

“How is a Student to Know Who They Can Talk To?”: University Website Communication about Sexual Assault in the Context of Compelled Disclosure

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"Compelled Disclosure" Policies Are Increasingly Common

- Policies "mandating that certain employees report any student disclosure of sexual assault to university officials (and, in some cases, to police), **with or without the survivor's consent**" (Holland et al., 2018)
- Most colleges/universities have adopted "wide-net" compelled disclosure policies (Weiner 2017)
- Consistent with university imperatives to decrease legal liability by collecting reports (Brubaker & Keegan, 2019; Cabrera, 2020; Moylan, 2017)



EQUITY,
CIVIL RIGHTS
& TITLE IX

GET HELP & SUPPORT

POLICIES

| **FILE A REPORT**

— REPORTING FORM

PREVENTION
EDUCATION (PEAR)

MEDIATION

ABOUT US

Individuals with Reporting Obligations (IROs)

University administrators, supervisors and employees in certain designated positions (including resident advisers and human resources staff) are considered Individuals with Reporting Obligations (IROs) and are required to share information they have received about possible sexual or gender-based misconduct with the Title IX Coordinator in the Equity, Civil Rights and Title IX Office. When IROs share information with ECRT, the university can ensure that each person who reports sexual misconduct to an IRO gets the same information about resources and how to make a formal complaint. IROs should make their reports with this [online form](#), including the IRO's name and contact information.

Resources for Individuals with Reporting Obligations (IROs)

Training: All faculty and staff should complete the [Reporting Sexual and Gender-Based Misconduct module](#) to understand what reporting obligations they may have, the conduct covered under the Policy, and how to respond appropriately and report concerns.

Compelled Disclosure Not Aligned with Survivor Needs

- **Agency:** Options, enough clear information to make decisions, allowing survivors to enact a tailored plan (Brubaker & Mancini, 2017; Frazier et al., 2017; Holland et al., 2020a, 2020b; Kirkner et al., 2021; Munro-Kramer et al., 2017; Orchowski et al., 2013; Orchowski & Gidycz, 2015; Richards et al., 2021)
- **Confidentiality:** Detailing who will know what, when (Banyard & Mayhew, 2009; Holland & Cortina, 2017; Krebs et al., 2011; Lindquist et al., 2016; Munro, 2014; Nasta et al., 2005; Porter, 2022; Sable et al., 2006; Walsh et al., 2010)
- **Validation:** Help-seeking strategies that may not involve formal reporting (Ahrens, 2006; Holland & Cortina, 2017; Khan et al., 2018; Lorenz et al., 2018; Porter, 2022)

Online Information for Survivors Critical but Often Incomplete

- Most schools provide at least some online information about the school's sexual misconduct policy, reporting to police, and confidential resources (Bedera & Nordmeyer, 2015; Dunlap et al., 2018; Englander et al., 2016; Hayes-Smith & Hayes-Smith, 2009; Krivoshey et al., 2013; Lund & Thomas, 2015; Schulz, 2021; Simmons et al., 2020; Simmons & Clay, 2019)
- Many websites missing key information (ibid)
- How schools arrange information can funnel survivors toward resources vs. reporting (Schulz, 2021)

The current project

How do universities' online communication about resources and reporting for sexual assault meet survivors' needs for agency, confidentiality, and validation?

Data and Methods

- University Responses to Sexual Assault (URSA) study's nationally representative sample of 381 colleges and universities
 - Wave 1, 2017: Undergraduates search and code websites for information on sexual assault resources and reporting (entire sample)
 - Wave 2, 2022: Jared and Elizabeth search and code websites of a random subsample (n = 50)
- Iterative process of content analysis beginning with quantitative approach that moved to qualitative

Overall Picture: Not Good

University websites often

1. constrained survivor agency through lack of information about compelled disclosure policies
2. discussed confidentiality in inaccurate or confusing ways, and
3. did not state clearly when access to resources was (or was not) contingent upon reporting.

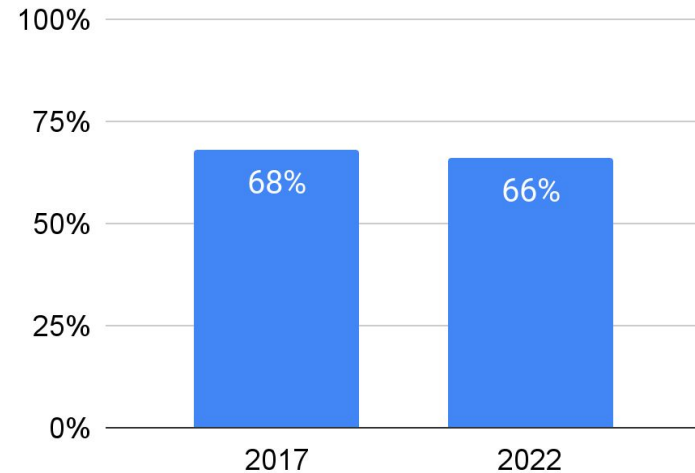
“This website was a joke and the hardest to follow. There is no way I would be able to successfully understand how to report sexual misconduct if I was a student here. The website does not even mention responsible employees or confidential resources. How is a student to know who they can talk to?”

- Undergrad coder writing about Shawnee University

Undermining Survivor Agency

- About **1/3** of schools did not mention compelled disclosure policies on their websites *at all*
- About half of websites identified who the disclosure would be reported to
- Small minority of schools explained how a survivor's wishes would be considered after a compelled disclosure
- Websites rarely clear that the school could decide to initiate an investigation without the survivor's consent

Schools mentioning compelled disclosure on their websites



Unclear What Happens When Title IX Office Receives a Report

"Upon receipt of a **report**, the Title IX Coordinator, or designee, will promptly contact the Complainant and provide the following:

- information on the availability of supportive measures,
 - consider the complainant's wishes with respect to supportive measures,
 - the ability to receive supportive measures **with or without filing a report**, and
 - information about the process for filing a formal complaint."
- Wentworth Institute of Technology (emphasis added)

Confusing Descriptions of Confidentiality

"Keep in mind [that] the degree in [sic] which confidentiality can be protected depends upon the situation and the role of the person being consulted."

- Video on Cabrini University's website

Confidential resources "do not have any obligation to share a report with the Title IX Coordinator unless the affected individual asks them to."

- University of Kentucky webpage

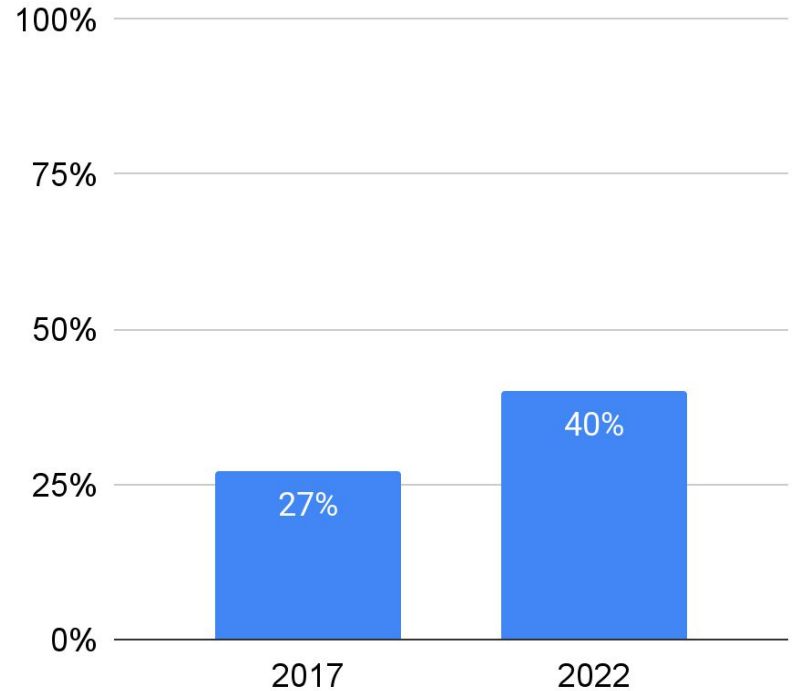
Police "a confidential resource for reporting and criminal investigation of incidents of sexual violence/harassment, relationship violence and stalking."

- University of Massachusetts at Amherst webpage

Resources Could be Contingent on Reporting

- Over 20% of schools' websites did not mention supportive measures
- Only a minority of school websites stated that a report was not required to access resources

Website stated that a report was NOT required to access resources



Supportive Measures Run through TIX Coordinator

"Upon receipt of a report of Prohibited Conduct, the University will consult initially with the complainant and may provide reasonable and appropriate supportive measures... Supportive measures may be provided at any time, regardless of whether an investigation and resolution process has been initiated or completed."

- Baylor University (emphasis added)

Supportive Measures Run through TIX Coordinator

Title IX team can:

- a) "provide information regarding the college's policies and procedures;
- b) assist in accessing other support services; and
- c) help arrange for supportive measures or other remedies.**

While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those who need to know to assist with providing support services or resolving a report."

- Bates University (emphasis added)

University of Michigan

<https://sexualmisconduct.umich.edu/reporting-process/>

Reporting-First versus Survivor-First

Reporting First

Funnels survivors toward the Title IX office and/or police

Example: Baylor University

Survivor First

Narrow compelled disclosure policy and emphasis on resources

Example: University of Nebraska, Lincoln

Discussion

- Few websites designed with an appropriate level of clarity, sensitivity, and openness to different help-seeking strategies that support survivor agency
- Survivor-centered communication would be easier if school policies related to reporting were more survivor-centered
- Legal context leads schools to focus on collating reports, which does not align with survivors' need for agency
- Shows limitations of a reactive approach that focuses primarily on responding to individual incidents rather than proactive organizational change

**For more info, contact PEAR at
pearoffice@umich.edu**

Prevention Education, Assistance & Resources (PEAR)

The Prevention Education, Assistance & Resources (PEAR) department, opened in the fall of 2022, provides sexual and gender-based misconduct prevention education for faculty and staff.



Thank you!

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References

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C. ECRT Actions Upon Receipt of Reports of Prohibited Conduct

Any individual may report possible PROHIBITED CONDUCT. It is not necessary for a reporting party or COMPLAINANT to determine in advance whether the behavior at issue meets the definition of PROHIBITED CONDUCT. Upon receipt of a report, ECRT will undertake a continuing assessment to determine the form of PROHIBITED CONDUCT at issue and, in cases involving EMPLOYEES and/or THIRD PARTIES, which procedures are applicable.

When ECRT or the TITLE IX COORDINATOR receives a report of PROHIBITED CONDUCT, ECRT will in all cases where the COMPLAINANT is identified, contact the COMPLAINANT to: (1) discuss the availability of SUPPORTIVE MEASURES; (2) ask about the COMPLAINANT'S wishes with respect to SUPPORTIVE MEASURES; (3) inform the COMPLAINANT of the availability of SUPPORTIVE MEASURES with or without the filing of a FORMAL COMPLAINT, and (4) explain how to file a FORMAL COMPLAINT.

The process for filing a FORMAL COMPLAINT is described in greater detail in Section VIII, but a FORMAL COMPLAINT may be filed by a COMPLAINANT when a report is made or at another time thereafter, and may be filed with respect to conduct that constitutes Sexual and Gender-Based Misconduct or Title IX Misconduct. **In some cases, as explained in further detail in Section VIII, the TITLE IX COORDINATOR may file a FORMAL COMPLAINT even where the COMPLAINANT has not decided to do so.**

The TITLE IX COORDINATOR has discretion to file a FORMAL COMPLAINT even if the COMPLAINANT chooses not to, and even if the COMPLAINANT chooses not to participate in a University resolution process. In general, the TITLE IX COORDINATOR will seek to respect the COMPLAINANT'S wishes not to file a FORMAL COMPLAINT. However, when the RESPONDENT is an EMPLOYEE; when a significant safety concern is presented; or when ECRT concludes that failure to pursue a FORMAL COMPLAINT may fail to meet the University's duties under the law; the TITLE IX COORDINATOR will usually sign a FORMAL COMPLAINT. The factors the TITLE IX COORDINATOR will consider are described in greater detail in Section V (B)(2) of the Student Procedures and Section IV (B) of the Employee Procedures.

REPLACE WITH UM'S STUFF

Supportive Measures Run through TIX Coordinator

Student Intervention Services (SIS) "provides support to student victims/survivors; coordinates with schools, housing administrators, and other relevant offices at students' request; and connects students to appropriate support services. **SIS respects the sensitivity of violence cases and can discreetly advocate for students with schools and other offices in the University.**"

- University of Pennsylvania (emphasis added)