

Response to Senator Franken's Written Questions from Angela Fleischer

"Campus Sexual Assault: the Roles and Responsibilities of Law Enforcement"

December 9, 2014

1. How would increasing access to trauma-informed mental health counselors help students at schools around the country?

Mental health counseling after a sexual assault is not necessarily the fix-all for a victim, but we believe that the ability to easily and immediately access the service is crucial to providing a victim-centered, trauma-informed response on campus. Counseling can take several forms, including short-term "crisis intervention" to help a victim cope with immediate trauma and immediate needs, and a longer-term course of treatment that focuses on coping mechanisms for emotional triggers and traumatic response like PTSD, as well as mitigation of future emotional and physical harm. Even if a survivor does not choose to remain in counseling in the immediate aftermath, the ability to access it and have a positive initial experience of support – however short-lived – will have a great impact on whether they will consider utilizing mental health services later in their recovery when it may be a more appealing or useful tool.

As we see it, there are several barriers to college sexual assault victims receiving mental health counseling that could help mitigate the effects of their assault: cost to students, availability of appropriate counselors, and reluctance on the part of the survivor to try counseling due to perceived stigma or a lack of understanding of the benefits. In order to increase access to counseling for victims, all of these potential barriers should be addressed. This would include prioritizing funding to allow for free counseling on campus (in a manner that would not trigger an insurance claim on a parent's insurance), in addition these counseling services would be available year round so that a survivor's work was not interrupted by breaks in school or a maximum number of sessions being reached. Also, educated referrals to off-campus therapists if the student wished, and a designated person on campus (such as the Confidential Advisor) who was able to discuss and advocate for mental health services with survivors. Indeed in our "best scenario," all Confidential Advisors would be trained mental health professionals who would be able to use their counseling skills during their interactions with survivors to both do unofficial, immediate assessment of mental health needs, and who could speak knowledgeably to a survivor about the potential benefits of beginning counseling after an assault.

2. What else would you include in legislation to increase victim reporting rates and improve the relationship between students, school administrators, and local police departments?

My primary recommendations would be those included in my initial statement. Law enforcement and colleges can:

- Become fully educated about each other's processes.
- Provide Forensic Experiential Trauma Interview training for all interviewers.

- Adopt the victim-centered methods of reporting found in the You Have Options and Campus Choice programs, emphasizing the identification of serial perpetration.
- Commit fully to an on-going, purposeful collaboration that focuses on the needs of the victim.

In addition here are some other points I think are important as well.

- We want to re-emphasize how important we think it is to have a college process alongside a law enforcement process. It is important that survivors have as much choice as possible in the avenues of help they would like to pursue.
- We also believe one of the reasons survivors sometimes come forward to college officials first is because they are concerned about “ruining” someone’s life. We urge caution around creating any kind of system where an accused student’s record follows them wherever they go. Colleges need to feel empowered to keep their campus safe with suspensions, expulsions or any other disciplinary action without feeling as though they may be taking away someone’s right to education. Truly, they are taking away the right to an education at that institution but not everywhere.
- At SOU we have a specially trained hearings board for sexual misconduct cases. There are no students on this board; they are all specially identified staff who have experience or knowledge of this field. They have also received outside training in the dynamics of sexual assault and domestic violence as well as a yearly training provided by our Assistant Director of Student Support and Intervention, for Community Standards. We think it is imperative that colleges and universities have a specially trained body of people to handle these cases.
- Lastly, we have a monthly meeting, including our community partners to review our on campus response to sexual assault. One thought about this bill is perhaps stipulating a number of meetings between law enforcement and campuses for collaboration per year.

Response to Senator Grassley's Written Questions by Angela Fleischer

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December 9, 2014

1.
  - a. What is the most effective way to get campus sexual assault survivors to voluntarily report the crime against them and cooperate with the criminal justice system?

We need to prove to them, through the actions of law enforcement and campus administrators, that reporting to police does not mean losing control over their decisions about how to proceed. For example, the You Have Options program provides a written promise that a victim can provide information, learn about their options, and maintain control if and when police investigate further. This addresses the concerns that often prevent survivors from coming forward: what if they don't believe me? What if there isn't enough evidence to move forward, will my life be blown apart by having the perpetrator told of my accusations with no possible legal remedy? What if my perpetrator comes after me when he finds out I have reported, will I be safe? Will my friends and family have to find out before I am ready by being contacted by police as part of the investigation? What if I decide part way through that it is not worth the impact on my life to proceed with charges, will I be able to stop the process without being branded a liar?

By having a Confidential Advisor be available immediately to a victim, without that contact initiating a Title IX action, a survivor can learn ahead of time that all of these questions can be addressed by law enforcement before she/he decides how to proceed, and that she/he can meet with law enforcement anonymously while options are explored. This should remove the main reasons that victims are scared to go to law enforcement – the fear that meeting with police will start a process that the victim cannot stop, and the fear that they will not be able to maintain their confidentiality/privacy while they decide what to do.

In order for this to work, the law enforcement agency that works with the college would need to subscribe to similar protocols, (like Campus Choice) to what You Have Options guarantees victims, and they would need to have a close, trusting relationship with the campus Confidential Advisors.

Providing a viable campus response as an option is also an important piece of this: when survivors are clear that they have more than one option (campus and law enforcement) and are provided with accurate information about BOTH options as well as a sense that support will be available through either or both paths, they will be more willing to engage and stay engaged.

- b. What is the appropriate level of assistance that an educational institution should provide in helping a survivor of sexual assault report a crime when it occurs?

It is essential that educational institutions employ an administrator that is informed and knowledgeable about the criminal justice system, and who has a working relationship with law enforcement – a Confidential Advisor who is part of the campus system. The first form of assistance is in providing accurate and timely information about ALL the reporting possibilities available to the survivor. Confidential Advisors should also provide accompaniment to interviews, explanation of services available, and support to the extent that each survivor needs.

A Confidential Advisor is not responsible for determining the outcome of an institutional case, is not interviewing the accused student, and does not direct the Title IX investigation.

2.

- a. Could each of you please explain how you currently coordinate with you other two counterparts, represented by the other two individuals on this panel?

Because of our new Campus Choice program, SOU coordinates closely with the Ashland Police Department, particularly through the job of the Confidential Advisor. We attend monthly meetings to discuss both the campus response to sexual assault as well as the community based response. We work collaboratively when there is an investigation by law enforcement happening simultaneously with a campus investigation, to make sure neither investigation limits or adversely affects the other. SOU also collaborates with community based advocacy for training for the hearing board, after hours coverage of sexual assault reports, and advocacy beyond what the college is able to provide. Sexual assault exams are provided by our community partner, free of charge and completely confidentially for all students.

- b. What kind of additional information or assistance would you need to receive from each of the other parties here today to be more successful?

I learned from the other two panelists there is still a long way to go for many campuses in the way of collaboration. I see that Southern Oregon University and Ashland Police Department's collaboration is a huge reason for the high functioning response and reporting rates. I think if different communities were going to work on one thing, perhaps it would be increasing collaboration between the school and law enforcement. I think for partnerships there is a need for training and education on how these two entities can collaborate and still be adhering to the laws and maintaining their processes.

The other dynamic that came up during one of the panelist's testimony was the idea of the college's role in investigating sexual misconduct. I think it is important that colleges maintain their ability to take

measures to keep their campuses safe while also collaborating with law enforcement. In addition, it is important to give victims more options in reporting- not fewer. Victims need to be able to choose whether they would like to access support from the criminal justice system, the school, both or neither. The more choices in reporting that are provided the more likely people will come forward to report what happened to them.