

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

April 2022



© 2022 Ladder Consulting LLC Distribute with permission.

1



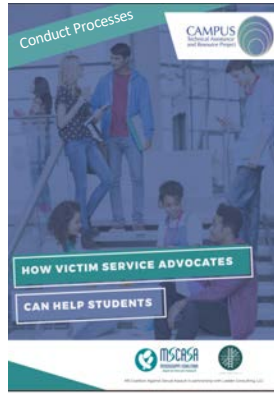
Lindy Aldrich, Esq.

- Founder, Ladder Consulting
- Aldrich@ladderconsulting.net
- 857-203-1488

© 2022 Ladder Consulting LLC Distribute with permission.

2

Introducing New Product

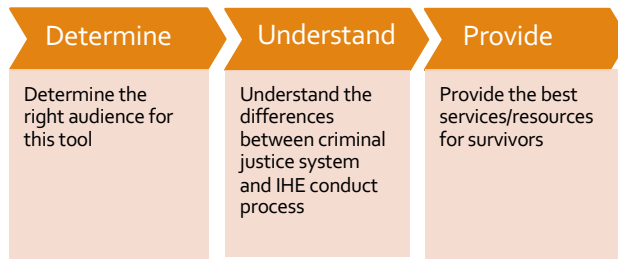



© 2022 Ladder Consulting LLC Distribute with permission.



3

Objectives



© 2022 Ladder Consulting LLC Distribute with permission.



4



Trauma Informed Approach

© 2022 Ladder Consulting LLC Distribute with permission.



Importance of Victim Services

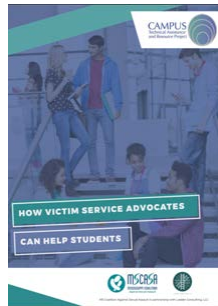
© 2022 Ladder Consulting LLC Distribute with permission.



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

© 2022 Ladder Consulting LLC Distribute with permission.



Get into the Guide

© 2022 Ladder Consulting LLC Distribute with permission.



Sections within the Guide



Understanding the Criminal Justice System



Learning an IHE Conduct Process



Setting Expectations



© 2022 Ladder Consulting LLC Distribute with permission.



9

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.



© 2022 Ladder Consulting LLC Distribute with permission.



10

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



©2022 Ladder Consulting LLC Distribute with permission.



Beyond a Reasonable Doubt

Preponderance of the Evidence

Standards of Proof



©2022 Ladder Consulting LLC Distribute with permission.



Timeline

IHE: Commonly resolves in a couple months.

CJS: 6 months – 5+ years

Survivors may need to consider graduation or transfer



© 2022 Ladder Consulting LLC Distribute with permission.



13

What to Know About IHE Conduct Processes

© 2022 Ladder Consulting LLC Distribute with permission.



14



IHE Conduct Processes

- Rooted in policy
- Common structures
- Advisor of Choice



©2022 Ladder Consulting LLC Distribute with permission.

CAMPUS
Technical Assistance
and Resource Project



Common IHE Conduct Processes

Hearing Model

Investigation Model

Investigation → Hearing Model

Investigation → Report →
Hearing Model



© 2022 Ladder Consulting LLC Distribute with permission.

CAMPUS
Technical Assistance
and Resource Project



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.



© 2021 Ladder Consulting LLC Distribute with permission.




INTEGRATING VICTIM SERVICES INTO POLICY
Victim Services and Conduct Policy Tip Sheet

Abstract
Committing to provide victim services on campus extends beyond the advocacy itself. A conduct policy is an excellent place to educate student survivors about their privacy rights, the resources, and options available to them and how to access these services.

MS Coalition Against Sexual Assault Partnership with Ladder Consulting



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

© 2021 Ladder Consulting LLC Distribute with permission.



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.

© 2021 Ladder Consulting LLC Distribute with permission.



Advocates Set Expectations

© 2022 Ladder Consulting LLC Distribute with permission.



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

© 2022 Ladder Consulting LLC Distribute with permission.



Safety Plans

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



© 2022 Ladder Consulting LLC Distribute with permission.



17

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



© 2022 Ladder Consulting LLC Distribute with permission.



24



Questions?

©2022 Ladder Consulting LLC Distribute with permission.




Thank You!

This project was supported by Grant No. 2019-TA-AV-K029 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication program/inhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- Aldrich@ladderconsulting.net
 - 857-203-1488
- MS Coalition Against Sexual Assault
- Campus Victim Services TA Provider
 - Frances White, Victim Services Coordinator
 - fwhite@mscasa.org
 - Levette K. Johnson, Project Director
 - kelly@mscasa.org
 - 601-948-0555

©2022 Ladder Consulting LLC Distribute with permission.

