

Honoring Agency: Recommendations for FYW Instructor Training on the Mandatory Reporter Policy

This presentation aims to provide recommendations for Writing Program Administrators (WPAs) who oversee the orientation, training, and professional development of FYW instructors, specifically as it relates to the Mandatory Reporting policy connected to Title IX initiatives. The MR policy is part of a federal mandate, so the shaping and implementation of the policy itself is beyond the authority of WPAs; they cannot change the policy or the guidelines for compliance with that policy. WPAs do have authority, though, regarding how mandatory reporting is presented and discussed in trainings and professional development. These institutional moments have potential for generating substantial change by creating a ripple effect, where one or two significant adjustments to training and professional development, depending on the size of the institution, could impact the experiences of dozens to hundreds of instructors and hundreds to thousands of students.

Navigating issues of institutional safeguarding and policy compliance while honoring survivor agency need to be more explicitly discussed, especially within the contexts of First Year Writing (FYW) instructor training. There are a few key factors that make FYW an important site for expanded and improved instructor training. First, at most institutions, FYW is a required course that all students must take within the first semesters of college. As such, FYW instructors represent an important initial contact with the policies and resources of their particular institution. Additionally, many FYW classrooms, particularly at larger universities, tend to be the smallest classes that students will take before entering upper-level discipline courses. Because of these small class sizes, the FYW instructor might be one of the few adult figures on campus that students have a personal relationship with and feel comfortable approaching with sensitive topics. Finally, the sometimes personal, experiential nature of the writing done in FYW opens spaces for disclosure of recent or past sexual assault or partner violence, creating confusing and ambiguous situations in terms of reporting requirements. Training FYW instructors to see themselves not only as important in the *implementation* of this policy, but also as key agents in the experiences and ongoing recovery of reporting survivors would improve both effectiveness of the policy and the agency survivors are able to maintain while subject to the policy.

In my own experience as a both a FYW instructor and a sexual assault survivor, I often find myself pushing the trainings I attended to consider more deeply the complicated perspective of a survivor looking at the policy. On the whole, the trainings I experienced were presented primarily from the institutional perspective, focusing on protocols for compliance with the federal mandate and potentially erasing the experiences and concerns of survivors. Issues like timeliness of reporting, means of making a report, details that should and should not be included were covered at length, but the concerns, fears, and apprehensions of the survivor in those moments were scarcely addressed.

This kind of institutional privileging in MR trainings presents distinct problems for survivors. Survivors of sexual assault and relationship violence often struggle to regain a sense of agency and control over their lives (Ahrens, Stansell, and Jennings; Holland and Cortina, Weiss and Lasky). In some ways, the MR policy has the potential to make the recovery process more difficult. For example, when the policy is not adequately explained to students, survivors may unknowingly disclose information that their instructor must then report to the university. For many survivors, this is another way in which they lose control, which may cause feelings of re-victimization (Moylan; Weiss and Lasky). In other instances, when the survivor is aware of the policy and its implications, they may be wary to talk to those closest to them for fear of reporting (Ahrens, Stansell, and Jennings; Flaherty; Moylan; Orchowski et al.; Weiss and Lasky). They will have to navigate complex institutional channels in order to find a confidential space, but may still be concerned about whether any space on campus is truly confidential.

The following includes a brief background of the MR policy and an explication of its major criticisms and connects those criticisms to suggestions for programmatic changes WPAs might consider both in the training of new instructors and the professional development of existing instructors.

Title IX Mandatory Reporter Policies: History and Criticisms

Federally funded studies have found that a staggering 15-20% of college students will become victims to sex crime within the span of their college career (Mancini et al. 221). Significant legislation and institutional policies, at the state and national level, have been developed and implemented to address this concerning reality. Mancini et al explain that “the current call for MR in higher education appears to stem, in part, from

concerns that colleges and universities have not sufficiently responded to sexual assault victimization” (222). They point to high profile cases such as the ones at Penn State, UVA, Columbia, and now most recently at my own institution -- MSU -- which have brought national attention to the existence and prevalence of sexual assault on college campuses, resulting in pressure to change environments that enable such behavior.

While the MR policy has presented campuses with an immediate and actionable line of response to trends of sexual assault and relationship violence, there has been much criticism regarding the effectiveness and appropriateness of MR policies. I discuss these criticisms to provide context and as an avenue for WPA/FYW specific recommendations later in this piece. There are three major concerns surrounding MR policies: ambiguous and overinclusive situational definitions, impairment to faculty-student relationships and learning environments, and the promotion of policy compliance over survivor agency and experience.

Ambiguous and Overinclusive Situational Definitions

Weiss and Lasky argue that MR policies are often both ambiguous and overinclusive. They find that schools vary in how they interpret the MR directive, resulting in inconsistent implementation nationwide (Weiss and Lasky 264). Problems exist, too, in the definitions of what actions and incidents are or are not included by the policy. This often leaves third parties (such as instructors, RAs, administrative staff, etc.) to determine what is meant by the policy’s terms of “relationship violence” or “sexual assault” for any given reported incident. If the reporter determines the situation falls under a certain category, it no longer matters whether the survivor agrees with the third party’s determination/definition because the reporter is mandated to share that information with the institution. These points of ambiguity leave MRs reliant upon the resources, training, and information available at their institution (Engle 402). For instructors and administrators, changing institutions means learning a whole new set of MR compliance guidelines, and contingent faculty employed part time at more than one institution (of which FYW has many) may have to learn and follow multiple guidelines for compliance across institutions. These changes in policy and the responsibility for each institution to develop their own guidelines for compliance based on their own interpretation of the mandate creates confusion and inconsistency that could impact not only the effectiveness of the policy, but also the experience of survivors who are subject to it.

Impairing Faculty-Student Relations and Learning Environment Integrity

A second criticism of the current policy is the potentially negative impact on faculty-student relations and classroom learning environments (Weiss and Lasky 259-260). The relational and educational implications of this have been written about in research from other fields already. Not all employees are created equal in terms of the impacts of compliance with the MR policies. Faculty and staff that live and learn with students in intimate environments, small classes, or classes in which the topics of learning include personal narrative are feeling the impacts of these competing roles and responsibilities. Additionally, these impacts have the potential to affect the quality of the educational experiences and relationships with key adults whose responsibility it is to promote well-being and connect students with the resources they need. These are problems not only for survivors trying to navigate processes of recovery, but also for members of the learning-community that could learn from more open sharing of difficult experiences. In an attempt to destigmatize sexual assault and relationship violence, MR policies have the potential to create new forms of stigmatization.

Policy Compliance vs. Survivor Agency

Perhaps the most concerning criticism, from the perspective of survivor rights and recovery, is that by ignoring reasons why survivors do not want to report, the policies undermine a survivor's agency and place them at risk of secondary harms, such as stigma or negative attention (Weiss and Lasky 259; Engle 409). In fact, these secondary harms, when enacted as forced cooperation with authorities, may result in feelings of secondary victimization (Weiss and Lasky 265). A study that considered the impact of reactions to disclosure on survivor wellbeing, found that "reactions to assault disclosure that attempted to control the survivor's decisions were associated with increased symptoms of posttraumatic stress, depression, and anxiety and lower perceptions of reassurance of worth from others" (Orchowski 2005).

While MRs can provide emotional support, such as offering to talk to the survivor or go with them to Title IX meetings, and also uphold their responsibility to policy compliance, the fact that policy compliance may "control the survivor's decisions" could outweigh the benefits of that emotional support. At the same time, it has been found that survivors "who do not disclose sexual victimization experience higher rates of depression

and posttraumatic stress than do survivors who discuss the experience with someone” (Ahrens, Stansell, and Jennings 643). Clearly, the point is not whether disclosure is beneficial for survivors, but what conditions the MR policy creates in regards to disclosure and the impact on survivors of having to navigate those institutional complexities in addition to trauma recovery.

WPA Recommendations for Training and Professional Development

I have found myself in multiple spaces -- orientation trainings, mentor group meetings, conference presentations -- acting as survivor, advocate, and educator regarding the nuances and survivor experiences of MR policies. These experiences made me feel that writing this piece would be both informative and generative. The suggestions for programmatic change are not meant as a criticisms of current approaches, but rather to provide space for reflection and consideration of steps that could be taken if they aren't already part of MR training programs and professional development seminars for FYW instructors. In compiling these recommendations, I acknowledge that instructor training and orientation programs vary widely throughout the country and that WPAs inherently have the best interests of their instructors and students in mind when designing trainings. What follows are some potential approaches based on the research surrounding MR policy implementation and insights from my own experiences in FYW training and professional development. Three areas that could have the most immediate impacts on survivor experiences are: including both university administrators and sexual assault advocates in training sessions, adopting a trauma-informed training model, and ensuring that instructors have both deep knowledge and immediate access to on-campus resources for survivors and that they feel confident in guiding survivors through the process to access those resources.

Including both Administrators and Advocates

If MR trainings included the knowledge and expertise of survivor advocates, instructors could more deeply understand the implications of the policy on survivor recovery. Sexual assault advocates, sometimes also called survivor/ victim advocates, are people trained to help those who have been victims of sexual crime and/or relationship violence. Within university settings, they often have an office on campus complete with anonymous hotlines, connections to resources, and trained advocates who can work with survivors as they navigate recovery processes. Sometimes

advocates are survivors themselves, but this is not always the case. Moylan explains that “the expertise and knowledge of advocates is crucial for campuses as they try to design victim-friendly response protocols, which also help campuses manage liability by creating a campus response that is compassionate, supportive, and respectful of victims” (1136). So, in addition to having representatives from the Title IX office come to explain and answer questions about the policy, ideally training organizers will also invite survivor advocates to provide input and expansion.

This advocate input could address a few key concerns or criticisms of the current policy. First, it would help to address concerns about the “anti-cooperative” effects of the policy, which occur when reporters limit their interactions with survivors in order to avoid the legal responsibilities of their MR status. By helping MRs to see the negative impact this reaction could have on survivors, and by offering up ways to continue engagement with survivors while maintaining ethical integrity, MRs could be more empowered to provide much needed emotional support and a more positive reporting experience.

Secondly, advocates would be able to detail concerns of survivor agency. For someone who has not experienced sexual assault or relationship violence, it may be difficult to fully grasp the importance of control and self-determined agency in a survivor's life after such an incident. To have messages of survivor agency come from the Title IX administrators might cause confusion or mixed messages regarding their expectation in policy compliance. Being able to shift this survivor-centered part of the conversation to advocates would allow instructors to understand the issue of agency in survivor recovery in a more nuanced way, while still seeing the institutional importance of the MR policy.

Finally, advocates would be able to explain in detail what the step-by-step process of disclosure and reporting looks like from the survivor's standpoint, so that the instructor might move through those processes with a heightened ability to empathize with the survivor, to provide emotional support, and even to prepare the survivor for what will happen after the report is filed. Again, this avoids mixed messages or confusion that might result from the administrative/institutional representative trying to communicate these issues. Of course, none of this is to say that administrative interests do not understand or care about the experiences of survivors subject to MR, but rather that receiving institutional and advocate messages from the same representative might

result in confusion, or worse, one of the two sides not being fully expressed.

A Trauma Informed Approach to Training

Having advocates as a central part of the MR training processes would be one step in creating a trauma informed approach. While FYW program administrators and instructors are most often not licensed health care or mental health practitioners, our roles often ask us, if even very briefly, to provide some of these well-being and caregiver roles until we are able to connect students with the appropriate resources. Understanding of a trauma informed approach would help in these intermediate spaces.

Richards and Kafonek argue that this approach to training is essential because it leads to more positive disclosure experiences which “are more likely to lead to victims accessing the post assault options that are most right for them, whether it be seeking counseling, pursuing institutional accommodations, filing a formal complaint with law enforcement, or utilizing multiple responses” (123). A trauma-informed approach to MR training for FYW would attempt to more expansively and extensively address the following concepts: realizing impact of trauma, discussing signs and symptoms, talking about how to integrate the knowledge of symptoms and impact into responses to trauma, and perhaps most importantly breaking down the ways in which MRs can avoid the re-victimization of survivors.

The WPA responsible for the training and continuing professional development of FYW instructors does not themselves need to be or become an authority on trauma informed approaches to training. Instead, they could seek out sources on campus such as the counseling center or survivor advocacy groups to present and provide resources on the approach. This would provide further space for the acknowledgement of survivor subjectivity and experience of the MR policy and how instructors might navigate the complexities of their role within the classroom.

Detailed Knowledge of Procedure, Resources, and Referrals

Finally, much of the research on survivor experience of MR policies points to the crucial importance of quick and clear access to resources on campus and direct referrals to those resources. FYW instructors may avoid reporting or interacting with a survivor who has disclosed because they themselves have uncertainty or confusion about the process and how to help survivors navigate it. We need training that not only covers the

overview of the policy, its rationale, and expectations of compliance, but also the various parts of the process and the resources available to survivors at each step. As part of FYW training and professional development, WPAs should create a departmental document or online space (like a website with an easy to recall url) that records all of these steps and procedures, including the specific departmental ones (like contacting the WPA before a report is made) would likely make MRs feel more confident in their roles as MRs.

Conclusion: Making the Best of a Confusing and Conflicted Policy

In this presentation I have acted as survivor, advocate, student, and FYW instructor. Through my experiences at the intersections of these roles in FYW trainings and professional development sessions, I have realized that there is more we can be doing for survivors trying to navigate the university in the era of the mandatory reporter. I consider this at a time where prominent and powerful men are exposed nearly everyday for their sexual misconduct; from a campus undergoing an institutional recovery process after uncovering the largest case of serial sexual abuse in higher education's history. In most cases, it took years for the survivors of those incidents to feel they had the ability to come forward and name what happened to them. This was likely not only due to changing attitudes about sexual assault and misconduct, but also as a process of their recovery. Survivors often need time to decide what to do about what has happened to them, how to live their truth, and reclaim their agency.

I know that I needed that time and space. This is the first time I have formally spoken about my position as a survivor, the first time I disclosed it within an educational context, and likely the first time my colleagues will come to know this aspect of my identity and experience. And yet, the assault occurred over six years ago. While the MR policies at US colleges and universities are meant to bring light to a trend that has far too long lived in the dark, they risk doing so often at the expense of recovery and healing of survivors who should have rights to their agency in these situations. While we cannot change the policy as it stands, we can educate and train those among us who enforce these policies on behalf of the institution. These changes can support survivors who navigate the sometimes hostile, sometimes helpful institutional context of higher education.

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