The Essential Advocate: Higher Education Conduct Processes and How Victim Advocates Can Help Students

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Introducing New Product

Objectives

- **Determine**
  - Determine the right audience for this tool

- **Understand**
  - Understand the differences between criminal justice system and IHE conduct process

- **Provide**
  - Provide the best services/resources for survivors
Trauma Informed Approach

Importance of Victim Services
Who Benefits From the Guide

- Community Partners
- New Campus Advocates
  - Institution of Higher Education (IHE) hired
  - Partners with local providers
- Anyone unsure how advocates support survivors make informed decisions

Get into the Guide
Understanding the Criminal Justice System

Learning an IHE Conduct Process

Setting Expectations

Sections within the Guide

Criminal Justice System

- Purpose
  - Deter future crime by imposing penalty
  - Penalties can include fines, probation, jail time, or death penalty
- Players
  - Victim/Defendant
  - Prosecutor/Defense Attorney
  - Judge/Jury
- Victim is a witness, not a party.
- Prosecutor represents the state, not the victim. Makes most strategic decisions.
IHE Conduct Process

- Purpose
  - Educational response to change behavior
  - Sanctions can widely vary, specific to each institution
- Players
  - Complainant/Reporting Party
  - Respondent/Responding Party
  - Investigator/Hearing Board
- Parties can request supportive measures.
  - Stay Away Orders/No Contact Directives
  - Housing Transfers/Academic Accommodations
  - Safety Planning

Standards of Proof

- Beyond a Reasonable Doubt
- Preponderance of the Evidence
Timeline

IHE: Commonly resolves in a couple months.
CJS: 6 months – 5+ years

Survivors may need to consider graduation or transfer

What to Know About IHE Conduct Processes
Common IHE Conduct Processes

Hearing Model

Investigation Model

Investigation → Hearing Model

Investigation → Report → Hearing Model

IHE Conduct Processes

• Rooted in policy
• Common structures
• Advisor of Choice
Advisors of Choice

- Both Reporting and Responding parties are allowed an Advisor of Choice at meetings, interviews, and hearings.
- New regulations require Title IX hearings to incorporate a live hearing cross-examination by the advisor.
- More information about privacy considerations and advocates as advisors in the Integrating Victim Services into Policy product.
Confidentiality by Law

- Depends on jurisdiction, profession
  - Statutory Privilege
- Explain additional benefits or limitations it provides the student
- On-Campus: Student-facing staff with privilege could include counselors, advocates, doctors, nurses, clergy
- Off-Campus: Rape crisis or Domestic Violence advocates, social workers, medical staff at local hospitals

Confidentiality by Policy

- Institutions may designate student-facing professionals on campus as exempt from reporting under Title IX and Clery Act.
- Professions could include campus advocates, medical professionals and faculty who provide resources to student survivors.
Advocates Set Expectations

Supporting Survivors During Process

- Understanding confidentiality of various positions on-and-off campus
- Connecting survivors to supports on and off campus
- Coordinating with on-campus administration or advocacy
- Preparing survivors for the process
Safety Plans

Customized safety plans prioritize the safety of a student by considering their daily logistics and how to keep parties separated.

Supportive Measures

- Accommodations focused on ensuring access to the benefits of education
  - Provided regardless of complaint
  - Safety may not be an issue for all complainants
Questions?

ThankYou!

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