Victim Support and Title IX Investigations

Overview

- Review Barriers to Reporting
- Office of Victim Assistance
- Importance of Confidential Support
- CU Boulder Title IX Investigation Model
- Successes and Challenges
- Q & A

Impact of Potentially Traumatic Experiences

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What Prevented You From Critically Reporting the Sexual Assault?

- Yes/no: Fill in what you did/not do to report

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Very real systemic and cultural problems

Office of Victim Assistance (OVA)

- The Office of Victim Assistance works towards a safer, more socially just, and supportive campus community by providing culturally relevant trauma response and prevention services.
- 303-492-8855
- www.colorado.edu/ova

OVA topics areas

- Physical Assault
- Sexual Assault
- Crime
- Hazing
- Death of a loved one
- Sexual harassment
- Natural/human-made disasters
- Bias motivated incident
- Discrimination
- Harassment
- Intimate partner abuse
- Stalking
- Serious accident
- Other...

Keys to the OVA Hybrid Model

Supporting Survivors

Core Principles of Trauma Informed Care/Culture

- Safety
  - Ensuring physical and emotional safety
- Trust
  - Maximizing trustworthiness
- Choice
  - Prioritizing survivor choice & decision making
- Collaboration
  - Maximizing collaboration
- Empowerment
  - ID strengths
- Cultural Competence
  - Aware of how role of culture plays a part in the lived experience and decision making
Confidential support increases cooperation & can decrease further impact

- "Rape survivors who worked with advocates reported receiving more services from the legal and medical system"
- Working with advocates survivors reported less secondary victimization from legal and medical systems.
- Advocacy decreased feelings of self blame, guilt, and feelings of depression.
- Having an advocate at the start also helped lead to victims/survivors seeking out future support and services.

Campbell (2006). Rape Survivors’ Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?

CU Boulder Title IX Structure

Office of Institutional Equity and Compliance (OIEC) Responsible for enforcing the Sexual Misconduct Policy and Protected Class Discrimination and Harassment Policy, including related retaliation, for all students, faculty, staff, and affiliates

OIEC Executive Director and Title IX Coordinator
Education and Prevention
Remedial and Protective Measures
Investigations
ADA Compliance

Remedies and Protective Measures

- No contact order
- Academic accommodations
- Protective measures
- Assess throughout the course of the investigation
- Conclusion of investigation

CU Boulder Title IX Investigative Structure

- Trained investigator model
  - No adjudication boards
  - No hearing panels
- Investigators trained in trauma-informed practices as well as interviewing/investigation techniques
- Neutral fact-finders
- Preponderance of the evidence standard
- Transparency
- Formal investigation vs. informal options

Initial Report of a Concern

Sources of Reports
Complainant (including Family Housing)
Student Conduct
Boulder Police Dept
Human Resources Supervisor
CU-Boulder Police Dept
Students of Concern Team
Advisory
Faculty
Rapid Response

- Assess immediate safety needs
  - Complainant (Victim advocate outreach)
  - Community
- Rapid Response Call
  - Determine what steps need to be taken and by whom
  - 2-3 sleep cycles
  - Exclusion or Relocation?
  - Police investigation
    - Does our process need to wait until initial investigative steps are taken by the police? How long can we wait? What does the Complainant want? Do we even know?

OVA Referrals & Outreach

- Top 5 referrals:
  - OIEC (Title IX)
  - Residence life
  - CUPD Reports
  - Student Support and Case Management
  - Self/Website

Advocate response to disclosure is crucial

- Provide support
- Assess safety
- Be open to all of the feelings
  - Acknowledge and create space for the self blame and feelings of responsibility
  - Provide psychoeducation
  - Normalize and validate responses
- Avoid labeling their experience
- Use words that the victim or survivor is using
  - Explore with the victim/survivor
  - It is not the advocate’s job to decide if it is or isn’t sexual assault
  - Discuss self care, support system, and coping skills
- Use your tool box of grounding skills to teach in the moment how to self soothe
- Ask the victim/survivor if they would like to know their rights and options

Rights and Options

- Criminal

What does this conversation look like?

- Collaborative
- Processing and exploring goals, potential outcomes, and impacts
- Awareness of power & choice
- Stabilization, resourcing, and referrals
- Providing accurate information
- May happen many times
- Answering questions and clarifying misconceptions

Protect confidentiality - get a release

- Be specific:
  - Is it a release or request or both
  - Who is it for, an office, department, person
  - What is and is NOT being released
  - For what purpose
The Initial Interview

**Title IX**
- Interview Complainant at OVA or with advocate (“advisor”) present
- Joint interviews with police (both campus and Boulder) to reduce the amount of times an individual has to re-live/re-tell the incident(s)

**Advocate**
- Coordinating schedules of victim/survivor, advocate, Title IX, police
- Meet with victim/survivor 30 minutes prior to interview to check in
- Role of advocate in the room during interview
- Meet with victim/survivor 30 minutes prior to interview to check in

Notice of Investigation

**Title IX**
- Interim Remedies and/or Protective Measures
- Notice of Investigation

**Advocate**
- OVA may assist in communicating victim/survivor needs to Interim measures position and/or coordinate who is doing what.
- OVA may be notified when NOI is sent if requested by victim/survivor.

The Investigation

**Title IX**
- Gathering evidence
- Communication may be directly with the Complainant or through the advocate at the Complainant’s request
- Follow up interviews
- Written Evidence Summary (WES)

**Advocate**
- Providing updates, answering questions, discussing process.
- OVA may assist in communicating victim/survivor of what to expect, explaining process, and be present during interview.
- OVA may be notified when WES goes out, advocate will follow up with victim/survivor. May schedule to meet for WES together.

Factual Findings and Analysis

**Title IX**
- Once the responses to the WES are submitted, investigators draft the findings and analysis
- Reports presented to a review committee for approval
- Issuing of final report

**Advocate**
- OVA may be informed by investigator that the report is going to review committee and findings may be sent in the next days/week.
- OVA is notified when findings are sent. OVA will follow up with victim/survivor in the next days/week.

Sanctioning

**Title IX**
- Investigators share findings with sanctioning authority
- Student Respondents: OIEC Executive Director/Title IX Coordinator
- Employee Respondents: Supervisor(s) in consultation with Executive Dir/Title IX Coordinator and Human Resources
- Parties have opportunity to separately meet with sanctioning authority to discuss mitigating or aggravating circumstances related to sanctioning
- NO APPEALS
- Still have ability to file with OCR

**Advocate**
- OVA will discuss next steps.
- May assist in scheduling appointment for victim/survivor to meet with Title IX coordinator, informed of what to expect in meeting. May be present for meeting.
- Will inform if victim/survivor has concerns with process they can meet with Title IX coordinator to discuss concerns, can file OCR complaint, can seek legal advice.

Title IX Investigations & Victim Assistance

**SUCCESSES**
- Increased reporting
- Increased cooperation
- Better information for investigator
- Mitigating further re-victimization

**CHALLENGES**
- Navigating when only one party can share information
- Burden of an investigation (time, mentally, emotionally)
- Moving forward even if that is not what the Complainant wants
What are your challenges/successes?

Questions or Suggestions?

THANK YOU!

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