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Webinar Transcript

Safety Planning With Campus Sexual Violence Victims

March, 2015
Welcome

Billie Matelevich-Hoang: It is about 1:30 and I know we have a full agenda today, so I think we are ready to get started. My name is Billie Matelevich-Hoang, and on behalf of the Office for Victims of Crime, Legal Assistance for Crime Victims Training and Technical Assistance Initiative, I would like to welcome you to today’s Webinar: Safety Planning With Campus Sexual Violence Victims. This Webinar is presented by Lindy Aldrich, the Deputy Director with the Victim Rights Law Center (VRLC). We are honored to be working with Lindy and the staff at the Victim Rights Law Center on this project.
This presentation was produced as part of a collaboration between OVC TTAC and the Victim Rights Law Center, with funding from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Billie Matelevich-Hoang: Before we officially start, we do have some housekeeping issues to cover. This presentation was produced as part of a collaboration between OVC TTAC and the Victim Rights Law Center, with funding from the Office for Victims of Crime, Office of Justice Programs, United States Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the United States Department of Justice.

Billie Matelevich-Hoang: I am now going to turn it over to Jason to discuss the Webinar platform.
As with all technology, we may experience a momentary lapse in the webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact our technical support representative, Jason Adams, by sending a private chat or e-mailing him at jadams@ovctcac.org for technical assistance.

Jason Adams: Hi, everyone. My name is Jason Adams and I am with OVC TTAC. I am just going to give you a quick overview of Adobe Connect, and the platform that we will be using today. First off, as with all technology, we may experience a momentary lapse in the Webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact me, Jason Adams, for technical assistance by e-mailing me at the address you see on the screen, or by sending me a private chat which is something we will be going over shortly. And, just as a reminder, the Webinar today is being recorded.
Make sure you are connected on the Web and on the phone. *The audio for the webinar is available by phone only. Please keep your phone muted during the presentation.*

Jason Adams: Also, please make sure you are connected on the web and on the phone. The audio for today’s Webinar is available by phone only. You should already be muted once you called in, but please do not unmute yourself.
Overview of Adobe Connect

Jason Adams: Now, for a quick overview of what you are seeing on the screen, in the largest window on the left-hand side is where the presentation will take place. You should have received the same PowerPoint presentation in an e-mail this morning for your reference. On the right side of the screen, you will see the Attendees pod. This is a list of everyone who is attending the Webinar today. At the top under Host, you will see me listed as OVC TTAC. This is where you can private chat with me if you have any technical issues. To do so, take your mouse and hold it over the name OVC TTAC. This is where you can private chat with me if you have any technical issues. To do so, take your mouse and hold it over the name OVC TTAC. You will see a few options, but you want to choose Start Private Chat. Below the Attendees pod, you will see the Chat pod where you can ask questions to presenters throughout the presentation, as well as answer questions when asked. And that should be it. Now I am going to pass it back to Billie.
WHO IS THE VRLC?

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Who is the VRLC?

Lindy Aldrich: I think this might be my cue. Hi, everybody. This is Lindy Aldrich from the Victim Rights Law Center. Thank you so much for joining us today. This is an exciting new presentation for the Victim Rights Law Center, so I really appreciate you guys taking some time out of your busy schedule.

Lindy Aldrich: So, as we said before, my name is Lindy Aldrich. I am the Deputy Director of the Victim Rights Law Center out of our Boston office, and I wanted to just take a quick moment to chat with everybody just a little bit about who we are so that you really understand what our lens is, and kind of how we are kind of approaching this problem. So I think it is important to really go back to the beginning.

Lindy Aldrich: In, gosh, it has probably been like 12 or 13 years now, the Victim Rights Law Center was started by our founder who was a law student, who was also providing free volunteering at the local rape crisis center hotline. And when she got onto the hotline, she realized that she was hearing a lot of issues that did not necessarily or could not be particularly answered by the rape crisis center, or, kind of in juxtaposition, the criminal justice system. Things like how to break a private lease if you were assaulted in your apartment, if you had been assaulted by a coworker or a supervisor and you were being retaliated against at work, if you were a high school student and you were having difficulty, maybe you were being held as truant or having a really difficult time and were failing out of school, and, obviously, campus is also a huge issue. And for those of you who are already working with this population, you know the vast majority of sexual violence victims are between the ages of 12 to 24, which is such a young age. And the one kind of civil legal issue that they all have is education.

Lindy Aldrich: When Susan realized that all of these issues were kind of accumulating with this population, she realized that the current construct of what we tell sexual violence victims is to go
to the criminal justice system or to go to a rape crisis center or a dual program. Yet, there was this huge kind of area in the middle full of civil legal remedies that were not being addressed, so there were not lawyers for sexual assault victims, and the Victim Rights Law Center was born.

Lindy Aldrich: We currently have two offices in – it is a long story, but we have one in Boston and one in Portland, Oregon. And we serve between 400 and 500 rape and sexual assault victims a year. We have many, many attorneys that work with us. We also have a pretty extensive pro bono – pro bono attorney program that we also work with. And what we are trying to do is to get out the information that we found from our cases and get it over to and out to those programs that are working with victims to kind of learn and benefit from what we are learning here in our two offices.

Lindy Aldrich: Jason, have you switched over the – so that I can control the…

Jason Adams: Yes, you should be able to. There is the arrow at the bottom, Lindy, or I can do it for you. There you go.

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Lindy Aldrich: Okay. So the only thing I want to say really quickly is just if you have any interest in using any of these materials, if you would not mind just reaching out to us and letting us know how you are using those, and just getting in touch with Stacy, whose address and/or phone number is listed in our Copyright Notice.
Lindy Aldrich: All right, to get things started, I would love for you guys to take a quick poll so that we can get a sense of who is on the call. And, if you do not mind or if you have never done this before, you will notice it says: How are you advocating for victims? Are you currently at a college or university, a coalition, a legal aid, or within kind of the court system? Or you do not have to vote at all. But I just kind of quickly wanted to take a – get an idea of who is on the call as we begin this.

Lindy Aldrich: It looks like many of you are at state DV or SA coalitions, which is what we, I think, had really anticipated. I will keep this open for just a couple minutes more.

Lindy Aldrich: All right, well, thank you, guys, for participating in that. I just wanted to kind of quickly get a sense of who was on the call.
Language

- Victim/Survivor & Perpetrator
- Accuser & Accused
- Complainant & Respondent

Lindy Aldrich: Okay, so one other quick thing to talk about would be language, and just make sure we are all on the same page. In terms of, you know, there is a lot of different particularized – actually, just to stop really quickly. Jason, I am not seeing the arrows on my screen, so I am just not sure, yeah, I think you can...

Jason Adams: Okay, I can – I can change the slide if you just want to give me a heads up.

Lindy Aldrich: Okay. I think we are just trying to figure that out on this end, but yeah, we are not seeing them. All right. Okay. Thank you though. If you do not mind, Jason, I would appreciate it. Oh, wait, actually I think I may have just found them. You are off the hook, Jason.

Lindy Aldrich: All right, so in terms of language, we use – at the Victim Rights Law Center we feel very strongly about the word or the differences, frankly, between victim and survivor. We also use the term perpetrator in many of our kind of, just in terms of our kind of wording. But when you are talking about campus and campus cases, I think you are really talking about using the lexicon of higher ed, which is they use the word accuser and accused, and/or complainant or respondent. So, just so you know what those different pieces are and just know that, while we are a legal aid organization and we use victim/survivor and perpetrator in some of our casework, the higher ed context is accuser and accused, complainant and respondent, depending on kind of what stage they are at. Usually when you say complainant or respondent, you are talking about somebody who has actually filed a formal disciplinary complaint with the school. So I just wanted to kind of talk through a little bit of vocabulary there.
Training Objectives

✓ Interpreting the data on **who are the victims of sexual assault.**

✓ Explain how **safety planning with survivors of nonintimate partner SA differs** from safety planning with victims of intimate partner violence.

✓ Address the **unique challenges** facing campus sexual violence victims.

✓ How to use the VRLC’s Campus Safety Planning Guide.

Lindy Aldrich: All right, training objectives. There is a lot in a very small amount of time, so we are going to try and get you a lot of information about, you know, different pieces and why it is so different when we are talking about a campus sexual assault survivor versus, you know, frankly, safety planning that is done in a non-higher education institute. So that is really a big part of this.

Lindy Aldrich: We have created a Campus Safety Planning Guide, which we are going to be getting to you guys. We created that Guide on a grant with the Office on Violence Against Women’s Campus Grantee program. And that Guide, I will be honest with you, was created in large part for campus administrators. So, while I know that you guys, most of you are not campus administrators, we felt it was really important to get this message out to you as well. Because so many of these campus victims are coming to you, they are coming to state, local rape crisis and state coalitions. They are looking for assistance, and we wanted to make sure that this Guide really was seen from both sides of the aisle, that both – both groups are actually able to understand this Guide and how helpful it can be.

Lindy Aldrich: So what we are going to talk about is who are victims of sexual assault. How safety planning with survivors of non-intimate partner sexual assault differs from safety planning with domestic violence or intimate partner violence. We are going to talk about the unique challenges that campuses really, you know, there is just something about the way we have to safety plan in these kind of insular communities that is different from I think what safety planning in an intimate partner relationship, or even, frankly, sexual assault that occurs outside of higher ed. So we are going to kind of talk through all these things and how to use the Guide which is coming to you.
Safety Planning

- Helps victims feel safe, and, as a result, they may be more likely to engage in an accountability process.
- Promotes campus and community safety
- Provides an opportunity to address:
  - Physical, emotional, legal, and academic needs
- Promotes communication and develops trust between the student and the institution

Lindy Aldrich: All right. So let us talk about safety planning. Why is it so important? Safety planning in its kind of most basic sense is really about helping victims to feel safe. And that, frankly, once they feel safe – we all can use an example of kind of Maslow’s hierarchy here – that if people feel safe, if they start from kind of their physiological needs, you know, safety, clothing, shelter, that they, once they are able to kind of feel safe again, they might be able to engage or are more likely to engage in the accountability process, which in this context could be not only law enforcement and going through the criminal justice system, but also through a campus conduct process.

Lindy Aldrich: It promotes greater safety at the campus and, frankly, the greater community level. When we think about ways that the victims need to feel safe, and really think about them really at a really granular level, we are starting to realize how we can basically keep the entire community safe and kind of get us more, you know, have a greater understanding of how higher ed and their specific needs kind of play a factor in this.

Lindy Aldrich: It gives them an opportunity to really address, you know, a lot of the different needs that sexual violence victims have, and especially again in this kind of campus scenario. We are going to talk through ways that it is really different sometimes from those people who are not kind of within these insular communities.

Lindy Aldrich: And it also helps build communication and trust between the student and the institution. It is one of the things that we do often when we do trainings with higher ed administrators is we talk about how important it is for students to feel that they have – so something has happened to them, but at this stage what we are really trying to do is make sure that they understand that they can go and speak with somebody at the institution who is going to have a very educated and informed response to their specific safety needs. It really, sometimes,
for some administrators at higher ed, and I am sure there are those of you who are working with higher ed in your community, but they really have never thought about how – what that might look like. And that is why we wanted to create this Guide is that we work with the population every day, as do, frankly, most of you. And what we are trying to make sure is that some of the knowledge that we have that they are now acquiring and starting to think through. I think this is really where community-based programs really play an enormous role in helping to, you know, make, frankly, higher ed communities safer. Making sure that their campuses are safer, and hopefully that those relationships are formed, and that you guys are able to help them to better see where some of these safety problems are.

**Question – Type answer in chat box**

How long have you worked with victims of nonintimate partner sexual violence?

**Question – Type Answer in Chat Box**

Lindy Aldrich: Okay, so here is one of the things we were talking about in terms of what we are going to have you guys type your answers in the chat box. So just, again, to give us, just give me a sense of how long you have been working with this population. Give me a sense of how long you have been working with folks in the non-intimate partner sexual violence realm, be it, you know, maybe you are in legal aid and you are working with clients who have been assaulted. Maybe you are in… Great, you guys are answering some of these. Maybe you are working in coalitions. Maybe you are new. All of this stuff is completely fine. I am just trying to get a sense of how long you have been working with the population.

Lindy Aldrich: Wonderful. Ooh, I love you folks in the 23 and 17, love that. Good to hear. It is good to hear. And I love to see the new ones too, because I will be honest with you, it is a new area of kind of burgeoning expertise, so great. Thank you guys so much for letting us know, you know, your area of expertise. So we have got a wide range here, so it was just really more to help me kind of identify, you know, where we need to begin and kind of start with.
Lindy Aldrich: So because we have a few folks who are kind of new to the population, we are going to spend a little time talking about, you know, just some of the basics around non-intimate sexual assault and just kind of have a better understanding of who is actually victims and kind of what are some of the studies.

The majority of sexual assaults against women and girls are perpetrated by someone other than the victim’s intimate partner.

The Majority of Sexual Assaults Against Women and Girls are Perpetrated by Someone Other Than the Victim's Intimate Partner

Lindy Aldrich: So I think the number one thing that we have to talk about first, and the reason we are talking about this is, while I think we can all agree that safety planning is hugely important and the reasons why it is important, sometimes I think safety planning kind of as a construct came about with the domestic violence movement in terms of an intimate partner context. Many people really know a lot, they are, frankly, experts and have been working 20, 30 years in understanding how best to safety plan in situations where an intimate partner has a lot of information about the person that, you know, they are abusing.

Lindy Aldrich: It changes significantly when we start to think about how non, if you have a non-intimate partner violence situation, where a person may know a little bit or maybe a little bit, you know, maybe they are not – they are not in a dating or kind of any romantic involvement. But, at the same time, they know just enough to be dangerous in certain categories.

Lindy Aldrich: So one of the things we have to start with is understanding that the majority of sexual assault against women and girls is perpetrated by someone other than the victim’s intimate partner. It is a really important piece to really understand.
DOJ Special Report
“Female Victims of Sexual Violence 1994-2010”

From 2005-2010, incidents of rape and/or sexual assault against female victims age 12 and older were perpetrated by the following:

- 66% → **Nonintimate Partner**
  - 38% Acquaintance
  - 6% Relative
  - 22% Stranger
- 34% → **Intimate Partner** (including current & former)

Department of Justice Special Report: “Female Victims of Sexual Violence 1994-2010”

Lindy Aldrich: There are a lot of different studies. The one that we use often is the Department of Justice (DOJ) Special Report that did, you know, a study between the years of 1994 to 2010, and they broke it out in this way. That 66 percent of incidents of rape and/or sexual assault against females age 12 and older were perpetrated by non-intimate partner, and they have broken that down again. So it is 38 percent acquaintance, 6 percent relative, and 22 percent stranger. Leaving 34 percent to include current and former intimate partners.

Lindy Aldrich: And not to kind of split hairs yet again. We have several cases at the Victim Rights Law Center where a former – in terms of a former intimate partner – it could include somebody that they dated 5, 10 years ago. Which, I do not know about you guys, but you know, frankly, people who, you know, I have had relationships from the way past, I do not necessarily consider it to be an intimate partner anymore. So I think, you know, kind of thinking through what all these terms are, I think it just kind of goes to highlight, you know, where we are in terms of kind of making some, you know, kind of some bright lines around things.

Lindy Aldrich: So I had a great question about how to define the word “acquaintance.” So I would say at the Victim Rights Law Center, the way we define “acquaintance,” and I believe it is similar to how they have defined it in terms of this Department of Justice report, is people like coworkers, classmates, roommates, people who - neighbors, you know, people who know you, may know a little bit about your life, but do not necessarily, are not in any way kind of romantically tied to you, either from the past or the present. So that is how we have been defining
“acquaintance” at the VRLC, and I believe if you look at some of the specifics around the DOJ report, you know, they consider it friends, roommates, classmates, coworkers, things like that.

Great question.

Warning: Content Describes Sexual Assault

Lindy Aldrich: All right, so I wanted to give just a very quick warning about a case study that we are about to go into. So for those of you, you know, who are working with this population every day, this may not be the case for you. But for those who are new to this, we are – I love to use examples of, you know, a particular case because it really helps to really round out the conversation. So, but I did want to kind of be, for those who might have some difficulty with it, I wanted to make sure that you guys were aware that this content is going to talk about specific – a specific rape.

Lindy Aldrich: All right. And, yes, just a quick question. The acquaintances can include friends, absolutely.
Case Study

Terrance is an 18-year-old freshman who has been on campus for 3 months. He comes from a very religious, strict family. This is the first time Terrance has lived on his own, although his family lives in the same town as the university. Upon getting to school, Terrance got a work study position at the gym on campus to help pay for his education. Terrance is gay but has never told a single person. The first month on campus, he saw a flyer for the campus LGBTQ affinity club, and he showed up one night. To his surprise, he found his roommate, Mark, another freshman, at the meeting. They had never talked about their orientation before. After this club meeting, Terrance and Mark were more open with each other about their experiences, and Terrance felt he had made a trusted friend. They even decided to join the school’s intramural soccer league together. Two weeks later, after a night of studying, Terrance went to bed early to be ready for an exam the next morning. He heard Mark come into his room at one point and felt him climb into Terrance’s bed. Terrance was terrified and became very still, having never had a sexual advance made by another person. Mark began to rub on Terrance’s genitals and reached over and pulled down his pants and penetrated Terrance. Mark then got up and walked out of his room.
LGBTQ affinity club, sees his roommate, another freshman, at the meeting. They start to be more open with each other. And then one night as he is getting ready to – he goes to bed early to get ready for an exam the next day, and he is assaulted by Mark, his roommate.

Lindy Aldrich: All right, so let us keep going through. So kind of keeping that in the back of your mind in terms of how we are going to approach some of the safety planning.

How Does Safety Planning With Victims of NIPSA Differ From Safety Planning With Victims of IPSA?

Lindy Aldrich: So how does safety planning with victims of non-intimate partner sexual assault (NIPSA) differ when it is coming from victims of intimate partner assault (IPSA)? And I think there was some initial, when we had put out a Safety Planning Guide, non-campus, several years ago with OVW (Office on Violence Against Women), and this is really kind of a hot topic conversation was that safety planning is safety planning is safety planning. And we wanted to be one of the first to come out and say it is not. There is dramatically different pieces when we are talking about somebody who knows a little bit about you, a la, Mark is Terrance’s roommate. Right? So you can think about what would be things that Mark might know about Terrance, right? But he does not necessarily know things about Terrance’s childhood. He may not know parts about Terrance’s medical, you know, medical history. There are things that, say, an intimate partner would really know about someone, but, in essence, when you have a non-intimate partner they may know a little bit, just enough to be dangerous, but not really enough to know everything about you.
Safety Planning – SA ≠ DV

• Criminal protective orders may not be an option depending on jurisdictional law
• Victim may not know much about the perpetrator(s) – and vice versa
• Limited or no emergency housing / DV (but not SA) shelters
• Few (if any) safety planning templates available
• Cycle of violence / power and control wheel approach relevant?
• Age of victim
• Emotional safety planning
• School-related issues

Safety Planning – Sexual Assault ≠ Domestic Violence

Lindy Aldrich: So let us talk a little bit about what some of those bigger ticket items are. So, unfortunately, criminal protective orders may not be an option for non-intimate partner sexual assault. Most states in the country have an intimate partner restraining order or protective order, but, unfortunately, only about half the states have a non-intimate partner protective order. These are important kind of pieces to understand about how hard it can be sometimes, for instance, if you have been assaulted by a neighbor, somebody who literally lives across the hallway. If you are in a state where you do not have an intimate partner relationship, in many states you cannot receive a restraining order.

Lindy Aldrich: The victim may not know much about the perpetrator, and vice versa. Hence, that kind of discussion we just had about Mark and Terrance. Mark may know Terrance’s class schedule. Mark may know obviously where he lives. But Mark may not know, you know, what car he drives or, you know, any information about where his parents live. Things like that, he may know a little bit but not a lot, and vice versa. The victim may not know where Mark’s – he may not know that Mark may not be from that town or that Mark is from another state. All of these things kind of can become really hard sometimes when you are trying to safety plan.

Lindy Aldrich: There may be no emergency housing. A lot of non-intimate partner sexual assault victims do not qualify for housing. And, I will be honest with you, a lot of federal laws are changing to make sure that they are eligible for housing, and there are a lot of great shelters out there that are making non-intimate partner sexual assault victims – are allowing them to come into their shelters, and I think that is changing and I am excited about that. But there are still some pockets where non-intimate partner sexual assault victims cannot receive housing.

Lindy Aldrich: There are few safety planning templates available. That is one of the biggest reasons why we wanted to get out there and come up with a program, or come up with a template
rather, or a guide for these pieces, both for those who are just kind of safety planning just in
general, but now we have come out with this campus one.

Lindy Aldrich: Sometimes the cycle of violence and the power and control wheel may not be as
relevant as they are to a domestic violence situation here. You know, some – yes, in some cases I
think there are some real ties, but in other cases non-intimate partner sexual assault, it does not
necessarily is not about this particular person. As we know, there are repeat offenders that happen
in sexual assault where you have somebody who is just assaulting, you know, kind of where it
becomes available, essentially, where they find somebody that they feel is vulnerable or
somebody who will not be believed. It has less about kind of an abuse or power and control of
that person over and over again, although it can be, it does not necessarily – it is not always that
way.

Lindy Aldrich: The age of the victim, obviously the vast majority of sexual violence victims are
between the age of 12 to 24. The vast majority of domestic violence victims are not within that
age range, and their safety needs will vary. If I am 12, my safety planning needs are going to vary
drastically from, say, a 30-year-old or someone who is married and has children, or somebody
who has assets, or things like that that are tied to their abuser, versus somebody who is in high
school or just started out in college. Their kind of emotional and kind of safety needs are going to
be very different.

Lindy Aldrich: Safety planning, as we just kind of mentioned around, emotional needs are
incredibly different I think when we are talking about an intimate partner relationship versus a
non-intimate. I am not saying either one is less or more than the other. It is just they may be very
different in terms of how they are perceived and how we can plan around them.

Lindy Aldrich: And then, lastly, what we are going to talk a lot about today is school – school is
different. When you talk about somebody who is between the ages of 12 to 24, you are talking
about a very different person than somebody who is married, somebody who has been in a long-
term relationship, somebody who may have children or houses or other things that they are
sharing, debt, you know, things like...These are very different concepts than somebody who is
between the ages, again, of 12 to 24. Their needs are going to be very different and school plays a
huge part often in how they go about that planning.
Safety Planning with Campus SA Victims

- Insular community
  - Students are often entirely dependent on the college or university to create a safe learning environment and address their physical, emotional, and academic safety
- Ability of campus community to create its own rules provides opportunity for creative safety solutions
- Risk of retaliation by other students is high

Safety Planning With Campus SA (Sexual Assault) Victims

Lindy Aldrich: Okay, safety planning – and let us talk about kind of what are those school issues. As I mentioned before, I think one of the biggest issues is that we have an incredibly insular community. So you could have a school that is in a large, urban town, but that school, because of the layout of the campus, the size of the school, or particularly how these two people have met, bet it in a very specialized program, maybe it is a graduate program, maybe they are both in a particular club or meeting or, you know, some kind of specific thing like they are in work-study together, they are in band together. There is a lot of different ways that they could know each other, that that insular community becomes even smaller, even despite the fact that they may be in a large city.

Lindy Aldrich: But then you could also think about smaller schools in rural settings, or smaller campuses that just are in maybe a big, you know, in a larger town but yet they are a very small school, like less than a thousand people or things like that. Again, students, not only are they in kind of a smaller setting, they also have become entirely dependent on that institution to create this safe environment. Right? And to address a lot of their physical, emotional, and academic needs. So what happens is, even regardless of the size or where it is situated or how they know each other, the student often is very reliant on the school to help them kind of solve many of these issues. They do not have anywhere else to turn in some instances. They have to go to the school in order to fix their class or their scheduling for, you know, athletic programs and things like that. They have to turn to that insular community.

Lindy Aldrich: Another big difference is that the campus community gets to create its own rules. I like to say, you know, unlike, frankly, some of our state laws and some of the legislative processes that we have in different states, campuses get to create their own code of conduct. And, obviously, that changes whether it is public or private. But I do think that in many ways they get to choose their own kind of rules. They get to decide whether or not they are going to offer these
types of accommodations, if they are going to, you know, kind of be able to switch people and to create kind of, you know, better kind of safety for someone else because they are not that reliant on the legislature or the evidentiary rules or the criminal justice process. They are really kind of built within that… insular community kind of goes both ways, it cuts both positive and negative, and I think it is one of those positives.

Lindy Aldrich: And then, lastly, I think for any of you who are working with young people, be it minor or otherwise, minors or otherwise, the risk of retaliation is incredibly high with this population. I think what we are finding in many of our cases is that, you know, while some adults fear retaliation at the workplace or in their community, again, some of the differences between domestic violence and sexual violence. When we are talking about young people and I think, frankly, social media is a huge factor in this, we can almost anticipate that there are going to be a lot of reaction, threats, ostracizing, alienating of our clients and kind of how can we help…How can safety planning play a role in trying to make sure that those – that our clients and those victims are better supported in an environment that we can anticipate is going to be really difficult?

Tips to Using the Guide #1

Determine the right time to safety plan.
  • May have to be limited at the first discussion
    ▪ Ask in stages
    ▪ Follow your client’s lead

Be selective in what questions to ask.
  ▪ Guide covers many areas
  ▪ Not all remedies may be relevant to your client

Lindy Aldrich: Okay. So when you guys get the Guide, which will be coming soon, one of the tips we would really want you guys to think through – and, frankly, for those of you who are doing some safety planning currently, I know that you know this, but it is a good reminder, especially again because we are talking about a young population. Determine the right time to safety plan. For those of you out there who are counselors or have counseling backgrounds or current licensure, you know that sometimes you cannot address every single issue all at once. Our Guide has pages and pages of questions, and no one would ever expect that you would have to go through every one of those questions whenever, you know, you sat down with someone the first time.
Lindy Aldrich: I know all of you know this, but I think it is a good point. Ask in stages. Follow your client’s lead. See where – what kind of safety needs that they have. One of the biggest issues that we have with higher ed is that oftentimes they do not ask. They do not ask, “What are some of the specific things that you need?” Our clients often have a really good idea of what will make them safe. They have a really good sense of who the accused is and what that person’s schedule is, and how they can try not to interface with that person.

Lindy Aldrich: So being selective in your questions is encouraged, to be quite honest with you. Covering only the parts of the Guide that make the most sense. There are lots of remedies, like there is a lot in there about kind of work-study. If your – if the person you are meeting with does not have a work-study job, then that is completely irrelevant to your conversation. So, again, just kind of, you know, kind of a common sense approach to if there is stuff in there that does not make any sense, if they are not living on campus, if they are living in off-campus housing, then you probably do not need to go through the entire on-campus housing discussion. So, again, kind of thinking through what areas are the most relevant.

Population-Specific Needs

QUESTION

(Type your answers in the “Chat” box.)

What are some unique barriers campus SA victims may face when accessing safety?

Population-Specific Needs

Lindy Aldrich: All right, so, we have chatted through a lot about kind of what is different about campus. So I am just curious if you are experiencing some in your own community, if you could talk through a little bit about some. Are there some unique campus barriers that you are seeing with the people or the clients or the victims that you are working with? If you would not mind kind of chatting a little bit in the chat box about some things that you are seeing, some obstacles that you might be facing. Do not be shy. You do not have to be specific, but I am just, you know, do not be shy. I would love to hear.
Lindy Aldrich: We have, I think some of you are actually typing, so I am just going to tell you guys a quick story while they are typing. One of the biggest things that we see a lot are small schools that only have one dining hall. We have kind of a joke in our offices that if anybody hits the lottery, we are going to – we are going to go and pay for a couple of schools in the Massachusetts area to build a second dining hall. It is just one of those things that we have always – we are always kind of worried about our clients.

Lindy Aldrich: So let us see, what have we got here? So we have got a couple that there are no employees or advocates in place. Absolutely, I think that is, frankly, one of the biggest issues that we are seeing. Conflicting class schedules. Shared classes and residences and small campuses. Absolutely. There is just limited options for being able to kind of ask for accommodations.

Lindy Aldrich: Let us see. Yeah, the fact that you could have abusers in, or perpetrators, in their classes with them. Oh, wow, this is a good one about when professors are perpetrators, and kind of the hierarchical kind of power that those professors may have. And then backlash about, you know, what campuses feel is, you know, probably reduced, maybe people are coming to their schools or, you know, kind of that, frankly, kind of public or publicity. The fear of bad publicity and what that sometimes will have some schools act inappropriately. These are all great. I am really, that is great.

Lindy Aldrich: Yes, so there was an earlier question about disabilities in terms of working with – I will be honest with you, I am not entirely sure how to answer that question. I think it just, you know, if you have a person with disabilities, safety planning obviously for kind of the specific issues of that person with the disability is very important to do. Some schools, I will be honest with you, you know, frankly, do a much better job at kind of working through specific issues. Where I find with disabilities is when, frankly, victims are a) perhaps untreated and this is more kind of mental health issues as well, where they have not really – they have not necessarily been forthright, nor should they have to be, frankly, but if they are not, where they are having, frankly, anxiety or PTSD (post-traumatic stress disorder) symptoms or depression symptoms that are unaddressed, and that is causing them to take other actions that, frankly, if the school, you know, had known about, they might have actually helped in some other ways. So that is partly what we are doing a better job of is trying to get out there and make sure that schools understand that disability comes in a lot of different forms, and some of them, you know, you cannot see and you have to, you know, kind of – even if you do not ever ask, you have to be aware that sometimes trauma can create disabilities or hardships for students to get to class and kind of be a part of that.

Lindy Aldrich: All right, so thank you guys so much. Those were great specific, you know, kind of chats about what you are seeing in your communities. I think that is really great. So, speaking of, and this is where we wanted to lead into this question, is another kind of tip to using the Guide.
Tips to Using the Guide #2

Lindy Aldrich: So, when you know and when you have asked kind of what are a victim’s specific needs, I think this is really where safety planning kind of kicks into second gear here, is we are talking about kind of really understanding what is happening at the campus level. I know there has been some recent discussion about, you know, kind of the value of having campus counselors and campus advocates. And I will say while I truly believe in the services that they have and I, frankly, believe also in the community-based services, I think there is some kind of meet-in-the-middle mix here. I think what campus advocates do so well is they understand the complexities and the nuances of how that campus works. I think what you are seeing victims in your community-based, in your coalitions and in your rape crisis and in your dual programs, I think being able to kind of know who that advocate is on campus, if they have one – because, believe me, I really take it to heart that there are some schools that do not have them, and I think that is a mistake – is being able to kind of try and figure out what are the needs of the victim and what are the realistic accommodations that can occur on the campus, based on kind of those nuances of who, you know, kind of who is on, you know, how that campus actually, you know, kind of works. And I think it is important, so let us talk about some examples of what that is.

Lindy Aldrich: So, transportation. It is a big issue that we see with our – with our clients is if they do not have a car on campus, what are some of the ways that they have to get around? And do all students access the campus in that way? Again, we have seen some schools that have classes off campus where they are using shuttles to go to various different, you know, locations, whether or not there is like a bus system or an escort service. There is all kinds of different ways about feeling safe, and what does that school offer?

Lindy Aldrich: Health care. Some schools have medical services on campus, but a lot of them do not, and this is where, again, community-based I think really helps in terms of accessing services outside of the school itself, especially if that school or that institution does not have a health
center or something, you know, where students can access. Especially, frankly, SANE (Sexual Assault Nurse Examiner) services or other pieces. One of the bigger issues I would say is if the victim is not willing to let their family know or is not interested in letting the family know. Completely non-judgement free on that. But if their health insurance is tied to a family member, how does that kind of factor in terms of accessing medical care? Are there potential pockets of money to help them access services? Are there free services in their community? What are ways that we can help victims access medical care?

Lindy Aldrich: Housing. Does the victim live in the same residence hall as the perpetrator? If not, what access does the perpetrator have to the victim’s residence hall? So it is not necessarily even saying, you know, can we move them? Is it, where are we going to move them to? Some institutions have such limited on-campus housing that sometimes moving does not necessarily make sense. It could be really limiting the access of that perpetrator to that housing, which is kind of the bigger question.

Lindy Aldrich: And, obviously, we have talked a little bit, you guys all mentioned whether or not the victim has classes with the perpetrator. Looking at class schedules. This can also be really difficult sometimes when these are small programs. We have had cases where the victim and the perpetrator are one of five people in the program. Maybe it is a very – maybe it is, you know, graduate level or Ph.D. level class and they are sharing these very small...Kind of thinking through, what are ways that the institution could help this person continue with their education, but at the same time limit the intersections of these two people.

Lindy Aldrich: And then I think you have to start thinking about not only what are the victim’s specific needs – so this is the particularized person – but then we have to layer on top of that what other population-specific needs are there. So, you know, are there cultural, religious, is there – are they non-English speaking? There are a number of different, you know, kind of identities that we have to then think through. And I think, again, community-based programs have a great sense of how the community is going to kind of interface with that particular population’s specific needs. But then I think the campus person, that advocate also has a very good sense of who are the best people on campus to kind of help mitigate some of that or to create, you know, maybe safer routes.

Lindy Aldrich: So, for instance, I think when we talk about Terrance, you know, he is – he comes from a very religious, kind of a strict family. He has not told anyone that he is gay. That would be kind of a cultural population-specific need that I would overlay on top of maybe some of the particular issues that Terrance has.
Consider the status of the Perpetrator/Respondent when safety planning:

- Access to victim
  - Campus employment: TA, RA, work study in registrar’s office, library, dining halls, etc.
  - Class schedule or concentration/major
- Affiliations
  - Student leaders, Greek life, athletics

**Tips to Using the Guide #3**

Lindy Aldrich: All right, so now we have kind of thought through, you know, when is the right time to ask the questions. Now we have identified the specific victim’s needs, as well as, you know, kind of population-specific layered on top of that. Now I think we have to consider kind of what is the status. What is the relationship between the perpetrator/respondent when you are safety planning? And this does not – and, you know, by status, I do not necessarily mean a relationship, frankly. I do not mean in terms of like, you know, intimate partner. What I mean is in what ways do they have access to the victim, and then what affiliations might they share? And how do we start thinking through how can we safety plan around those issues?

Lindy Aldrich: So, for instance, we have to think through are they potentially – is there some kind of employment piece? We had a case once in which the accused student was actually in an internship or work-study program in the Registrar’s Office. So that accused student had access to every single students’ records in the school. He had, you know, passwords. He knew how to get in and take a look at everyone’s grades. I mean, obviously, it was a part of his work-study, it was a part of, you know, his job. But that, kind of, when you considered that moving the victim to another location only to have the accused student be able to access her new address was, you know, incredibly complicated because now all of a sudden it is – you know, we have to really think through how does this person, how are they going to be able to get access to.

Lindy Aldrich: It could be more. Obviously we talked about class schedules or concentrations or majors. But it could be things like are they technical – are they technical – are they TAs (teaching assistants) together? Are they resident advisors together? Do they have, you know, do they use the same library, dining halls, gyms? There is a number of different ways that they may intersect on campus, and I think it is just important to kind of make sure that we think through what are those ways. Victims really understand these pieces. When we talk about asking victims what are their specific safety needs, they know. They generally know where am I going to see this person,
how – what information do they have about me, and they generally have a good sense of what is kind of a good way to get around it.

Lindy Aldrich: Another big one that we see is that the two parties may be affiliated with each other through student, like student government. They may be student leaders in their Greek houses. They may also be in the athletics programs together. Or they may have friends that are tied together. I think it is important to basically get an understanding of not only who they – how they, the two of them, intersect with each other, but also their friends and what is likely to happen once they start kind of, you know, expanding their social circles or kind of just trying to resume some normalcy of getting back into their extracurricular activities, and things like that.

Lindy Aldrich: I am going to check in quickly on some questions. Oh, great, we had just more questions.

Case Study: Terrance

QUESTION
(Type your answers in the “Chat” box.)

What are some safety issues Terrance may face on his campus?

Case Study: Terrance

Lindy Aldrich: All right. Let us go back to Terrance. We have talked a little bit about this, and I was curious if you guys had some thoughts about how Terrance and some of the safety issues that Terrance is going to face, based on that example that we talked about before with his roommate, Mark. So if you guys could think through. We have kind of chatted through a variety of ways that Terrance may have some specific campus issues. And could you guys just take a moment and type into the chat box, you know, ways that Terrance may have some safety issues? Thank you guys for jumping right in there. I appreciate that many of you are typing.

Lindy Aldrich: So just to kind of give you a quick refresher. Terrance is brand new to campus. He has only been there 3 months. He has work-study in the library, I think. He is – He goes to the LGBTQ affinity club meeting. He sees Mark, his roommate. They also join an intermural soccer league together. So I am kind of curious what you guys think.
Lindy Aldrich: All right, so, yeah, I love – somebody says no resources. That is, frankly, one of the biggest concerns I think we have is that this could be a school that has no resources for LGBTQ people on campus.

Lindy Aldrich: Fearing that he is going to have to come out about his sexuality. Absolutely, that is a huge piece here. So you – what I think is great there is you guys are already kind of overlaying not only what his specific needs are, but then kind of what that cultural specific need is because of his – because of his sexual orientation, whether or not that is going to create a different safety implication.

Lindy Aldrich: Work-study, the roommate knows where he will be and where he works. Alienating himself from the community and from his family. Do not forget that he has not told his family that he is gay. He has told no one, frankly. And is that going to be a hardship if he were to come out in an accountability process as well, right? If he wanted to file a formal complaint, nobody knows that he is gay, except for Mark who has now been accused of something.

Lindy Aldrich: Does not want to report to law enforcement. Yeah, a concern that, you know, people do not understand that men can be victims too. Absolutely. These are all great. I think, frankly, when you think about not only being a gay male, but just being a male victim also has huge implications in terms of how people are going to receive the report, are going to kind of receive the implications and the impact of that assault. There are so many kind of different layers here, that I am glad you guys are really seeing this.

Lindy Aldrich: I also love fear of getting a health exam. That is a huge piece of male victims, and, frankly, being able to access services that are really, frankly, for male victims is also another huge piece of, you know, kind of community services and, frankly, definitely at the higher ed level of whether or not there are going to be services available to men.

Lindy Aldrich: One of the biggest issues we talk about with higher ed is that there is, you know, I think it is a fairly common practice now for schools to have women’s centers. A lot of male victims, a lot of gay male victims are not going to the women’s center to access services. So, again, thinking through how are we going to make sure that we have accessible services for these people? And, again, I know you in the community are already thinking through these issues and really thinking through, you know, are there people on our staff? Again, that collaboration between what you are doing at the community level and, hopefully, fingers crossed, that there is an advocate at the higher ed level. That is a huge piece of trying to make sure that we have, you know, really thinking through. How do we make sure that we have done an audit of the populations on our campuses in our area? For those, you know, campuses that may fall under kind of your quadrant of the state, or if you are statewide. Thinking through, you know, are there ways that we can help this higher ed institution really think through how to make sure there is plenty of, you know, kind of what everyone, everyone on their campus may need?

Lindy Aldrich: All right, thank you guys so much. This is perfect. So let us keep going.
Tips to Using the Guide #4

Consider the interrelation and balance between safety and privacy when requesting safety and remedial measures.

Impact of safety remedies on maintaining victims’ privacy:
- Who needs to know?
- How much must be disclosed?
- What is the impact on other matters?

Revisit safety regularly.

Tips to Using the Guide #4

Lindy Aldrich: So what are some of the tips? Continuing tips. So, I think we now need to shift. So we have talked about, you know, when is the right time to ask the questions. Then we have talked about what are the victim’s specific needs, right? And kind of the overlay of their specific population issues. We have talked about what the status of the accused student is, as it relates to the victim in terms of, you know, do they work together? Do they – Are they in the same residence halls? Are they affiliated in many ways?

Lindy Aldrich: So the next thing I think I want you guys to consider is what is the interrelation between safety and privacy. Again, for those of you who are working with this population, I know you know that privacy is probably one of the biggest priorities for any victim who decides to come forward. They are, you know, number one, we call it at our offices kind of the give and the get, where you have – if a victim comes forward and they want to get some kind of remedy, we often say, “Well, you have to give up some information,” and we have to agree who are we going to tell, and how much are we going to tell, and when are we going to tell. And, frankly, sometimes that conversation about how you are going to tell and who really can impact the decision of whether or not they are going to tell anyone at all.

Lindy Aldrich: So, again, thinking through safety planning and some of the remedies that victims are looking for, and helping them to really understand, as a community-based person, how – or as a lawyer in legal aid – how are we going to help you get to these areas? How are we going to help remedy some of this? And who are we going to tell, and what impact is that telling going to have on campus?

Lindy Aldrich: So, obviously, big thing to consider is who needs to know? How much do you have to disclose in order to get the remedial measure that you are asking for? And how is the ask for that going to impact other pieces? Obviously, you are going to revisit this often because things
can change on a dime, frankly, with young people things change on a dime anyway. But now when you have kind of introduced the potential retaliation risk, when you start to introduce changing schedules and, you know, semester changes. And, you know, things, relationships change often, friendships change often with young people. And I think, frankly, these only get exacerbated when you include, you know, somebody accusing someone else of sexually assaulting them.

Lindy Aldrich: We have seen some really explosive things happen in a very short amount of time. So, again, safety planning is something that kind of changes and evolves, and especially when you are thinking about, again, that insular community, things can start to change quickly.

**Reporting Structure**

Lindy Aldrich: So, really quickly, I wanted to walk you guys through – this is a structure – I know it does not look like much. I am not much of an artist. It is just three boxes. But this is based on a structure that came out from the Department of Education’s frequently asked questions on April 29 of last year, 2014. This is a structure that administrators and the higher ed – for higher ed institutions were given to start thinking about how victims could report on their campuses. And I am not going to be able to go into this with a ton of detail, but I wanted to just chat with you a little bit about, you know, why it is important about this structure is to you, and, frankly, how, you know, you can think about this as the community-based person and how that is going to impact information gathering for the people on campus.

Lindy Aldrich: So I think the important thing to note here is this – is this really big box called Responsible Employees. So, in that frequently asked questions, the Department of Education talked to institutions about the fact that there are employees that are going to be on their campuses who are going to be required to report any incident of intimate partner dating violence, sexual violence, or stalking to the Title IX Coordinator. And they talk a lot about, you know, who
should be considered a Responsible Employee and who should not. But the vast majority I think on any campus, I think I can say with, you know, with accuracy, is that the vast majority of people on campuses are going to be considered Responsible Employees. This could include resident advisors. It could include staff members. It can include administrators. It can – and I think the largest bucket is likely going to be faculty. It is not always the same, I cannot say, you know, with one broad sweep that all of those people are going to be Responsible Employees. But I can say in large part that is what most schools are doing.

Lindy Aldrich: That said, you will see there are two smaller boxes on the right. Those persons are broken into two categories. One is People Who Have Statutory Privilege, which are going to be very much dictated by your state laws. So you can think of a number of people who are going to fall into those categories – therapists, psychiatrists, perhaps doctors, nurses, social workers, pastoral counselors. Not every one of those people. You have to know very specifically in your state whether or not those people have privilege. I am hopeful that in many of your states, you may have advocate privilege for both either domestic violence or sexual violence advocates. But, you know, depending on your laws, I have asked schools, you know, to go and take an audit of the people on their campuses and determine who has privilege.

Lindy Aldrich: This last bucket, the one that says Persons With Confidentiality, is the hardest. So this bucket is essentially – and I think when – the idea was for those states that do not have advocate privilege, for those states such as Massachusetts where doctors and nurses do not have privilege, which I think people are somewhat shocked by in Massachusetts, that box is there to ensure that students – say, for instance, with the doctors and the nurses in Massachusetts – we want to encourage sexual violence victims to seek medical – to seek medical attention. And we would hate for them not to realize that when they went to a doctor in Massachusetts that they actually are going to a Responsible Employee. So the idea was to create a box where people who students would assume would have confidentiality could be exempted from Title IX reporting. So that is essentially what that green box is.

Lindy Aldrich: And schools, some are and some are not. Obviously, you have detail that there are some schools that are not, you know, that are not necessarily creating these buckets. But it is an important piece to basically find out. I think what I am really encouraging you guys to do is, if you have a person on – at an institution that you work closely with, you can really take a look at, you know, whether or not, you know, who – what – what people fall into these boxes with the institutions near your campuses.

Lindy Aldrich: So I wanted to just – there are some folks talking about schools that can directly access students’ health records. That did come out recently and it was a big issue, you know, basically a school. I can tell you that that is not necessarily in any way a failing of the privilege laws in that state. I think a lot of people thought, you know, the privilege laws did not include campus and it did not include the people who, you know, had privilege. It absolutely did. It absolutely did cover these. I think what may have happened there, and I do not know the full details of this case and, you know, that school is essentially saying that they had the right to go in and access those records.

Lindy Aldrich: I do not know if that is true or not, but I do know this. That I think for many schools who have counseling centers and advocate groups on campus, there are not enough community-based services to actually provide enough services for every campus student in America. I have been to many – I have been to hundreds of campuses, and if we attempted to take away the counseling and the advocacy services that are available to them, I would be very concerned that those students would not be able to really seek the treatment that they needed in
the most immediate ways if they got turned into the community. Meaning that there are lots of programs, but you are already, you know, overwhelmed as it is. I think there are some really dedicated and committed people who are working in the counseling and advocacy centers on campus, and I think realistically what happened in that particular piece of the most recent kind of article was that I think somebody acted inappropriately. I think one person acted inappropriately in that case and, unfortunately, I think it has now kind of become this huge issue that maybe we should do away with these services. And I think the reality is I think we just need to find a better balance.

Lindy Aldrich: Schools have to obey privilege laws, and if they break them, then that is illegal conduct. And it is not – it is not necessarily that the laws are not enough to, you know, sustain those types of, you know, activities on campus. I think it is more about schools kind of realizing that you cannot just break whatever laws. You have to actually work within those laws. And many, many thousands of schools are doing that very thing. So if you are having issues with that on your campus, I often think it is more about the school kind of, you know, making sure that they are recognizing and are, you know, willing to act within the laws versus…I think there is kind of a moral and ethical imperative that they do that, and less about the fact that they do not work. So that is my thoughts on that most recent kind of issue.

Lindy Aldrich: But in the larger structure, I am hoping that for those of you who are working in community-based programs and that you are working with schools that have these structures, that you know the people on campus who fall into these buckets. You know that there is a person with privilege. You know that there is a person with confidentiality. So that as you are speaking with somebody, if you are speaking to a campus victim, you can educate them about who are the people on campus that you go to when you want to make a report, when you make something more official, or persons who you might want to speak with when you just want to make a disclosure, when you want to talk about what, you know, what accommodations you need or the counseling you need, or whatever you need specific to the school, that they – that each victim is making a very informed and educated, you know, discussion about this.

Lindy Aldrich: All right, so we have talked through the three. So let us talk about kind of what those on-campus safety and remedial measures are.
On-Campus Safety and Remedial Measures

**Goal:** Ensure the safety and well-being of the complainant and the school community

- If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure his or her safety, as necessary.
  – April 2014 Q&A, pg. 3

**Practice Tip:** Notice of available interim measures that may be taken to protect the student in the educational setting should be listed in Title IX policy. – Q&A, pg. 13

On-Campus Safety and Remedial Measures

Lindy Aldrich: So, obviously, one of the biggest goals of kind of taking particular kind of actions, when we are talking about safety planning, is to ensure not only the well-being of the complainant, but of the community as well. We wanted to include some specific language that was in the frequently asked questions from the one I mentioned from the Department of Ed. “That if a school determines that sexual violence has occurred, they have to continue to take steps to protect the complainant and ensure his or her safety.”

Lindy Aldrich: So, one of the biggest tips that we had is schools really need to be listing what types of available interim measures, meaning what kinds of safety measures, interim measures, they can take to protect the students in these settings. They need to list that in their policy. So, again, you know, it is kind of a mixture of, you know, what are some of the community-based services that you can offer, what are some of the very specific things that the victim has to have on campus, and are there kind of, you know, are those, between the two of you – between, you know, both programs – are there ways to kind of get that safety planning done? We are obviously trying to talk to schools about getting out there and making sure that their policies are, you know, hopefully fully compliant, but also that they are including materials that really help victims make better educated choices. That is a huge piece, again, that balance between what community-based programs are doing and what on-campus advocates and counseling centers are doing, so that they can basically kind of meet in the middle. So that victims are able to, you know, get the services they need in an educated and informed way so they know who they are talking to and what is going to happen to that information. But yet, at the same time, really be able to safety plan around the needs that they have that are specific, frankly, to that insular community.
Lindy Aldrich: All right, so what are some of those kind of common remedies? No contact orders are a big one. Housing transfers. Obviously we have talked about class schedules. Withdrawal from courses without penalty. Security escorts. Parking. There are so many different ways that we have seen cases go. A lot of examples, for instance, we had clients who needed to park in a different area. So, for instance, if they are a freshman, they are told they have to park farthest away from campus. Well, in this instance, the person, maybe if they are in off-campus housing, they need to park closer to campus to feel safe.

Lindy Aldrich: We had one victim who needed to be – wanted to enter a building where her and the accused student attended classes. She wanted to be able to enter the building from a southern entrance versus the northern entrance, and the southern entrance required a fob to get in. Again, these are just kind of small things, but that – the way for that victim to feel safe going to class every day was to be able to enter this building through a very particular entrance. And that really made a difference in how they were able to, you know, feel safe going to class and, frankly, ultimately to get to class to actually complete the classes. So it is really important that sometimes it may seem small, but it really can mean the difference between victims continuing to go to class, continuing down the trajectory they were once on.

Lindy Aldrich: Be creative. Be creative in what you are thinking. I think victims are very creative. Oftentimes they think through their – I mean we have had victims who have created maps of campus – the campus – like a grid of the campus and have determined how they are going to walk around the entire campus in order to avoid this person. I mean they have very specific knowledge of how that campus works. Being creative and helping them to understand that you have a lot of different rights here. Let us help, let us try and figure out a plan that makes you feel the best so that you can continue. Or, if you cannot continue, let us try and help you with medical leave or withdrawing, or getting a different work-study job. What are some of the things that we can do to try and make sure that you can continue to be on that trajectory that you were
once on, or get the time and the space you need to kind of get stabilized and be able to return, if you feel like you can?

Lindy Aldrich: Another big thing that I will say that I think is really kind of important is what we call safe hours. Frankly, for those schools that only have one dining hall, they only have one gym, they only have, you know, one art program or whatever, oftentimes what we do is we kind of talk through with administrators how we can do safe hours.

Lindy Aldrich: Obviously for those – when we are talking about things like safe hours, no contact orders, you know, when we are talking about things where both parties are aware that there is safety planning going on here, obviously that is not a confidential report. And I know you guys are probably thinking like, “Well, how can we alert the accused student without letting them know who the victim is?” You cannot. So let us just be honest right now. If you are attempting to bring in the accused student to these types of discussions, you are not going to have a confidential report at that point.

Lindy Aldrich: If you are just moving the victim, for instance, if you are just changing the victim's hours, if you are just changing the classes or you are changing the housing location, you could do that without, you know, formally alerting the accused student that there has been a complaint. Let us be honest, if you are in a really small school that only has two residence halls, if you move a person from one to the other, there are going to be suspicions that something has happened.

Lindy Aldrich: Some of these things you have to manage as best you can. But in reality, there are, you know, there are some ways that you do not have to file a complaint specifically around sexual violence, domestic violence, or stalking. That you can, you know, kind of do a confidential report and kind of thinking through what does that planning look like.

Lindy Aldrich: All right, I think we had a question. Can you talk about how schools enforce no contact orders? Oh, we do not – honestly, we could spend, you know, 90 minutes specifically on that. We are in the process of coming out with a document specific to no contact orders in terms of basically how they should be written, how they should be enforced, and kind of discussion. We are going to talk a little bit about this on this – on this particular Webinar, but just be on the lookout for more, a more comprehensive guide that we are trying to put out on this as well. So let me just skip ahead to that. You almost knew exactly where we were headed. But let us skip ahead to this and we can kind of talk more about kind of what those tips are.
Campus-Issued No Contact Orders (NCO)

Useful safety planning tool.

Available at many institutions, but the specifics vary widely:
- Important to understand whether the NCO covers:
  - Third-party contact
  - Off-campus contact
  - Social media/online contact

Campus-Issued No Contact Orders (NCO)

Lindy Aldrich: So I think no contact orders, again, this is a non-confidential, so this is a victim that has come forward where they are not asking for kind of the shroud of privacy around them. Because at this point you are going to have to tell the accused student that, you know, they have a no contact order.

Lindy Aldrich: So they are available at most institutions, but the specifics of how they are created are very different. They really can vary. We have seen schools that they are not in writing, that they are done verbally, which I do not – do not in any way encourage. We have seen schools, you know, take a piece of blank paper and draw a line down the middle and put the complainant’s name on one end and the respondent on the other. I mean I think, frankly, we have seen a really wide array of what schools have done.

Lindy Aldrich: We, when we are able to, you know, provide that Guide, we actually have a sample on the back of it that we are hoping that schools will consider as they create their no contact, which really lays out some very specific pieces of, you know, what each, you know, kind of each school is going to offer in terms of keeping folks apart.

Lindy Aldrich: I think it is important to really think about what a no contact order covers. We have seen schools that include third-party contact as part of their no contact, meaning it is not just between the victim and the accused student, it actually includes friends that are a part of this. So, frankly, contact from friends in retaliation against the victim will also be included as part of that no contact.

Lindy Aldrich: They can include off-campus. Some schools will say kind of jurisdictionally that that if you are, frankly, off of their kind of geography or off of the property that they own, they
still are asking folks to stay separated, that they would enforce something that happens off-campus.

Lindy Aldrich: I think it is important also to think about whether social media and, you know, online contact is considered contact by the school. Many schools I think, frankly, given that this population is so young, I think they realize that, you know, it has to include kind of, you know, social media. And taunts, threats, contact. Frankly, there is just a wide range – a wide array of ways that victims can be harassed, and they are including these as part of their no contact orders.

**NCOs: Advocacy Tips**

Ensure victim understands the differences between campus-issued NCOs and CPOs available in the jurisdiction:
- Generally, no distance requirement
- Mutual v. unilateral

Incidental contact is much more likely in a campus setting. Important to discuss this with the victim and consider it when safety planning.

If the NCO is given verbally, help the victim draft a followup e-mail to institutional employee with questions and outlining his/her understanding.

**NCOs: Advocacy Tips**

Lindy Aldrich: So other kind of tips around them. Ensure that a victim...And, frankly, those of you in legal aid and community-based programs, I think you are in a distinctly unique place to be able to help victims understand these distinctions. This is a place where I think you are very, very helpful to this process. Ensuring that victims understand the differences between campus-issued no contact orders and what your state protective orders are going to do. So, for instance, a lot of no contact orders for schools do not have a distance requirement. They often do not say, you know, you have to be 10 yards away. It is essentially just kind of a straight-up you cannot speak with each other, you cannot have contact, you cannot look at each other, you cannot gesture at each other, you cannot have social media contact, any of those things. Whereas CPOs (civil protection orders) in a variety of states really say, you know, you have to be 10 yards, you have to be 50 yards, you know, they have very specific requirements.

Lindy Aldrich: I think one of the other big pieces is, obviously, most CPOs are not going to be mutual. So you are not going to have mutual restraining orders against each other in your state courts, whereas you are going to have a unilateral order. A lot of campuses are doing mutual no contact orders, meaning that both the victim and the accused student have an order that both of them must comply with. I am not saying one is better or worse than the other. It is just a
difference. And I think it is something that victims really need to chat about, they need to understand, you know, what they are asking for.

Lindy Aldrich: And, again, the relationships that you have with your advocates in each of these institutions that are within your kind of coverage area, having an understanding of do they have confidentiality or privilege. What are some of the things that this school is doing with their no contact order? Are they in writing? How, you know, are they mutual, are they unilateral? How…? Helping a victim really kind of parse through what are the kind of pros and cons of each, and getting a better understanding of, you know. And, frankly, for those states that do not have a non-intimate partner CPO, I think it is going to be really important that victims know that. So that the no contact order on their school, especially if it is somebody who lives down their hallway, somebody who is in their class but that they are not dating, they may have no other choice but to do a no contact order at their school, and really understanding what that is going to look like. That is a huge piece where I think community-based programs can really help.

Lindy Aldrich: Another huge issue that we are seeing is incidental contact. When you have insular communities, even if it is a huge school, there is still a good likelihood that the victim will continue to see – like visually see – the accused student on campus. And especially when you have a rural school or a smaller school or, frankly, an incredibly insular community like we have talked about before. You have to help victims better understand, what does incidental contact mean, and how to discern when incidental contact of, “We are on the quad, the accused student is walking towards me, I am walking towards the accused student, you know, is that considered incidental?” If you keep seeing that person day after day after day after day, and there is another way that they could have gone but they obviously are choosing a path to keep running into you every time, where does incidental contact end and where does deliberate contact begin?

Lindy Aldrich: I think it is really important to, you know, kind of help victims understand that. In these small insular communities, you are going to see this person. There is no way to kind of prevent them from seeing each other. It is just helping them to really parse out what is – what is really contact and what is this is just kind of the circumstances we are in and we are going to have to keep seeing each other in some hopefully minor and really inconsequential way. Not for the victim, of course, but just that they are not – it is not contact just because you may be in, you know, inadvertently in the same room.

Lindy Aldrich: If the no contact order is given verbally, which again, we do not encourage. Really, I think advocates and those, again, legal aid and community-based programs, helping victims to draft follow-up e-mails with institutions to basically lay out their understanding of the conversation, to basically have something in writing that says, “Okay, well, I know you guys did not issue, you know, per se, a, you know, a piece of paper that says I have this no contact order. But this is what I understood. Do you agree that this person is not to come to this building during class time? This person is not to attend this dance or this, you know, extracurricular activity? Or this person is not to be on this team?” You know, just kind of basically outlining what are the things that were discussed, and giving, helping to make sure that the victim has something in writing to clarify what their kind of group understanding was about what – what is going to be contact and what is that person expected not to do.
Case Study: Terrance

QUESTION
(Type your answers in the “Chat” box.)

What are some safety and remedial measures that may be helpful to Terrance?

Case Study: Terrance

Lindy Aldrich: Okay, so, can you guys – we have talked about this a little bit but I am kind of curious to see if you have just any other thoughts since we have talked about it. Are there any other ways that you could see that Terrance could – what are some like proactive things that he could ask about in terms of basically with Mark? So, can you think of some creative ways or things that, you know. Terrance could specifically ask the institution to do for him? And, frankly, hopefully he would do that with an advocate, or he might do it with somebody community-based. I see you guys are typing, so that is great.

Lindy Aldrich: So it is very – yeah, I understand somebody is saying it is very relative to the situation. But I am wondering, too, so some of the things that I am thinking about is would Terrance ask for a change in housing? Would Terrance particularly ask for – the fact that they are both on that intermural soccer team, maybe there is something to be said for, you know, maybe they, you know, depending on kind of how far Terrance wants to go with this, is whether or not they might put Mark on a different team. Or maybe there is somewhere else that, you know. Oh, no contact order applicable to the affinity club. That is fantastic. Asking the accused to be moved. Exactly.

Lindy Aldrich: I also think like they had work-study. Maybe he is going to have to be, you know, maybe he has to go to a different work-study program or one that maybe Mark is not familiar with. Again, these are all really great suggestions. You know, thinking through where Terrance could go. What are some of the pieces that Terrance might ask for? And what are some of the immediate safety needs, and how can the school really help?
Lindy Aldrich: All right, so lastly, I just wanted to walk you guys through, you know, the basics of how, you know, we would lay out, using our Safety Planning Guide. So I wanted to talk through each one.

Lindy Aldrich: So, what are the safety or supportive measures that the victim needs? So, first addressing specifically with the victim using the questions from the Guide. What are the very specific things that you need in terms to feel safe, to continue what Title IX would say “access the benefit of your education”? So what are ways that you think in terms of avoiding contact, maybe changing schedules? You know, what are the different pieces that if we could build those up together, you know, absent… You know, a lot of times for victims it is, you know, it is not going to be through, you know, an accountability process. It is, it may not initially be, “I am going to file a complaint to see if I can have this person expelled.” That may not be anywhere on the radar for many, many victims. As much as we may want it to be on the radar, many victims really are not in a – in a position to, you know, ask for these particular pieces. They may be cutting. They may be suicidal. They may have substance abuse issues. There may be a variety of things that are going on with them, be it PTSD related or a variety of other things, that they are not able to at that point kind of have an accountability process.

Lindy Aldrich: So, once you have determined what the supportive measures are for the victim, now it is time to figure out who is the institutional employee who can assist. So for those of you, again, who are not in the current community, who is the person based on my conversations with the client that we think we should go to in terms of helping to kind of address some of these needs?

Lindy Aldrich: And then number three, which I think is an incredibly hugely important piece here, is once you have identified those on-campus partners, determining whether or not they are
confidential. That goes back to those three boxes, the Responsible Employees, the Privileged, and the Confidential boxes. If you saw these people, what then will happen? If they are, yes, they are Confidential, generally that means there will not be an investigation, that those people are exempted from Title IX reporting. They may likely also not be campus security authorities under Clery.

Lindy Aldrich: So, you know, again, now we are talking about a lot of different federal laws here. But, in essence, what we are saying is if they are Confidential or Privileged, it means that they do not have to investigate, and that they may be able to help you access all of these accommodations without having to trigger a report to the Title IX, which would kind of create a whole other process. But if they are not Confidential, there is a chance that the institution will need to start an investigation. The victim can still request confidentiality, but it will need to be balanced with that institution’s need to, you know, kind of look at what we call campus safety risk analysis. So they will have to determine whether or not there is information that the victim may not have about this particular accused student that would really kind of push the school to have to begin an investigation because there are greater concerns about safety risk with this particular accused student.

Lindy Aldrich: So that is a whole other training in and of itself. But these are really kind of the three big ticket items is: What does the victim need? Who is the institutional employee? Meaning the higher ed employee who can assist with those needs. And are they Confidential? These are kind of the three things that I would want anybody really to think through when they are talking about kind of safety planning with victims.

**QUESTIONS**

Do you have questions we did not have a chance to address today?

If you want us to send you specific resources we referenced in this webinar, please indicate that in the Chat box.

**Questions**

Lindy Aldrich: So, we have about 15 minutes left. I hope, I do not know if we have 15 minutes, I thought we did. But if you have any other questions about any of this, I would love to hear from
you guys in the chat box. And I thought I could just take some questions for the next couple of minutes. You can also reach out to me. You know, it is exciting to hear from you guys and what your cases are as well. So I am really excited to hear kind of like what you guys are doing. So if you have some specific questions, I would love to address them for the next couple of minutes. So I see a couple of…

Billie Matelevich-Hoang: Lindy, hi. This is Billie. I just want us to make sure you saw the most recent question from Wendy about the NCO. I am not sure if you answered that question.

Lindy Aldrich: Not sure…

Billie Matelevich-Hoang: It is the second one up from the OVC TTAC conference code number.

Lindy Aldrich: Okay.

Billie Matelevich-Hoang: It says: What would be the specific retaliations by Mark if NCO was implemented?

Lindy Aldrich: Oh, okay. There we go. What would be…

Billie Matelevich-Hoang: And she further clarified, sorry.

Lindy Aldrich: So, it depends. I mean Mark could retaliate against Terrance, so Mark being the accused student. Mark could potentially retaliate against Terrance, meaning to “out” him to other people against, frankly, his wishes. He could also threaten him that if he does not drop the complaint, or to drop some of, you know, to stop talking about the incident that he is going to “out” him with his parents. You could also have that the school… You know, honestly, no contact orders in terms of retaliation, schools often are not going to, you know, violate a no contact order with retaliation, honestly. It is probably going to be other students or friends of Mark, or others who kind of, for whatever reason, are kind of joining the conversation. You know, I think we have seen some in some higher profile cases where other students kind of jump on the bandwagon in defending someone they, frankly, do not even know. So, honestly, I think it is really kind of a general retaliation against people who come forward to complain about violence, but also specific retaliation by Mark or Mark’s friends in an effort to intimidate Terrance into taking back his complaint.

Lindy Aldrich: And in terms of accountability for Mark, that actually is a great question. Number one, schools are not including their, frankly, enforcement policies within their policies. It is something that we encourage schools to do is – it is great to have a no contact order, but if you cannot actually enforce it, if you have a) not told people how you are going to enforce it, and then b) talked about what a violation actually is, a lot of schools have them but then when they get violated, they have nothing within their policy that says we are going to hold you to, you know, a violation of a no contact order equals this. So we really are encouraging schools to, you know, if you are going to have one, you need to be able to enforce it. Sometimes they are enforced by administrators. Sometimes they are enforced by campus security or campus law enforcement. Deciding who is going to issue them is also another huge deal. Making sure that schools have a consistent policy. So, yeah, I think it is a great question. I think, frankly, we have seen a variety of kind of accountability mechanisms there. We have seen some schools just kind of quickly suspend folks for violations. Some have another full hearing process where they investigate and go to a hearing. It really depends on what their policy says. I think for those of you working with institutions in your community, look at that policy, see what they have in there, and if they do not
have something that talks about what a violation would include of violating a no contact order, they need to. And I am hopeful that, you know, again, hopefully relationships are continuing and strengthening between you and your local institutions to be able to say we think there is something missing.

Lindy Aldrich: Have I see collaborative efforts between campuses and community agencies around safety planning? Yes. And what those generally look like, and I will be honest with you, are either Sexual Assault Response Teams, SART, or Coordinated Community Response teams, CCRs. Some schools are really working hard at making these collaborative efforts work. I am trying to think of kind of a good example of a school. I mean I have seen so many different types, and I am happy to even kind of chat offline a little bit about this as well. But what I have seen mostly is there are some schools that have these CCRs or SART teams that are within their own school, so they will do them internally. So they will include campus law enforcement, like student affairs, they will include residence life, they will include Title IX, advocacy center or a counseling center. They will include all of these different folks in a room and they will start talking to various kind of issues. They do kind of standard curriculums for them where they will bring in outside speakers to talk about various issues, and they kind of really get to know each other, multidisciplinary, everyone’s kind of ethical obligations. They kind of have discussions about what is going to happen. Some of the more advanced ones are including, frankly, folks from the community as well. And I think for those of you who, again, who are in rape crisis or local coalitions, getting your foot in the door as much as you can into these groups is an incredibly important piece of having them understand what you do, having you understand what they do, and kind of coming to some of the, you know, the tension points that some schools are having.

Lindy Aldrich: All right, I am just trying to get through some of these questions. Am I seeing more grassroots efforts from students and advocates to promote action-based responses? Absolutely. I think that the students, frankly, are the beginning and the end of what has been happening here. I think their activism and their courage, you know, several years ago in coming forward and being very, you know, open about their experiences really led to the explosive nature of this movement at all. It is kind of incredible to see what they have done in such a short amount of time. I think that student activists play an integral part of keeping campuses accountable. I also think that student activists have done, frankly, a lot of work in terms of ensuring that their own campuses that they are on are addressing their specific needs. One of the biggest things that we are seeing a lot is that peer educators play an enormous role in higher ed settings of helping students to understand their rights and to understand, you know, kind of making informed choices. So I definitely think it is not only activists, but other peers who are willing to get educated themselves, and then teach. So it is definitely students and that mix of people who are getting more and more educated about their rights that are creating a lot of I think, frankly, the specific change that we are seeing.

Lindy Aldrich: The Guide is coming. For those of you who are asking where can we view the Guide, it is coming. I am still waiting on a final approval from OVW, but I swear to you it will be to you very soon.

Lindy Aldrich: Great. And we have somebody who runs a SART team in West Virginia. That is great. Thank you so much. We have a great relationship and we are hosting a 5K for Sexual Assault Awareness Month, and this has been vital. Yes, I think those SART groups, when they are done well, and I think, you know, for those of you who can see, maybe get in touch with this person to talk about kind of what works and what does not. SARTs really I think play a huge role in helping both the community and the higher ed institution do a good job of, you know, learning
how they can work together and, frankly, where there are parts of the higher ed institution that are gaps in their services. Sometimes community-based can fill those, and sometimes they cannot. I mean as a non-profit ourselves, I understand that you guys are strapped and that you are, you know, frankly, doing a lot with a little. So, you know, I think it is important to kind of have a realistic conversation so that they do not think that, you know, you are the answer to all of their – to all of their issues. I think it is really having a, you know, a conscious conversation of, you know, this is what we can offer, this is what we might need to be compensated for, but this is the way that we can kind of complement each other’s services. So thank you so much for bringing up that you have a good working SART. There are so many that do great, great work and I am excited to hear about that.

Lindy Aldrich: I do not see any other questions, and we are nearing the end of our time. I do not know if anyone else had any other specific questions or not. So, Billie, should I go back over to you?

Billie Matelevich-Hoang: Sure thing, thanks. Thank you so much, Lindy, for the excellent information. We really appreciate it, and we are so grateful for the Victim Rights Law Center for sharing your expertise on these issues, and for partnering with us on all of this Title IX work.

Billie Matelevich-Hoang: Before we close I have just a few things to mention, and it looks like Wendy is still typing, and so is Christine. So I will do my thing and then we will revisit to make sure they are not asking any specific questions.

**Information & Evaluation**

Through OVC’s Legal Assistance for Crime Victims Training and Technical Assistance Initiative, OVC’s Training and Technical Assistance Center (OVC TTAC) is working to develop and deliver training and provide technical assistance to the legal community. Training and technical assistance provides attorneys across the country with the tools they need to increase their knowledge base about crime victim issues and increase their capacity to provide pro bono or no-cost legal representation to crime victims.

Visit the [Legal Assistance for Crime Victims Initiative](https://www.ovcttac.gov) page to learn more about upcoming and archived trainings, or e-mail us at legalassistance@ovcttac.org for technical assistance and support.

Thank you for attending this Webinar. Please take a few minutes to complete the [evaluation](https://www.ovcttac.gov).

**Information & Evaluation**

Billie Matelevich-Hoang: If you would like any additional information about the Legal Assistance for Crime Victims Training and Technical Assistance Initiative, please visit our website at [www.ovcttac.gov](http://www.ovcttac.gov). You will find information about all of our upcoming and
prerecorded Webinars offered by the Initiative, and also you will see tabs for training and technical assistance in case you need any technical assistance on specific legal issues.

Billie Matelevich-Hoang: If you have any ideas for additional training on Title IX topics or any other legal topic surrounding crime victims, please feel free to e-mail us at legalassistance@ovcttac.org.

Billie Matelevich-Hoang: Thank you for attending this Webinar, and we ask that you take a few minutes to complete the evaluation at the end of the training. You will see that there is an evaluation link to this PowerPoint, and I did send you PowerPoints in the e-mail prior to this Webinar. Just in case, in case that link does not work, I will also be sending you another e-mail follow-up thank you, and that will also include the evaluation link.

Billie Matelevich-Hoang: And, Lindy, before I wrap up, it does look like Lindsay and Rhonda have also said something, so I am going to kick it back to you to make sure that their questions are addressed. Thank you.

Lindy Aldrich: Billie, unfortunately, I think I might have to pop it back to you. They are asking whether or not there is a certificate or a verification of attending the Webinar, and I do not have that info.

Billie Matelevich-Hoang: Oh, thanks. [overlapping comments] Lindsay, we do not have certificates currently for it. You could use my e-mail that I will send you that I will make sure I put thank you for attending this Webinar, you know, this verifies that you have attended it, and that type of thing, and you can use that for your file. And, Rhonda would like the Guide please, and I think that is for Lindy, and I believe that will be available shortly.

Lindy Aldrich: Yes, [unclear].

Billie Matelevich-Hoang: I think that is it. And Wendy is typing one more, we still have some time, so feel free to ask questions. I will just wait until Wendy is done.

Billie Matelevich-Hoang: Okay, new Florida state law for training hours. Okay, Lindsay, and we could – I have an e-mail to you about some of the information you provided on working with people with disabilities, and we could talk back and forth after this about some of the training hours and requirements.

Billie Matelevich-Hoang: So, if we do not have anything else, I would like to thank you again, and we hope that you join us for our future Webinars. Thanks.

[End.]