February 9, 2016

Staff Council Minutes February 9, 2016

Members present: Jackie Askren, Eileen Brouddus, Ryan Calovich, Kim Fletcher, James Frager, Haley Grant, Chaz Havens, Jenith Hoover, Joyce Hutchins, Heather Jones, Jim Kelly, Katrina Klein, Kelly Mourning-Byers, LuAnn Reece, Colleen Thiessen, and Angela Valdivia

Members not present: Coletta Meyer and Kim Sturgeon

- I. Ryan Calovich called the meeting to order at 3:00 p.m.
- II. Special Guests: Kelly Erby and Tom Underwood. Kelly Erby and Tom Underwood presented information to Staff Council regarding the victim advocacy services. Kelly Erby and Tom Underwood are asking Staff Council to support the Faculty Statement for the creation of the victim advocacy position. This position would be a designated, confidential victim advocate. Staff Council is asking their constituents to read the attached information and provide feedback to your Staff Council representative. Staff Council will be voting at the March 8th meeting whether to support the statement for the victim advocate position which would serve both the Washburn and Washburn Tech campuses.

III. Reports:

- a. Ryan Calovich, Chair The focus of the meeting with Dr. Farley was about the formation of two committees to establish a Tobacco policy and a Weapons policy. The deadline for qualified employees to voice interest in the Voluntary Retirement is February 19th.
- b. Benefits Committee No meeting to report
- c. Safety Committee No meeting to report

IV. Discussion Items:

a. Events versus services: "Services" brought to a Staff Council meeting will be distributed via the minutes for that meeting. "Events" will not be distributed, but instead, the minutes will have a link to the Washburn University Events webpage. If an event is brought by a constituent to their delegate, the delegate will need to encourage the constituent to add the event to the University Events webpage.

V. Unfinished Business:

- a. Washburn Tech employees being able to use Bod Bucks to purchase meal punch cards Colleen Thiessen met with Kay Farley. Kay Farley said the bookstore is testing the new "cloud" system and verifying all current accounts are flowing to the General Ledger properly. Once the verification process is complete, the bookstore will be able to add a new account that will enable Washburn Tech to use their Bod Bucks to purchase meal punch cards at the bookstore. Colleen Thiessen will follow up with Kay Farley again before the March meeting.
- b. Gun safety update Jim Kelly met with Dean Forster. There was a discussion regarding liability if Washburn were to provide gun safety training. Ryan Calovich's discussion with Randy Pembrook there are no set answers and administration is still trying to navigate what Washburn's role is in regards to helping faculty, staff and students receive information/"training". As the committee (newly formed, by

Staff Council Minutes

February 9, 2016

President Farley, Weapons committee) meets, answers to questions that have arisen in Staff Council will become clearer.

VI. New Business:

- a. Victim Advocate Professional Staff Council is asking all constituents to read the attached "Victim Advocate Statement" and "Victim Advocate Statement Q & A" documents and to provide feedback to their representative. Staff Council will vote at the March meeting on whether or not to support the creation of a Victim Advocate position.
- b. Pay stubs Several departments on campus are suggesting that Washburn dispense with sending paper payroll stubs in campus mail to all employees as most employees have direct deposit. The question was asked, if Washburn must distribute payroll stubs, can employees be given the option of opting out of having the payroll stub printed? There would be a cost savings by not printing. Joyce Hutchins will visit with Chris Leach and report back at the March meeting.
- c. Employee Recognition Ryan Calovich will be presenting the awards, and he's requested eight volunteers for greeting and handing out programs. The following eight delegates volunteered: Katrina Klein, Angela Valdivia, LuAnn Reece, Jackie Askren, Haley Grant, Kimberly Fletcher, Colleen Thiessen, and Jenith Hoover. Ryan Calovich is looking in to how early the greeters need to be there.

VII. Announcements

- a. April 20th is the Employee Recognition Ceremony from 3:00 pm to 5:00 pm.
- b. Washburn University VITA site Law Building 1st Floor free income tax assistance from 9:00 am 5:00 pm on Saturdays through April 16, for individuals and families with low to moderate incomes.
- c. Watch the Washburn Tech website for Open House and Orientation events.
- d. Below are two website links, one for Washburn University "Upcoming Events", and one for Washburn Tech. "Dates & Deadlines":
 - a. Washburn University: **Upcoming Events**
 - b. Washburn Tech.: <u>Dates & Deadlines</u>
- VIII. The next Staff Council meeting will be March 8th.
- IX. Ryan Calovich adjourned the meeting at 4:03 p.m.

Minutes submitted by Colleen Thiessen

Attachments: "Victim Advocate Statement" and "Victim Advocate Statement Q & A"

Subject: Faculty Statement of Support for a Victim Advocate at Washburn University

Description: Washburn University does not employ a professional staff person designated to provide confidential services and advocacy to students and employees of Washburn and Washburn Tech who have experienced victimization. The U.S. Justice Department's Office on Violence Against Women (OVW) recently awarded Washburn University a major grant to develop sexual assault education and prevention. The Project Coordinator position this grant funds through September 2018 will not, however, be available to provide confidential victim advocacy services. It is our position that these services are urgently needed at Washburn.

A confidential victim's advocate would be available to assist victims/survivors in understanding and navigating university policies and procedures related to victimization and promote their academic and professional success and personal wellness. This professional position requires knowledge and competence in providing confidential, victim-centered, trauma-informed services in order to meet best-practice standards in responding to victims/survivors of sexual violence and harassment as well as all types of victimization. A confidential victim advocate is knowledgeable in crisis management, community referral services, and the criminal justice system. No other position on campus, including the Sexual Assault Education and Prevention Project Coordinator, currently provides these services, or has this crossdiscipline professional development and competency. A confidential victim's advocate would further be available to the greater Washburn and Washburn Tech communities to provide education and support, and facilitate conversations around preventing victimization, particularly sexual violence and harassment.

Rationale:

Recent federal regulations regarding the reporting of students who experience incidents of sexual assault and harassment have intensified discussions at Washburn regarding appropriate responses to victims/survivors of sexual discrimination and abuse.

The Association of Title IX Administrators (ATIXA), the nation's leading providing of Title IX training and certification, issued a position statement in August 2015 strongly endorsing the need for colleges and universities to provide free and confidential support and advocacy to students and employees who experience sexual assault, sexual harassment, or other gender-based or sex-based harassment or violence. "ATIXA Position Statement on the Need for Victim Advocates on College Campuses." Available at https://atixa.org/wordpress/wp-content/uploads/2012/01/2015-ATIXA-Victim-Advocates-Position-Statement-FINAL.pdf

Providing confidential victim-advocate services to students and employees who have experienced such victimization, as well as to those who have experienced other types of discrimination, including racial and ethnic bias, is not only organizationally ethical, it may also positively affect admissions and retention. Moreover, victim-advocate services would augment the University's compliance with Title IX by helping to increase reporting of incidents of sexual discrimination, including sexual violence and harassment, on Washburn's campuses.

Universities across the nation have increasingly assumed a proactive service response to victims, particularly those who have experienced sexual violence and harassment. It is no longer considered innovative for a university to have confidential victim services on campus. As students and parents compare universities and services, having a comprehensive response may help to convey the impression that Washburn is a student-centered institution and result in improved admissions.

Furthermore, the impact of victimization on admitted students' emotional and social functioning is frequently such that academic performance is impaired and thereby negatively affects retention of these students. A recent survey of Washburn students revealed that in the past year over 28% experienced a traumatic event(s) and almost 19% reported having witnessed a traumatic event(s). Further, over a quarter of the respondents reported having haunting memories, nightmares, physical reactions, excessive vigilance, and/or flashbacks related to the event(s). While the survey did not define "traumatic event" as victimization, a victimization event, especially violent victimization like a sexual assault, is often traumatic. Sexual victimization rates tend to be higher for traditional college-age students than most other age groups. Indeed, the White House Task Force to Protect Students

² For example, the University of Kansas, Kansas State University, and Emporia State University all currently provide confidential victim advocacy services on campus.

According to one study: "sexual assault has a deleterious impact on college women by adding academic impairment to negative health and mental health sequelae." Carol Jordan, Jessica Combs, and Gregory Smith, "An Exploration of Sexual Victimization and Academic Performance Among College Women" *Trauma Violence Abuse* 15.3 (July 2014): 191-200. Available: http://uknowledge.uky.edu/ipsvaw_facpub/38

Jody Toerber-Clark, "Behavioral Health Assessment of Washburn University," Washburn University DNP Project, 2015.

from Sexual Assault reported in 2014 that at least one in five college students experience sexual assault during their college careers.

Negative experiences regarding institutional responses to reports of sexual assault and harassment in which institutional personnel may express adverse attitudes centering on attributions of blame toward the victim/survivor may exacerbate the traumatic impact on the victim/survivor, thus further affecting student performance and attrition. Fortunately, however, research seeking to understand these effects has demonstrated the efficacy of various interventions to decrease individuals' victim-blaming attitudes and to improve services for individuals who have experienced victimization, particularly sexual violence and harassment. Thus, appropriate responses by the University to victims/survivors may improve performance and retention of both students and employees at Washburn.

Confidentiality is vital to the effectiveness of a victim advocate. Studies demonstrate that confidentiality helps establish an environment in which victims/survivors feel more comfortable seeking assistance, thereby leading to higher rates of reporting among victims and increasing the likelihood that victims/survivors will participate in the formal investigation process. Moreover,

⁵ Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault. Available at https://www.notalone.gov/assets/report.pdf Rebecca Campbell and Sheela Raja, "Secondary Victimization of Rape Victims:

Insights from Mental Health Professionals who Treat Survivors of Violence,"

Violence and Victims 14.3 (Fall 1999): 251-275.

Mara G. Latts and Charles J. Gelso, "Countertransference Behavior and Management with Survivors of Sexual Assault," Psychotherapy: Theory, Research, *Practice, Training,* 32.3 (1995): 405-415.

⁸ In one study, Ronet Backman finds "Another reason for not reporting to police acknowledged by women is the lack of confidentiality provided to rape victims who do report. Another survey suggested that women would be less inhibited to report a sexual assault if they could be assured that their names would not appear in the newspaper and that their anonymity would be protected. "The Factors related to Rape Reporting Behavior and Arrest: New Evidence from the National Crime Victimization Survey." Available at

https://docs.google.com/document/d/1Yn0JC3G9vsZNQqaKIU2EWP3HUxaR hOA78QQOaDhXJ5Y/edit. See also Rebecca Campbell, "Rape Survivors' Experiences with the Legal, Medical, and Mental Health Systems," Violence Against Women 12.1 (January 2006): 30-45. A more recent 2006 study concurs.

Rebecca Campbell, "Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? Violence Against Women 12.1 (January 2006): 30-45. John D. Foubert. "The Longitudinal Effects of a Rape-Prevention Program on Fraternity Men's Attitudes, Behavioral Intent, and Behavior" Journal of American College Health 48 (2000): 158-163. Available at http://works.bepress.com/john_foubert/29.

confidentiality plays a key role in the recovery process of victims/ survivors by allowing them to exercise power within their right to choose what information to share, with whom, when, and how.⁹ Finally, confidentiality is a respected part of many service providers' ethical codes, including the ethics codes of all of the helping professions represented on this campus.¹⁰

Failure to provide confidential advocacy resources as an early step in the reporting process increases risk to students and to the university. Students who begin the reporting process without fully understanding the limitations to confidentiality are at risk of feeling disempowered by having personal information shared against their will. To the extent that personal information becomes public, they may be at risk of emotional, social, and/or practical harm should their peer group, family, home community, or professional network respond negatively to the information. This is particularly important in light of Washburn's active efforts to recruit students from diverse global communities, where reports of sexual victimization may have especially devastating effects. A confidential advocate can fully explain the limits of confidentiality at each step of the reporting process, allowing students to make informed decisions and reducing the likelihood that a student will regret seeking help. This protects the students' interests and simplifies the important work of the /Title IX Coordinator/EEOC officer, who will be less likely to be put in the position of being required to pursue an investigation against a student's preference. Finally, we believe that in most circumstances the reputation of the university will not benefit from pursuing an investigation against the preferences of a victim of sexual assault. A confidential advocate can reduce the likelihood of this situation occurring.

In addition to facilitating the reporting process and helping victims/survivors heal, a confidential victim's advocate would be available to collaboratively develop (e.g., with Sexual Assault Education and Prevention Coordinator, WU Police, WU counseling, etc.) and continuously implement (i.e., after conclusion of the OVW grant) consultation and support to faculty, staff, and students in an effort to prevent sexual victimization at Washburn and augment existing student advocacy support structures,

Marjorie R. Sable, et al., "Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students," *Journal of American College Health* 55, no. 3 (November/December 2006): 157-62.

⁹ Judith Herman, *Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror* (New York: Basic Books, 1997).

For example, see Mary Alice Fisher, "Protecting Confidentiality Rights: The Need for an Ethnical Practice Model." Available at http://www.centerforethicalpractice.org/publications/articles-mary-alice-fisher/protecting-confidentiality-rights/

including diversity initiatives like ALLY training and other initiatives. It is likely, then, that faculty, staff, and students would view the position as a supportive resource provided by the University.

Some colleges have resisted providing victim advocate services based on a misunderstanding that doing so would obligate them to provide an advocate for an individual accused of sexual misconduct as well. According to the Association of Title IX Administrators (ATIXA), the nation's leading providing of Title IX training and certification:

Although the reauthorization of the Violence Against Women Act (VAWA - 2013) requires that all parties have the same opportunities to have others present at any institutional disciplinary meeting or proceeding, and to have the same opportunity to be accompanied by an advisor of their choosing, nothing in the law or in the concept of equity would require colleges to provide an advocate to the individual accused of misconduct. Rather, equity requires that an advocate be provided regardless of the gender of the victim/survivor.¹¹

Faculty Expectations of Requested

Victim Advocate:

Washburn has multiple faculty and staff members with expertise in victim advocacy. We therefore respectfully ask that these faculty and staff experts be predominately represented on a hiring search committee to select the confidential victim advocate(s) and have meaningful input regarding how this new staff member(s) will fit within the institution. Faculty requests of this position include, but are not limited to, the following:

We request that the confidential victim advocate be an entity distinct and independent from the Title IX Coordinator/EEOC officer.²²

 $^{^{\}rm 11}$ "ATIXA Position Statement on the Need for Victim Advocates on College Campuses."

We request that the confidential victim advocate be specially designated and trained to fulfill the roles outlined above, with a demonstrated ability to effectively provide confidential sexual assault victim/survivor services, as recommended by ATIXA.¹³

It is our position that members of the faculty cannot adequately provide victim advocate services, as faculty members' job descriptions include evaluation of student performance. The roles of evaluation and advocacy will directly contradict one another in some cases. Moreover, faculty who are licensed helping professionals and who are requested to engage in dual relationships that go against their profession's code of ethics are putting their licenses in jeopardy. Finally, the advocacy support a student may need is likely to exceed the capacity of a faculty member."

We request that the advocate offset Title IX restrictions pertaining to reporting for faculty.¹⁵

We are asking the faculty senate to petition the administration:

¹² Competency Standard 3.2 of the National Victim Assistance Standards Consortium is to "value the victim's right to self-determination and advocate for victims' wants, rights, and needs." This cannot be accomplished by a professional who is required to uphold Title IX mandates as a primary part of her job description. National Victim Assistance Standards Consortium "Standards for Victim Assistance Programs and Providers." Available at http://ualr.edu/avaa/uploads/2010/07/Victim%20Standards.pdf. The roles of advocacy and reporting will directly contradict one another in some cases. The position statement of the ATIXA concurs, stating: "Advocates should have no institutional role in the investigation except to support and advocate for the victim/survivor."

¹⁴ According to a recent survey of Washburn faculty and staff, respondents said they do not feel they have the necessary skills to identify (23.8%) and discuss (16.9%) mental health problems/concerns with students. Toerber-Clark, "Behavioral Health Assessment of Washburn University."

¹⁵ The American Association of University Professor's October 2012 statement supports this stance. "Campus Sexual Assault: Suggested Policies and Procedures." Available at http://www.aaup.org/report/campus-sexual-assault-suggested-policies-and-procedures.

- A) to create a confidential victim advocate position capable of providing Victim Advocacy Services for students and employees at Washburn University and Washburn Tech.
- B) to request that faculty and staff with expertise in victim advocacy be predominately represented in the hiring process to select a person(s) for the provision of victim advocate services
- C) to request that faculty be given a prominent voice in the determination of how confidential victim advocacy services will fit within the institutional structure complying with federal reporting policy and best practice in victim advocacy on college campuses.

Victim Advocate Statement Q & A:

<u>Statement Summary</u>: The argument is presented to WU administration to provide victim advocacy services by hiring a designated, confidential victim advocate.

What is a victim advocate? A victim advocate assists victims/survivors in understanding and navigating university policies and procedures related to victimization and promotes their academic and professional success and personal wellness. Advocates offer victims information about the different options available to them and support victims' decision-making. This professional position requires knowledge and competence in providing confidential, victim-centered, trauma-informed services in order to meet best-practice standards in responding to victims/survivors of sexual violence and harassment as well as all types of victimization. A confidential victim advocate is knowledgeable in crisis management, community referral services, and the criminal justice system. No other position on campus, including the Sexual Assault Education and Prevention Project Coordinator, currently provides these services, or has this cross-discipline professional development and competency.

The way our statement is crafted, anyone who has experienced a victimization event would be eligible to receive advocacy services; the victim's advocate would not be limited to advocating for victims of sexual victimization.

<u>Do we really need a victim advocate at Washburn?</u> Yes. Victim advocacy services are urgently needed at Washburn. A recent study by the Bureau of Justice Statistics found that 1 in 4 college women will experience a completed sexual assault during their college careers. Less than 3% of sexual assaults get reported to school authorities. This same study concluded that concern related to confidentiality is one of the top three reasons students give as to why they do not report instances of sexual assault.

Furthermore, a Washburn study in 2015 found that 28% of students have directly experienced a victimization event. Another 19% have witnessed a victimization event. Such events directly affect schoolwork and grades and significantly increase the likelihood a victim/survivor will take time off from school, transfer, or drop out.

How would the services a victim advocate provides differ from existing services at Washburn? To help answer this question, please consider the following job descriptions of existing positions that would importantly overlap—but definitely not replicate—advocacy services:

O Washburn counseling services are focused on short-term counseling options in order to help students perform their best academically. The current therapy techniques offered include: solution-focused, biofeedback, cognitive behavioral therapy, and interpersonal techniques. Counseling is limited to 8 sessions per semester. Washburn counseling services does not

- advocate on behalf of victim/survivors. Counselors are not expected to provide information about the reporting or investigatory processes, or the criminal justice system.
- Title IX Coordinator has primary responsibility for coordinating the WU's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all its operations. The Title IX coordinator oversees the University's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate. Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The IX Coordinator is tasked with addressing the wider school community and is not committed to providing direct individual services. The Title IX Coordinator is not a confidential resource. *The Association* of Title IX Administrators (ATIXA), the nation's leading providing of Title IX training and certification, issued a position statement in August 2015 strongly endorsing the need for colleges and universities to provide free and confidential support and advocacy to students and employees to strengthen the ability of the Title IX Coordinator to equitably and effectively perform his/her job.
- o Sexual Assault Prevention Grant Coordinator is a temporary posited funded until 2018 by the Office on Violence Against Women Grant Washburn received in fall 2015. This person will develop training modules to prevent sexual assault at Washburn. She will also disseminate this training throughout the University. This is not an advocacy position. The advocate position would actually provide coordination and would likely be able to assist in dissemination of sexual assault training on campus. The victim advocate position could provide for the continuation of grant funded efforts following termination of the funding.

What kind of education would the victim advocate have? Because it is a direct service position to faculty, staff, and students, we recommend a minimum of a bachelor degree in a related area and experience with direct services. The most common bachelor degree held by victim advocates seems to be a social work degree.

The need for confidentiality: It is absolutely critical that the victim advocate be a confidential resource on campus. By "confidential" we mean that disclosure to the advocate of sexual victimization would not initiate a university investigation.

Studies repeatedly demonstrate that confidentiality helps establish an environment in which victims/survivors feel more comfortable seeking assistance, thereby leading to higher rates of reporting among victims and increasing the likelihood that victims/survivors will participate in the formal investigation process. Recall the Bureau of Justice Statistics study cited above that listed lack of a confidential

resource on campus as one of the top three reasons college victims of sexual assault do not report to school authorities.

Moreover, confidentiality plays a key role in the recovery process of victims/survivors by allowing them to exercise power within their right to choose what information to share, with whom, when, and how.

Finally, confidentiality is a respected part of many service providers' ethical codes, including the ethics codes of all of the helping professions represented on this campus.

Would this be a full-time position? Yes. We would like for it to be. We anticipate that the number of students/employees seeking advocacy services will start out small and then grow considerably every year as trust in the advocate grows. This has been the case at other colleges and universities, including neighboring K-State and KU, which report 50% increases in the number of students seeking advocacy services per year. In order to build this trust, the victim advocate will need to spend considerable time doing outreach to students, faculty, and staff. In addition to doing outreach and providing services to clients, at Washburn, the advocate could serve as a dissemination vehicle for the sexual assault prevention education curricula that will be developed by the newly hired sexual assault prevention grant coordinator.

<u>Logistics</u>: This statement purposefully refrains from specificity on many important logistical points. We feel it is important to first build broad support for hiring a victim advocate before becoming too focused on logistics.

Moreover, we recognize that an advocate would be an administrative position. It is not our intention to dictate to the administration exactly how the position should function.

With this statement, we do ask, however, that faculty and staff with expertise in victim advocacy be given a prominent role in the hiring process to select the confidential victim advocate and in determining the institutional processes through which the confidential victim advocate would work with the Title IX officer and fit within the broader structure of the University. It is very important faculty and staff members trust the advocate because they must feel comfortable referring students to them in crisis situations.

The working group that drafted the statement certainly has ideas and recommendations about how the position *could* fit within the university's existing structure. Regarding organization and institutional hierarchy:

- We request that the position not report to the Title IX Coordinator
- The position could report directly to the president, as the IRB chair currently does. This would provide greater autonomy to the victim advocate.

- The advocate position could alternatively report to the Vice President of Student Life, as Counseling Services currently does.
- A question has been raised about how an advocate would handle a situation in which competing parties claimed the need for assistance. In civil cases, the advocate would likely need to refrain from providing services to competing claimants. In criminal disputes, WU could establish that a false claim is not a condition for which its advocate provides services.

Why can't these services be provided by a community partner? It is our recommendation that Washburn should provide advocacy services directly rather than working through a community partner to provide these services. As explained above, to be effective, the advocate will need to work to build trust on campus. It is thus critical that the advocate be a full-time, highly visible and accessible member of the campus community. Moreover, the advocate will need to have in-depth understanding of the campus community and culture. A college campus is a unique community requiring an advocate that has a comprehensive understanding of student life. An essential skill set for victim advocates is safety planning. If a student decides to report, or more importantly not report, a safety plan would be developed with the victim that addresses the unique features of academic setting. No student should be in a situation where fear and avoidance of a perpetrator drives decisions to attend class or withdraw from the university. A victim advocate would provide the support and safety planning requisite to retention and continued academic performance. In addition, it is important for this position to be a WU position so that WU can protect it from political issues in the Topeka community that might impact a community partner's ability to provide services to Washburn. All of this is not to say, however, that WU's advocate could not also coordinate with community partners in some areas.

Mitigating Faculty Members' Responsibility to Report: Though this is a logistical detail to be determined later, some of the motivation for writing this statement comes from the hope that the presence of a confidential victim advocate would mitigate faculty members' mandated responsibility under Washburn's non-discrimination policy to report instances of sexual assault or harassment disclosed to them by students to the Title IX officer. An alternative model could be to allow faculty members to instead report such disclosures to the advocate, who would report numbers to the Title IX officer, but not individuals.

<u>How much will it cost</u>? Regarding salary for the position, average salaries in the Midwest for victim advocates are between \$31,000-\$43,000. Victim advocates at KU and K-State receive between \$38,000-4,000 + benefits.

However, it is our position that providing these services will actually generate income for Washburn by helping to retain students who have suffered victimization and recruiting students in search of a student-centered college

experience. Indeed, as more and more colleges and universities across the nation begin providing these services, Washburn will look out of touch if it does not.