certain limitations to this work. In the future, research on this topic could include more hands-on data collection. This could be surveys and interviews with a variety of collegiate employees to weigh their opinions of their school's responsible employee policies. It could also include employee responses to *Title IX* investigations and what their understanding of the whole issues of sexual misconduct is (including *Title IX* investigations, funding, employment, etc.). Researchers

may also want to ask faculty and staff how they think that their campuses could do better in regard to sexual misconduct prevention work. The same data could be collected from students of colleges as well since they are the population most affected by these policies. It might also be interesting to get an exclusive administrative view of responsible employee policies and sexual misconduct. Colleges have made strides to make their campuses safer and healthier for their students, but the work is not over yet.

References

American College Health Association. (2008). *Shifting the Paradigm: Primary Prevention of Sexual Violence.* Linthicum, MD. Retrieved from: http://www.acha.org/documents/resources/ACHA_PSV_toolkit.pdf

Antle, B., Barbee, A., Yankeelov, P., & Bledsoe, L. (2010). A qualitative evaluation of the effects of mandatory reporting of domestic violence on victims and their children. *Journal of Family Social Work*, 13(1), 56-73. doi: 10.1080/1052215093468065

Bauerlein, V. (2015, August 14). Prosecutors' group backs changes to college campus sexual assault investigations: Safe Campus Act includes mandatory reporting requirements opposed by rape survivors' groups. *The Wall Street Journal*. Retrieved from: https://www.wsj.com/articles/prosecutors-group-backs-changes-to-college-campus-sexual-assault-investigations-1439569461

Bledsoe, L.K., Yankeelov, P.A., Barbee, A.P., & Antle, B.F. (2004). Understanding the impact of intimate partner violence mandatory reporting law. *Violence Against Women*, 10(5), 534-560. doi:10.1177/1077801204264354

Block, J.A. (2012). Prompt and equitable explained how to craft a Title IX complaint sexual harassment policy and why it matters. *College Student Affairs Journal*, 30(2), 61-71. Retrieved from: https://search-proquest-com.libproxy.library.wmich.edu/docview/1503763634?OpenUrlRefId=info:xri/sid:primo&accountid=15099

Brown, L.G. & Gallagher, K. (2014). Mandatory Reporting of Abuse: A Historical Perspective on the Evolution of States' Current Mandatory Reporting Laws with a Review of the Laws in the Commonwealth of Pennsylvania. *Villanova Law Review Online: Tolle Lege, 59* (6). Retrieved from: http://digitalcommons.law.villanova.edu/vlr/vol59/iss6/5

Buelow, R. (2016). Improving Campus Sexual Assault Prevention: A Best Practice Guide for Administrative Leadership. *EVERFI*. Retrieved from: https://xyonline.net/sites/xyonline.net/files/EverFi%2C%20Improving%20Campus%20Sexual%20Assault%20Prevention.pdf

Buelow, R. (2015). Clery Act and Title IX Guidebook Legislative Compliance Checklist & Prevention Best Practices. *EVERFIi.* Retrieved from: http://info.everfi.com/rs/410-YCZ-984/images/White%20Paper%20-%20Clery%20Act%20and%20Title%20IX%20Guidebook.pdf

Burt, R.M. (1980). Cultural Myths and Support for Rape. *Journal of Personality and Social Psychology.* 38 (2), 217-230. Retrieved from: http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.474.5745&rep=rep1&type=pdf

Cantalupo, N.C. (2014). Institution-specific victimization surveys: Addressing legal and practical disincentives to gender-based violence reporting on college campuses. *Trauma, Violence, and Abuse*, 15(3), 227-241. doi:10.1177/1524838014521323

Cantor, D., Fisher, W. B., Chibnall, S., Bruce, C., Towsend, R., Thomas, G., and Lee, H. (2015, September 1). *Report on the AAU campus climate survey on sexual assault and sexual misconduct.* Rockville, MD: Westat. Retrieved from:

https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU_Campus
_Climate_Survey_12_14_15.pdf

Clark, A.E. & Pino, A.L. (2016). *We believe you: Survivors of campus sexual assault speak out*. New York, NY: Henry Holt and Company.

Clery Center. (2018a). *Clery Act Requirements.* Retrieved: https://clerycenter.org/policy-resources/the-clery-act/

Clery Center. (2018b). *History of the Clery Act*. Retrieved from: https://clerycenter.org/policy-resources/

Crawford, F. (March 5, 2018). Personal interview.

Crenshaw, W.B., Crenshaw, L.M., & Lichtenberg, J.W. (1995). When educators confront child abuse: An analysis of the decision to report. *Child Abuse and Neglect*, 19(9), 1095-1113. doi: 10.1016/0145-2134(95)00071-F

Davis v. Monroe Cnty. Bd. of Educ., 526 U.S. 629 (1999). Retrieved from: https://supreme.justia.com/cases/federal/us/526/629/case.html

Deamicis, C. (2013, May 20). Which matters more: Reporting assault or respecting a victim's wishes. *The Atlantic*. Retrieved from: https://www.theatlantic.com/national/archive/2013/05/which-matters-more-reporting-assault-or-respecting-a-victims-wishes/276042/

DeGue, S., Valle, L.A., Holt, M.K., Massetti, G.M., Matjasko, J.L., & Tharp, A.T. (2014). A systematic review of primary prevention strategies for sexual violence perpetration. *Agression and Violent Behavior,* 19. 246-262. doi: 10.1016/j.avb.2014.05.004

EAB. (2016). Campus Climate Survey Quick Takes. *Western Michigan University.* Retrieved from: https://wmich.edu/sites/default/files/attachments/u102/2016/EAB%20Results%20for%20Western%20Michigan%20University%20-%20Spring%202016.pdf

Emery, C.R. (2003). An Examination of Professor Expectations Based on the Kano Model of Customer Satisfaction. *Academy of Educational Leadership Journal*. 18(1) 39-44. Retrieved from: https://search-proquest-com.libproxy.library.wmich.edu/docview/192406604?accountid=15099&rfr_id=info%3Axri%2Fsid%3Aprimo

Engle, J. (2015). Mandatory Reporting of Campus Sexual Assault and Domestic Violence: Moving to a Victim Centric Protocol that Comports with Federal Law. *Penn State Law*. 401-421. Retrieved from: https://elibrary.law.psu.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=1241&context=fac_works

EVERFI. (n.d.). About- The Future of Education Technology. *EVERFI.* Retrieved from: https://everfi.com/about/

Ferreri, E. (2011). Responding to Sexual Assault. *Duke Today.* Retrieved from: https://today.duke.edu/2011/11/sexualmisconduct

Fisher, B.S., Cullen, F.T., & Turner, M.G., (2000). *The Sexual Victimization of College Women.* Washington, DC: National Institute of Justice and Bureau of Justice Statistics. Retrieved from: https://www.ncjrs.gov/pdffiles1/nij/182369.pdf

Flaherty, C. (2015). Endangering a Trust. *Inside Higher Ed.* Retrieved from: https://www.insidehighered.com/news/2015/02/04/faculty-members-object-new-policies-making-all-professors-mandatory-reporters-sexual

Flaherty, E. (2015). Practical issues and challenges for physicians reporting suspected child maltreatment. In B. Mathews and D.C. Bross (Eds.), *Mandatory reporting laws and identification of severe child abuse and neglect* (pp. 311-325) Houton, Netherlands: Springer Netherlands. Retrieved from: https://link-springer-com.libproxy.library.wmich.edu/book/10.1007%2F978-94-017-9685-9

Fusilier, M. & Penrod, C. (2015). University employee sexual harassment policies. *Employee Responsibilities and Rights Journal*, 27, 47-60. doi:10.1007/s10672-0149255-0

Futrelle, D. (2017). Betsy DeVos's Title IX Rollback Is a Victory for Men's-Rights Groups. *The Cut*. Retrieved from: https://www.thecut.com/2017/09/betsy-devos-title-ix-rollback-a-victory-for-mens-rights.html

Franklin, C.A., Franklin, T.W., Nobles, M.R., & Kercher, G. (2011). *Risk factors associated with women's victimizations.* Huntsville, TX: The Crime Victims' Institute. Retrieved from: http://www.crimevictimsinstitute.org/documents/Risk%20Factors%20Final%20Print.pdf

Gielen, A.C., O'Campo, P.J., Campbell, J.C., Schollenberger, J., Woods, A.B., Jones, A.S., Dienemann, J.A., Kub, J., & Wynne C. (2000). Women's opinions about domestic violence screening and mandatory reporting. *American Journal of Preventative Medicine*, 19(4), 279-285. doi: 10.1016/S0749-3797(00)00234-8

Goldson, E. (2015). Neglect: Should there be mandatory reporting. In B. Mathews and D.C. Bross (Eds.), *Mandatory reporting laws and identification of severe child abuse and neglect* (pp. 219-244) Houton, Netherlands: Springer Netherlands. Retrieved from: https://link-springer-com.libproxy.library.wmich.edu/book/10.1007%2F978-94-017-9685-9

Hamlin, J. (2001). List of RAPE MYTHS: Sociology of Rape, University of Minnesota Duluth. Retrieved from: www.d.umn.edu/cla/faculty/jhamlin/3925/myths.html

Hartmann, A. (2015). Reworking Sexual Assault Response on University Campuses: Creating A Rights-Based Empowerment Model to Minimize Institutional Liability. *Washington University Journal of Law & Policy.* Vol 48, 287-320. Retrieved from: https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=1884&context=law_journal_law_policy

Holland, K.J. & Cortina, L.M. (2017). The Evolving Landscape of Title IX: Predicting Mandatory Reporters' Responses to Sexual Assault Disclosures. *Law and Human Behavior,41*(5), 429-439. doi: 10.1037/lhb0000253

Kafonek, K. & Richards, T.N. (2017) An Examination of Strategies for the Prevention of Gender-Based Violence at Four-Year Institutions of Higher Education, *Journal of School Violence, 16*(3), 271-285. doi: 10.1080/15388220.2017.1318576

Kingkade, T. (2017). These Are The Colleges Accused Of Mishandling Sexual Assault Cases. *Huffington Post.* Retrieved from: https://www.huffingtonpost.com/2014/01/31/college-sexual-assault-complaints_n_4675460.html

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

Krebs, C. P., Lindquist, C., Warner, T., Fisher, B., and Martin, S. (2007). *The campus sexual assault (CSA) study: Final report*. Retrieved from the National Criminal Justice Reference Service: http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf

Kreighbaum, A. (2017). DeVos Hints at Changes in Title IX Enforcement. *Inside Higher Ed.* Retrieved from: https://www.insidehighered.com/news/2017/07/14/after-full-day-meetings-title-ix-devos-says-improvements-needed

Lake, P. (2017). The Hazards and Opportunities Presented by Title IX. *The Chronicle of Higher Education.* Retrieved from: https://search-proquest-com.libproxy.library.wmich.edu/docview/1880145238?accountid=15099

Langton, L. & Truman, J., (2014). *Socio-emotional Impact of Violent Crime.* U.S.: U.S. Department of Justice. Retrieved from: https://www.bjs.gov/content/pub/pdf/sivc.pdf

Letarte, C. M. (2013) Keepers of the Night: The Dangerously Important Role of Resident Assistants on College and University Campuses. *Kentucky Journal of Higher Education Policy and Practice,* 2(2), 1-24. Retrieved from: https://uknowledge.uky.edu/kjhepp/vol2/iss2/4

Lewis, S., Schuster, S. Sokolow, B., & Swinton, D. (2013). The Top Ten Things We Need to Know About Title IX (That the DCL Didn't Tell Us). The 2013 Whitepaper. Retrieved from: https://atixa.org/wordpress/wp-content/uploads/2012/01/2013-NCHERM-Whitepaper-FINAL-1.18.13.pdf

Lombardi, K. (2013). Campus Sexual Violence Elimination Act Headed for President's Signature, *Center for Public Integrity*. Retrieved from http://www.publicintegrity.org/2013/03/01/12259/campus-sexual-violenceelimination-act-headed-presidents-signature

Lonsway, K. A., Archambault, J., & Lisak, D. (2009). False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault. *The Voice*, 3(1), 1-11. Retrieved from: http://www.ndaa.org/pdf/the_voice_vol_3_no_1_2009.pdf

Mancini, C., Pickett, J.T., Call, C., & Roche, S.P. (2016). Mandatory reporting in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

Mathews, B. (2015). Mandatory reporting laws: Their origin, nature, and development over time. In B. Mathews & D.C. Bross (Eds.), *Mandatory reporting laws and identification of*

severe child abuse and neglect (pp. 3-25) Houton, Netherlands: Springer Netherlands. Retrieved from: https://link-springer-com.libproxy.library.wmich.edu/book/10.1007%2F978-94-017-9685-9

National Center for Education Statistics. (n.d.). Enrollment in elementary, secondary, and degree-granting postsecondary institutions, by level and control of institution, enrollment level, and attendance status and sex of student: Selected years, fall 1990 through fall 2026. Retrieved from: https://nces.ed.gov/programs/digest/d16/tables/dt16_105.20.asp?current=yes

Newins, A. & White, S. (2017). Title IX sexual violence reporting requirements: knowledge and opinions of responsible employees and students. *Journal of Aggression, Conflict and Peace Research.* doi:10.1108/ JACPR-04-2017-0282

Nobles, M.R., Fox, K.A., Khey, D.N., & Lizotte, A.J., (2012). Community and Campus Crime: A Geospatial Examination of the Clery Act. *Crime & Delinquency* 59(8), 1131 -1156. doi: 10.1177/0011128710372188

Orchowski, L. & Gidyez, C. (2012). To Whom Do College Women Confide Following Sexual Assault? A Prospective Study of Predictors of Sexual Assault Disclosure and Social Reactions. *Violence Against Women* 18(3), 264 –288. doi: 10.1177/1077801212442917

Payton-Jones, K. (2014). Inside the Campus SaVE Act. *American School & University* Retrieved from: http://bi.galegroup.com.libproxy.library.wmich.edu/global/article/GALE%7CA393792496/82580458a3fafe5bfb4486b33a71dcd5?u=lom_wmichu

Pryal, K.R.G. (2016). What are your reporting duties under Title IX. *Women in Higher Education*, 25(4), 7. doi: 10.1002/whe.20300

Richards, E.P. (2015). The historical background for mandatory reporting laws in public health. In B. Mathews & D.C. Bross (Eds.), *Mandatory reporting laws and identification of severe child abuse and neglect* (pp. 105-123) Houton, Netherlands: Springer Netherlands. Retrieved from: https://link-springer-com.libproxy.library.wmich.edu/book/10.1007%2F978-94-017-9685-9

Richards, T.N. (2016). An Updated Review of Institutions of Higher Education's Responses to Sexual Assault: Results From a Nationally Representative Sample. *Journal of Interpersonal Violence* 1 (30), doi: 10.1177/0886260516658757

Rennison, C. M., Kaukinen, K., & Meade, C. (2017) The Extent, Nature, and Dynamics of Sexual Violence against College Women. In C. Kaukinen, M. H. Miller, & R. Powers (Eds.), *Addressing and Preventing Violence Against Women on College Campuses*. Philadelphia, PA: Temple Publishing.

Rodriguez, M.A., McLoughlin, E., Nah, G., & Campbell, J.C. (2001). Mandatory reporting of domestic violence injuries to the police: What do emergency department patients think. *The Journal of the American Medical Association,* 265(5), 580-583. doi:10.1001/jama.286.5.580.
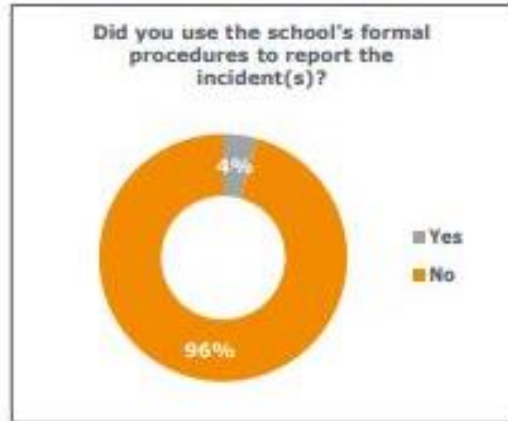
Sokolow, B. (2013). Mandatory reporting for Title IX: Keep it simple. The Chronicle of Higher Education, 60(4). Retrieved from: https://search-proquest-com.libproxy.library.wmich.edu/docview/1436577322?accountid=15099

Stockwell, C. (2017). Women vs. Men in STEM Degrees: Do we Have a Problem?. *College Factual.* Retrieved from: http://inside.collegefactual.com/stories/women-vs-men-in-stem-degrees

Sullivan, C.M. & Hagan, L.A. (2005). Survivors' opinions about mandatory reporting of domestic violence and sexual assault by medical professionals. *AFFILIA*, 20(3), 346361. doi:10.1177/0886109905277611

Sutton, H. (2015). Update your policies, procedures to be in line with Clery Act, VAWA amendments. *Wiley Periodicals, Inc* 12(6), doi: 10.1002/casr

TEDx Talks. (2013). *Re-thinking Sexual Assault Prevention in High School and College: John Kalin at TEDxColbyCollege* [YouTube Video]. Retrieved from: https://www.youtube.com/watch?v=dRuPFmo15Tk

The Chronical of Higher Education. (2018). Title IX Tracking Sexual Assault Investigations. *The Chronical of Higher Education*. Retrieved from: https://projects.chronicle.com/titleix/

Title IX Education Amendments of 1972, 20 U.S.C §1681-1688. (1972). Retrieved from: https://www.justice.gov/crt/title-ix-education-amendments-1972

Triplett, M.R. (2012). Sexual assault on college campuses: Seeking the appropriate balance between due process and victim protection. *Duke Law Journal*, 62(2), 487-527. Retrieved from: https://dlj.law.duke.edu/article/sexual-assault-on-college-campuses-seeking-the-appropriate-balance-between-due-process-and-victim-protection/

U.S. Department of Education, Office for Civil Rights (OCR). (2001). *Revised Sexual Harassment Guidance: Harassment by School Employees, Other Students, or Third Parties.* Retrieved from: https://titleixreference.weebly.com/uploads/7/8/8/5/78856372/revised_sexual_harassment_guidance_2001.pdf

U.S. Department of Education, Office for Civil Rights (OCR). (2011). *Dear Colleague Letter; Sexual Violence.* Retrieved from: http://www2.ed.gov/about/offices/list/ocr/letters/colleague201104.pdf

U.S. Department of Education, Office for Civil Rights (OCR). (2014). *Questions and Answers on Title IX and Sexual Violence.* Retrieved from: https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf

U.S. Department of Education, Office for Civil Rights (OCR). (2015). *Title IX Resource Guide.* Retrieved from: https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf

U.S. Department of Education, Office for Civil Rights (OCR). (2017). *Questions and Answers on Campus Sexual Misconduct.* Retrieved from: https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf

U.S. Senate Subcommittee on Financial & Contracting Oversight. (2014). *Sexual Violence on Campus: How too many institutions of higher education are failing to protect students.* Retrieved from: https://www.mccaskill.senate.gov/SurveyReportwithAppendix.pdf

Vagianos, A. (2017). Betsy DeVos Says The Title IX System Has 'Failed' Both Survivors And The Accused. *Huffington Post.* Retrieved from: https://www.huffingtonpost.com/entry/betsy-devos-announces-she-plans-to-roll-back-title-ix-guidelines_us_59b14e36e4b0dfaafcf5dfeb

Veidlinger, R.L. (2016). Title IX: Role of sexual assault nurse examiners in campus sexual assault proceedings. *The Journal for Nurse Practitioners*, 12(2), 113-119. doi: 10.1016/j.nurpra.2015.09.002

Western Michigan University (n.d.a). FIRE Place. *Western Michigan University.* Retrieved from: https://wmich.edu/healthcenter/healthpromotion/fireplace

Western Michigan University (n.d.b) FIRE Sexual Assault Peer Educators. *Western Michigan University.* Retrieved from: wmich.edu/sites/default/files/attachments/u102/2018/FINAL%202015-17%20SM%20Case%20Data%201.18.2018.pdf

Western Michigan University. (n.d.c). Prevention, Education and Training. *Western Michigan University.* Retrieved from: https://www.wmich.edu/sexualmisconduct/education

Western Michigan University. (n.d.d). Privacy and Confidentiality. *Western Michigan University.* Retrieved from: https://wmich.edu/sexualmisconduct/privacy

Wies, J.R. (2015). Title IX and the state of campus sexual violence in the United States: Power, policy and local bodies. *Human Organization*, 74(3), 276-286. doi:10.17730/0018-7259-74.3.276

Wilson, R. (2014). When a student confides a rape should a professor have to report it? *The Chronicle of Higher Education*, 61(11). Retrieved from: https://search-proquest-com.libproxy.library.wmich.edu/docview/1625380224?accountid=15099

Wolitzky-Taylor, K., Resnick, H., McCauley, J. Amstadter, A., Kilpatrick, D., & Ruggiero, K., (2011). Is reporting of rape on the rise? A comparison of women with reported versus unreported rape experiences in the national women's study-replication. *Journal of Interpersonal Violence,* 26(4). doi: 10.1177/0886260510365869
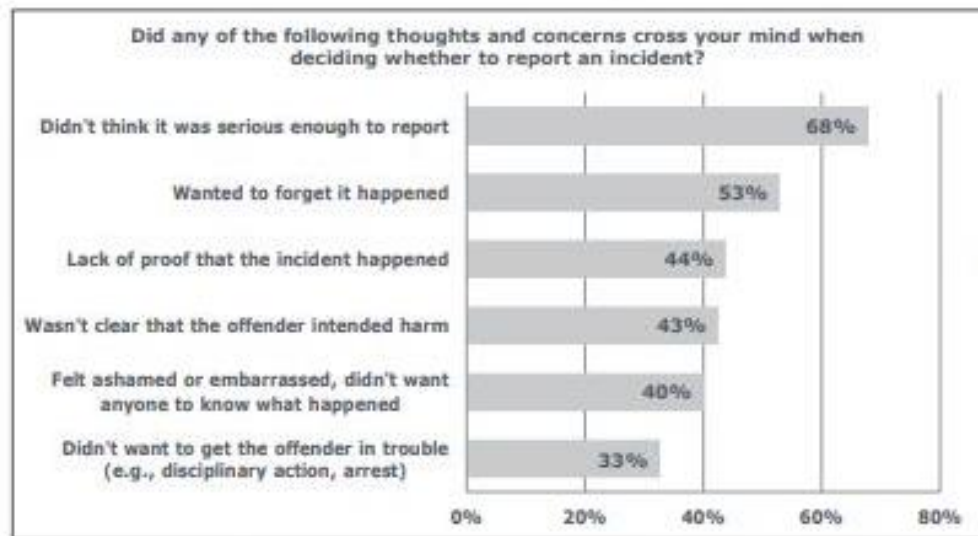
Appendix A
Western Michigan University Campus Climate Survey Results:

Formal Reporting Procedures

Appendix A

Western Michigan University Campus Climate Survey Results:

Formal Reporting Procedures

Did you use the school's formal procedures to report the incident(s)?

Yes 4%
No 96%

n= 249

Did any of the following thoughts and concerns cross your mind when deciding whether to report an incident?

Didn't think it was serious enough to report	68%
Wanted to forget it happened	53%
Lack of proof that the incident happened	44%
Wasn't clear that the offender intended harm	43%
Felt ashamed or embarrassed, didn't want anyone to know what happened	40%
Didn't want to get the offender in trouble (e.g., disciplinary action, arrest)	33%

n= 242

Retrieved from:

EAB. (2016). Campus Climate Survey Quick Takes. *Western Michigan University.* Retrieved from:
https://wmich.edu/sites/default/files/attachments/u102/2016/EAB%20Results%20for%20Western%20Michigan%20University%20-%20Spring%202016.pdf

Appendix B
Western Michigan University Campus Climate Survey Results:

Who Respondents Told About Incidents of Sexual Misconduct

Appendix B

Western Michigan University Campus Climate Survey Results:

Who Respondents Told About Incidents of Sexual Misconduct

Top 3 people respondents told about an incident of unwanted sexual contact		%	Count
No. 1	Roommate/friend/classmate	60%	149
No. 2	No one	35%	87
No. 3	Romantic partner	20%	49

n= 250

Top 3 responses the respondent got when they told someone about the incident		%	Count
No. 1	Responded in a way that made you feel supported	68%	108
No. 2	Listened sympathetically without criticizing or blaming you	62%	99
No. 3	Validated and believed your experience	56%	89

n= 160

Retrieved from:

EAB. (2016). Campus Climate Survey Quick Takes. *Western Michigan University.* Retrieved from:
https://wmich.edu/sites/default/files/attachments/u102/2016/EAB%20Results%20for%20Western%20Michigan%20University%20-%20Spring%202016.pdf

Appendix C
Students' Support for Mandatory Reporting Laws
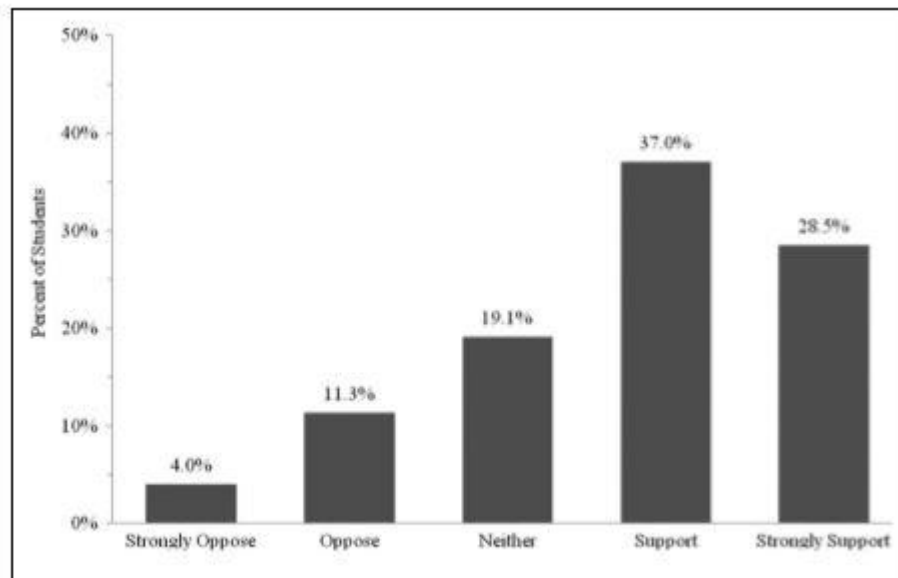
Appendix C

Students' Support for Mandatory Reporting Laws

Figure 1. Students' support for mandatory reporting laws (*N* = 397).

Retrieved from:

Mancini, C., Pickett, J.T., Call, C., & Roche, S.P. (2016). Mandatory reporting in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

Appendix D
Students' Self-Reported Personal Likelihood of Reporting

Appendix D

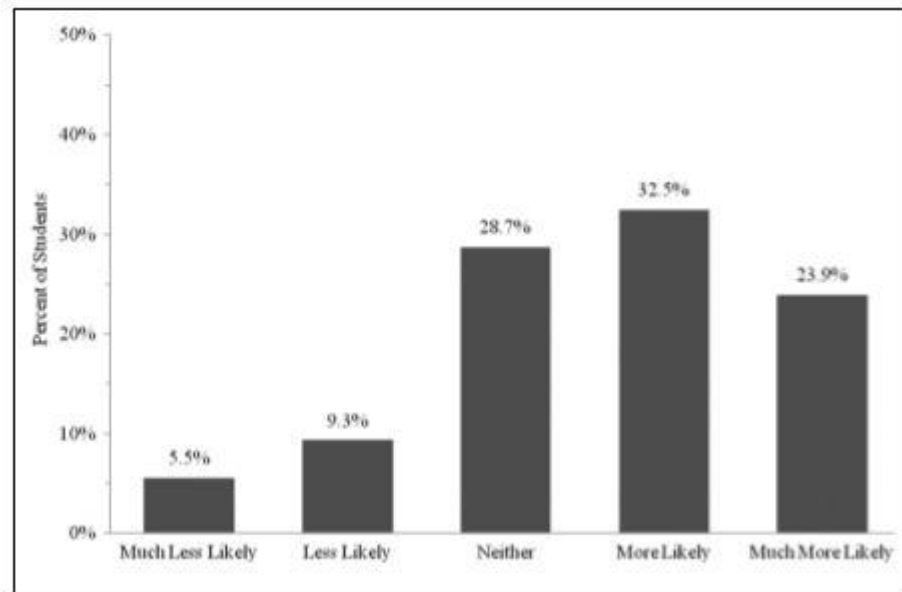Students' Self-Reported Personal Likelihood of Reporting

Figure 2. Students' self-reported personal likelihood of reporting sexual victimizations under mandatory reporting laws ($N = 397$).

Retrieved from:

Mancini, C., Pickett, J.T., Call, C., & Roche, S.P. (2016). Mandatory reporting in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

Appendix E
Students' Expectations About Outcomes of Mandatory Reporting

Appendix E

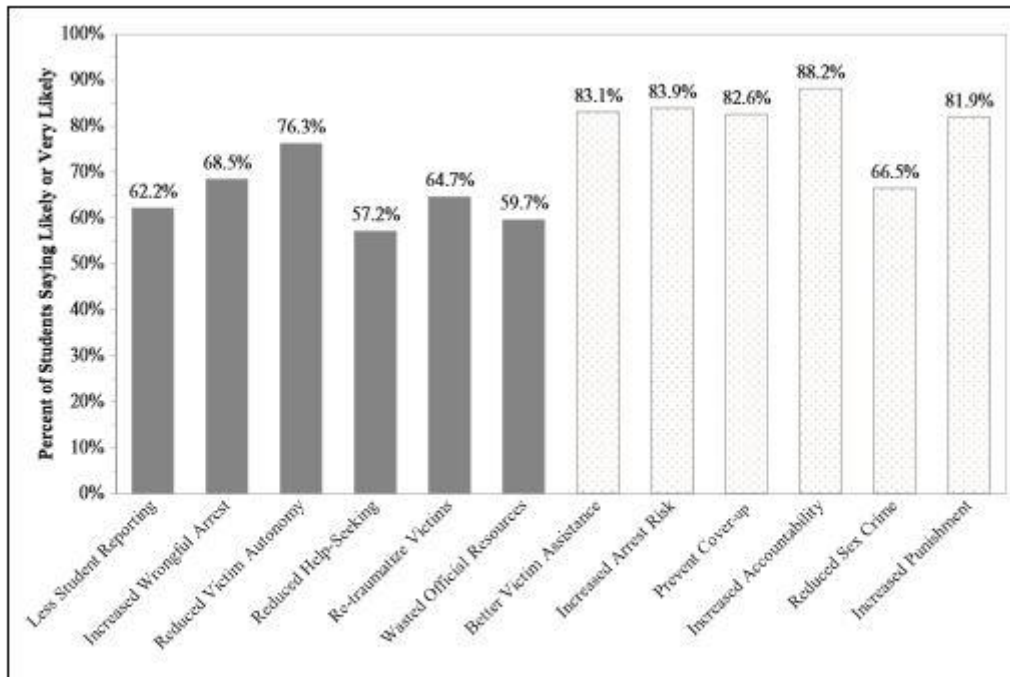Students' Expectations About Outcomes of Mandatory Reporting

Figure 4. Students' expectations about outcomes of mandatory reporting laws ($N = 397$).

Retrieved from:

Mancini, C., Pickett, J.T., Call, C., & Roche, S.P. (2016). Mandatory reporting in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

Appendix F
Students' Perceived Likelihood of Faculty Compliance With Mandatory Reporting Laws

Appendix F

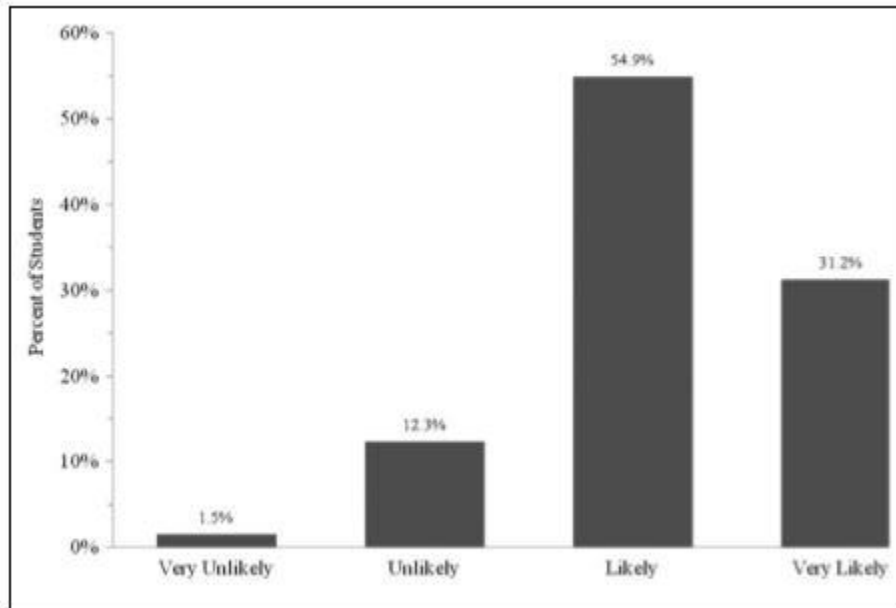Students' Perceived Likelihood of Faculty Compliance With Mandatory Reporting Laws

Figure 3. Students' perceived likelihood of faculty compliance with mandatory reporting laws ($N = 397$).

Retrieved from:

Mancini, C., Pickett, J.T., Call, C., & Roche, S.P. (2016). Mandatory reporting in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

Appendix G
Western Michigan University

Title IX Training for Faculty and Staff

January 2015 through December 2017

Appendix G

Western Michigan University

Title IX Training for Faculty and Staff

January 2015 through December 2017

Western Michigan University
Title IX Training for Faculty and Staff
January 2015 through December 2017

Sexual Assault Response Training for Responsible Employees (Mandated Reporters)

Month-Year	Title	Presenters/Hosts	Attendance
February-15	Title IX Training	Joyce Lew	30 Department of Public Safety
April-15	College of Arts & Sciences	Dr. Evelyn Winfield-Thomas	31 Chairs and Directors
April-15	Title IX Training	Drs. Evelyn Winfield-Thomas & Diane Anderson	19 Provost Council
May-15	Title IX Training	Drs. E.Winfield-Thomas, D.Anderson & C Craig	? Academic Forum
July-15	Title IX Training	Drs. Evelyn Winfield-Thomas & Diane Anderson	12 WMU Board of Trustees (8 BOT & 4 Admins)
September-15	Title IX Training (a.m. and p.m. sessions)	Dr. Evelyn Winfield-Thomas	340 Incoming Graduate Assistants
October-15	Title IX Training	Drs. E.Winfield-Thomas, D.Anderson & C Craig	15 Executive Assistants
November-15	Title IX Training	Dr. Evelyn Winfield-Thomas	17 Biological Sciences Department Faculty/Staff
November-15	Title IX Training	Joyce Lew & Amber Mosely	20 CELCIS Faculty & Staff
December-15	Title IX at WMU for Sindecuse	Dr. Anderson, Dr. Winfield-Thomas, Carrick Craig	56 staff/faculty
June 2015	Title IX Training	Dr. Diane Anderson	40 Admissions Staff
August 2015	Title IX Training	Dr. Suzie Nagel & Nicole Albee	37 Residence Life Staff
December-15	Title IX at WMU	Dr. Anderson, Dr. Winfield-Thomas, Carrick Craig	56 staff/faculty
January-16	Residence Life Staff Meeting - Overview of Title IX Reporting/Investigation Process	Felicia Crawford	30 Staff
February-16	Title IX Overview for Provost Council	Felicia Crawford	25 Faculty and Administrators
February-16	Title IX Overview for Dining Services Staff	Felicia Crawford and Joyce Lew	20 Staff
April-16	Title IX Overview for HCOB Policy Council Meeting	Felicia Crawford	8 Faculty and Administrators
April-16	Title IX Overview for Academic Forum	Felicia Crawford	80 Faculty and Administrators
April-16	Title IX Overview for FYE Staff	Felicia Crawford	5 Staff
August-16	Title IX Overview with Athletics Leadership	Felicia Crawford and Joyce Lew	40 Staff
September-16	Overview of Title IX - College of Aviation	Felicia Crawford	7 Faculty and Staff
October-16	Title IX Overview with Counseling ctr.	Felicia Crawford	12 Faculty and Staff
October-16	Overview of Title IX - Study Abroad Mtg	Felicia Crawford and Joyce Lew	5 Staff
October-16	Overview of roles in an investigation for Res Life	Felicia Crawford	20 Staff
October-16	Title IX and LBGTQ+ Community Webcast and facilitated discussion	Felicia Crawford and Codie Stone	10 Faculty and Staff
November-16	Title IX Overview for Business Managers	Felicia Crawford	60 Staff
February-17	Title IX Overview for College of Ed and Human Development (new presentation with pregnant student info)	Felicia Crawford and Joyce Lew	14 Faculty and Staff
April-17	Title IX Overview with focus on Sexual Harassment - Dept. of Music	Felicia Crawford	30 Faculty and Staff
May-17	Title IX Reporting for Financial Aid and BEST Staff	Felicia Crawford	25 Staff
August-17	Title IX for Hall Directors and GAs	Felicia Crawford and Nicole Albee	25 Staff
October-17	Overview of Title IX - Fine Arts	Felicia Crawford and Joyce Lew	7 Staff
March through November-17	Campus Safety Response: How to Respond to a Report of Sexual Misconduct	Felicia Crawford	325 Faculty, Staff, Graduate Assistants and Administrators
December-17	Title IX for CHHS Faculty	Felicia Crawford	20 Faculty

Sexual Assault Response Training Taken Online via Human Reources Website

Year	Title	Presenters/Hosts	Attendance
2015	Title IX for Faculty, Staff and Administrators	HR Online	173 Faculty, Staff and Administrators
2015	Title IX for Student Employees	HR Online	691 Undergrad and Graduate Student Employees
2016	Title IX for Faculty, Staff and Administrators	HR Online	156 Faculty, Staff and Administrators
2016	Title IX for Student Employees	HR Online	755 Undergrad and Graduate Student Employees
2017	Title IX for Faculty, Staff and Administrators	HR Online	165 Faculty, Staff and Administrators
2017	Title IX for Student Employees	HR Online	567 Undergrad and Graduate Student Employees

Data was provided by WMU Office of Institutional Equity on March 5, 2018