Policies & Procedures for Harassment, Assault, Injury, and Suicide

Rick Swift
Student Development Leaders Forum
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introduction

As Student Development professionals, we are called to run the balance between:

• disciplinarian and comforter,
• response team leader and when-it’s-all-said-and-done consoler,
• FERPA-keeper and information sharer,
• attender to policy and student advocate,

And finally…
• procedural know-it-all and all-around great person!

PHEW!

…but how?
Agenda

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Staying Prepared

What do you do???
No, seriously, what do you do?
The need:

# of Criminal Offenses on Campus
(4-year Private, Not-for-Profit)
COLLEGE-AGE WOMEN ARE AT RISK

- All women
- 18-24 College women: 3X
- 18-24 Women not in college: 4X

REASONS VICTIMS CITED FOR NOT REPORTING

4 OUT OF 5 STUDENTS
females 18-24
- 31% other reasons
- 26% believed it was a personal matter
- 20% had a fear of reprisal
- 12% believed it was not important enough to report
- 10% did not want the perpetrator to get in trouble
- 9% believed police would not or could not do anything to help
- 4% reported but not to police

2 OUT OF 3 NON-STUDENTS
females 18-24
- 35% other reasons
- 23% believed it was a personal matter
- 20% had a fear of reprisal
- 19% believed it was not important enough to report
- 14% did not want the perpetrator to get in trouble
- 10% believed police would not or could not do anything to help
- 5% reported but not to police

RAINN
National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/campus-sexual-violence for full citation.¹
Staying prepared (policies):
- Read & research
- Policy review (when)
  - Annual or bi-annual (minimal)
  - Following an incident
  - New regulations
  - Awareness
- Policy review (who)
  - Self & staff
  - Internal stakeholders
  - Student leaders!
  - Attorney
Staying prepared (procedures):
- Awareness (anytime, anywhere)
  - Don’t ever say, “now I’ve seen everything!”
- Communication channels
  - BIT Reports
  - Incident Reports
  - Sexual Misconduct Report
- Response
  - The right people, the right policy, and the right procedures
Effective Care & Communication
What To Say, To Whom, and When
How do you balance sharing the necessary information vs. protecting confidences?
§99.31 Conditions under which prior consent is not required to disclose information.
(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:
   (1)(i)(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
   (B) A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party—

§99.33 Information disclosed must be used for the purpose for which it was disclosed.

§99.36 Disclosure of information in health & safety emergencies.
Prior consent...
How do you get the information you need to do the job you know you must?
Ever hear one of these?

“I talked to ______.” They are really upset by this, but they don’t want to talk.

“I don’t think they meant anything by it, it is really no big deal.”

“I know it’s not right; I just don’t want to get him/her in trouble.”
Protecting the Injured & Innocent
Response & Resources to Meet the Need
Provisions of Title IX:

As in Title IX, when a situation presents itself where a student needs care or protection (counseling, course accommodations, housing accommodations, medical attention, etc.), it should be a priority even as other protocols continue.
Other legal considerations:

Moving to a new state I have had to learn the way Pennsylvania wants things done. Act 55 of 2022, Article XX-G of the Public School Code.

MOUs: Domestic Violence & Rape Crisis Center

And “Public” includes “Private”
Staying Compliant

Oh yeah, that legal thing...
Staying compliant (policies):
- Read & research (where – what are your sources?)
- Policy review (when)
  - Annual or bi-annual (minimal)
  - Following an incident
  - New regulations
  - Awareness
- Policy review (who)
  - Self & staff
  - Internal stakeholders
  - Student leaders!
  - Attorney
In a conversation that could follow many rabbit trails and upteen bullet points, what have we missed that you want to discuss? Questions?
thank you

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