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# EXPANDING THE FRAME

INSTITUTIONAL  
RESPONSES TO STUDENTS  
ACCUSED OF SEXUAL  
MISCONDUCT

 **NASPA**  
Student Affairs Administrators  
in Higher Education

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**JOAN TABACHNICK** has developed educational materials and innovative prevention programs for more than 25 years for national, state and local organizations. Her primary focus is on preventing the perpetration of sexually harmful behaviors, particularly in adolescents and young adults. Joan created the educational programming for Stop It Now! before starting her own consulting practice. Since then she has been director of NEARI Press, founding co-chair of the Association for the Treatment of Sexual Abusers (ATSA) prevention committee, and is executive director of MASOC. Joan is a fellow of ATSA and awarded a fellowship with the Department of Justice, SMART Office, with a focus on preventing campus sexual misconduct. Joan serves on a number of national and statewide task forces including the National Center for Missing and Exploited Children and Stop It Now!. Visit [www.joantabachnick.com](http://www.joantabachnick.com) for more information.

# ACKNOWLEDGEMENTS

Under Title IX of the Education Amendments Act of 1972 (2018), colleges and universities that receive federal funding are expected to provide access to education that is free from discrimination based on sex. The current study investigated the landscape of services that are provided to students accused of some form of sexual misconduct, relationship violence, sexual harassment, stalking, or other forms of sexual violence,\* formally referred to in this report as the *responding party*. This study provides an overview of the current state of respondent services at institutions of higher education. The results will be relevant to senior-level leaders who are interested in ensuring equitable services for both parties in sexual misconduct cases, as well as those who provide these services.

This project was completed in partnership between NASPA and the University of Kentucky College of Education. Jill Dunlap, director of research and practice at NASPA, and Jennifer Henkle, higher education professional and PhD student, were coinvestigators for the project. Joan Tabachnick, with DSM Consulting, provided expert consultation on the development of the project survey and is a coauthor of the report. Jane Jensen provided support and administrative oversight through the Institutional Review Board process at the University of Kentucky. Alexis Wesaw, senior director of data analytics at NASPA, gave invaluable data analysis and consulted on the interpretation of data throughout the duration of the study.

Partners on this project included several national organizations that assisted in both survey development and review and that allowed dissemination of the survey to their membership. Those organizations are the Association for Student Conduct Administration, Campus Advocacy and

Prevention Professionals Association, and Higher Education Case Managers Association. Members of the Sexual Assault Prevention listserv and multiple NASPA knowledge communities also reviewed the survey.

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- **RACHEL KING**, *Title IX coordinator, Curry College*
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- **ADAM ROSS NELSON**, *Research Committee chairperson, Association for Student Conduct Administration*
- **HANNAH RETZKIN**, *sexual and relationship violence prevention specialist, DePaul University*

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\* The term *sexual misconduct*, used throughout this report, encompasses incidents of sexual violence, relationship violence, stalking, and harassment.

# EXECUTIVE SUMMARY

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Institutions of higher education have long been challenged by the lack of clear guidelines for how to handle cases involving a range of behaviors, including sexual misconduct, sexual assault, relationship violence, sexual harassment, stalking, and other forms of sexual violence. More recently, there has been increased concern over due process rights of the accused in sexual misconduct cases on college and university campuses and over questions about the proposed changes to Title IX guidelines by the U.S. Department of Education. As a result of this changing landscape and in the interest of providing equitable services under Title IX, colleges and universities have begun to explore programs and services designed specifically to serve responding parties in cases involving sexual violence.

This research project is intended to provide additional perspectives from those who are closely engaged in sexual misconduct processes on campus. The Department of Education's 2018 Notice of Proposed Rulemaking process highlighted the need for more visible voices and for the views of student affairs professionals and others who work directly with college students. Early on in its rulemaking process, the department noted that the rules being proposed marked a shift in focus to also address due process rights of responding parties in sexual misconduct and Title IX cases. Per the most recent proposed changes to Title IX regulations, "Other criticisms of the previous guidance included that those guidance documents pressured schools and colleges to forgo robust due process protections" (Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 2018, p. 61,462). In its proposed rule, the department reinforced the notion that schools were not addressing the rights of accused students, by noting that more than "200 students have filed lawsuits against colleges and universities alleging their school disciplined them for sexual misconduct without providing due process protections"

(Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 2018, p. 61,462).

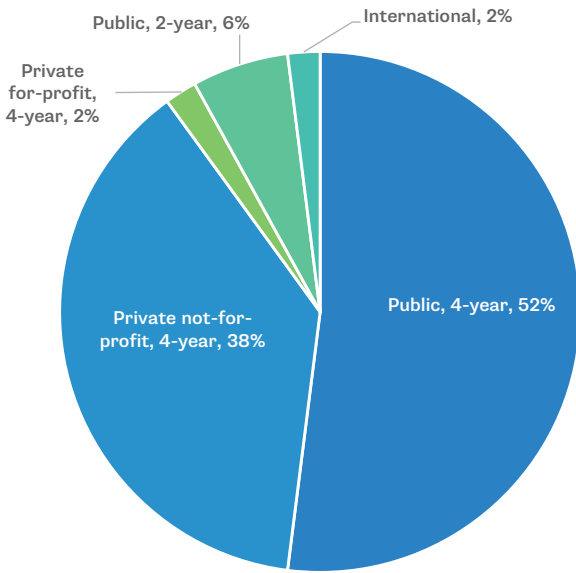
This summary outlines the findings of a recent landscape analysis of respondent services on college and university campuses. NASPA and the University of Kentucky College of Education partnered to administer a national survey to ascertain the prevalence of respondent services on campuses, the institutional positionality of those services, and how those support services operate. This study offers a snapshot of respondent services at a point in time when the 2011 and 2014 guidance from the Department of Education has been rescinded and replaced with a "Dear Colleague letter"—final guidelines are pending. Regardless of the new rules, it is clear from these findings that institutions are committed to addressing the provision of equal and/or equitable services for responding parties in sexual misconduct cases.

## STUDY OVERVIEW

To capture the current state of respondent support services on college campuses, the research team developed and tested a survey for campus administrators. This 30-item survey focused on the variety of respondent support services provided, the populations served, and the location of such services within the institution, among other topics. Disseminated in January 2019 and open to participants through mid-February 2019, the survey was ultimately completed by 251 professionals representing higher education institutions, of which 52% were public four-year institutions and 38% were private, nonprofit four-year institutions; the remaining 10% of survey participants represented for-profit, international, and/or two-year institutions. Enrollment sizes of represented institutions varied, with 1% serving fewer than 1,000 students; 31% serving between 1,000 and 4,999; 20% serving between 5,000 and 9,999; 19% serving between 10,000 and 19,999; and 29% serving more than 20,000 (see Figure 2). Although all 50 states plus the District of Columbia and Canada were represented, the

largest number of participants (11%) was from California.

Figure 1. Institutional Sector



The research team used the Integrated Postsecondary Education Data System (IPEDS) to categorize institutional demographics.

FINDINGS

Scope of Services

Of the survey participants, 99% shared that their campus provides some type of services to responding parties. Most participants (72%) said their campus had been providing services specifically to responding parties (as opposed to general conduct process advisors) for fewer than five years; 11% had not yet begun implementing these services but plan to do so in the future; and the remaining 16% had been providing these services for more than five years.

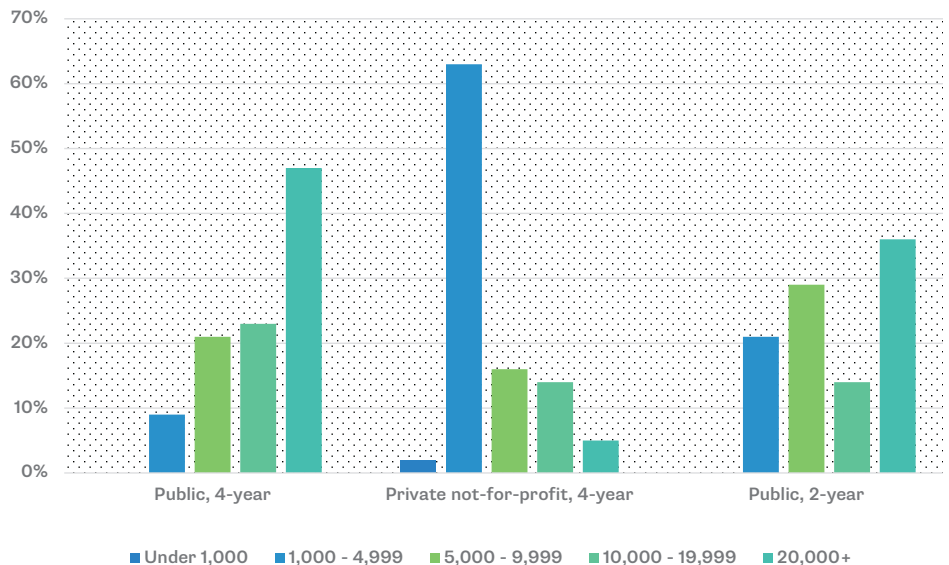
The survey asked about the specific services offered to responding parties. Survey participants from more than 60% of survey participants shared that their institution does one or more of the following:

- Explain responding parties’ rights and assist them in the investigation and/or hearing process.

- Coordinate and refer to available on- and off-campus resources (e.g., counseling center, financial assistance, identity-based centers).
- Access interim measures (e.g., class changes, no-contact directives) and/or academic accommodations (e.g., leniency requests to faculty, extensions).
- Assist in planning for maintaining boundaries and adhering to interim sanctions (e.g., not violating no-contact orders, understanding retaliation).
- Explain and assist responding parties in understanding protective orders.
- Accompany the responding party to conduct meetings or hearings.

Fewer survey participants responded that their campus offers services for reentry after a suspension (59%), operate as a liaison between the responding party and other campus offices (53%), or refer responding parties directly to legal services (34%). On average, survey participants indicated that they spend anywhere between one and three hours working with an individual respondent; however, 8% of participants responded that their staff members spend less than one hour with individual responding parties, and 33% of participants indicated that the staff spend more than four hours supporting responding parties. Most participants from larger institutions (defined here as institutions with 10,000 or more students)

Figure 2. Enrollment size by institutional sector



shared that anywhere between five and 29 individuals access respondent services each year, compared with fewer than 12 participants from smaller colleges and universities (defined here as campus populations of 1,000 to 4,999). Even with the growing attention to the due process rights of respondents, only 5% of participants stated that their institution has at least one full-time employee dedicated to providing these services. It is worth noting that smaller institutions provide the largest range of services for respondents (e.g., academic accommodations, legal referrals) compared with larger campuses.

When asked whether their services are “identical/equal,” “similar/fair/equitable,” or “don’t seem similar/equal/fair,” nearly half of participants (48%) said the services provided to the responding party are equal, and an equivalent amount (43%) said their services are equitable. Only 9% felt the comparison of services available to the responding versus the reporting party is not fair. However, when asked



**87% of survey participants stated that their institutions do not offer any services to the responding party that are not also available to the reporting party.**

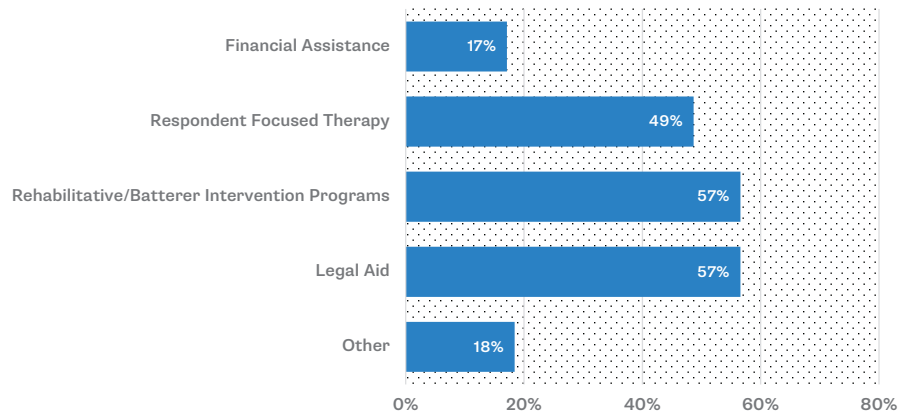


the reverse was asked—that is, whether any services were offered to the responding party but not the reporting party—most participants (87%) indicated “none.”

### Providers of Services

Participants were asked if support services for reporting and responding parties are offered through the same or different offices/individuals.

**Figure 3. Specific services offered by institution to responding parties involved in sexual misconduct cases by institution size**



Survey results indicate that institutions provide support services with a relatively even mix of approaches. For example, 52% of participants said that different staff provide each type of service, and 48% said the same staff members support both responding and reporting parties. The staff responsible for providing services to responding parties varies across campuses and were identified by survey participants as primarily the dean or associate dean of students, Title IX coordinator, student conduct officer, or nonclinical case manager. It is worth noting that, among survey participants who indicated that the same person provides support for responding and reporting parties, most (69%) indicated that their services are equal; of participants from institutions at which different people provide support to each party, most (57%) indicated that their services are equitable. There are no generally accepted definitions for *equitable* versus *equal* services in the campus environment. For the purposes of this report, *equitable services* are those that provide the same level of support that address the differing needs for both responding and reporting parties. *Equal services* means that each and every service provided to reporting parties (e.g., options for medical care, academic accommodations) is also provided to responding parties.

Most campuses (85%) have no budget dedicated specifically to providing respondent services. Of those institutions, 41% use volunteer faculty and/or staff to work with individual responding students, compared with only 7% that utilize graduate assistants and interns in this capacity. Of participants, 54% said

that they were aware of available resources outside of the campus setting for responding parties; these options include legal aid (57%), specialized intervention (57%), therapy services (49%), and financial assistance (17%).

When asked about formal training for those who work with responding students, 94% of participants indicated that their institution offers in-house training while others some utilize online trainings, training from a national organization, or instruction from local organizations. There does not seem to be a consistent location for oversight of these services, but the dean of students (27%) and Title IX office (21%) were most often cited as directly supervising those who provide services to responding parties.\* Answers about training for personnel and placement of services would offer important insights for the field and should be considered in future research on this topic.

### *Recipients of Services*

Students who are provided services are primarily students under investigation, students found responsible, or students who were previously temporarily separated from the institution. Very few institutions offer services for students who are transferring to the campus, with a transcript notation, after being found responsible for a violation of sexual violence at another institution. Similarly, very few institutions offer services for students entering the institution who are on the sex offender registry. When asked about the barriers to offering these services, most survey participants noted limited personnel (49%), student/responding party hesitancy to access services (43%), and the responding party's preference for working with outside counsel (41%). Less frequently cited barriers were lack of programmatic financial resources, lack of confidential services, or lack of awareness of support services.

Survey participants said that students primarily learn about respondent services through passive communications such as the institution's sexual misconduct policies (63%), the campus website (49%), in-person presentations (38%), brochures (33%), and/or first-year and

transfer student orientation sessions (31%). Of survey participants, 35% said their institution does not actively inform the general student population about respondent services.

## **RECOMMENDATIONS**

Based on the survey results,\*\* the researchers make the following recommendations to help colleges and universities create and deliver comprehensive and equitable services to all students who have been affected by sexual misconduct.

### *Provide Training for Those Providing Respondent Services*

The survey results suggest that colleges and universities want and need concrete and informed guidance to develop and implement comprehensive and equitable respondent services. Survey results reveal some inconsistencies in current training options—both in terms of those responsible for providing these training programs and in the content being delivered. Survivor advocates, Title IX coordinators and investigators, and conduct officers across the country have access to standardized training to ensure a consistent approach to their work with victims and survivors; however, no comparable resource exists for institutions seeking training or expert advice on developing respondent services.

### *Offer Access to Community Resources*

Most campuses reported they have mental health resources for responding parties, although the survey did not address the specific expertise of these clinicians. Fewer survey participants shared that they refer responding parties to off-campus resources, compared with those who refer to on-campus resources. Nearly half of participants said they were not aware of national organizations that provide access to local expertise for individuals with problematic sexual behaviors. Schools that provide respondent services should familiarize themselves with specialized community resources to ensure appropriate referrals to both on- and off-campus supports for responding parties.

\* The survey did not ask about the expertise of those offering such training resources or about the content.

\*\* Additional data and statistical analysis can be found in the body of the full report.

### *Provide Consistent Positionality of Respondent Support Services*

One of the challenges uncovered by this landscape analysis is the lack of consistent organizational placement of respondent services within institutions. Because there is no parallel to the victim services and survivor advocacy offices on campus, responding parties may have difficulty ascertaining if, and where, respondent services are available at their institutions (Klein, Dunlap, & Rizzo, 2016). Furthermore, if survivor advocates are primarily made up of entry- or mid-level professionals while responding parties are being supported by assistant/associate deans or deans of students, the power that each support person has can potentially impact the perceived fairness of the process (Klein et al., 2016).

### *Define Equal and Equitable*

The number of survey participants who indicated their services for reporting and responding parties are *equal* was equivalent to those that indicated their services are *equitable*. In answering specific questions regarding the types of services offered, survey participants who indicated that their institutions provide equitable services indicated they provide different services to address the unique needs of responding and reporting parties (e.g., medical services for reporting parties and reentry services for responding parties found responsible) as opposed to those who provided equal, or same, services. Given the split responses to the equal versus equitable services question, colleges and universities would benefit from additional information about what is required under federal guidance. The expectations about services for reentry students, for example, have the potential to impact reporting party, as well as campus safety. Clear expectations about providing *equitable* versus *equal* services for reporting and responding parties are needed from experts in the field and from the Department of Education. These expectations would prevent institutions from overcorrecting and attempting to provide equal, or same, services, when in fact equitable services for both parties is the goal.

### *Expand the Range of Students Served*

Most campuses appear to serve only those students who have been reported for sexual misconduct; however, more than 80% of

students who have experienced sexual misconduct do not report it to their institutions. In some contexts, students who believe they may have committed sexually aggressive acts have accessed support services when they were offered, without having been officially reported to the institution by someone else. In addition, a significant number of students on the sex offender registry or with a transcript notation are being accepted into colleges and universities. These individuals, and the institutions at which they are enrolling, could benefit from these types of services, even if the students aren't respondents in a current case (J. Tabachnick, personal communication, March 20, 2019).

### *Establish Best Practices*

Although this landscape analysis can show service providers what most campuses are doing, further research is needed to explore the impact and effectiveness of these practices on student success and campus safety. Best practices for the ideal institutional placement of these services, tools for addressing the students who are accused of sexual misconduct, and services for students who are seeking help but have not been reported must be defined. Future research should address the specific outcomes of these practices.

### *Inform the Community*

Even when resources are available, most colleges and universities do not actively educate their campus communities on the services offered by respondent services providers. Although methods vary and should be catered to the specific needs of the institution, best practices would include passive approaches to raise awareness of support services (e.g., information easily found on the college or university's website, pamphlets/brochures available to the campus community, or specific mentions in the institution's sexual violence policy). More active awareness-raising approaches could also be undertaken to address this issue (e.g., inclusion in wellness training or orientation for new students, sexual assault awareness month messaging, or bystander training programs).



# INTRODUCTION

## WHAT RESEARCH SAYS ABOUT PERPETRATION (AND THOSE WHO COMMIT IT)\*

Campus administrators, policymakers, and activists across the country acknowledge that addressing sexual misconduct on college and university campuses requires comprehensive strategies, best practices, and policies for students, faculty, staff, and institutions. A comprehensive approach needs to address all individuals affected—those who have been harmed, those who have caused harm, those at risk to cause harm, and anyone who has a relationship with or is connected to each of these individuals (e.g. friends, family members, roommates). Specifically, what is missing from many strategies to address sexual harm on campus is a focus on those who have perpetrated sexual misconduct and those at risk to do so. The Centers for Disease Control and Prevention has argued for the importance of perpetration-focused efforts, stating that “a decrease in the number of actual and potential perpetrators in the population is necessary to achieve measurable reductions in the prevalence of sexual violence” (DeGue et.al., 2012, 2014).

To effectively respond to campus sexual misconduct, institutions should consider the research on all aspects of abusive, illegal, or harmful sexual behaviors and prevention; this includes information about effective interventions, safety planning, and risk and protective factors for individuals who have committed some form of sexual harassment, assault, or violence.

When looking at the prevalence of sexual misconduct, the authors acknowledge that there is some controversy, in part based on how questions assessing for harm caused or potential to cause harm are asked of actual or potential perpetrators; as well as how rape, sexual assault,

and sexual misconduct are defined; the climate surrounding sexual misconduct on campus; and other factors. Nonetheless, this information can help inform what campus administrators know and identify what they do not know about the perpetration of sexual misconduct on campus.

The existing studies on the prevalence of rape (or attempted rape) show a range from 6% to 13% for male students (Abbey & McAuslan, 2004; Göbbels, Ward, & Willis, 2012; Koss, Gidycz, & Wisniewski, 1987; Lisak & Miller, 2002; Swartout et al., 2015; Wheeler, George, & Dahl, 2002; White & Smith, 2004). When survey questions take on the broader concept of sexual misconduct among survey respondents, the results range from 19% to 47% of individuals who have perpetrated some form of sexually aggressive behavior (Abbey & McAuslan, 2004; Koss et.al., 1987; Loh, Gidycz, Lobo, & Luthra, 2005; Mills & Granoff, 1992; Strang, Peterson, Hill, & Heiman, 2013; White & Smith, 2004). These numbers make clear that there is a broad range of sexually inappropriate behaviors and that there are many individuals who commit some form of sexual misconduct.

However, simply knowing the prevalence and types of sexual misconduct is not enough to effectively respond to or prevent these behaviors. As with all forms of sexual harm, the factors associated with campus sexual misconduct are nuanced and complicated. Multiple factors contribute to sexually aggressive behavior (Knight & Sims-Knight, 2011; Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, 2017), and research has consistently shown that individuals who commit sexual harassment, sexual assault, and sexual violence are diverse and engage in such behavior at differing

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\* This section was adapted from Addressing Campus Sexual Misconduct, Statement by the Association for the Treatment of Sexual Abusers, May 2019 (<http://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf>). Adapted with permission.

frequencies for varying reasons, and present with different levels of risk for future sexually abusive behavior (Breiding et al., 2011; Hanson, Bourgon, Helmus, & Hodgson, 2009; Hanson, Harris, Helmus, & Thornton, 2014; Hanson & Morton-Bourgon, 2004; Harris & Hanson, 2004).

Research on individuals convicted of sexual crimes confirms multiple factors influence sexually harmful behaviors. These factors include, but are not limited to, the individual's history of engaging in sexual misconduct as well as current factors such as attitudes of sexual entitlement, peer norms supportive of sexual aggression, intimacy deficits, sexual preoccupation, hostility toward women or other groups, general lifestyle instability, and general antisocial or criminal attitudes. These factors also include the individual's ability to problem solve and recognize the consequences of one's actions, and one's level of callousness and proneness to manipulative behavior (Mann, Hanson, & Thornton, 2010).

At the same time, protective factors have been shown to reduce future risk for individuals convicted of sexual crimes. For example, cultivating general lifestyle stability within the community, developing prosocial support networks, and establishing healthy intimacy skills are just some approaches that have been shown to reduce sexual violence risk potential (Boer, 2013; de Vogel, de Ruiter, Bouman, & de Vries Robbé, 2009; de Vries Robbé, Mann, Maruna, & Thornton, 2014).

Recent brain research shows that traditional-age college and university students are legally adults but developmentally in an adolescent stage. The brain continues to develop throughout these years, and many individuals within this age group are still learning skills to better understand social cues, control impulses, develop problem-solving and moral reasoning, and negotiate mature sexual relationships. Added to these risk factors is the fact that college marks the first time many young adults are away from close parental supervision and have relatively easy access to alcohol and other substances. It is well documented that cognitive impairments associated with intoxication include a reduced ability to process complex and conflicting information, an over-reliance on immediate salient social cues, and

difficulty stopping a line of action once it is initiated (Curtin & Fairchild, 2003; Giancola, 2000; Van Brunt, Murphy, & O'Toole, 2015).

Taken together, this research underscores that understanding the behavior of sexual offenders is a complex issue and that the individuals who violate sexual misconduct policies are equally complex. Essentially, what can be taken from this information is that a one-size-fits-all approach simply is not enough to address this complexity.

## POLICY: PAST AND PRESENT

Campus sexual assault has been a significant focus area for federal and state policymakers, campus administrators, and student activists in recent years. Building on decades of activism by student survivors, the groundbreaking and important investigative work in 2010 by the Center for Public Integrity, *Sexual Assault on Campus: A Frustrating Search for Justice*, helped bring national media attention to this issue. The matter gained further ground within the Obama administration, through the work of the White House Council on Women and Girls and its 2014 report *Rape and Sexual Assault: A Renewed Call to Action*. Much of this work was spurred by the experiences of sexual assault survivors who came forward to tell their stories and how their cases were subsequently handled—or in many cases mishandled—by the institutions to whom they reported. Thus, a significant amount of the response was centered on formalizing processes by which student survivors of sexual assault could safely come forward and have their cases handled appropriately.

As processes were formalized and institutions trained campus conduct staff, law enforcement, hearing board members, and especially students about trauma-informed response, more victims came forward to report their assaults.\* The U.S. Department of Education issued additional guidance for institutions in 2011 and again in 2014 (Ali, 2011; Lhamon, 2014)—at the same time that the White House was working with stakeholders from across the country to draft its report, *Not Alone: The First Report of the*

\* In this section, sexual assault is used to acknowledge the language of survivors choosing to report.

*White House Task Force to Protect Students From Sexual Assault.* With increased guidance on the issue from the Department of Justice and increased oversight of these cases by the department's Office on Civil Rights, institutions had no choice but to make changes. Many of these guidelines were designed to assure survivors of sexual assault that if they came forward to report harm, they would be taken seriously by campus officials and provided with accommodations. Additionally, survivors who decided to report would have their cases investigated and resolved in a timely manner under these changes.

While the federal government was providing increased guidance and oversight, state legislatures were following suit. A joint report between NASPA and Education Commission of the States outlined the flurry of state legislative activity designed to address campus sexual assault (Morse, Sponsler, & Fulton, 2015). The report found that at least 29 states introduced campus sexual violence legislation during 2015; this activity carried over into 2016, with 22 states introducing legislation to address the issue. An update on state-level legislative activity by Education Commission of the States in 2017 indicated that there was only a slight decrease in the number of bills introduced, with 15 states considering such legislation. Institutions of

higher education were facing an incredible amount of pressure from both federal and state policymakers to take responsibility for addressing sexual misconduct on their campuses.

In early 2017, one of the first actions of the Department of Education was to repeal both the 2011 and the 2014 Obama administration guidance on sexual assault and initiate a formal proposed rulemaking process; this appeared to signal the department's priority of addressing the issue. The process was designed to allow individuals, organizations, and institutions to weigh in on the best practices for responding to and adjudicating sexual misconduct cases on campus.

In addition to the data collected in this study, extensive public comment was submitted to the Department of Education suggesting that many institutions had, in fact, been developing and offering respondent services prior to the rescission of the 2011 and 2014 guidance. The prevalence and history of these types of services on campus for responding parties was the focus of this study and is well documented by the data collected within it. The results of this study are designed to provide promising practices to colleges and universities that want to provide equitable support services for all parties involved in sexual misconduct cases.



# RESEARCH FINDINGS

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The researchers developed a survey that was approved by the University of Kentucky Institutional Research Board. Open for approximately one month spanning January and February 2019, the study produced several findings that can be used to inform student affairs practitioners, state and federal policymakers, and students and their parents (for more information on methodology, see Appendix A). A total of 251 professionals representing higher education institutions completed the survey; 52% of participants were from public four-year institutions and 38% were from private, nonprofit four-year institutions. The remaining 10% of survey participants were from for-profit, international, and/or two-year institutions. The enrollment sizes of represented institutions varied, with 1% serving fewer than 1,000 students; 31% serving between 1,000 and 4,999; 20% serving between 5,000 and 9,999; 19% serving between 10,000 and 19,999; and 29% serving more than 20,000. Although all 50 states, the District of Columbia, and Canada were represented, the largest number of participants (11%) was from California.

Of the institutions that have respondent services, 16% indicated that they have provided those services for more than five years; 35%

for between three and five years; and 37% for less than two years. Of the 10% of survey participants who indicated their institution was considering offering such services, 29% indicated that they were looking to do so within six months, and another 38% indicated that those services would be provided within

the coming year. It is also worth noting that many institutions (39%) provide those same respondent services to faculty and staff accused of violating the sexual misconduct policy.

Another notable finding is the range of services provided by institutions, regardless of size. Although one may assume that schools with the largest populations provide the greatest range of services, survey data show that campuses with smaller enrollments appear to offer a wider range of services. When broken down by the types and range of services, the strongest support systems were provided by institutions with student populations of between 1,000 and 4,999. Again, this was the case for every type of respondent support service provided, apart from planning for reentry/integration following removal from the college/university; institutions with student populations between 5,000 and 9,999 provided that service at the greatest rate (68%) versus schools with smaller or larger populations (see Table 1).

In general, institutions provide services to a range of responding parties.\* All institutions, including public four-year, private four-year, and two-year institutions, provide respondent services to students currently involved in sexual misconduct cases (see Table 2).

Most institutions indicated that they do not have a full-time respondent support staff member. The number of full-time respondent services positions did not vary by institution, even when accounting for the size of the student population, the sector of the institution (public versus private), or the range of responding parties served. Anecdotal evidence mirrors this finding and indicates that most institutions take a team approach to providing these services, engaging a variety of personnel across campus.

## RANGE OF SERVICES

The survey asked participants about a range of services that their institution might provide to responding parties in sexual misconduct cases; that range is listed, along with the percentage of institutions that provide each type of service (see Table 3).

\* The range of services provided to responding parties includes those identified in Table 1.

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Survey participants were also asked which types of responding parties receive support services. Nearly all (99%) of the survey participants noted their institution provides support services to responding parties who are engaged in an active investigation; 68% provide support

services for students postinvestigation, or after those students have been found responsible. Of institutions, 55% provide support services for students who are reentering the institution after a separation as a result of a finding of responsibility. Even fewer institutions provide

**Table 1. Services Offered by Institution to Responding Parties Involved in Sexual Misconduct, Relationship Violence, and/or Stalking Cases, by Institutional Size**

	1,000-4,999		10,000-19,999		20,000+	
	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency
Aiding the responding parties in accessing interim measures and/or academic accommodations	95%	58	82%	31	91%	52
Accompanying the responding party to conduct meeting or hearings	61%	37	61%	23	63%	36
Operating as a liaison between the responding party and other offices	59%	36	50%	19	42%	24
Explaining and assisting the responding party in understanding the investigation and/or hearing process	97%	59	89%	34	93%	53
Explaining and assisting the responding party in understanding his or her rights	98%	60	89%	34	93%	53
Explaining and assisting the responding party in understanding protective orders	77%	47	66%	25	74%	42
Referring the responding party to legal resources	34%	21	24%	9	40%	23
Coordinating and referring the responding party to available campus resources	97%	59	87%	33	89%	51
Coordinating and referring the responding party to available off-campus resources	75%	46	61%	23	68%	39
Assisting the responding party in planning for maintaining boundaries and adhering to interim sanctions	95%	58	84%	32	82%	47
Planning for reentry/integration following removal from college/university	56%	34	55%	21	61%	35
Other	7%	4	11%	4	11%	6
My institution does not currently and will not provide services designed specifically for respondents.	5%	3	0%	0	7%	4
My institution provides general conduct process advisors but not separate respondent services.	30%	18	18%	7	21%	12
My institution is considering offering respondent services in the near future.	7%	4	16%	6	9%	5
<b>Total</b>		<b>61</b>		<b>38</b>		<b>57</b>

**Table 2. Types of Students to Which Institution Provides Respondent Services, by Institutional Sector**

	Private, Nonprofit 4 Year		Other	
	Percentage	Frequency	Percentage	Frequency
Students currently being investigated for sexual misconduct	99%	68	100%	7
Students recently found responsible for sexual misconduct	64%	44	57%	4
Students reentering following separation from your institution	52%	36	43%	3
Students transferring from another institution with a transcript notation for sexual misconduct	6%	4	43%	3
Students entering institution who are listed on the sex offender registry	4%	3	14%	1
<b>Total</b>		<b>69</b>		<b>7</b>

support services for students who were found responsible for misconduct at a previous institution, as indicated by a transcript notation (13%) or those entering the institution who are listed on the sex offender registry (10%).

### ORGANIZATIONAL PLACEMENT OF SERVICES

Survey participants were divided regarding to the positionality, or organizational placement, of these services at their institutions. Nearly half (48%) of survey participants indicated that support services for responding parties and reporting parties are provided by the same staff members, and slightly more than half (52%) indicated that the services are provided by different personnel. The overwhelming majority of institutions (95%) indicated that less than one full-time employee (1 FTE) is designated to provide these services, meaning that these services are being provided by a staff member with other primary duties or by a team in which the support duties are shared by multiple staff members across the institution. Of those institutions that provide respondent services, most (85%) indicated that there is not a separate budget for respondent services, and of those that do have a budget, most (53%) indicated

that the budget was under \$5,000 per year, excluding salaries.

A wide range of personnel provide respondent services. Respondent services are largely provided by residential life staff (32%) and student conduct staff (20%), followed by non-clinical case managers (13%), deans of students (12%), and assistant or associate deans of students (10%). Survey participants indicated that less than 25% of time in their position is spent by respondent support personnel on supporting responding parties. Although most institutions do not utilize volunteer faculty or staff to provide respondent services, 41% do so. The vast majority of institutions that rely on volunteers (93%) do not have graduate students provide these services. It is not known, however, whether the institutions that utilize faculty and staff volunteers also employ full-time personnel to oversee these volunteer teams. Some institutions use volunteers in place of employing a full-time staff member or multiple full-time staff members, but other institutions utilize both full-time staff members and volunteers in these roles. Finally, although 13% of respondent support personnel report to the president or chancellor's office, a larger share (27%) report to the dean of students office or equivalent, and another 21% report

**Table 3. Services Offered by Institution to Responding Parties Involved in Sexual Misconduct, Relationship Violence, and/or Stalking Cases**

	Percentage	Frequency	Total
Explaining and assisting the responding party in understanding the investigation and/or hearing process	93%	192	206
Explaining and assisting the responding party in understanding his or her rights	92%	189	206
Coordinating and referring the responding party to available campus resources	91%	187	206
Aiding the responding party in accessing interim measures and/or academic accommodations	89%	183	206
Assisting the responding party in planning for maintaining boundaries and adhering to interim sanctions	86%	178	206
Explaining and assisting the responding party in understanding protective orders	72%	149	206
Coordinating and referring the responding party to available off-campus resources	69%	142	206
Accompanying the responding party to conduct meeting or hearings	60%	123	206
Planning for reentry/integration following removal from college/university	59%	122	206
Operating as a liaison between the responding party and other offices	53%	110	206
Referring the responding party to legal resources	34%	69	206
My institution provides general conduct process advisors but not separate respondent services.	23%	47	206
My institution is considering offering respondent services in the near future.	10%	21	206
Other	9%	18	206
My institution does not currently and will not provide services designed specifically for respondents.	4%	9	206

through a nonclinical case management office. Only 9% indicated that the respondent services report through the Title IX office.

## TRAINING

The survey also inquired about the types of training provided for personnel who address respondent services. The majority of institutions (94%) indicated that they provide some form of in-house training, developed on campus. An additional 31% provide online training for these personnel, and 41% indicate that they send their respondent services staff to be trained or pursue certification through a national organization. Only 20% indicated that their respondent support personnel receive training from a community organization. Institutions listed many sources of training, but without any national standards, the quality and level of support provided to responding parties varies greatly from institution to institution. The implications of this finding are discussed further in the recommendations section.

**Table 4. Utilization of Respondent Services by Students During Academic Year 2017-2018**

	Percentage	Frequency
Less than 10%	38%	41
10-24%	17%	18
25-49%	19%	20
50-74%	10%	11
More than 75%	16%	17
Total	100%	107

## UTILIZATION OF SERVICES

Some of the most interesting findings involve the utilization of respondent services by students. On average, across all respondents identified by institutions as part of misconduct cases, 25 students were responding parties in sexual misconduct cases during the 2017–2018 academic year. Among those whom the institution identified as responding parties, 38% of survey respondents indicated that fewer than 10% of students utilized the support services available (see Table 4).

# DISCUSSION

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Institutions identified a range of obstacles for students who seek responding party support services. Nearly half (49%) of survey participants reported that their institution has a limited number of personnel who can provide these services. Similarly, 41% indicated that student responding parties prefer to engage with outside legal counsel, and 43% indicated they are simply hesitant to utilize campus-provided respondent services. Survey participants identified additional structural challenges, including lack of programmatic financial resources (28%), lack of confidentiality of services (13%), and lack of clear ownership for which department administers the support services (23%). An additional 15% of survey participants indicated that insufficient awareness of support

services was a reason for the lack of service utilization.

To better understand student awareness of respondent services, the survey asked participants to indicate how responding parties are made aware that services exist once they become involved in a sexual misconduct case. Only 13% of institutions have respondent support

staff conduct outreach directly to responding parties about support services available, and 48% send a letter to responding parties from the Title IX or student conduct office indicating that they can utilize these services; 30% conduct both types of outreach. Given that nearly half of institutions simply send a letter about support services, included in a letter from the office that is conducting the investigation, it is not surprising that students might be hesitant to seek support from the institution.

Because peers, parents, and other members of the campus community are often instrumental in helping students seek support services,

building awareness of respondent services among these groups is also instrumental in increasing utilization of available services. Institutions are working to increase awareness of the availability of respondent support services among students. Of survey participants, 38% said their institution informed students of respondent services during in-person presentations, and 31% said their institution presents students with this information during first-year and transfer student orientations. Other institutions utilize more passive approaches, including website listings (49%), pamphlets or brochures (33%), and inclusion in the institution's Title IX/sexual misconduct, relationship violence, and stalking policy (63%). Among survey participants, 35% indicated that they do not educate students about the existence of respondent services, relying instead on direct outreach only to those involved in sexual misconduct investigations. Survey results also suggest that institutions that provide some form of education for the campus community have higher levels of utilization of services by responding parties than do those that do not. Additionally, schools with respondent services personnel who use a proactive outreach method, or directly reach out to responding parties identified by their sexual misconduct office, have a higher rate of utilization of services (47%) than do those that utilize an "opt-in" method with responding parties and send only a letter informing the student of these services directly from the sexual misconduct office (18%).

Most institutions (78%) do not formally track the amount of time that respondent support personnel spend on providing services; this finding might be related to the lack of dedicated financial resources mentioned previously. For those that do not have time tracking mechanisms in place, survey participants were asked to average the amount of time personnel spend providing respondent support; the majority (61%) spend between one and three hours on each case, and 31% of participants indicated that each case takes more than four hours.

Due to the small number of respondents

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**NEARLY half (48%) of survey participants indicated that their institution's services for reporting parties and responding parties are identical, and 43% indicated that they are not identical, but similar/fair/equitable.**

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identified by survey participants, additional analysis could not distinguish any significant difference in utilization of respondent services among institutions based on the number of responding parties identified in the given academic year. In other words, institutions with a greater number of responding parties identified each year did not necessarily see a corresponding increase in the number of students who utilized respondent services. Conversely, institutions with very few identified responding parties did not see a larger number of students utilizing respondent services. Thus, even on campuses where more students are involved in these processes, there is either no greater awareness of respondent services or no greater trust in the system to engage with those services.

## RESPONDENT SERVICES PROGRAM STRUCTURE

Among survey respondents, 36% indicated that their institution's respondent services are not confidential; 28% indicated that their services for responding parties are confidential, with an additional 23% indicating that services are confidential but that aggregate data are shared with the Campus Security Authority (for Clery Act compliance purposes).

Respondent support personnel are included on a variety of cross-functional teams at institutions, including behavioral intervention teams (57%), threat assessment teams (34%), and campus-based sexual assault response teams (SARTs) or Title IX case management teams (55%). Fewer of these staff members serve on community-based SARTs or on campus-based Coordinated Community Response Teams (CCRT). Most respondent services personnel attend each CCRT meeting as a full participant (62%), a smaller number (22%) attend on an as-needed basis to participate in discussions, and a still smaller number (9%) are informed about the status of case updates but are not involved in case discussions.

## EQUITABILITY

Nearly half (48%) of survey participants indicated that their institution's services for reporting parties and responding parties are identical,

and 43% indicated that they are not identical, but similar/fair/equitable. A small number of survey participants (9%) indicated that their services are not identical, and they do not believe the services provided are similar/fair/equitable.

Survey participants indicated that institutions understand the different services that are needed by responding parties versus reporting parties. The following were listed by survey participants as services provided to reporting parties that are not provided to responding parties: counseling (13%); confidential support (51%); legal aid (8%); and medical services (21%). Institutions also seem to struggle with finding community resources to which they can refer responding parties for additional support, with 54% indicating that they do not have community-based resources with which they partner.

One finding of particular note is the difference between survey participants who indicated that services for responding parties and reporting parties are equal versus equitable.

For participants who indicated that the same personnel provide services for both responding and reporting parties, a greater number indicated that their services are equal/identical (69%) versus equitable/fair (26%). For those participants whose institutions have different personnel providing these services, a greater number indicated that their services are equitable/fair (57%) versus identical/equal (31%). These findings show that institutions that assign the provision of services by the same personnel and also believe their services are equal appear not to offer the same level of comprehensive services to both parties. For example, more survey participants said services were equal when services for both responding parties and reporting parties were offered by the same office; however, although the services during the investigation process may be the same, the full range of services appears to be quite different (e.g., medical services for reporting

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**OVERALL, the participants who labeled their services as equitable/fair seemed to provide more tailored services to meet the different needs of both reporting and responding parties.**”

parties and legal services for responding parties). The focus by institutions on providing equal, as opposed to equitable services, as discussed in later sections of this report, points to the importance of needing to understand the difference between equitable services and equal services, as each party will necessarily have unique needs and requirements.

Survey responses show that services provided to responding parties are typically similar to those provided to reporting parties, regardless of whether a participant indicated that his or her institution's services were equal versus equitable. The one service in which a difference was noted was between the survey participants who indicated that their institution provides equitable services and equal services with regard to off-campus resource referrals. Survey participants who indicated their institution's services were equal/identical referred responding parties to off-campus resources at a greater rate (91%) than those participants who indicated their services were equitable (61%). It may be that some institutions refer reporting parties

to community-based agencies such as rape crisis centers, and such equivalent community services may not exist for responding parties.

Additionally, there were a few notable differences between the institutions with equal/identical support services and those with equitable/fair support services, as identified by the survey participants. For survey participants who indicated their support services were equitable/fair, 51% noted they provide confidential advocacy or support to reporting parties but not to responding parties.\* Finally, the survey participants who labeled their services as equitable/fair as opposed to equal/identical indicated that they provide medical services to the reporting party and not to the responding party. Overall, the participants who labeled their services as equitable/fair seemed to provide more tailored services to meet the different needs of both reporting and responding parties.

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\* Due to the way the question on equal support services for respondents was worded, it is unclear if institutions provide equal support services for both parties but do not label support services for responding parties as "advocacy," or if the services they provide to responding parties are not confidential in the same way that those support services are confidential for reporting parties. Please see the Limitations section for more on this issue.

# SURVEY LIMITATIONS

This study has a few limitations, which are noted below. This is perhaps the first study of its kind to assess how colleges and universities are providing support services to responding parties involved in sexual misconduct cases. As a result, the authors realize that additional questions must be answered to further capture the current efforts made by institutions to create equitable support systems for both reporting and responding parties.

## REPRESENTATION OF SAMPLE

The survey results included input from a wide range of institutions, including two-year public, four-year public, and four-year private institutions. The representation of private four-year institutions within the survey results is somewhat smaller than their representation in higher education more generally.\* In addition, two-year public institutions, which make up 26% of institutions in the United States, were represented among less than 10% of survey participants. Further, the survey approach utilized snowball sampling, relying heavily on connections with partnering organizations, and dissemination through listservs of higher education professionals; as such, it is not a random sampling.

## TERMINOLOGY

The survey highlights that the field does not have commonly accepted terminology when referring to services for responding parties. In a few instances, the survey inquired about the range of support services for responding parties. Those questions that specifically asked about “confidential advocacy and/or support” offered to responding parties in misconduct cases. The inclusion of the term *advocacy* as part of that question may have led participants to indicate “no” when in fact they do provide confidential support services for responding parties. In some states *advocacy* is a legal term that grants

statutory privilege to those providing services to victims, so the inclusion of this term may have been confusing to some survey participants.

## TIMING

The survey was being developed and tested during the time in which the Department of Education had not yet released its new rules on Title IX. The Department of Education ultimately received more than 124,000 comments from student activists, higher education associations, and individuals who work within institutions of higher education (Cantalupo, Bundy, Burchett, Cool, & Mascagni, 2019). This survey was open during the same window that many campuses were working to draft comments to the Department’s proposed rules, which may have resulted in lower participation.

## COMPARISON OF SURVIVOR ADVOCACY TO RESPONDENT SERVICES

This survey asked questions about services for responding parties and did not ask direct questions about services for reporting parties. Responses were assessed independently of comparable services for reporting parties in sexual misconduct cases. A one-to-one comparison of respondent services versus equivalent reporting party services is therefore not available as part of this study. For example, an institution reporting that it provides legal counsel for responding parties does not necessarily mean that it provides those same services for reporting parties. The list of services participants reported their institutions provide to responding parties may or may not be available to reporting parties at that institution. Although these results demonstrate that institutions are attempting to create equitable processes and support services for both parties, they may indeed be overcorrecting and providing services to responding parties that are not available to reporting parties. Therefore, it is beyond the scope of this survey to make meaningful comparisons of services provided to both parties.

\* When compared with data from the National Center for Education Statistics ([https://nces.ed.gov/programs/digest/d18/tables/dt18\\_317.40.asp](https://nces.ed.gov/programs/digest/d18/tables/dt18_317.40.asp)).

# STRENGTHS OF CURRENT INSTITUTIONAL EFFORTS

Many institutions have been developing respondent services over the past five to ten years. This survey documents the prevalence and history of these services on campus; survey results can be used to ensure that all campuses are addressing these critical issues in the most effective ways possible.

## PREVALENCE OF RESPONDENT SERVICE PROGRAMS

The sheer number of institutions that were providing some form of services to responding parties at the time of the survey (99%) is important to note. Of those that have not implemented a more comprehensive list of services as of the survey date, a significant number

reported that they were looking to implement them within the next six months to a year. It is notable that nearly all individuals who participated in the survey work for institutions that address respondent services in some form, though many services still appear to take place within the hearing or investigation process and do not necessarily address all of the needs of

students who have violated the sexual misconduct policy. These results refute the common narrative that institutions are not concerned with responding parties' rights in sexual misconduct cases. As institutions address this more comprehensive approach, more institutions will be able to share promising practices with one another, and the professionals whose roles involve supporting responding parties may be able to connect regarding challenges and opportunities associated with providing such services.

It is also significant that the institutions with smaller student populations (1,000 to 4,999) and less personnel capacity are providing the most comprehensive range of respondent services, according to the survey responses. This finding indicates that institutions are committed to providing these types of services, regardless of whether they have the capacity to fund a full-time person to provide them. Team approaches—having multiple people within the institution provide respondent services—are consistently being used at institutions large and small. Institution size, in this case, does not appear to be a barrier to providing equitable support services for a wide range of responding parties on campus.

## TRAINING

Many institutions offer some form of training, primarily in-house, to personnel who provide respondent services. Given the needs of the students who have been accused of violating sexual misconduct policies, specific training for respondent support personnel allows them to address those needs. It also allows personnel to address issues of safety on behalf of both the individual and the institution. The survey did not assess details about the specific training provided, but this area will be the focus of future data collection efforts by this research team. The fact that most institutions are providing some form of training to respondent support personnel speaks to the weight that institutions are giving this issue.

## INCLUSION OF RESPONDENT SERVICE PERSONNEL IN CROSS-FUNCTIONAL TEAMS

The inclusion of respondent support personnel in cross-functional teams may be an indication of the significance and value institutions place on these roles. The inclusion of respondent support personnel in multifunctional teams not only offers an opportunity to increase

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**RIGHT now what we have is very, very limited. We would like, ideally, an office that supports respondents. Having a more centralized place to house this and people dedicated to this work would be incredibly helpful.**



awareness of these support services to other members of the community, but it enhances the ability of those personnel to do their jobs. When these support personnel are at the table during discussions of safety planning, investigation timelines, and threat assessments, they are able to relay that information back to responding parties in a timely fashion. This makes these processes more transparent for the responding parties who are involved in formal adjudication proceedings on campus.

### **RANGE OF SERVICES PROVIDED**

The survey included a list of support services that are provided to responding parties, ranging from aiding them in accessing interim measures and/or academic accommodations to accompanying them to conduct meetings or hearings and support during re-entry to campus after a suspension. Table 3 includes the full list of services assessed within the survey that institutions provide to respondents. Most survey participants indicated that their institution provides many of these services; only 23% indicated that they provide only process advising support to responding parties actively involved in misconduct cases.

A significant number of institutions provide

support services to responding parties beyond the formal investigation process. The transition and support services for students whose cases did not originate at their institution are addressed in the Recommendations section. One of the great strengths found in these results is the broad range of services that institutions offer to respondents, and the thoughtful ways in which respondent services have been implemented. Historically, institutions have provided services for responding parties involved in active cases in the form of conduct advisors. The survey data demonstrate that most institutions are providing some support services for students found responsible for sexual misconduct recently as well as postadjudication. The number of institutions (55%) that provide services for students reentering the institution after a separation is significant—this finding represents both a strength of current efforts and an area of opportunity for those institutions that don't currently provide such services. The provisions of postseparation support services are an indication that institutions have invested in supporting students who have completed their sanction and wish to persist at the institution.

# CAMPUS CHALLENGES TO PROVIDING RESPONDENT SERVICES

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Comprehensive respondent service programs are a relatively new and emerging field in student affairs and higher education administration. As discussed in the Recommendations section, no established best practices currently exist, and most institutions are only just developing these programs, identifying what specific services are needed, and exploring what is equitable or equal. The authors of this study caution against the use of survivor advocates as respondent support personnel for a variety of reasons. Most experts for victim and survivor services do not have the expertise to work with students who exhibit problematic sexual behaviors, have been found responsible for sexual misconduct and are returning to campus, or simply someone concerned about their own behaviors and seeking counseling services. Asking survivor advocates to serve these students could also create the perception of bias against a responding party.

Results from the landscape analysis show that several institutions began implementing some form of respondent services within the past three to five years. Although further research into the specific rationale for developing services is needed, a correlation is suggested by this timeframe and the first Office for Civil Rights investigation that found in favor of a responding party over an institution: In 2016, the Department of Education found that Wesley College had discriminated against a responding party based on sex by providing him with an inequitable Title IX investigation and hearing process (Gellman-Beer, 2016). Many individuals have referred to this case as the beginning of a shift toward focusing on the rights of and institutional-level services provided to responding parties. This rapid increase in interest and provision of services highlights the need for additional focus, research, information sharing, and access to best practices in order to adequately serve this student population.

The survey results suggest a variety of areas that need additional focus within the

field. One of the largest challenges identified is the overall lack of resources provided to respondent services at the institution level. For example, the survey results show that very few institutions have an individual staff member dedicated solely to providing respondent services or the equivalent of one full-time employee (1 FTE). Although schools are finding ways to account for this lack of resources through recruiting faculty and staff volunteers or graduate assistants to aid in the provision of services, survey participants also shared that limited personnel and resources may contribute to the lack of service utilization by responding parties.

The fact that most institutions do not actively inform students of available respondent services creates other challenges. For those campuses that do actively announce these services, utilization of services by responding parties is low compared with the number of students who may have violated the sexual misconduct policies. Institutions may be concerned about announcing these services out of concern for overutilization of already overwhelmed campus resources or due to perceived pushback from members of the campus community who disagree with providing respondent services.

Developing respondent services at a college or university can at times result in discord among students, employees, and the broader community. Although further research on this issue is needed, some survey participants shared that they felt the need to defend the creation of respondent services at their institutions. They related that problems can emerge due to misunderstandings of the benefits of respondent support services and to concerns that providing services to a responding party could somehow negatively impact the reporting party or the larger campus community. Additionally, institutional worries about unpopular media attention or lawsuits can lead to confusion about which staff members should provide these services.

All of these challenges need further exploration, and many of them should be addressed in future research. Providing support services to the responding party in cases involving sexual misconduct can provide better outcomes for both the reporting and responding parties. These benefits include decreasing cases of retaliation or

retraumatization, through assisting the responding party in understanding interim measures and no-contact directives; encouraging academic success for both parties involved, by providing academic accommodations; and reducing the likelihood of litigation against the institution, by providing equitable services to both parties.

# RECOMMENDATIONS TO IMPROVE SUPPORT SERVICES

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Based on the findings described in this report, the authors make several recommendations for colleges and universities considering implementing practices for preventing and responding to campus sexual misconduct. The researchers recognize the many strengths of current efforts; the recommendations below, targeted toward institutions that are committed to creating the most comprehensive and equitable services to all students impacted by sexual misconduct, address institutional-, community-, and policy-level areas.

## INSTITUTIONAL LEVEL

### 1. Institutions should ensure consistent positionality of respondent support services.

One of the challenges uncovered by this landscape analysis is the lack of consistent organizational placement of respondent services within institutions. As the survey indicates, with such varied positionality, responding parties may have a difficult time ascertaining if and where such services might be available at their institutions; this contrasts with the positionality of services for reporting parties, which are typically located in victim services and survivor advocacy offices on a college or university campus (Klein et al., 2016).

The title of the person tasked with providing support services to responding parties is noteworthy. If the title or position of the respondent support staff member in the hierarchy of the institution ranks higher than the victim advocate or staff member providing services to the reporting party, this has an impact on the equitable nature of support services. If survivor advocates are primarily entry-level or mid-level professionals (Klein et al., 2016) and responding parties are being supported by assistant/associate deans or deans of students, then the power that each support person possesses can potentially impact the fairness of the process.

Additional concerns arise from the frequency with which survey participants indicated that the same personnel are providing services to both the reporting and the responding party in a given case. Though it is important for institutions to consider the limitations of their resources—be they the size of a given college or university or the availability of volunteers—a perception of bias can be easily inferred by one party when a single staff person is providing support to both parties. Whenever possible, services should be provided by adequately trained, separate individuals and through offices capable of providing appropriate and equitable resources and support based on the unique needs of each party.

### 2. Institutions should consider ways to expand the range of respondents served.

The survey focused primarily on what campuses currently provide to responding parties; however, institutions should consider including a wider range of students, ranging from those who may benefit from prevention programs to those who have not been reported, to those who have been found responsible and sanctioned and are returning to campus. This broader perspective could address a wider range of students affected by sexual misconduct processes and benefit the institution as a whole (see Appendix B). Many institutions offer some type of resources to survivors of sexual misconduct, regardless of whether they choose to formally report the incident to their institutions. These services often include, but are not limited to, counseling, referral to medical care, or formal accommodations such as changing class schedules or housing assignments. This landscape analysis shows that institutions are also offering services tailored to responding parties; however, these services appear to be specifically for those who have been formally reported to the institution for a violation of the institution's sexual misconduct policy. Given that only between 17% and 46% of students



who have experienced sexual misconduct report it to their college or university (Cantor et al., 2015), an opportunity exists to address behaviors that do not rise to the level of reporting or situations in which the individual harmed does not choose to file a report.

When survey participants were asked about whether they offered services to transfer students found responsible at a prior institution or to those who are registered sex offenders, most did not report that their institutions offer any such services. Services for these students could include, but are not limited to, safety planning, counseling, housing restrictions, accommodations, preventative education, or limits to activities in which they can participate. When no services are offered, students who would benefit most from them are left to navigate a new institution on their own. Another recent study of institutions' use of transcript notations in sexual misconduct cases is worthy of noting. In that study, nearly 25% of survey participants indicated that their institution has accepted a student who was found responsible for sexual misconduct at another school or who is on the sex offender registry (J. Tabachnick, personal communication, March 20, 2019); some of these schools provided additional resources and/or application forms for those incoming students to help the institution create a safety plan for them.

### **3. Institutions should actively inform the campus community about the availability of respondent support services.**

Most survey participants shared that, even when substantial resources exist, their institution does not actively educate their campus communities on the existence and range of resources offered by respondent services providers. Many institutions utilize passive approaches to inform students about these campus resources, placing the responsibility of finding services on individual responding parties. For students already experiencing stress from an investigation process, it is unlikely that many would know to seek these sorts of services on their campus. If the situation has not been reported, the student who violated the sexual misconduct policy may also have to determine whether seeking services would

trigger a report of the incident, which could also reduce the frequency of help-seeking behaviors.

Although methods of raising awareness among students vary and should be catered to the specific needs of an institution, recommended practices include both passive approaches (e.g., information easily found on the college or university's website, pamphlets/brochures available to the campus community, specific mentions in the institution's sexual violence policy) and active approaches (e.g., inclusion in any wellness training or orientation for new students, sexual assault awareness month messaging, bystander training programs).

### **4. Institutions should increase their knowledge of community resources.**

Few survey participants (13%) noted their institution provides mental health resources for responding parties, and the survey did not inquire about the specific expertise of clinicians who offer these services to either party. It is not clear from the survey whether campus mental health providers have specialized training to work with students who have been found responsible for assault, are under investigation for misconduct, or have problematic sexual behaviors. Of survey participants, 54% stated that they were aware of off-campus resources to which they could refer responding parties. Many national organizations are currently available to provide access to local expertise; those schools that are not currently referring to off-campus resources should be consulting with these national organizations.

As noted earlier in this report, research affirms the growing need to address the wide range of individuals who have violated the sexual misconduct policy in some form. Although further research is needed to assess whether institutions that provide services to responding parties have the expertise to work with them, in the short term, schools that provide respondent services should familiarize themselves with specialized community resources to ensure appropriate referrals to both on- and off-campus supports for responding parties. A list of resources for campus administrators is included in Appendix C.

## COMMUNITY AND POLICY LEVEL

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### 1. Institutions should advocate for a clear definition of equitable versus equal support services.

One goal of this project was to explore promising practices for student affairs administrators who want to provide support services for everyone involved in sexual misconduct cases—without infringing on the rights of any party. When asked whether their institution's services were equal, equitable, or unfair, 48% of survey participants indicated that their services for reporting and responding parties were equal, 43% indicated that their services were equitable, and very few (9%) thought that the services provided were inequitable or not fair to the parties involved. The results also show that the survey participant was more likely to say that services were equal if they were offered by the same person *and* the same office. If the services were offered by different people in different offices, then the survey participant was more likely to say that the services were equitable. These results suggest that there is not a clear or generally accepted standard or definition for what is meant by equal versus equitable services.

The survey results suggest that responding parties on most campuses are more or less provided with equitable services on campuses. In answering specific questions regarding the types of services offered to the reporting or the responding party, it was clear that in many cases, different services are offered to address the unique needs of each party. For example, medical services are offered to the reporting parties, and at least in some cases, reentry services are offered to responding parties who had been found responsible and suspended and who were then returning to the institution. The results indicate that institutions are providing equitable services, based on the different needs of reporting and responding parties in the context of misconduct cases. If the campus considers all of the services offered to students—and not just those within the conduct process—the services offered by institutions are justifiably equitable, as opposed to equal, due to the ability to meet the needs

of each student party within a given case.

Given the divergent responses to questions of equitable versus equal services, colleges and universities would benefit from further guidance about both what is required under federal guidance and what are best practices in terms of campus safety. Clear expectations about providing *equitable* versus *equal* services for reporting and responding parties are needed from experts in the field and from the Department of Education so that institutions do not inadvertently overcorrect by attempting to make all services equal when, as outlined above, equitable may be the more effective goal.

### 2. Institutions should provide specialized training for those who provide respondent services.

Institutions appear to want and need concrete, informed guidance on how to develop and implement comprehensive and equitable respondent services on their campuses. When asked about formal training, most participants (49%) said their campuses offer it internally, and very few survey participants indicated that their institutions had accessed expertise from outside the campus community. These findings are interesting for several reasons. The ability for respondent support personnel to access community expertise in the form of training on offender behavior is important. These details should be included in future research on the subject. It is not clear which national organizations are being utilized to train respondent services personnel, but no nationally recognized training program currently exists for this purpose. It is possible that these staff members are being trained on Title IX investigations and processes or on trauma-informed work by community organizations, but the specific source of the training indicated in the responses was not assessed.

Schools do, however, have access to standardized trainings and best practices to ensure a consistent approach to their work with reporting parties as well as for staff designated as investigators for these cases. Training for survivor advocates is required in states such as Oregon, where advocates are

legally defined, and is offered by a variety of local and national organizations for an average of 40 hours of intensive training. Certification through organizations such as the Association of Title IX Administrators requires a minimum of four days for the first level of Title IX coordinator training and certification. However, there is no equivalent certification or training mandated for respondent support personnel. Questions remain about whether all Title IX coordinators and investigators and other campus administrators are being trained to address the needs of both reporting and responding parties. This specific question was not asked and presents an opportunity for further research.

Again, if the goal is to have truly equitable, not equal, services, then the accused may not warrant the same trauma-focused response that the victim would; however, the significant stress of the accusation would need to be addressed. Students who have been found responsible or who are under investigation may need specialized services, including mental health assistance, from practitioners with specialized training, to address the impact of the accusation and to develop a deeper understanding of their behaviors and the trauma caused to others. Because there is currently no resource for colleges and universities seeking training or expert advice on developing respondent services, some guidance about promising or

recommended practices would be helpful to institutions providing respondent services.

### **3. Respondent support staff should work with one another to establish best practices.**

Although this landscape analysis can demonstrate what many campuses are doing, further research is needed to explore the impact and effectiveness of these practices on student success and campus safety. One study has shown that, in most cases, colleges and universities are not evaluating the impact of their sanctioning processes or decisions (Association for Student Conduct Administration, University of Michigan, & The Center for Effective Public Policy, 2014). The best institutional practices to support students who have been found responsible, for those accused of sexual misconduct, and for students who have not been reported but are seeking help, include tools to address the needs of students accused of sexual misconduct; the ideal institutional placement and supervising office for those working with these students, for sanctioning decisions, and for safety planning when students are found responsible and suspended, and then return to campus; direction on how many employees should be hired into these roles, based on the average number of reported cases at an institution; and the impact of services for students who are seeking help but have not been reported.

# CONCLUSION

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In conclusion, this study provides a much-needed landscape view of the services available to responding parties in campus sexual misconduct cases. In contrast to some existing narratives that paint institutions as being overly-concerned about the rights of survivors at the expense of the rights of respondents, this study's results portray a very different picture. Most survey participants indicated that their institutions are providing distinct services for respondents involved in sexual misconduct cases, and in most cases, they identify those services as either equal or equitable [J2] to the services provided to reporting parties. A note of caution may be warranted by these findings. While most institutions offer similar services to complainants and respondents through the conduct process, there is clearly a need to offer distinct services that also address the distinct need of both parties. The survey also indicated that more services or additional levels of support and safety planning could be offered

to responding parties who are sanctioned and remain on campus or return to campus after a suspension. Additionally, due to these distinct needs and the distinct training requirements for each support person, whenever possible, services for responding parties should be provided by different personnel than those providing services for reporting parties. Clearly more research and the sharing of information and best practices would increase the efficacy of these services and programs across all institutions. The most significant take-away from the study is that institutions could do a better job of actively informing students, parents, and the community that these services exist on campus. This awareness raising can lead to not only an increased utilization of services by responding parties, but better outcomes for both parties involved in misconduct cases, and a greater understanding of the equitable processes provided by institutions among the public.

# APPENDIX A: METHODOLOGY

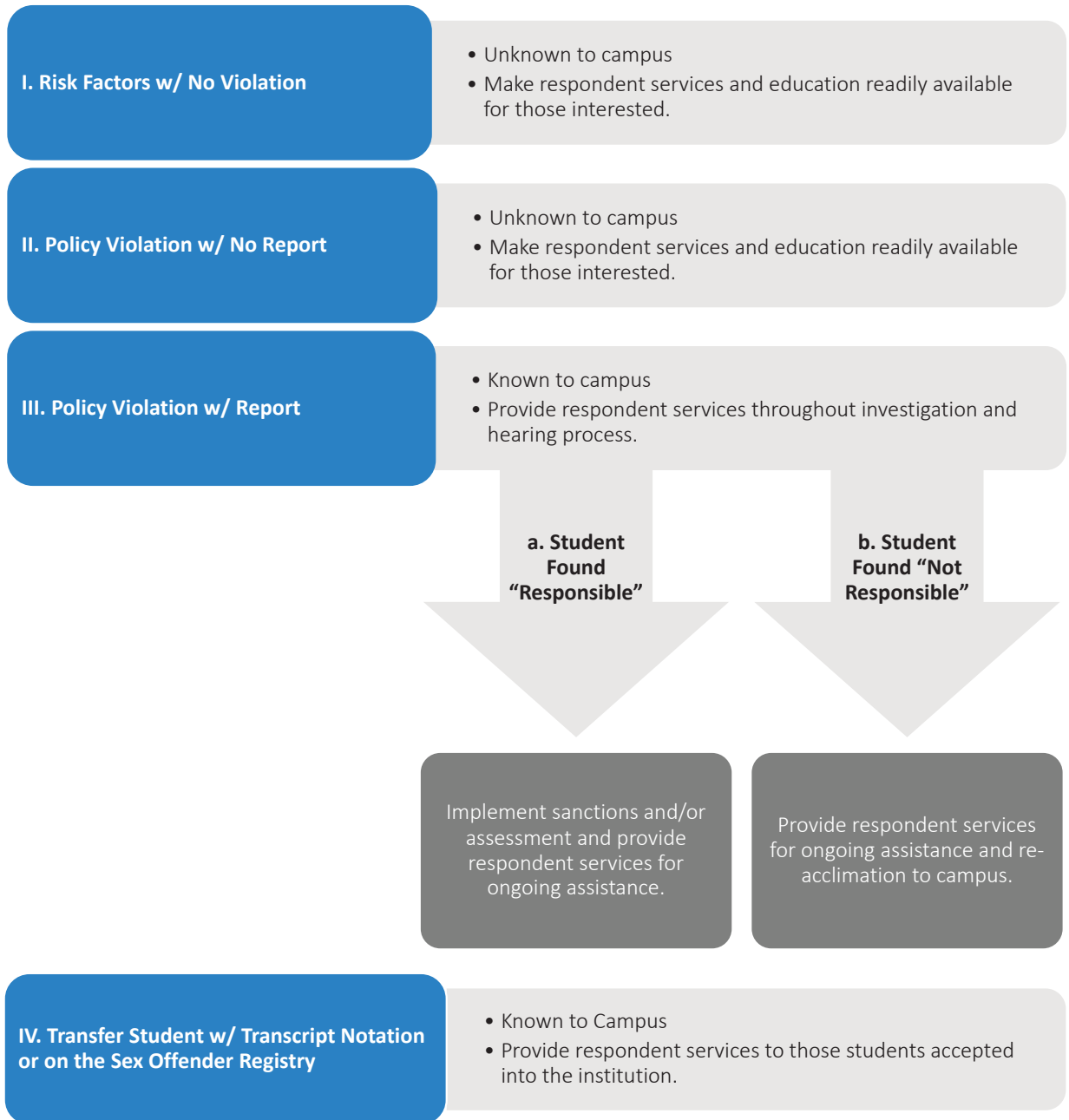
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**R**esearchers developed the survey instrument and received feedback from several experts in the field of sexual assault prevention and response and respondent services. The study was given exempt status by the University of Kentucky Institutional Review Board (IRB #46407). The survey was delivered to the membership of several organizations, including the Association for Student Conduct Administration, Campus Advocacy and Prevention Professionals Association, and Higher Education Case Managers Association; the survey was also shared with the Sexual Assault Prevention listserv, multiple NASPA knowledge communities, and a group of individuals who volunteered to take the survey

after learning about it during the 2018 EverFi summit.

Open for 24 days, from January 7 through January 31, 2019, the survey took approximately 15 minutes to complete. Participants were presented with a series of multiple-choice questions via a Qualtrics survey, which used skip logic to ask participants only the follow-up questions that pertained to their given response to the previous question. Institutional characteristics in this report are based on those provided by the IPEDS; demographics were collected using a set of “drill-down” IPEDS identifier questions linked to specific institutional identities developed by Nelson (2017).

# APPENDIX B: RANGE OF STUDENTS WITH PROBLEMATIC SEXUAL BEHAVIORS ON A COLLEGE OR UNIVERSITY CAMPUS



Note. Adapted with permission from Wilgus & Tabachnick, 2019.

# APPENDIX C: RECOMMENDED RESOURCES

## *Association for the Treatment of Sexual Abusers (ATSA). [www.atsa.com](http://www.atsa.com)*

ATSA is an international, multidisciplinary nonprofit organization; its goal is to make society safer by preventing sexual abuse. ATSA issued a public policy paper addressing campus sexual misconduct (see [www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf](http://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf)).

## *Campus PRISM. [www.sandiego.edu/soles/restorative-justice/campus-prism.php](http://www.sandiego.edu/soles/restorative-justice/campus-prism.php)*

Coordinated by the University of San Diego Center for Restorative Justice, Campus PRISM (Promoting Restorative Initiatives for Sexual Misconduct) is made up of an international team of researchers and practitioners who are deeply invested in reducing sexual and gender-based violence. The project explores how a restorative approach may provide more healing and better accountability.

## *Higher Education Case Managers Association (HECMA). [www.hecma.org](http://www.hecma.org)*

HECMA is the preeminent organization committed to the advancement of higher education case management. Comprising professionals from clinical and nonclinical postsecondary settings, HECMA leads the field in developing best practices and standards, disseminating relevant knowledge, and strengthening institutional efforts for holistic care. HECMA provides support to professionals in their collaborative, inclusive approach to promote campus safety and student success.

## *National Sex Offender Public Website. [www.nsopw.gov](http://www.nsopw.gov)*

NSOPW is the only U.S. government website that links public state, territorial and tribal sex offender registries in one national search site. Anyone can use the website's search tool to identify location information on registered sex offenders living, working and attending school.. In addition, the website provides visitors with valuable information about how to protect themselves and loved ones and minimize the risk of potential victimization.

## *Science-based Treatment, Accountability, and Risk Reduction for Sexual Assault (STARRSA). [www.fdu.edu/cersm](http://www.fdu.edu/cersm)*

STARRSA is a new program that includes an assessment tool as well as both treatment and educational approaches to working with students found responsible for sexual misconduct. The two interventions of this program include a cognitive behavioral therapy program for more serious offenses and an active psychoeducation program for respondents who have committed lower level sexual misconduct. These programs (two manuals and accompanying resources, such as videos, PowerPoint presentations, and experiential exercises) are available at no cost. Training programs to orient professionals to the use of these materials will be available upon request.

## *Sex Offender Management Assessment and Planning Initiative (SOMAPI). [www.smart.gov/SOMAPI/](http://www.smart.gov/SOMAPI/)*

SOMAPI is a project designed by the U.S. Department of Justice Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office to assess the state of research and practice in adult sex offender management and best practices with juvenile offenders.

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