

# Legally Bound:

Integrating frameworks to ethically respond to sexual assault



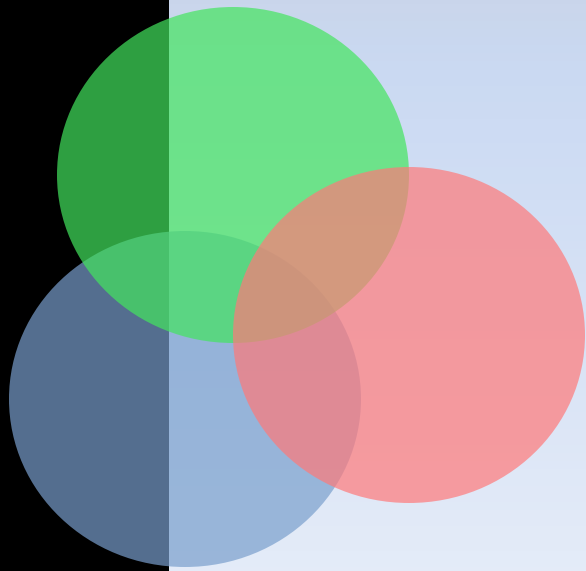
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ACPA

4/2/14

# Outline

- Welcome
- Overview of need for new model
  - Theoretical orientation
- Interdisciplinary model
  - 3 operating frameworks
  - Ethical integration
- Discussion on methods of best practices



# Theoretical Orientation:

The benefits of a new model

# Integration of Deterrence and Health Promotion

as suggested by Potter, Krider, & McMahon (2000)

**Deterrence:**  
“Fear of  
Punishment”

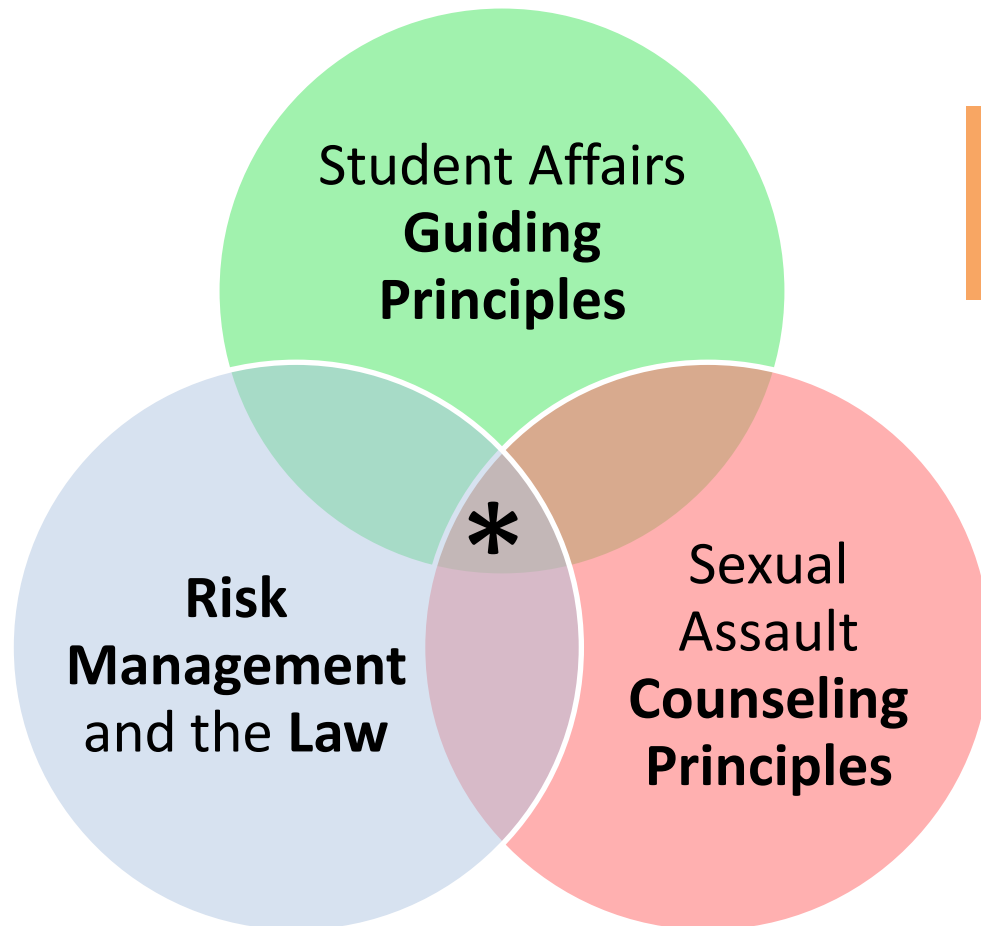
**Best  
Response**

**Health  
Promotion:**

- Victim-Survivor empathy
- Perpetrator responsibility

# Center of Empowerment and Security:

Proposed multidimensional model for  
college & university responses to sexual assault



\*Best interests of  
**Students, Society,**  
and the **School**

# Risk Management/Law: Dear Colleague Letter (2011, 2013)

- Title IX officially linked with sexual assault/harassment
  - Not as narrowly defined
- Burden of Proof
  - “Preponderance of evidence” vs. “clear and convincing”
- If School is aware: “prompt and equitable resolution”
- Responsibility to train, publish procedures

# Risk Management/Law: Clery, etc.

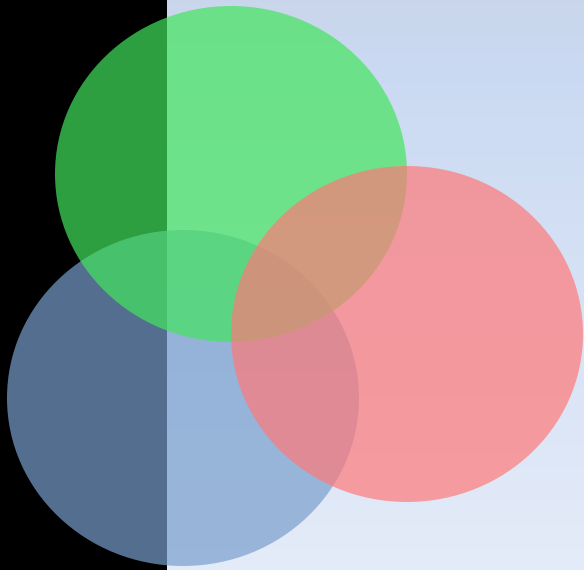
- Clery Act
  - Timely warnings of community threats
  - Req. mandatory reporting policies and procedures
  - Intended to encourage share honest info
- VAWA/SaVE
  - Violence prevention programs
  - Expanded Clery

# Civil Rights Investigation Model

- Preliminary investigation BEFORE the charge
- Intended vs. enacted policies
- Risk Management at best is:
  - Mission-centered and ethical
  - Holistic
  - Dynamic and proactive (not containment)
  - Intentional “not an afterthought”
- Asks: Is there a need to trump victim’s wishes in favor of community?

(Lewis, Schuster, & Sokolow, 2013; Sokolow, Lewis, & Schuster, 2011).





# Guiding question:

Is there a need to trump victim's wishes in favor of community?

# Sexual Assault Counseling: Using a victim-centered model

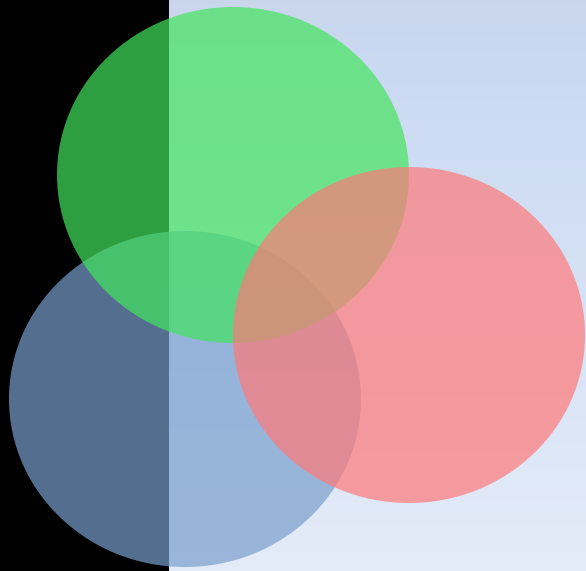
- Victim/Survivor **voice is valued**
- Importance of **advocacy**
- **Understanding** of trauma and victim-blaming culture
- No judgment; **assuming the truth**

See more at Office of Justice Programs: Office for Victims of Crimes  
Training and Technical Assistance Center  
<https://ovcttac.gov/saact>

(Ledray, Moscinski, & Ferrucci, 2012; Ledray, O'Brien, & Chasson, 2011; Rape Abuse and Incest National Network, 2009; Young, 1993)

# Student Affairs Guiding Principles

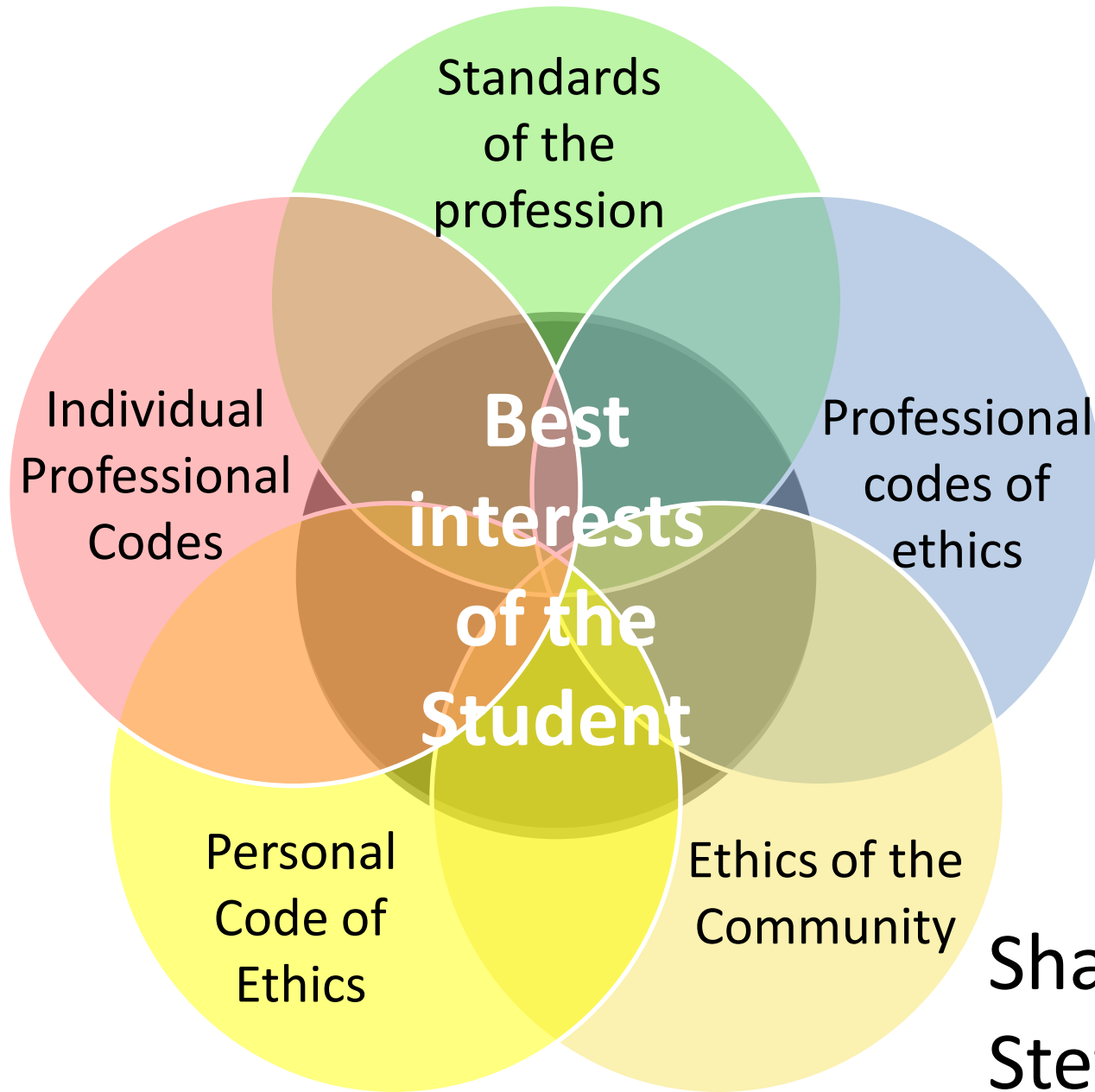
- Autonomy for ourselves and others
- Do no harm
- Altruism
- Promote human dignity, equality, and fairness
- Faithful to your obligations and duties
- Seek and convey truth
- Promote relationships and foster community



# Building a usable model:

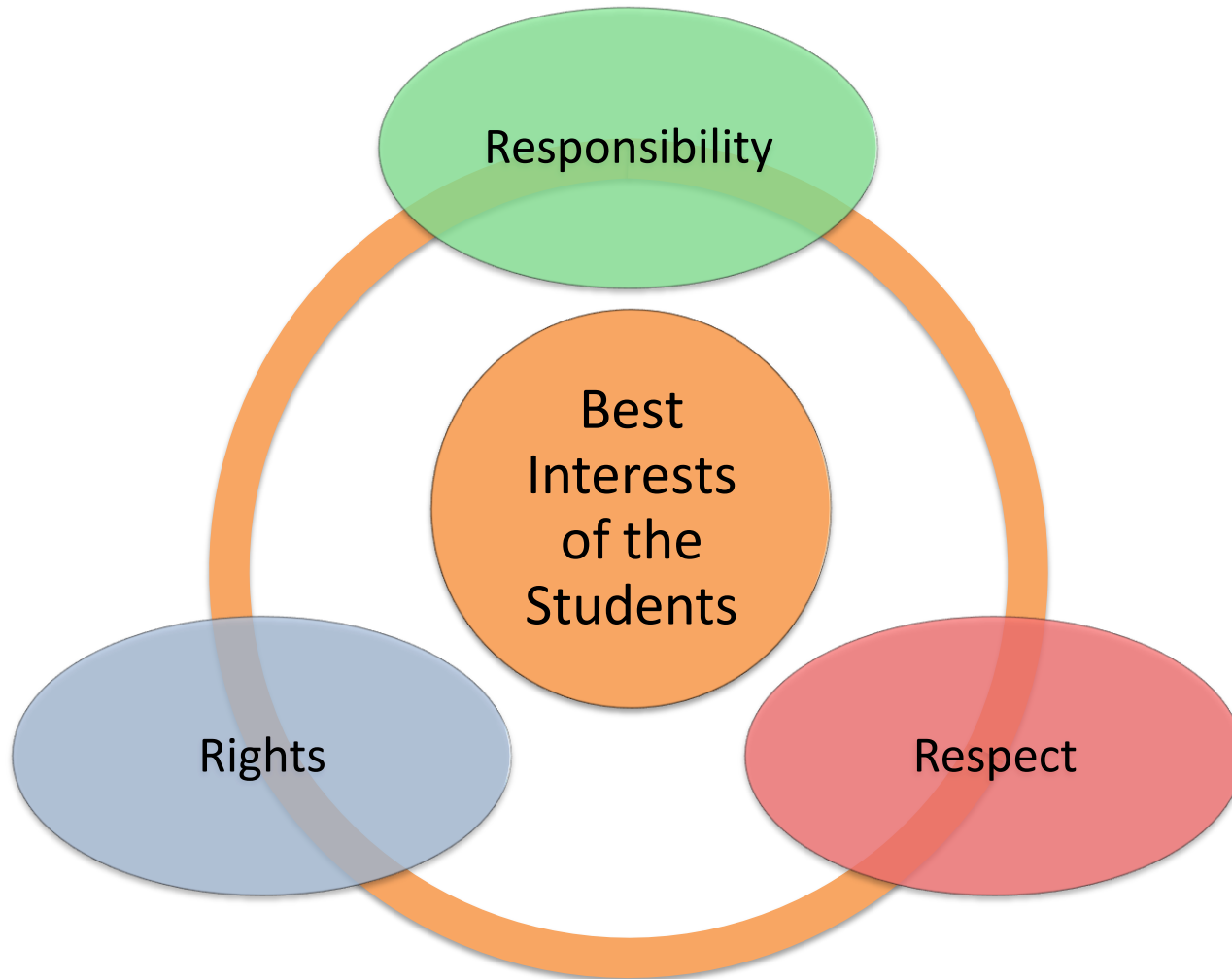
Using ethics as a way to tie it all together

# Best Interests of the Student



Shapiro &  
Stefkovich (2010)

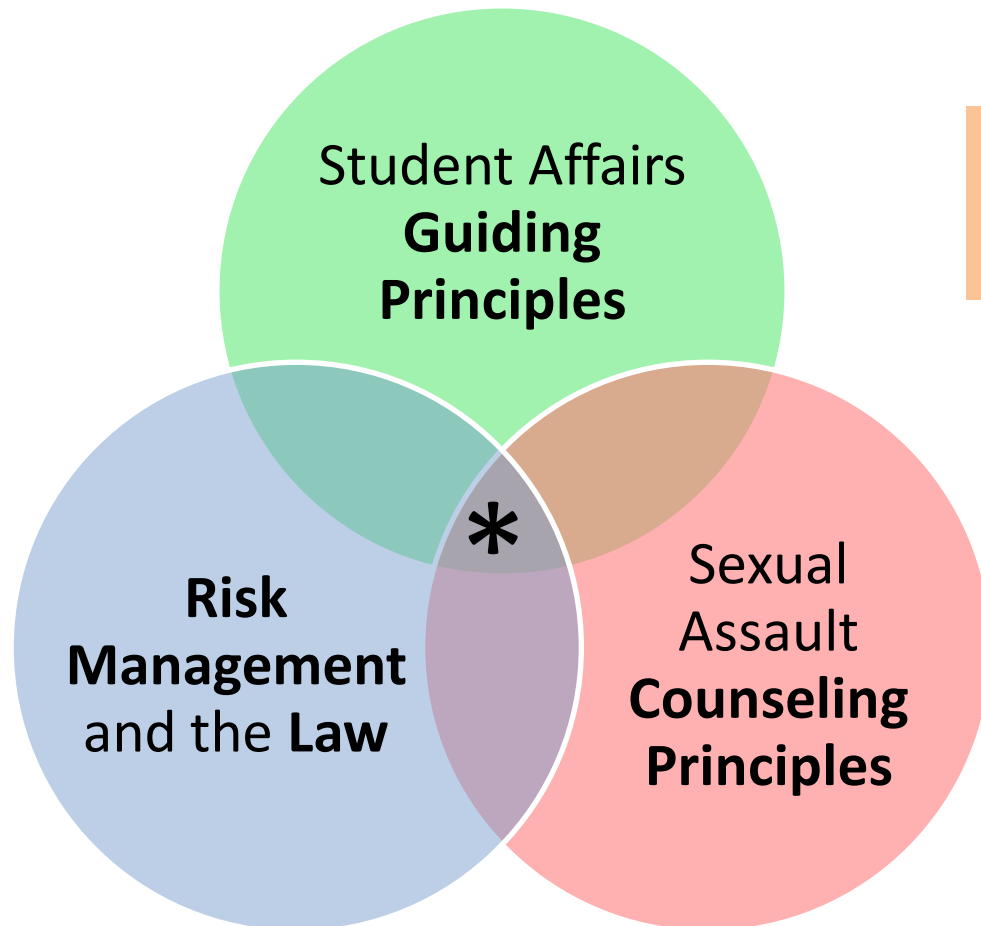
# Apply Ethics to Legal Cases



Stefkovich (2006)

# Center of Empowerment and Security:

Proposed multidimensional model for  
college & university responses to sexual assault



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and the **School**

# The integration: Basics

- Communication across departments
- Recognizing the merits of each:
  - Liability
  - Supporting victims
  - Protecting the community
- Trained to look at patterns/trends with info
  - Ask yourself before trumping victim rights: is it a large community concern or not?
  - Ability for creative options and responses



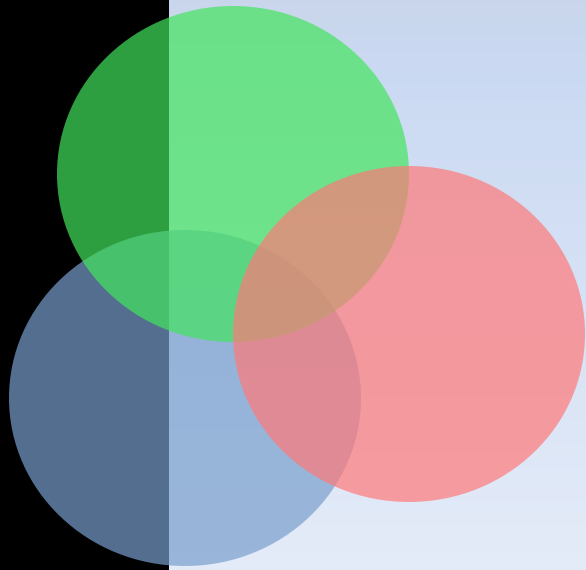
# The integration: Lessons from alcohol

- Policy, design, education and enforcement congruent to practice
  - Common, equal, fair
- Think process, not outcomes
- Intentional language

# Limitations/Barriers

- Feasible at every campus?
- Problems of definition
  - i.e., What constitutes a community concern?
- Are creative responses really feasible?
  - e.g., Existence of a separate office to find patterns and educate



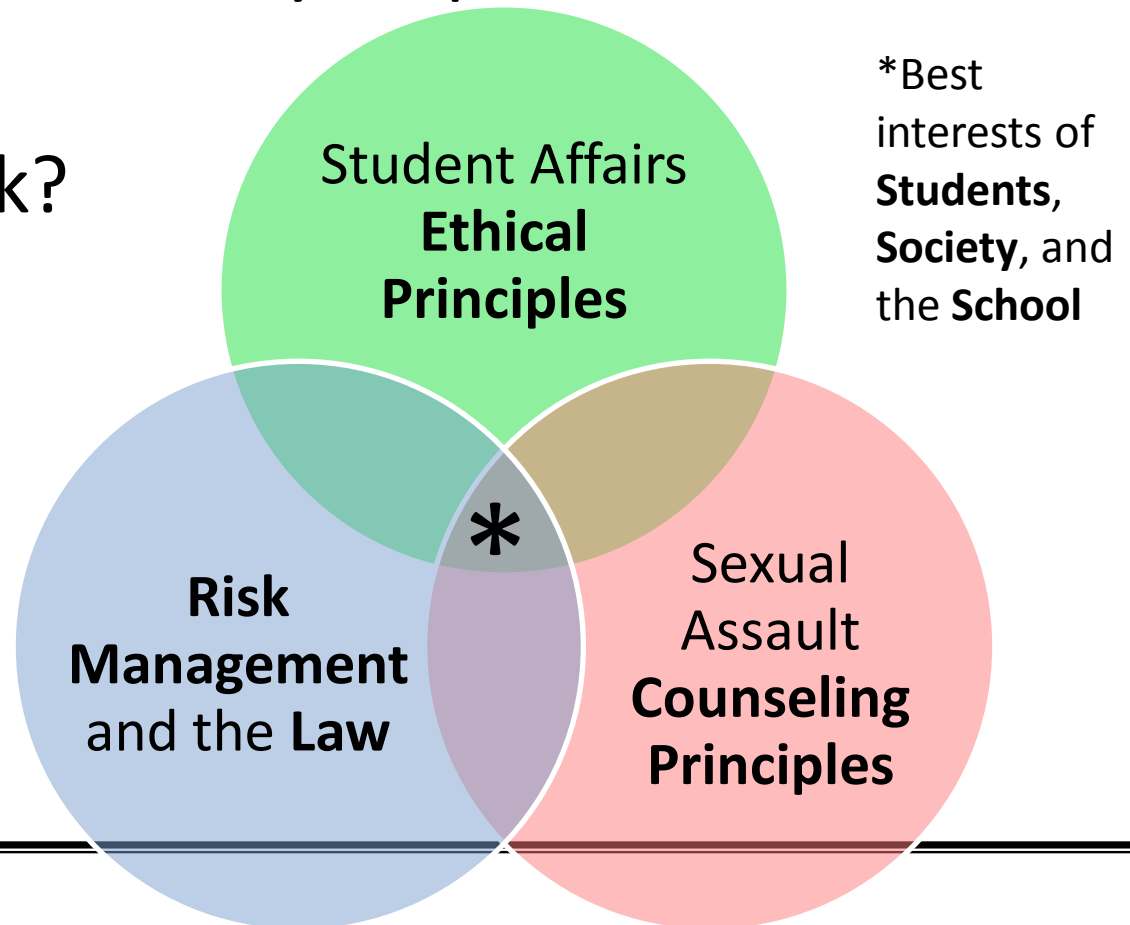


# Guiding question:

Does the standard of “preponderance of evidence” trump the perpetrator’s rights?

# Application discussion

How does your University respond to sexual assault given this framework?



# Discussion: Methods of best practice

- What's the process?
- Who is involved?
- And how do they communicate?
- Other ideas?



# Further Resources

Association for Student Conduct Administration ([theASCA.org](http://theASCA.org))

National Center for Higher Education Risk Management  
([NCHERM.org](http://NCHERM.org))

National Sexual Violence Resource Center ([NSVRC.org](http://NSVRC.org))

The Office of Civil Rights, U.S. Dept. of Ed.  
([www2.ed.gov/ocr](http://www2.ed.gov/ocr))

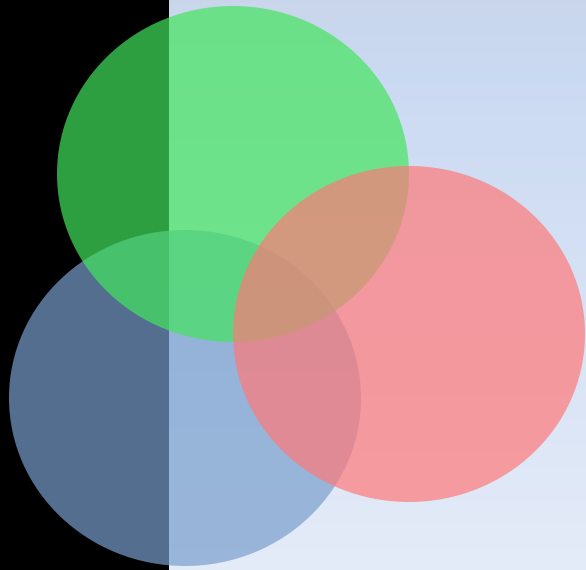
Office of Violence Against Women, U.S. Dept of Justice  
([OVW.usdoj.gov](http://OVW.usdoj.gov))

Rape, Abuse, & Incest National Network ([RAINN.org](http://RAINN.org))

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(full list given on request)

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# Questions?



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