

EXPLORING CONTEMPORARY ISSUES RELATED TO TITLE IX AND THE  
INCORPORATION OF AMNESTY POLICIES

A Dissertation  
Submitted to the Graduate Faculty  
of the  
North Dakota State University  
of Agriculture and Applied Science

By  
Emily Ann Frazier

In Partial Fulfillment of the Requirements  
for the Degree of  
DOCTOR OF EDUCATION

Major Program:  
Education

November 2018

Fargo, North Dakota

North Dakota State University  
Graduate School

---

**Title**

EXPLORING CONTEMPORARY ISSUES RELATED TO TITLE IX AND THE  
INCORPORATION OF AMNESTY POLICIES

---

**By**

Emily Ann Frazier

---

The Supervisory Committee certifies that this *disquisition* complies with North Dakota  
State University's regulations and meets the accepted standards for the degree of

**DOCTOR OF EDUCATION**

SUPERVISORY COMMITTEE:

Dr. Chris Ray

---

Chair

Dr. Brent Hill

---

Dr. Kevin Thompson

---

Dr. Barbara Lonbaken

---

Approved:

November 16, 2018

---

Date

Dr. Chris Ray

---

Department Chair

## **ABSTRACT**

Colleges and universities have been inundated with new and changing federal guidance for Title IX compliance since 2011. Though most campuses have made significant strides in compliance with mandates, far fewer have incorporated non-required practices. Sexual assault amnesty is one practice gaining momentum as a best practice.

This study gathered information from campuses that have adopted sexual assault amnesty into their sexual misconduct policies. A review of existing sexual misconduct policy documents at each of the 50 land-grant institutions was completed to identify existing sexual assault amnesty policies. The policy review was coupled with interviews of Title IX coordinators, which provided the collection of comprehensive information regarding sexual assault amnesty policy development and implementation.

The information was used to design a sexual assault amnesty implementation guide. The guide is modeled after some of the existing policies and from the insight of professionals who have successfully adopted sexual assault amnesty. The implementation guide is designed to be utilized by any institution or system that is considering the addition of a sexual assault amnesty policy.

## ACKNOWLEDGEMENTS

I would like to express gratitude to my advisor and committee chair, Dr. Chris Ray, who gently and consistently told me that he had no worries that I would finish. He was right, though I sometimes had my doubts. I appreciate his openness to alternative thinking, formatting, and assisting me in making this a true dissertation of practice.

Thank you to my committee members, Dr. Brent Hill, Dr. Kevin Thompson, and Dr. Barbara Lonbaken. Each of you have contributed to this process through support, suggestions, and feedback.

Thank you to those who participated in interviews, who truly made my vision of a sexual assault amnesty implementation guide become a reality. As the climate around sexual violence and reporting remains dynamic and challenging, I am grateful to those who also care deeply about this topic.

A special thank you to my family, who have supported me and endured working evenings and weekends, time away, and some occasional grouchiness to allow me to pursue another chapter in my education and learning. I am incredibly grateful for your encouragement and patience, as well as providing an occasional study break.

## **DEDICATION**

This dissertation is dedicated to my parents,  
who always believed in me and told me I could accomplish anything I put my mind to.

And, to my family, Bill, Ella, and Blaine,  
for their patience and support in this journey- we are going to have time for a lot more fun now!

## TABLE OF CONTENTS

ABSTRACT.....	iii
ACKNOWLEDGEMENTS.....	iv
DEDICATION.....	v
CHAPTER 1. INTRODUCTION.....	1
Statement of the Problem of Practice.....	6
Purpose of the Study.....	6
Research Questions.....	6
Practical Significance and Impact of the Study.....	6
Definition of Terms.....	7
Organization of the Study.....	7
Chapter Summary.....	8
CHAPTER 2. LITERATURE REVIEW.....	9
The Impact of Sexual Violence.....	9
Title IX: A Brief Historical Background.....	12
Contemporary Issues Influencing Title IX.....	14
Federal Government Compliance.....	14
A Review of Best Practices.....	18
Transparency.....	19
Survivor Services.....	20
Investigation and Adjudication.....	21
Prevention.....	23
Consideration of Amnesty Policies.....	25
Discussion.....	30
Chapter Summary.....	31

CHAPTER 3. APPLIED RESEARCH STUDY.....	33
Research Design.....	33
Research Process.....	34
Research Participants.....	36
Instrumentation.....	37
Data-Collection Procedures.....	37
Data-Analysis Procedures.....	37
Methods and Procedures.....	38
Major Study Findings.....	38
Research Question 1.....	39
Research Question 2.....	40
Research Question 3.....	42
Chapter Summary.....	43
CHAPTER 4. DISCUSSION.....	44
Restatement of the Purpose of the Study.....	44
Implications for Theory and Research.....	45
Implications for Practice.....	46
Limitations of the Study.....	47
Conclusions.....	48
REFERENCES.....	51
APPENDIX A. SEXUAL ASSAULT AMNESTY POLICY DEVELOPMENT AND IMPLEMENTATION GUIDE.....	55
APPENDIX B. IRB LETTER.....	71
APPENDIX C. SEXUAL MISCONDUCT POLICY REVIEW RUBRIC.....	72
APPENDIX D. LAND-GRANT INSTITUTIONS.....	73
APPENDIX E. TELEPHONE INTERVIEW INVITATION EMAIL.....	74

APPENDIX F. TELEPHONE-INTERVIEW QUESTIONS..... 75



## CHAPTER 1. INTRODUCTION

Increasing demands are being placed on institutions of higher education to address the topic and effects of sexual violence on college campuses. The federal government has continued to issue mandates and guidance since the dissemination of Ali's 2011 *Dear Colleague Letter*. As institutional expectations have changed and increased, it has become imperative that institutions ensure compliance in educational prevention efforts, response, and support of complainants, as well as in the development of appropriate processes that offer immediate remedial action, interim measures, and serve to lessen the likelihood of recurrence for the specific complainant and the broader community. Additionally, the White House (2014) commissioned a task force to validate the compliance mandates, while also exploring additional promising practices in the field of sexual assault response and advocacy. The cumulative impact has placed campuses on notice that they hold a unique and primary role in addressing Title IX complaints.

The release of Ali's 2011 Dear Colleague Letter, by the Office of Civil Rights (OCR), instantly impacted the manner in which institutions of higher education addressed complaints of sexual discrimination, violence, and harassment. The document provided guidance to the numerous concerns that may arise in the context of Title IX incidents, specifically pointing to the independent responsibility of a school to investigate and address sexual violence while also highlighting how campuses may ensure an effective response to complaining parties (Ali, 2011; Lhamon, 2014). College and university administrators have been working diligently to implement the many mandates of Title IX quickly and effectively, resulting in an operational and cultural transition that has occurred in an unprecedented manner. In the wake of the attention garnered by the transition, the majority of institutions have experienced increased reporting of Title IX complaints (Bolger & Brodsky, 2014). Coupled with the increased reporting, is an

increase in both the general knowledge base and response expectations of campus community members. While institutions have widely accomplished compliance requirements through following OCR directives, there is still much work to do, particularly with respect to suggested best practices and recommendations. The incorporation of best practices is what sets institutions apart from one another, speaks to the culture and expectations of the campus community, and increases both the likelihood of reporting and a positive reporting experience for complaining parties (Wooten & Mitchell, 2016). Policies and procedures that push the boundaries of compliance typically provide a greater focus to victim- and trauma-centered responses, which suggestively contributes to higher rates of student retention, increased immediate access to physical and mental health services, and improved clarity within the reporting process (Chang et al., 2014). In this sense, the incorporation of informed best practices seems to be both prudent and desired in most appropriately serving complainants in Title IX cases.

Historically, the reporting of Title IX complaints has been very low, if not non-existent on campuses (Santovec, 2011). A variety of factors have influenced those who have experienced violence to not report. Studies identify some of the most common reporting barriers as “feelings of guilt, self-blame, shame, and embarrassment, fear of not being believed, blamed, judged, or retaliation, a lack of confidence in and clarity with the campus reporting process, and not wanting friends, acquaintances, or they themselves to get in trouble” (Santovec, 2011, p. 7).

Even more specifically, respondents pointed to concerns with underage drinking or drug use, as data revealed that most assaults occurred while the victim was heavily under the influence of one or more substances (Santovec, 2011). Students expressed reservation and fear in reporting when alcohol or other drugs have been involved due to concerns with blame, or sanctioning and

punishment by the institution (Wooten & Mitchell, 2016). Clearly, there is a multitude of personal reasons that contribute to an individual's choice to not report, but there are also numerous opportunities for the university to address these barriers in an effort to improve the campus climate for both formal reporting and accessing resources.

Without question, the most controversial best or recommended practice from OCR and the White House is the incorporation of a sexual assault amnesty policy. Nationally, "fewer schools than one in ten have amnesty provisions in their sexual conduct policies" (Santovec, 2011, p. 7). However, an amnesty policy is arguably one of the most beneficial and sought after response practices from the perspective of the complaining party. One of the primary purposes of a sexual assault amnesty policy is to safeguard reporting victims of sexual assault from co-occurring violations of university policy and/or other laws (Santovec, 2016; White House, 2014). The safeguard associated with the policy is generally limited to illegal or abusive alcohol and other drug violations, and is also typically limited to the specific incident in which a student is reporting. Another central purpose of a sexual assault amnesty policy is to decrease some of the concerns and barriers associated with reporting. Yet another intent of the creation and presence of amnesty policies is to alert campus communities that the focus of the institution is to assist and respond to reports of sexual violence, and that any potential co-occurring violations are of secondary concern to campus administrators. The adoption of an amnesty policy sends a clear message to the campus community that the institution places a priority and an emphasis upon the safety, health, and well-being of its community members, and is one way in which students may be encouraged to report to their campus and utilize institutional resources and assistance.

Changing the stigma that is traditionally attached to the reporting of incidents of sexual assault, is a vital component in creating a cultural shift in how campus communities both talk

and think about sexual violence. Incorporating best practices assists in transcending an institution from a compliance-focused campus to an environment of genuine care and compassion. Sexual assault amnesty policies are not yet normative policies on college and university campuses, but the conversation surrounding the consideration of adoption is certainly gaining momentum in several varying environments (Wooten & Mitchell, 2016). The shift in momentum is connected to both federal guidance and persuasion, as well as to a certain level of institutional peer pressure that is ultimately positioning campuses to keep up with changes occurring throughout the nation. Policy changes and adaptations are occurring at campus-specific, system-wide, and community levels. In 2015, the State University New York system adopted an institutional-wide amnesty policy for its campuses, while in 2016, the state of Wisconsin adopted a criminal exception for all underage alcohol violations connected to cases of sexual assault (SUNY, 2015; Wisconsin Department of Justice, 2016). Several other institutions have created independent institutionally specific policies that may serve as guide maps and blueprints for other campuses (Wooten & Mitchell, 2016).

Opposition to sexual assault amnesty policies is predominantly rooted in concerns with fairness and equity (ASCA, 2014). The central argument focuses on the notion that it creates fundamental fairness and inequity issues, in that not all students will receive the same intervention and consequence for potential drug and alcohol violations. Although this perspective is not necessarily inaccurate as a victim of assault would experience a differing level of intervention for a potential drug or alcohol matter, it is terribly misguided. Students who have been sexually assaulted have already experienced fundamental unfairness and inequity, as there is nothing fundamentally fair about experiencing any form of sexual violence, and compounding

the effects of the experience with alcohol and other drug policy enforcement is truly insulting to victims and to the entire campus community (ASCA, 2014).

Amnesty policies are also often opposed due to fear and concern over the possibility of increased false reporting. The premise behind this opposition is that the safeguard will empower students to use sexual assault reporting to avoid alcohol and drug violations. Statistically, sexual violence is falsely reported at a lower rate than any other crime. Additionally, although there is little data linked specifically to sexual assault amnesty to dissuade the opinion of those that fear the potential increase in false reporting, there is evidence in the data connected to medical amnesty in alcohol related incidents that may serve as a benchmark (Lewis & Marchell, 2006). This data may be utilized to draw parallels and conclusions that negate the opposing concerns and demonstrate that the frequency of such reporting is highly unlikely to change upon introduction of an amnesty policy. Studies on the topic of medical amnesty have been relevant for nearly two decades and there is simply no evidence to support that false reporting increases to avoid consequence (Lewis & Marchell, 2006). However, increased reporting of incidents should be expected and wanted by the institution through minimizing and eliminating barriers.

Institutions of higher education have been charged with the responsibility of filling in the gaps that are often missed by the criminal justice system. The charge is responsive to an effort which supports acknowledgment of the epidemic nature of sexual assault on college campuses and as a means of providing victims of violence with a safer space and stronger voice. More is expected from campus officials than any other entity that works with sexual violence and harassment. It has become an institutional requirement to meet federal compliance standards, but within the requirement there should also be a sense of duty to establish a culture in which it is normative to provide students with the most innovative and comprehensive policies, education,

procedures, and support. Sexual assault amnesty is one way to reduce or eliminate a barrier, while also assisting to set a tone of intolerance for sexual violence on campus.

### **Statement of the Problem of Practice**

There are no established best practices for the development and implementation of sexual assault amnesty policies.

### **Purpose of the Study**

The purpose of this dissertation of practice was to collect information about existing sexual misconduct policies and the processes associated with the incorporation of sexual assault amnesty. The information was used to develop an implementation guide that may be utilized by any institution or system of higher education interested in implementing sexual assault amnesty as a policy.

### **Research Questions**

1. How do institutions offer sexual assault amnesty to students who report an act of sexual violence?
2. What influences an institution to implement or refrain from the implementation of a sexual assault amnesty policy?
3. What are the best practices for implementation and communication of a sexual assault amnesty policy?

### **Practical Significance and Impact of the Study**

The study results identified how prevalent and normative sexual assault amnesty policies are at the land-grant institutions in the United States, as well as how the specific policies are articulated on each campus. The study also identified which motivators or barriers have influenced the existence of a policy on individual campuses. Identifying this information

provided a more comprehensive understanding of the current culture surrounding sexual assault amnesty policies. The data led to the creation of a sexual assault amnesty policy implementation guide (Appendix A. Sexual Assault Amnesty Policy Development and Implementation Guide), which may be utilized as a tool for policy consideration and implementation on campuses and in systems.

### **Definition of Terms**

*Land-Grant Institution:* An institution of higher education in the United States designated by a state to receive the benefits of the Morrill Acts of 1862 and 1890.

*Sexual Assault Amnesty:* A policy that reduces or eliminates potential disciplinary consequences when a student reports an experience of sexual misconduct.

*Sexual Misconduct Policy:* A policy that outlines and prohibits a form of discrimination based on sex or gender that violates federal Title IX regulations. Sexual misconduct policies are inclusive of many specific acts of sex or gender discrimination, including, but not limited to harassment, stalking, sexual assault, and relationship/domestic/dating violence.

*Title IX:* The Education Amendments Act of 1972, a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

*Title IX Coordinator:* The employee responsible for Title IX compliance efforts at an institution.

### **Organization of the Study**

Chapter 1 provides background information related to the growth and change experienced by institutions, with respect to Title IX. Institutions are experiencing pressure to do much more

than comply with federal guidance, but often receive limited resources to execute such services and practices. This study identifies campuses that have successfully implemented sexual assault amnesty into the institution's sexual misconduct policy and used that information to create a sexual assault amnesty implementation guide. Chapter 1 includes Background Information, the Statement of the Problem of Practice, the Purpose of the Study, Research Questions, and the Practical Significance and Impact of the Study. Chapter 2 examines related literature, including an understanding of the impact of sexual violence on college campuses, a brief exploration about the history of Title IX, contemporary and trending issues, and a review of best practices- including sexual assault amnesty. Chapter 3 describes the Policy Discourse Analysis process and telephone-interviews that were used to conduct this study. Chapter 4 provides discussion and conclusions, including recommendations for future research. Finally, the amnesty implementation guide that resulted from the study is included as Appendix A.

### **Chapter Summary**

Compliance with Title IX mandates is essential to the legal handling of sexual misconduct complaints. However, it could be argued that the integration of sexual assault amnesty is essential to the effective handling of sexual misconduct complaints. Determining how campuses have implemented and communicated sexual assault amnesty within sexual misconduct policies will be meaningful in providing guidance to institutions that have yet to implement the practice of sexual assault amnesty. It is the researcher's expectation that this study's results would be relevant and practical for many professionals, institutions, and systems.



## CHAPTER 2. LITERATURE REVIEW

Institutions of higher education have been taxed with the responsibility of better addressing the prevention of and response to sexual violence on college campuses. The federal government has issued mandates and increased guidance since the release of the *Dear Colleague Letter* (Ali, 2011). As the dynamics and expectations surrounding Title IX have changed, institutions of higher education are uniquely positioned to provide comprehensive education, effective response, and to incorporate best practices.

### **The Impact of Sexual Violence**

The prevalence of sexual assault on university campuses throughout the United States is of significant concern, as 20-25% of undergraduate students will experience an attempted or completed assault at some point during their college or university experience (Krebs, 2007; Gidycz, Orchowski, & Berkowitz, 2011; CALCASA, 2014a). This concern stems from decades of research, beginning with the groundbreaking study on incidents of sexual violence in higher education by Koss, Gidycz, and Wisniewski (1987). The study is significant as it first brought attention to the topic and prevalence of sexual assault during the college years and coined the statistic that one in every four women would experience sexual violence during their collegiate experience. Research has consistently demonstrated that women in particular are at an increased risk of experiencing some form of attempted or completed sexual violence. Female college students between the ages of 18-24 are even more likely to experience sexual violence than non-students, and make up at least 85% of all assaults occurring on and around college campus environments (Krebs, 2007).

Statistics play an important role in understanding both the impact and experience of sexual assault. The research on sexual violence on college campuses has “identified that

reporting rates are consistently low when held against prevalence rates” (Wooten & Mitchell, 2016, p. 2). Despite how many students are impacted, acts of sexual violence are vastly under-reported to both law enforcement and to university officials, with only 5-12% of victims reporting (Wolitzky-Taylor et al., 2011). Low reporting is of great concern, as institutions are then unable to appropriately assist victims or address the individuals responsible for perpetration of incidents involving sexual violence. The collection of “accurate information about perpetration is challenging” due to low reporting (CALCASA, 2014b, p. 15). However, the research on sexual perpetration on college campuses identifies that approximately “ninety percent of college rapes are perpetrated by repeat offenders” or serial rapists who are also often members of the campus community (Bolger & Brodsky, 2014, p. 2; Culp-Ressler, 2014). This knowledge is a critical and compelling fact when considering the potential impact that may be experienced by both students of the institutions.

Sexual assault is a significant health issue among the college student population due to both the direct and indirect negative impacts of sexual violence. Sexual violence may cause physical, emotional, and psychological effects. Directly following an assault, there are numerous physical health concerns that may need to be addressed and attended to by medical professionals. Responding to various forms of physical harm, testing for pregnancy and/or sexually transmitted infections and diseases, and addressing potential on-going safety concerns for the victim are some of the immediate concerns following a sexual assault (Bolger & Brodsky, 2014). While some of the testing may not have immediate conclusive results, direct impact physical concerns typically have short-term response needs.

Indirect impacts of sexual assault are less consistent in how they present from person to person, and are also subject to manifest at any time after an experience-sometimes months or

years later. Emotional and psychological health concerns are complex and are rarely addressed without lengthy intervention and assistance. Research has identified that individuals who experience a sexual assault are more likely to experience higher levels of anxiety, isolation, depression, hopelessness, and a host of other potential mental health concerns and conditions and that 33% of victims of sexual violence are later diagnosed with a mental health disorder (Chang et al., 2014). The research explains and suggests that students experiencing such emotions are even less likely to seek out resources, to confide in their peers, family, or campus administrators, or to request assistance in dealing with either the actual assault or the potential emotional aftermath. Additionally, emotional difficulties may increase the likelihood that students will encounter personal, academic, professional, and interpersonal challenges. Such challenges increase the possibilities of and serve as predictors for experiencing anxiety, depression, and suicidal ideations (Chang et al., 2014). The compounding negative effects of sexual assault is an incredible burden for any individual to experience and carry. Students in particular may have increased difficulties navigating life after such an experience, as their current stage of development may prohibit the use of healthy and appropriate coping skills. Consequently, students who experience sexual violence are less inclined to persist with their educational pursuits at the institution (Chang et al., 2014).

The various potential consequences provide a telling depiction of how sexual violence facilitates harm far beyond the scope of the actual incident. Recognizing the many ways in which harm may manifest for an individual, emphasizes the importance and relevance of improving the channels for reporting and ability to connect with appropriate resources. The recognition also identifies the need to minimize any of the reporting barriers that currently exist for victims of sexual violence. Understanding the intricacies of the potential and likely effects

that an individual may experience is imperative for designing policies, procedures, and protocols that are truly victim-centered, institutionally appropriate, and that meet the threshold for federal compliance.

### **Title IX: A Brief Historical Background**

Since the introduction of the Higher Education Act of 1965, the federal government has passed several forms of legislation that has focused on and addressed the topics of health and well-being of students in higher education. The establishment and passage of Title IX of the Education Amendments of 1972, requires that all federally funded institutions of education must address any incidents of sexual discrimination affecting their students, faculty, and staff. While this legislation was historically most commonly and publically associated with the provisions for girls and women having equal access in athletic opportunities and programs, the protections offered by Title IX are much more significant and encompassing than merely requiring equity in athletics and actually pertain to nine additional key areas. These areas are 1) Access to Higher Education; 2) Career Education; 3) Education for Pregnant and Parenting Students; 4) Employment; 5) Learning Environment; 6) Math and Science; 7) Sexual Harassment; 8) Standardized Testing; and 9) Technology. Since 2011, the primary focus of Title IX has been on the key area of sexual harassment. Title IX is protective of all parties associated with an institution of education, regarding any type of discrimination that presents in a form of “sexual harassment, gender-based discrimination, or sexual violence” (Bolger & Brodsky, 2014, p. 2). The protections pertain to both k-12 and post-secondary educational environments, as well as any other programs that receive federal funding, and covers both sexes equally.

Although the enactment of the legislation is now over 40 years old, little action occurred beyond the progress that was made in equal access to athletic opportunities and programs, during

the first 30 years of its existence. Recent directives and publications from the federal government have brought attention back to Title IX and its many entailments. Unlike the conversations that occurred in previous decades, and the periods of time that included very little discussion at all, the current topics of focus have shifted distinctively. Communications from the federal government have issued new regulations and guidance for policy and procedure development and review, which have altered the expectations placed upon institutions of education. The current focuses and conversations are surrounding the protections afforded to those who have been the victims of sexual violence, and to the “responsibility of institutions to have established procedures, proactive training initiatives, and that they appropriately respond to allegations” (Bolger & Brodsky, 2014, p. 1). The current discussions surrounding Title IX are now being driven by the topics of compliance, response, duty, education, and remedial actions. Each topic speaks to a critical component of Title IX, as well as to new directives and expectations that have been provided since the release of Ali’s 2011 Dear Colleague Letter, and later in Lhamon’s 2014 follow-up document Questions and Answers on Title IX and Sexual Violence.

Institutions of higher education have specifically received attention during the transition of focus. Incidents of sexual violence are recognized as one of the most serious matters impacting collegiate life, often being characterized as a crisis or an epidemic (Wooten & Mitchell, 2016). Due to the seriousness of this concern, the importance of appropriately responding to and preventing acts of sexual violence has been highlighted as a primary consideration and problem on college and university campuses. Sexual violence “refers to physical acts perpetrated against a person’s will or where a person is incapable of giving consent” (Lhamon, 2014, p. 1). An exhaustive list of specific behaviors that are included in the

category of sexual violence are clearly identified and defined, so that institutions should have no doubts as to what actions must be addressed under Title IX.

The responsibilities identified under the law have become extremely specific, yet are also very broad in scope. The specifics provide detailed provisions of compliance, while the broad concepts allude to requirements that may be completed in a variety of fashions, or components that are recommended, but are not actually required. The expectations placed upon institutions and administrators are often considered overwhelming, as balancing compliance efforts and best practices with the practicalities of assisting students and employees is challenging and often involves incongruences in the necessary approach. Despite this strain however, federally funded institutions of higher education are responsible for adopting all of the requirements under the law and are also expected to fulfill the requirements well.

### **Contemporary Issues Influencing Title IX**

A review of the associated and pertinent literature addresses the current topics and complexities surrounding the purposes of and protections ensured under Title IX. Several central topics emerge from the literature and are demonstrative of the primary issues that must be faced by students and employees of federally funded institutions of education. The emergent themes specifically provide guidance to the institutions, for compliance efforts under the law, the consideration and incorporation of best practices, as well as the potential impact of adopting a sexual assault amnesty policy.

### **Federal Government Compliance**

Since 2011, many institutions of higher education have received notification that the Office of Civil Rights would be initiating an investigation on their respective campus (United States Department of Education, 2014). While some of the investigations are certainly directly

related to complaints that have been filed against the institution for alleged mishandling of or misconduct within sexual violence reports, many of the institutions have simply been selected for a compliance investigation or audit of their current procedures and handlings of Title IX related matters. It is unlikely that this trend will decrease or discontinue in the foreseeable future, as the list of institutions under review has only continued to grow since 2011 (Culp-Ressler, 2015). Certainly, it is now a prudent position for all institutions to be prepared to be the subject of an investigation or audit at any time, regardless of the presence of a specific complaint.

As a component of Title IX, institutions are provided with direction in how reported acts of sexual violence are to be handled. In 2011, Russlyn Ali, the United States Assistant Secretary for Civil Rights, wrote and released the Dear Colleague Letter, which detailed the application of Title IX to issues of sexual harassment and violence. Some of the regulations outlined by OCR include:

1. Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate or determine what occurred.
2. If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, regardless of a criminal investigation.
3. A school must take steps to protect the complainant, including interim steps taken prior to a final outcome of the investigation.
4. A school must provide a grievance procedure for students to file complaints of sexual violence. These procedures must include an equal opportunity for both parties to present witnesses and evidence and the same appeal rights.

5. A school's grievance procedures must use the preponderance of the evidence standard to resolve complaints of sex discrimination.
6. A school must notify both parties of the outcome of the complaint (Ali, 2011).

While the Dear Colleague Letter (Ali, 2011) provided more guidance than ever before, it also raised considerable questions among institutions, as administrators sought clarification regarding what would actually constitute compliance with the law. In response to the questions and needs of institutions across the country, Lhamon (2014) sought to provide clarified information and direction. The follow-up document, Questions and Answers on Title IX and Sexual Violence offered institutions additional insight as to how they might both adapt existing policies, and create new policies which would constitute compliance with federal guidelines regarding acts of sexual harassment and violence.

Lhamon (2014) provides responses to common institutional questions, specific language and definitions for behaviors encompassed within sexual harassment and violence, required features of grievance procedures and investigations, as well as the requirement of preventative trainings and education. With respect to compliance, Lhamon identifies three regulations that serve as the mechanism for protecting students and employees from acts of sexual violence. The regulations include publication of a nondiscrimination notice which encompasses an individual's sex, the appointment of a Title IX coordinator who will be responsible for institutional oversight of any and all Title IX matters, and the establishment of a grievance process that responds to any type or form of sex discrimination (Lhamon, 2014). The regulations transcend into guidelines that notice institutions of their responsibilities to each facet of Title IX. The guidelines also provide instruction as to how institutional policies may still be individualized and tailored to



meet the needs of campus populations and cultures, while still aligning with the requirements of the mandates.

Lhamon (2014) concludes the review with information pertaining to the incorporation of preventative and mandatory trainings and education for all students and employees of an institution. A distinction is made between the two populations, with regard to the type of information that should be included and emphasized. The guidance also provides a certain level of distinction, that employees receive training, while students receive education through the requirements of the law. The recommended content for employee trainings focuses on the expectations connected to both response and reporting obligations. In contrast, the guidance for students highlights the need for a very comprehensive education that incorporates a considerable list of content topics. Student education is to be inclusive of terminology and definitions with a specific emphasis on consent, reporting options and processes, grievance procedures, the significance of alcohol and other drugs in incidents of sexual violence, the role of bystanders, and encouragement for victims to report incidents to the institution (Lhamon, 2014; ASCA, 2014).

The 2014 release of *Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault* created a checklist of necessary actions in policy revision and explicitly holds colleges and universities accountable for the prevention of sexual assaults and the implementation of stronger policies. The checklist includes ten specific components that are to be addressed within a college or university's sexual misconduct policy. These areas are: 1) an introduction; 2) scope of the policy; 3) options for assistance following an assault; 4) identification of the Title IX coordinator; 5) definitions of various forms of assault; 6) reporting policies and protocols; 7) investigation procedures and protocols; 8) grievance and adjudication

procedures; 9) prevention and education policies; and 10) how the staff and faculty involved are trained. The checklist is certainly not entirely new and echoes much of the language from both Ali (2011) and Lhamon (2014).

### **A Review of Best Practices**

The federal government has changed the landscape of Title IX response, enforcement, and education. As a result of the past several years, institutions have become increasingly invested in not only federal compliance, but also in ensuring that reporting students and employees are privy to the best possible circumstances throughout the process (Lewis, Schuster, Sokolow, & Swinton, 2013). Although any report falling under the scope of Title IX is unlikely to be a pleasant experience, some colleges and universities have started to dedicate increasing levels of support and resources for the creation of new positions, consideration of existing policies and procedures to assist in a “fundamentally fair process”, as well as the development of innovative services and programs (ASCA, 2014, p. 4).

The White House Administration released *Not Alone* in 2014, which complemented both the work of Ali (2011) and Lhamon (2014). The content of *Not Alone* expanded the conversation to the notion of best practices rather than strictly articulating the logistics and importance of compliance, as well as introducing the concept of a necessary culture shift on college campuses. Institutions are called upon to certainly comply with the regulations and mandates of Title IX, but to also consider how they may most positively impact their campus populations. In response to all of the communication from the federal government, many institutions have considered and taken a variety of many specific actions that go far beyond the mere requirements of the law. These include the hiring of staff whose primary job functions are dedicated to Title IX education and victim advocacy, trauma-informed and focused trainings for

employees, and amnesty from alcohol and drug violations of college or university policy for reporting victims. As institutions gain confidence and momentum in compliance, it is also likely that the incorporation of best practices will become a trending topic in the field.

A campus policy toolkit (Know Your IX, 2015), has compiled many of the suggestions first articulated in Not Alone (White House Task Force, 2014) and has been packaged as a book of guidance for institutions to utilize and incorporate with ease on their campuses. The guidance acknowledges that unique and diverse challenges are inherent to each individual institution, but offers starting points on identified universal principles of best practice. The toolkit separates the principles into the four distinct themes of transparency, survivor services, adjudication/investigation, and prevention (Know Your IX, 2015). Within each theme, there are identified compliance based requirements, but the guidance also reveals and suggests a variety of ways in which institutions may exceed compliance minimums and maximize information, resources, and procedures for complainants.

### **Transparency**

Perceptions of the effectiveness attributed to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) vary significantly with respect to the “prevention of crime and raising awareness” (Wooten & Mitchell, 2016, p. 99). While institutions are required to report certain statistical criminal offense data to demonstrate federal compliance with the Clery Act, this information is generally not representative of the true climate of an institution, particularly with respect to acts of sexual violence (Wooten & Mitchell, 2016). As a means of allowing an institution to improve the authenticity in the identification of behaviors occurring within a particular campus community, the following suggestive practices of transparency are provided:

1. Schools should publish aggregate data regarding sanctions for individuals found responsible for perpetrating sexual violence.
2. Schools should conduct and publish the results of campus climate surveys to determine prevalence.
3. Campuses should create a working group on gender-based violence.
4. Schools should very clearly define terms in their written policies (Know Your IX, 2015).

Each of the suggestions for transparency provide increased information and knowledge to the campus community. The suggestions are also focused on practices that allow the institution to set a tone for the entire campus, rather than only for victims of violence. Transparency is reflective of the manner in which an institution handles incidents, but also speaks to the importance placed upon the topic of sexual violence and to the expectations that are communicated to campus community members.

### **Survivor Services**

Those who experience sexual violence will not need one specific set of services, as each individual is different, each experience is different, and the circumstances surrounding an individual and that experience will vary in numerous and unpredictable ways. Compliance based resources for survivors are extremely basic and minimal, but the campus policy toolkit identifies the following ways in which institutions can enhance the options provided to those seeking services:

1. Schools should make clear where survivors can go for confidential support, as opposed to whom they can make a report.
2. Schools should create mechanisms online for students to report anonymously.

3. Schools, as a general rule, should create an office dedicated to gender-based violence.
4. Schools should ensure that survivor services are available on a 24/7 basis.
5. Schools should make explicit that services and reporting options also apply to students who experience dating violence, domestic violence, and/or stalking.
6. Schools should explicitly spell out options for survivors to access resources and accommodations (Know Your IX, 2015).

The suggested survivor services are focused on access and options for students, due to the varied needs, circumstances, and responses that are to be expected after an incident of sexual violence. Options for survivors are important because they provide “multiple avenues of support for survivors of sexual assault” (Wooten & Mitchell, 2016, p. 149). The presentation of options also provide an opportunity for “control to be given to an individual who has had their control taken” (ASCA, 2014). The suggestions do not require a campus to always create and offer new institutional services, but do task schools with identifying community resources and partnerships in which victims of violence may be served. Due to the “insular nature of college communities,” students are well served by community resources and partnerships, as it is a true challenge to “address systemic problems” as a victim (CALCASA, 2014b, p. 13).

### **Investigation and Adjudication**

The vast majority of campus requirements exist within an institution’s responsibility to respond to Title IX complaints. Upon notice of an incident of sexual violence, investigatory action must take place. OCR has provided clear information about the time-frame and the rights and due process afforded to involved parties. Although the most guidance has been provided to this component of compliance, it is also the area in which the most complaints exist (Culp-Ressler, 2015). Survivors are frustrated with what feels like perpetrator protection and the policy

guide suggests some of the most resisted practices within the area of adjudication and investigation:

1. Schools should explicitly provide amnesty to students who come forward, in good faith, to report an assault they witnessed or experienced while consuming alcohol or other drugs.
2. Schools are required to use the preponderance of the evidence (otherwise known as “more likely than not”) standard for adjudicating complaints.
3. Schools should install closed-circuit cameras in campus adjudication hearings.
4. Schools should permit other victim(s) of the same perpetrator to testify in another survivor’s disciplinary hearing.
5. Schools’ policies should explicitly state that if an accused student withdraws and/or transfers universities while a disciplinary complaint against him is pending, his transcript will be marked to indicate such.
6. Schools should make explicit that survivors are not limited in any way from discussing or publicizing the outcome of their complaint.
7. Schools should have written, centralized policies about what rights survivors have during the adjudication process (Know Your IX, 2015).

The guidance provided for the topics of investigation and adjudication identified ways in which complainants can and should be afforded rights and equities within the process, which may ultimately serve as a mechanism for maximizing the potential of a positive experience. In addition to a focus on equity, the tool kit identifies specific ways in which the institution can provide protective measures for accusing students before, during, and after a report of sexual violence. These protections demonstrate that the institution is committed to encouraging

students to bring forth complaints to the University and that there is an understanding of the pervasive nature of violence on campuses.

## **Prevention**

Finally, the policy guide addresses suggested practice within the area of prevention and education efforts. Ultimately, though it is certainly a lofty aspiration to eliminate all violence on college campuses, sexual violence is a preventable public health matter (Black, Basile, Breiding, Smith, Walters, Merrick, Stevens, 2011; CALCASA, 2014a). Research has provided evidence that certain types and delivery methods of prevention and education are more beneficial in both reaching the intended audiences and assisting in the retention of information. The policy guide emphasizes that “schools should provide robust prevention programs, which are administered to all incoming students and staff” and further addresses that programming should be delivered through in-person presentations and with planned follow-up efforts (Know Your IX, 2015). Prevention programming for new students and employees is a requirement of all institutions, but each campus has the authority to control the package and delivery of the programming in any manner that meets compliance requirements. Bystander intervention, primary prevention efforts, and programming that infuses follow-up throughout a students’ collegiate experience are considered the leading practices (Anderson & Whiston, 2005). Gidycz, Orchowski, and Berkowitz noted that bystander intervention education is:

an example of a tactic that can equip students with the tools they need to shift the culture around rape on campus. Those programs teach students about the subtle ways they can intervene in a situation before it turns dangerous- which helps ensure that rape prevention becomes the entire community’s responsibility, rather than continually putting the onus on victims. (p.727)

Some research on the effectiveness of sexual assault prevention programming indicates that most programs only temporarily improve student knowledge, but fail to demonstrate the lasting retention of knowledge or a decrease in incidents of sexual victimization (CALCASA, 2014b). Additional findings suggest that longer interventions, single gender audiences, and professional presenters may increase effectiveness of prevention programming (Anderson & Whiston, 2005; Daigle, Fisher, & Stewart, 2009; Vladutiu, Martin, & Macy, 2011). Universities may be tempted to focus on “programs in a box” or the ease of selecting a single strategy, but “comprehensive prevention creates an environment that has the potential to change campus norms” (CALCASA, 2014b, p. 13). Comprehensive prevention is much more than providing mandatory programming to students, as it:

requires a range of prevention strategies, including effective campus policies and response, social norms change, bystander, gender equity, women’s empowerment, and promoting healthy masculinity. Comprehensive prevention includes strategies that address sexual violence before it happens (known as primary prevention) and after it takes place so it will not occur again (CALCASA, 2014b, p. 13).

Prevention efforts must occur at every possible level of the university, as the evidence demonstrates that single strategies and one-time trainings are not effective (CALCASA, 2014b). The campus community essentially needs to be saturated with prevention if the intent is to actually address and prevent the prevalence of sexual violence.

The messaging of the tool kit is complementary to other guidance being provided by a variety of sources and entities. The California Coalition Against Sexual Assault (CALCASA, 2014) released recommendations after holding a student summit on sexual assault. Similar to the guidance of the tool kit, the highlighted approaches on addressing sexual violence on college



campuses included survivor centeredness, community collaboration and engagement, and comprehensive prevention. Although characterized slightly differently, each of the approaches encompass the same focuses found within the tool kit which serve to “effectively address and prevent sexual violence” (CALCASA, 2014b, p. 13).

### **Consideration of Amnesty Policies**

The implementation and use of sexual assault amnesty policies and protocols is often one of the most controversial topics included in the best practices discussion. Amnesty policies specifically and clearly notify students that they will not be subject to any disciplinary action of alcohol or drug related matters in the context of a sexual assault report. The prevalence of sexual assault amnesty policies are exceedingly rare across the nation (Santovec, 2011). When Title IX compliance first garnered attention in 2011, only one in every ten institutions reported the inclusion of a written sexual assault amnesty policy (Santovec, 2011, p. 7). In 2013, the prevalence of formalized amnesty policies only increased to approximately 15% of institutions (Culp-Ressler, 2014). Some institutions do utilize amnesty as a matter of practice or operational protocol in sexual assault cases, but practices and protocols are not typically explicitly stated to the community, and used only as an internal measure of case management (Lewis et al., 2013). Protocols are certainly well-intentioned and ultimately provide the reporting student with the same outcome as they would receive from a formalized sexual amnesty policy. However, while the amnesty protocols may provide the same end result for individual students, internal processes do not inform the campus community of what to expect before making the choice of reporting sexual violence that has included the element of alcohol or other drugs. The primary intent of an amnesty policy is to remove a potential reporting barrier for victims, as amnesty policies make it clear to students that they will not be subjected to action if the incident involved alcohol or other

drugs. Despite the primary intent, amnesty policies are rarely exclusively implemented for victims, but are generally also designed with the purpose of delivering an important message to the entire educational community. The institutional message asserts that sexual violence is not the fault of the victim, regardless of the illegal or abusive use of alcohol or other drugs, while also functioning as an alert that sexual violence is of greater concern than any potential co-occurring alcohol or violations.

Despite the notion that amnesty is recognized as a method that may increase the likelihood of reporting and also allow an institution to better serve more students, it is often met with significant resistance from institutional stakeholders (Lewis & Marchell, 2006). The most common concerns with sexual assault amnesty are grounded in concerns for a potential increase in false reporting of sexual violence, the creation of possible inequities in how institutions respond to alcohol and drug violations within the student conduct process, and students not being held responsible for their personal choices and behaviors with alcohol or other drug use. Consequently, many institutions do not have sexual assault amnesty policies included within their Title IX procedures, nor embedded in their student codes of conduct. The key institutional stakeholders are often unable to reconcile the potential benefits of ensuring amnesty with what are seen as the potential trade-offs. Additionally, due to the fact that enhanced Title IX requirements and considerations only became a trending topic in the past five years, time to contemplate and implement non-mandated policies, procedures, and protocols has been limited on most campuses (ASCA, 2014b).

Although sexual assault amnesty is a relatively new consideration and divisive topic, there is rich and extensive history connected to implementation of medical amnesty at the institutional and state level. For nearly two decades, institutions and states have grappled with

the consideration of medical amnesty in underage alcohol related incidents in both the policy violation and criminal infraction environments as approximately 100,000 college students suffer significant consequences due to their use of alcohol (USA Today College, 2015). Similar to students who experience sexual violence, students who experience alcohol fueled difficulties also experience a host of challenges. Medical amnesty was one of many practices discussed to assist in responding to the issue and to better position students to seek help from the institution. Many of the concerns that first existed in the early medical amnesty conversations and considerations now parallel the current concerns and reservations that exist within the dialogue surrounding sexual assault amnesty.

The primary concerns with medical amnesty included concerns with equity in responding to incidents of underage drinking, the potential for seeking medical attention when not needed to avoid legal or institutional consequence, and the risk of the institution appearing complacent to violations of law or policy. However, since such discussions began on the topic of medical amnesty, 35 states have adopted ‘Good Samaritan Laws’ that provide an allowance for criminal amnesty from underage drinking law enforcement citations, while nearly seven in every ten institutions have implemented a medical amnesty policy which precludes a student from being required to participate in a campus disciplinary process for potential alcohol or drug violations (Medical Amnesty Initiative, 2016; USA Today College, 2015). The changes are the direct result of conversations, considerations, and action by both the institutions and the state legislatures. The institutions and states implemented changes with the purpose of reducing barriers for seeking help, increasing the likelihood of students seeking appropriate medical assistance, and decreasing the likelihood of students suffering serious injury, health issues, or death from alcohol

related incidents. Essentially, the stakeholders made a purposeful decision to place emphasis on student safety and well-being.

There is “an inherent tension” that exists between supporters and those in opposition to amnesty (Lewis and Marchell, 2006, p. 6). Supporters focus on the opportunity to protect students from life-threatening alcohol poisoning and demonstrate care and concern, while the opposition is concerned with “giving students a permission slip to break the law and policy” (Lewis and Marchell, 2006, p. 6). Upon completing a study which explored the effectiveness of medical amnesty along with its overall effects and consequences at Cornell University, Lewis and Marchell pointed to several key indicators that demonstrate the benefits of medical amnesty. The results provided evidence that while medical amnesty only slightly increased student comfort with reporting to both law enforcement and the institution, that the number of actual calls for medical assistance went up over 700% (Lewis & Marchell, 2006). The results also revealed that the rate of underage drinking itself remained unchanged with the presence a medical amnesty policy. An additional finding showcased that student satisfaction with the institution improved as students felt the institution was demonstrating care and concern for the student body through the implementation of a medical amnesty policy. Upon a review of the findings, the prevailing opinion of Cornell University administrators was that:

institutions could remain firm about enforcement of underage drinking, and flexible in exercising reasonable discretion when balancing competing needs in relation to the law and emergency medical attention (Lewis & Marchell, 2006, p. 9).

The work of Lewis and Marchell (2006) provides evidence that amnesty policies can contribute to the overall improvement of the student body and to the expressed tone of the institution itself.

While currently controversial, amnesty is also topically at the forefront of the best practices discussion. Medical amnesty was once highly controversial, yet has become common practice across the nation. Advocates promote sexual assault amnesty as one of the simplest and most effective means to the reduction of student reporting barriers and also significant in contributing to an institutional culture shift (Know Your IX, 2015; Santovec, 2011). The parallels that exist between medical amnesty and sexual assault amnesty may prove to be telling to the direction that colleges and universities take in the future. There are certainly lessons that may be extracted from the research and progress completed in medical amnesty that may shape the landscape of the conversation surrounding sexual assault amnesty.

Sexual violence on college campuses is not new, yet the concern surrounding sexual violence has shifted significantly. The current and existing literature concerning Title IX and its many implications for institutions of education, predominantly focuses upon the use of proactive and preventative trainings and education, compliance efforts that ensure the appropriate handling of cases, as well as suggested best practices in creating victim-centered policies and cultures that promote increased reporting. Leaders in the field of sexual assault prevention, response, and advocacy emphasize that “there is no one size fits all approach to addressing sexual violence on campus,” as what is effective for “one student body and institution” does not conclusively warrant the automatic implementation of the same efforts, strategies, and policies for other student bodies and institutions (Culp-Ressler, 2014). Each of these matters will likely remain a relevant topic and consideration within education, as institutions continue to adapt to new and continually changing requirements under the law, while managing and negotiating the continuation of scrutiny over institutional response and the handling of Title IX complaints.

## **Discussion**

Clearly, the literature, recent news articles, and the influence of publications released by the federal government are all demonstrative of the pervasive nature of sexual violence on college campuses, as well as the complexities involved with Title IX compliance. Institutions have received a variety of directives, guidance, and suggestions that inform administrators of their duties and obligations under the law. Much of the information simply provides a baseline of minimal expectations, from which all institutions are to operate. The communication also informs institutions of how they might best serve their students and employees, through the introduction of best practices. Institutions must carefully consider if they merely want to comply with federal regulations, or if they are committed to instituting policies and procedures that further assist in breaking the systemic issue of sexual violence on campus. This consideration is critical in setting an intentional tone at each individual college or university.

While the necessary focus has rested upon compliance issues since the release of the Dear Colleague Letter (2011), many institutions are now better prepared and invested in progressing with the incorporation of best practices for sexual violence education and response efforts. Transitioning from a pure compliance focus to enhanced compliance, which is infused with services, options, and choices, is extremely significant for the future of Title IX and for the experiences of students and employees. Many institutions have been the subject of very public investigations into allegations of case mishandlings, while many others have experienced an audit without a specific claim or report. Demonstration of efforts to go further than compliance is likely to be well received during investigations or audits, but more importantly will be well received by the students and employees of their respective institution.

Areas for further exploration have also been identified, as the best practices discussion is truly still in its infancy. At the conclusion of the CALCASA report and recommendations (2014b), summit participants indicated that:

1. Time and resources need to be committed to understanding the needs of marginalized individuals and communities
2. There is a need to explore creative ways to strengthen collaborations with community based rape crisis centers and other services
3. Students expressed a clear need for standardized response (CALCASA, 2014b, p. 15)

Certainly, other areas of exploration also exist and the topics currently being targeted likely represent only the most pressing matters. As response, prevention, and advocacy in the age of Title IX compliance continues, the conversation will expand and shift to address new issues, needs, and identified gaps in both compliance and best practices.

### **Chapter Summary**

This chapter explored literature regarding the significant growth and changes experienced by colleges and universities, with respect to Title IX. Institutions have completed major policy overhauls to demonstrate federal compliance. Institutions have also sought to incorporate more than the mere requirements associated with compliance, which has started a true culture shift regarding the understanding of and sensitivity toward the topic of sexual violence. The shift emphasizes the key concepts from the compliance directives, but is also inclusive of policies, practices, and decisions that are both victim- and trauma-centered. The shift acknowledges that higher education institutions genuinely care about the impact of sexual violence within their communities, and value their individual students, faculty, and staff. Ultimately, the shift is representative of institutions wanting to do what is in the best interest of victims and the entire

community. Compliance is certainly a part of fulfilling such institutional obligations, but the want to do more than required is synonymous with institutions embracing their commitment to the issue of sexual violence.

The shift signifies the possibility of exciting opportunities in prevention efforts, victim assistance, and in how institutions continue to address the toxic nature and presence of sexual violence on campus. When considering the future of Title IX initiatives, institutions and their administrators will need to focus on policies that are legally compliant, yet also accessible and beneficial to users. Policies should also be inclusive of amnesty, as future policy creation should seek to minimize any and all identified barriers and encourage increased reporting. Institutions have an opportunity to be a part of the movement that ends the cycle of sexual violence in education. This opportunity is one that will allow institutions to transcend from the existing attitudes and beliefs associated with sexual misconduct, and to contribute to an important and necessary change in culture.



## **CHAPTER 3. APPLIED RESEARCH STUDY**

This chapter outlines the methodology and procedures that were used to execute this study. The chapter is organized with the following subheadings: Research Design, Research Process, Research Participants, Instrumentation, Data-Collection Procedures, and Data-Analysis Procedures, Methods and Procedures, and Major Study Findings. The following research questions guided the study:

1. How do institutions offer sexual assault amnesty to students who report an act of sexual violence?
2. What influences an institution to implement or refrain from the implementation of a sexual assault amnesty policy?
3. What are the best practices for implementation and communication of a sexual assault amnesty policy?

### **Research Design**

Policy discourse analysis and telephone interviews were completed to answer the research questions. Elizabeth Allan (2003) developed the hybrid methodology of policy discourse analysis. It was developed as a strategy to explore policies within the topics areas of gender and education, to better understand how the specific language choices influence particular perspectives or beliefs. The methodology “highlights the discursive power of policy by investigating the written text of policy documents as primary data sources, while focusing on the assumptions embedded in the naming of policy problems and solutions” (Allan, 2003, p. 49). Allan (2008) elaborates that policy discourse analysis is “specifically designed to respond to research questions related to the discursive shaping of policy problems, solutions and images; and the ways in which discourses shape and re/produce subject positions” (p. 54). Policy

discourse analysis serves as a framework for considering how those involved in the policy-making process may be intentional and mindful in the establishment of policies that promote the intended effect.

When considering sexual assault policies, what is explicitly stated is no more important than what is omitted. Policy discourse analysis allows for the finding of what is actually stated, how such statements are interpreted, and how silences within the policies speak to users of the policy.

### **Research Process**

This study's research process followed sequential steps. Through the examination of potential problems of practice, which were identified in the literature review, the research questions were developed. The researcher created criteria for the sexual misconduct policy review and interview questions were created for the telephone interviews. The policy review criteria and the interview questions were developed from the research questions and the problems of practice identified in the literature review.

The researcher developed an informed consent and confidentiality statement, and submitted a request for Institutional Review Board (IRB) review and approval. The researcher was notified that approval was unnecessary, as the research does not fit the regulatory definition of 'research involving human subjects' on April 17, 2018 (Appendix B. IRB Letter). The researcher created a rubric (Appendix C. Sexual Misconduct Policy Review Rubric) for reviewing and scoring sexual misconduct policies. The rubric was tested on sexual misconduct policies that would not be included in the study.

A multi-phase process was utilized to identify a sample of institutions that have previously adopted sexual assault amnesty within their sexual misconduct policies. The researcher reviewed 50 sexual misconduct policies, from each of the 50 land-grant institutions.

Phase one identified the specific institutions to be reviewed from each state. The list of institutions included in the sexual misconduct policy review is detailed in Appendix D. Land-Grant Institutions.

Phase two included a search of each institutional website, using the search function and keywords: sexual assault policy, sexual misconduct policy, and sexual assault amnesty. The search allowed the researcher to find the sexual misconduct policy associated with each institution and to identify if sexual assault amnesty was incorporated in the institution's sexual misconduct policy.

Utilizing the rubric, the 50 institutional policies were reviewed in the following four categories:

- Presence of a Sexual Assault Amnesty Policy
- Sexual Assault Amnesty Policy Description
- Sexual Assault Amnesty Policy Application
- Quality of Overall Sexual Misconduct Policy Document

Specific criteria was created and incorporated within each category of the rubric. The criteria was used to score each category of the policy, allowing the researcher to identify which policies would be further utilized in the study. The categories of each policy were scored as exemplary, competent, developing, or underdeveloped. Sexual misconduct policies that did not include a clear reference to the presence of sexual amnesty were immediately omitted from further consideration in the study, as were policies that scored as developing or underdeveloped.

Phase three involved mapping each of the selected institutions to provide representation across the United States and to account for potential differences that may exist throughout institutions. Although the sample was derived from a consistent institutional type, the culture and demographics associated with each institution is subject to considerable variance. Mapping of the institutions assisted in the identification of potential themes and cross-sections of the land-grant institutions.

Phase four included the additional review of the institutions selected for inclusion in the study. The selected institutions were reviewed in greater depth, to better understand the specifics of each sexual misconduct policy, and how sexual assault amnesty is defined, embedded, and utilized within each policy.

After the policy review process and phases were complete, the Title IX coordinators from each of the selected institutions were contacted to request and establish telephone interviews (Appendix E. Telephone-Interview Invitation Email).

### **Research Participants**

This study reviewed the existing sexual misconduct policies at the 50 land-grant institutions. Upon review, the investigator narrowed the study to six sexual misconduct policies to be used as model policies. The selected policies each included a clear reference to the presence of a sexual assault amnesty policy and scored as exemplary in each of the rubric categories.

The Title IX coordinators at each of the six selected institutions were interviewed to collect information about the process associated with the implementation of sexual assault amnesty at the specific institution.

## **Instrumentation**

The sexual misconduct policy documents of the institutions served as the primary instruments and data sources in this study. Information was extrapolated from each individual policy document and utilized to establish patterns and norms among the identified institutions, as well as to assist in the creation of a model policy implementation guide for sexual assault amnesty.

The researcher developed interview questions for the telephone interviews. The questions for the telephone interviews were written using major themes and research discovered during the literature review. The questions are detailed in Appendix F. Telephone-Interview Questions. The researcher conducted phone interviews with six Title IX coordinators, from the institutions that were selected.

## **Data-Collection Procedures**

The researcher emailed the six Title IX coordinators of the institutional policies that were selected for the study, and invited them to participate in the telephone interview portion of the study. The email included the invitation to participate in the telephone interview, information about the study, and provided statements about Informed Consent and Confidentiality. Invited Title IX coordinators acknowledged, via email, their consent to participate. Six telephone interviews were conducted by the researcher between the dates of June 29-July 19, 2018, and were recorded for data-collection purposes. Results were not personally or institutionally identifiable when reported in the research's findings.

## **Data-Analysis Procedures**

The telephone interviews were transcribed and coded for the identification of themes and constructs. These themes and constructs, as well as the information gathered in the policy

discourse analysis of the policy documents, informed the design and construction of the sexual assault amnesty implementation guide.

### **Methods and Procedures**

The methods used to address the research questions were policy discourse analysis and telephone-interviews. Policy discourse analysis allowed for the review of existing policy documents and to identify model policies that would assist in the creation of a sexual assault amnesty implementation guide.

Upon review of the 50 institutional policies on sexual misconduct, the researcher identified 19 policies that had sexual assault amnesty embedded in the language of the policy in some form. A closer review of the policies, narrowed the population to 12 policies that were scored as exemplary with the rubric. Through mapping the remaining 12 policies, the researcher chose six policies from six states, to represent a cross-section of the United States, including two Eastern institutions, two Midwest institutions, one Southern institution, and one Western institution.

The rubric and the telephone-interview questions were developed by the researcher. The rubric and telephone-interview questions were based on issues identified within the literature review. The telephone-interview questions were also designed to expand upon the foundational information collected during the policy review. This expansion allowed the researcher to collect information about processes, practices, and communications that would not readily be identified through the review of the policy.

### **Major Study Findings**

The study's major findings are summarized in relation to the research questions. The findings for each question come from the policy discourse analysis process and the telephone-

interviews with Title IX coordinators. The research finding directly informed the content of the sexual assault amnesty policy development and implementation guide.

### **Research Question 1**

*How do institutions offer sexual assault amnesty to students who report an act of sexual violence?* The literature indicates that sexual assault amnesty is offered through informal procedural practices, as well as through formalized policy. Through policy discourse analysis, the researcher identified 19 land-grant institutions that officially offered sexual assault amnesty in their sexual misconduct policies. Although each of the 19 institutions offered sexual assault amnesty through a formal policy, there were variances in what amnesty entailed. The variances included which parties were subject to receiving sexual assault amnesty, as well as the specific provisions associated with amnesty.

The telephone-interviews with the Title IX coordinators provided more detailed information regarding who received sexual assault amnesty and under what circumstances. The Title IX coordinators were queried as to what sexual assault amnesty entails and what actions were taken when sexual assault amnesty is applied to an incident. At each of the six institutions, the Title IX coordinators reported that reporting parties receive amnesty from incidents involving potential alcohol violations, while at five of the institutions, sexual assault amnesty extends to potential drug violations, as well as other minor and non-egregious potential violations. Additionally, four of the institutions extend amnesty to witnesses and responding parties. The rationale for the extension of amnesty included the concepts of equity and to encourage cooperation and honesty in the investigative process.

Each of the six Title IX coordinators indicated that their institutions allow professional discretion in assigning educational programming and referrals when sexual assault amnesty

applies. However, each Title IX coordinator indicated that assigned programming and referrals are rarely utilized. The rationale for not regularly assigning programming and referrals included the concerns that students are already dealing with such a complex situation and that students are not necessarily able to distinguish between disciplinary action and assigned programming and referrals. If students are unable to make the distinction, the application of sexual assault amnesty may not be received as amnesty.

Through policy discourse analysis and telephone-interviews, the researcher determined that sexual assault amnesty is most commonly afforded to reporting parties and others associated with a Title IX complaint. Only one institution specified that sexual assault amnesty is applied only to incidents involving alcohol, while the additional five institutions extended amnesty to a drugs and other minor violations.

## **Research Question 2**

*What influences an institution to implement or refrain from the implementation of a sexual assault amnesty policy?* The literature illustrates the controversy that often exists with respect to the consideration of sexual assault amnesty and explores the reasons that traditionally polarize the conversation surrounding the consideration of policy implementation. The review of the policy documents could not provide significant insight to this research question. However, policy discourse analysis did identify that over 60% of land-grant institutions did not have a formal and articulated policy of sexual assault amnesty, which may be linked to the controversy.

The telephone-interviews with the Title IX coordinators provided insight into the processes that were utilized at each institution to implement sexual assault amnesty. The process descriptions assisted the researcher in understanding leadership positions and roles, as well as the dynamics of how policy committees formed and functioned. Information shared about



leadership, governance, and process directly informed the sections and language of the policy guide. A key concept regarding policy leadership was the notion of how important it is to have institutional and personnel support. Each of the Title IX coordinators indicated that who is providing direction or “the charge” to the policy development significantly matters, as it leverages support and buy-in. In one interview, the Title IX coordinator labeled this role as the “policy champion”, and the researcher found this term to embody what was being described in each interview. The policy champion was incorporated into the policy guide, as each interview focused on the importance of hierarchical structure with respect to the creation of a strong foundation from which a committee operates.

In addition to the importance of a foundation for the committee, the interviews also highlighted the process of creating a foundation from which to build the actual policy. In one interview, the Title IX coordinator noted “I wouldn’t recommend just jumping into policy-land,” indicating that committees serve the policy development process well when they establish a plan, rather than simply acting. Each Title IX coordinator served on a committee that rooted the process in the establishment and recognition of institutional statements and a planning process that incorporated the identification of goals and objectives. Although the specific foundational information varied between coordinators and institutions, the overarching themes rested in mission, vision, and values. The foundational components of the process were incorporated into the policy guide and inform the guidance for institutional planning and process considerations.

The interviews also provided information about the challenges and barriers that were experienced and overcome during the implementation process. The most common challenge and barrier was dispute over which parties should be granted sexual assault amnesty as well as under what conditions. This barrier is consistent with the finding in the literature. In each of the six

interviews, the Title IX coordinator indicated that there was an initial lack of consensus regarding which parties should receive sexual assault amnesty, as well as which parameters should apply.

Ultimately, the committees at each institution had open conversations and reviewed and interpreted federal guidance to make such determinations. In one interview, the Title IX coordinator emphasized the importance of “giving every single person a voice” to work through the challenge of differing opinions. The concepts of giving voice and being heard were thematic throughout all of the interviews, and were used as strategies to reduce challenges and barriers from hindering progress in the process. While the institutions made individualized conclusions based on the discussions and interpretation of federal guidance, the process to achieve a conclusion was similar.

### **Research Question 3**

*What are the best practices for implementation and communication of a sexual assault amnesty policy?* The literature indicates that sexual assault amnesty needs to be clearly articulated in both policy format and through programmatic and informal channels to be most effective in implementation and communication. Policy discourse analysis allowed the researcher to identify which sexual misconduct policies clearly articulated sexual assault amnesty. Through the policy discourse analysis, the specific language of sexual assault amnesty was reviewed for clarity and detail and was incorporated into the sexual assault amnesty implementation guide as model language.

The telephone-interviews allowed the researcher to identify other methods of communication that are being used to inform students of sexual assault amnesty. The Title IX coordinators detailed numerous methods of communication and policy distribution, as one

coordinator noted “this is so key!” The consensus on policy communication was that sexual assault amnesty needs to be conveyed through multiple means, repetitively, systematically, and become part of an institutional culture. The six institutions integrate messaging regarding the presence of sexual assault amnesty into policy documents, programming efforts, syllabi, and campus notice campaigns. Additionally, communication takes place with differing populations at differing times, including during pre-enrollment. Essentially, sexual assault amnesty cannot be communicated enough, and as one Title IX coordinator shared, “students do not think amnesty is for them, until amnesty is actually for them.”

### **Chapter Summary**

Chapter 3 outlined the Methodology and Procedures that were used to execute the study. The chapter detailed the Research Design, Research Process, Research Participants, Instrumentation, Data-Collection Procedures, Data-Analysis Procedures, Methods and Procedures, and Major Study Findings. The chapter concluded with a summary of findings for each of the three research questions.

## **CHAPTER 4. DISCUSSION**

This chapter provides a summary of the research study and focuses on identifying the best practices for implementing sexual assault amnesty within a sexual misconduct policy. A brief overview of the study is provided through restating the problem of practice and the three research questions. This is followed by implications for theory and research, and implications for practice. The chapter concludes with an identification of limitations of the study and conclusions of the study.

### **Restatement of the Purpose of the Study**

The purpose of this dissertation of practice was to collect information from existing sexual misconduct policies and the processes associated with the incorporation of sexual assault amnesty. While answering these research questions, the information was used to inform and develop an implementation guide that may be utilized by any institution or system of higher education interested in adopting sexual assault amnesty as a policy.

To address the research questions, policy discourse analysis was utilized to review sexual misconduct policy documents and telephone interviews were conducted with Title IX coordinators. The following research questions guided this study:

1. How do institutions offer sexual assault amnesty to students who report an act of sexual violence?
2. What influences an institution to implement or refrain from the implementation of a sexual assault amnesty policy?
3. What are the best practices for implementation and communication of a sexual assault amnesty policy?

## **Implications for Theory and Research**

This study identified model sexual assault amnesty policy language and practices through the review of land-grant institution sexual misconduct policies and by interviewing Title IX coordinators who were responsible for policy development, implementation, communication, and enforcement. However, institutions and practitioners not included in the study may have differing opinions, as well as nuanced policy language and practices that may offer additional model guidance. Continuing this research with a broader population of institutions and professionals would not only potentially supplement this study's findings, but also provide additional depth to better guide sexual assault amnesty practices and policy development. This study's findings indicate a need for additional research, including exploration of what colleges and universities of all institutional types are doing to serve students involved in a Title IX complaint. The topic of sexual assault amnesty would be well matched for further policy discourse analysis, as the rubric and telephone-interviews would easily transition to any institutional type and allow for the collection of a broader data sample.

This study could be replicated in the exploration of any non-mandated best or promising practice to collect policy and process information. Although the focus of this study was on sexual assault amnesty, it would be effective and appropriate to utilize policy discourse analysis and interviews to gather data on model hearing practices, training practices, advocacy services, and many other topical areas within Title IX. There are many practice and policy topics worthy of further research and exploration, as institutions generally have limited time and resources to fully explore and consider policy development and implementation. Ultimately, the research could be used to develop additional guidance documents that may serve and benefit practitioners

and institutions in the development and implementation of new and enhanced policy and procedure.

Further research may be conducted on institutions that do not have a sexual assault amnesty policy, to better understand how the challenges highlighted in the literature review impact policy development and implementation. Policy discourse analysis would serve as a means of gathering data on what is absent or not articulated in existing policy documents and interviews with the Title IX coordinators for the associated institutions would assist in understanding elements about the campus culture and climate which may impact the communications and considerations surrounding amnesty.

Additionally, the research process utilized in this study could be expanded outside of the scope of Title IX entirely. Institutions could use the structure of this study as a foundation to explore any policy problem or question, as this type of study essentially creates a blueprint to be followed with respect to policy review, exploration, and analysis. Policy discourse analysis is intended for gender or education focused policy, which makes nearly any policy exploration within the areas of Student Affairs, Equity and Diversity, and many academic areas appropriate for a similar designed study. As institutions need and want to adjust current or implement new policies, the format of this study serves as a sound model.

### **Implications for Practice**

A primary focus of this study was to identify model policy information regarding sexual assault amnesty policy. Due to the relative newness of Title IX guidance, and the many changes that have occurred since the guidance was initially provided to institutions, the development and implementation of non-mandated practices and policies is still emerging on many campuses. Through the literature review, a comprehensive review of existing policy at land-grant

institutions, and interviews with affiliated Title IX coordinators, the researcher was able to review, analyze, and assemble data regarding sexual assault amnesty policy. Accordingly, the major practical contribution of the study is the creation of the sexual assault amnesty policy development and implementation guide, which provides practical assistance to any institution or system that is exploring sexual assault amnesty policy adoption. The policy guide serves as a true practitioner's tool, which is a concrete guidance document, offering instructive considerations for the development and implementation of a sexual assault amnesty policy.

Knowing that there is limited guidance offered regarding how institutions should develop or implement practices and policy within Title IX, the researcher believes that this tool will certainly benefit practitioners and institutions. The establishment of clear and concise practitioner tools is a need within the field of Title IX. Sexual assault amnesty is one of the practices that can greatly enhance the overall experience for the parties involved in a complaint and also set a cultural tone on a campus with respect to sexual misconduct response.

As similarly stated in the implications for theory and research, the processes utilized in this study can easily be replicated to explore other practices within Title IX. Such research could lead to the establishment of assorted practitioner tools based on the review of other institutions. Due to the limited tools available to campuses, the implication on practice would likely be considerable.

### **Limitations of the Study**

Some limitations exist in this study. Only a select number of schools were studied from a specific and limited institutional type. Therefore, the policy discourse analysis and telephone-interviews likely excluded many institutions that may have provided valuable policy information on sexual assault amnesty. Another concern with the limited selection is that it does not assist in

identifying a more current count of how many institutions offer amnesty within their existing sexual misconduct policies. As such, it is possible that the range of information collected in this study is not representative of the various ways in which institutions serve their student populations with respect to sexual misconduct complaints.

### **Conclusions**

The purpose of this study was to collect information from sexual misconduct policy documents and Title IX coordinators at selected land-grant institutions, to inform the content of a sexual assault amnesty policy development and implementation guide. Due to the changing guidance that has been communicated to colleges and universities regarding Title IX regulations, many institutions have been challenged to do more than compliance-based policy development and efforts. The sexual assault amnesty policy development and implementation guide is a practitioner-focused tool that was created with the purpose of lessening the burden for institutions to determine how sexual assault amnesty can and should be implemented.

Through the policy review, the researcher was able to extrapolate components of and language from existing policy documents that articulated sexual assault amnesty policy in an exemplary manner. Through the methodology of policy discourse analysis, the researcher identified six model policies among the land-grant institutions. Additionally, the researcher complemented the policy document findings with interviews of the Title IX coordinators, to gain an understanding of the processes, challenges, and barriers associated with policy development and implementation. The interviews also served to understand how institutions communicate policy to their students and campus communities.

Model policy language clearly articulated which parties would receive sexual assault amnesty and under which particular circumstances. Model language was specific, clear, and



formally embedded into an institution's sexual misconduct policy. The researcher identified that the language and description of sexual assault amnesty is critical, as the manner in which the policy is articulated may impact reporting, the institutional culture surrounding sexual misconduct, and the literal comprehension of what a policy entails. Specific examples of and suggestive language choice and use was incorporated into the guide, as both what is said and how it is said matters.

During the telephone-interviews, the Title IX coordinators shared information about the processes associated with sexual assault amnesty policy development and implementation. The researcher repeatedly was told the importance of collaborative and representative committees, in which each party has the opportunity to be heard. Each of the coordinators highlighted the concepts of "giving voice" to the membership of the committee, as well as having the right membership involved in the process. The responses regarding process, shaped much of the content in the chapters entitled Leadership and Governance, and Institutional Planning and Process.

The primary challenge or barrier disclosed during the telephone-interviews were conflicts and differences in opinion regarding which parties would receive sexual assault amnesty. The literature review highlighted concerns with fairness, with respect to parties potentially not being held responsible for other policy violations. Based on the information from the literature review, the researcher anticipated that this would be a typical scenario in policy development. However, the considerations regarding fairness predominantly focused on the inclusivity or equity of application, rather than the actual implementation of policy. Campuses interpreted the concept of equity differently, hence leading to discourse regarding which parties would be potential

recipients of amnesty. As a result, the greatest variance in the responses from the coordinators was identification of which parties receive amnesty under their institutional policy.

The telephone-interviews also served as a mechanism to discover the methods being utilized to communicate the presence of a sexual assault amnesty policy with students and the campus community. The coordinator responses consistently identified the need for repetitive, incremental, and mixed-method communication.

Through the review of existing sexual misconduct policies and interviewing the Title IX coordinators at six institutions, the researcher was able to gather information which led to an intricate understanding of the development and implementation of sexual assault amnesty policy. The researcher was positioned to synthesize the information from both the policy documents and the associated Title IX coordinators, to identify model policy language, and policy development and implementation practices. The guide serves as a culminating study product to assist practitioners and institutions in the development and implementation of a sexual assault amnesty policy.

## REFERENCES

- Allan, E. J. (2003). Constructing women's status: Policy discourses of university women's commission policy reports. *Harvard Educational Review*, 73(1), 44-72.
- Allan, E. J. (2008). *Policy discourses, gender and education: Constructing women's status*. New York: Routledge.
- Ali, R. (2011). *Dear Colleague Letter*. United States Department of Education. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>
- Anderson, L. A., & Whiston, S. C. (2005). Sexual assault education programs: A meta-analytic examination of their effectiveness. *Psychology of Women Quarterly*, 29(4), 374-388.  
doi:10.1111/j.1471-6402.2005.00237.x
- Association for Student Conduct Administration. (2014). Student Conduct Administration and Title IX: Gold Standard Practices for Resolution of Allegations of Sexual Misconduct on College Campuses. Retrieved from <http://www.theasca.org/Files/Publications/ASCA%202014%20Gold%20Standard%20Report.pdf>
- Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., Stevens, M. R. (2011). The national intimate partner and sexual violence survey: 2010 summary report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- Bolger, D., & Brodsky, A. (2014). *Know Your Title IX*. Retrieved from <http://knowyourix.org>
- California Coalition Against Sexual Assault (CALCASA). (2014a). Envisioning a World Free from Sexual Violence. Retrieved from [http://www.calcasa.org/wp-content/uploads/2010/12/CALCASA\\_140303\\_StatReport\\_ExecSum\\_3k.pdf](http://www.calcasa.org/wp-content/uploads/2010/12/CALCASA_140303_StatReport_ExecSum_3k.pdf)

- California Coalition Against Sexual Assault (CALCASA). (2014b). Student Summit on Sexual Assault. Retrieved from <http://www.calcasa.org/wp-content/uploads/2010/12/CALCASA-Student-Summit-National-Web.pdf>
- Chang, E. C., Lian, X., Yu, T., Qu, J., Zhang, B., Jia, W., Hu, Q., Li, J., & Hirsch, J. K. (2015). Loneliness under assault: Understanding the impact of sexual assault on the relation between loneliness and suicidal risk in college students. *Personality and Individual Differences*, 72, 155-159. doi:10.1016/j.paid.2014.09.001
- Culp-Ressler, T. (2015, January 13). These are the colleges and universities now under federal investigation for botching rape cases. Retrieved from <http://thinkprogress.org/health/2015/01/13/3610865/title-ix-investigations/>
- Culp-Ressler, T. (2014, February 25). Why aren't more college taking these extremely simple steps to help rape victims? Retrieved from <https://thinkprogress.org/why-arent-more-colleges-taking-these-extremely-simple-steps-to-help-rape-victims-8f686a30027e#.28us4pyzr>
- Daigle, L. E., Fisher, B. S., & Stewart, M. (2009). The effectiveness of sexual victimization prevention among college students: A summary of "What works". *Victims & Offenders*, 4(4), 398-404. doi:10.1080/15564880903227529
- Gidycz, C.A., Orchowski, L. M., & Berkowitz, A. D. (2011). Preventing sexual aggression among college men: An evaluation of a social norms and bystander intervention program. *Violence Against Women*, 17(6), 720-742. doi:10.1177/1077801211409727
- Know Your IX. (2015). Campus Policy Guide. Retrieved from <http://knowyourix.org/campus-policy-guide/>

- Koss, M. P., Gidycz, C. A., & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology, 55*(2), 162-170.
- Krebs, C. P. (2007). The Campus Sexual Assault Study Final Report. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- Lewis, D. K., & Marchell, T. C. (2006). Safety first: A medical amnesty approach to alcohol poisoning at a U.S. university. *International Journal of Drug Policy, 17*, 329-338. doi: 10.1016/j.drugpo.2006.02.007
- Lewis, W. S., Schuster, S. K., Sokolow, B. A. & Swinton, D. C. (2013). *The Top Ten Things We Need to Know About Title IX (That the DCL Didn't Tell Us)*. The NCHERM Group, LLC, and ATIXA.
- Lhamon, C. (2014). *Questions and Answers on Title IX and Sexual Violence*. United States Department of Education. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qu-201404-title-ix.pdf>
- Medical Amnesty Initiative. (2016). Make the Call: Save a Life. Retrieved from <http://www.medicalamnesty.org/>
- Santovec, M. L. (2011). Reducing barriers to students reporting sexual assaults. *Women in Higher Education, 20*, 7-8. doi: 10.1002/whe.10211
- Shaw, S. E. (2010). Reaching the parts that other theories and methods can't reach: How and why a policy-as-discourse approach can inform health-related policy. *Health, 14*(2), 196-212.

United States Department of Education. (2014). *U.S. Department of Education Release List of Higher Education Institutions with Open Title IX Sexual Violence Investigations*.

Retrieved from <https://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-pen-title-ix-sexual-violence-investigations>

Vladutiu, C. J., Martin, S. L., & Macy, R. J. (2011). College- or university-based sexual assault prevention programs: A review of program outcomes, characteristics, and recommendations. *Trauma, Violence, & Abuse*, 12(2), 67-86.

doi:10.1177/1524838010390708

USA Today College. (September 5, 2015). Medical amnesty laws changing culture on campus.

Retrieved from <http://college.usatoday.com/2015/09/05/medical-amnesty-laws-college/>

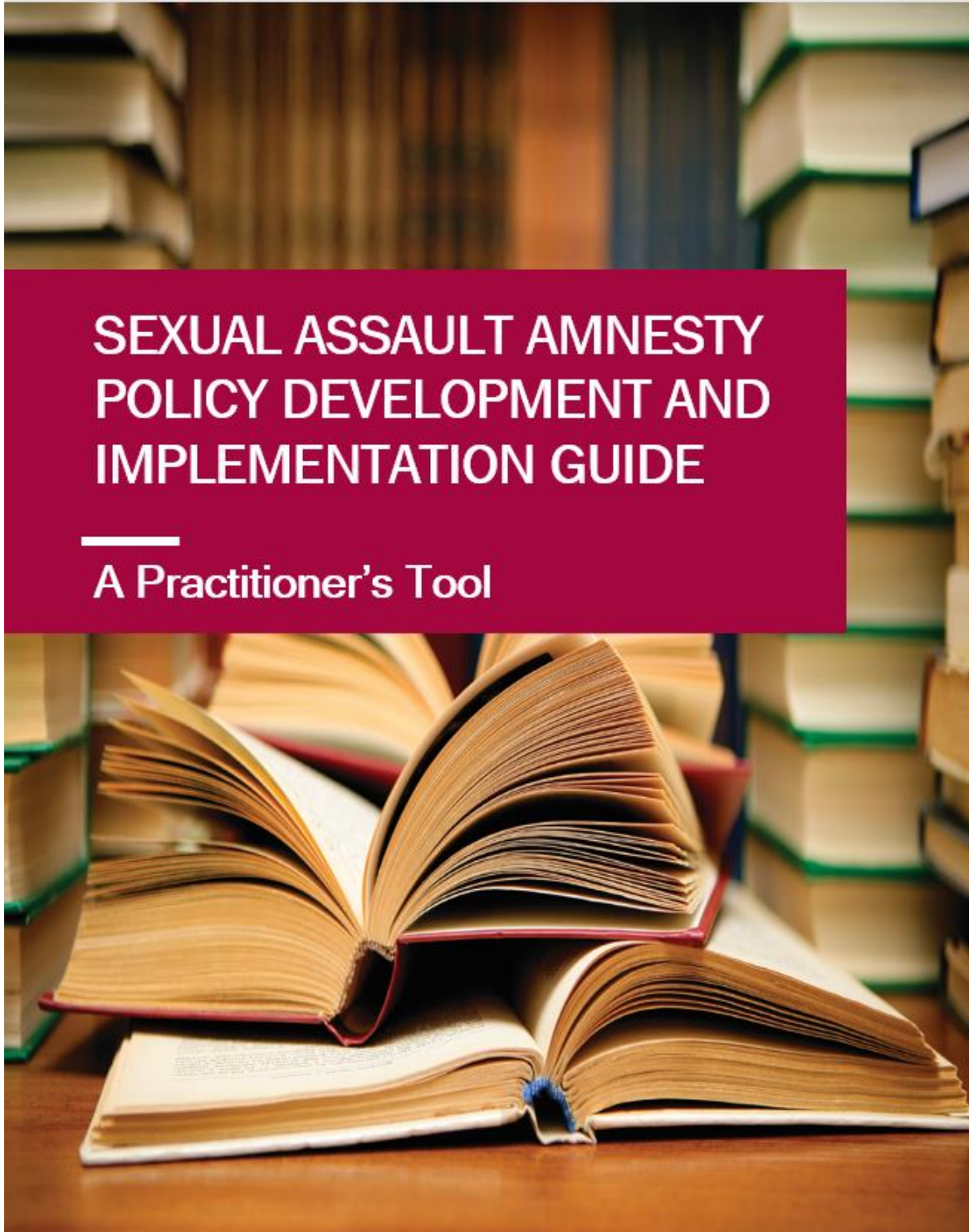
Walton, G. (2010). The problem trap: Implications of policy archeology methodology for anti-bullying policies. *Journal of Education Policy*, 25(2), 135-150.

White House Task Force to Protect Students From Sexual Assault. (2014). *Not Alone*. Retrieved from <https://www.notalone.gov/assets/report.pdf>

Wolitzky-Taylor, K., Resnick, H. S., Amstadter, A. B., McCauley, J. L., Ruggiero, K. J., & Kilpatrick, D. G. (2011). Reporting rape in a national sample of college women. *Journal of American College Health*, 59(7), 582-587. doi:10.1080/07448481.2010.515634

Wooten, S., Mitchell, R. (2016). *The crisis of campus sexual violence: Critical perspectives on prevention and response*. New York: Routledge.

**APPENDIX A. SEXUAL ASSAULT AMNESTY POLICY DEVELOPMENT AND  
IMPLEMENTATION GUIDE**



## Table of Contents

<b>Introduction .....</b>	<b>3</b>
<b>Sexual Assault Amnesty Policy Overview .....</b>	<b>4</b>
<b>Leadership and Governance Considerations .....</b>	<b>5</b>
<b>Institutional Planning and Process .....</b>	<b>9</b>
<b>Policy Development .....</b>	<b>13</b>
<b>Policy Implementation .....</b>	<b>15</b>
<b>Resources .....</b>	<b>16</b>





## Introduction

Legal and ethical obligations compel higher education professionals and institutions to offer appropriate and effective sexual misconduct policies and resources to students. Since 2011, an increased focus on Title IX has enhanced the need to balance compliance efforts and best practices.

With continually changing federal guidance, adherence to mandates and providing appropriate services has become increasingly complex and resource intensive.

The Sexual Assault Amnesty Policy Development and Implementation Guide was developed after a review of existing sexual misconduct policies at each of the 50 Land-Grant Institutions and the completion of six interviews with Title IX Coordinators at institutions that have previously adopted sexual assault amnesty into policy.

While the research was completed to satisfy the partial requirements of a doctorate in education, the end product is truly the result of collaboration with those working in the field of sexual misconduct. This document has been developed to serve as a tool for any campus or system that is considering the adoption of amnesty. It encompasses and details the many considerations, choices, and processes that comprise the development and implementation of a sexual assault amnesty policy.

The Sexual Assault Amnesty Policy Development and Implementation Guide is a practical, hands-on resource that supports all components of the process. Its purpose is to provide guidance for the process of developing and implementing a sexual assault amnesty policy that articulates a specific message to any party involved in an investigation of sexual misconduct. Basic guidance and information is provided for each step of sexual assault amnesty development process and is supported by research that was conducted on existing amnesty policies and through interviews with personnel at institutions which have successfully incorporated amnesty into their sexual misconduct policy.

The guide begins by providing an overview and definition of what sexual assault amnesty entails and then progresses through planning, developing/selecting a policy committee, drafting the specific language of the policy, and how to distribute and communicate the implementation to the campus community. The guide identifies certain common issues to be addressed and suggests approaches for issue resolution. It walks the user through the steps to determine what specific information a sexual assault amnesty policy may include and the potential impacts of the language choices and policy decision on the campus community.

Sexual misconduct policies are required of any campus in the United States that receives any form of federal aid-which is inclusive of nearly every U.S. institution of higher education. It is a mandatory policy, but sexual assault amnesty is not a requirement of sexual misconduct policies. Arguably, amnesty is a best practice in sexual misconduct handlings and may be crafted and incorporated in a variety of ways. In order to provide the appropriate context for each step of the policy development process, it is best to read this guide in its entirety before beginning the process.

## Sexual Assault Amnesty Policy Overview

### What is a Sexual Assault Amnesty Policy?

A sexual assault amnesty policy is a written, published statement (generally embedded in a broader sexual misconduct policy) that articulates the policy position of an institution to not pursue conduct action in cases of reported sexual misconduct that involve other alleged violations of policy or law. The policy should include information relating to which parties may receive amnesty, what other alleged violations or policy or law are covered as a part of amnesty, under which particular circumstances or parameters amnesty may be granted (if any), as well as any potential non-conduct action that may be requested at the discretion of the institution.

The purpose of a sexual assault amnesty policy is to publicly articulate that the institution encourages reporting and prioritizes the safety and well-being of students. A well-developed and implemented sexual amnesty policy clearly defines what a student can expect upon making a report or by being involved in an investigation with respect to sexual misconduct.

The inherent value of a well-developed sexual assault amnesty policy is that it shows respect for students, demonstrates an intolerance for acts of violence, and promotes a culture of trust.

### When Should an Institution Develop a Sexual Assault Amnesty Policy?

A sexual assault amnesty policy is an essential component of a comprehensive sexual misconduct policy that may be developed at any time. The optimal time to develop a sexual assault amnesty policy is in the initial development or during a full-scale revision of a sexual misconduct policy.

## Leadership & Governance Considerations

This section describes the roles and responsibilities of those who initiate policy development and those with the ultimate responsibility to create the policy. It is important to have structure and support for the planning effort clearly defined from the outset. Presumptively, a collaborative committee will be appointed or convened to develop the sexual assault amnesty policy-or as a part of a greater sexual misconduct policy process. Collaborative committees function best when the participant roles and responsibilities are clearly defined from the beginning of the process.

### Identifying the Policy Champion(s) or Sponsor(s)

Once the decision to establish a sexual assault amnesty policy is established, the next step is to designate an appropriate policy champion(s) or sponsor(s) to drive the effort. On some campuses, this may be defined through position responsibilities and in other cases, this may be negotiated based on interest, resources, or other factors. The policy champion will be the individual to help steer the development of the sexual assault amnesty policy and to oversee policy implementation.

The policy champion should:

- Advocate for the effort, the policy chair(s), and the committee
- Empower the committee and its leaders with appropriate authority
- Ensure that adequate and appropriate resources are available to the committee
- Remove obstacles and address political and institutional issues
- Support the team on policy issues and conversation
- Act as the high-level authority for the effort
- Articulate and share the common goals of the effort

The policy champion or sponsor can be:

- The person who designated the policy chair
- A person in a position that allows for the facilitation of decision making and resource allocation
- The highest-ranking position in a particular division, department, or office

In the case of a collaborative effort where the ultimate policy may be adopted by multiple institutions within a system, there may be champions from each institution who will be bound by the completed policy language.

Selection of the policy champion or sponsor for this development effort will depend entirely on factors specifically related to the policy and the institution. The key to identifying the project champion is not only recognizing the need for a sponsor, but to identify what role the champion will serve. This person should provide a strong voice for the committee effort, particularly when there is competition for time and personnel resources. The champion should also provide the mechanism for efficient decision making when the policy team leader(s) does not have the authority to make decision in selected areas.

### Resource Justification

The sexual assault amnesty policy development committee must make an estimation of resource needs and make those resources needs known to the project champion. Different resources may be needed at different phases of the effort. At a minimum, however, the committee should project a realistic estimate of resource needs, including:

- Number of and needed skill sets of team members required to successfully work on the policy development
- An approximate number of hours necessary to complete the policy development
- A list of any additional support resources that may be necessary (such as access to best practice documents and legal services)

While this estimate may change, it will be beneficial to provide the project champion and institution(s) with basic information about resource needs in order to assist the institutional and/or systematic assessment of resource allocation. Providing this estimate should result in an articulated response from the institution(s)/system about what resources will or will not be made available for policy development.

In determining resource needs, many questions need to be posed in order to prepare a resource justification:

- How many committee members will be needed and available and from what areas of the institution?
- What types of resources are needed to support a sexual assault amnesty policy development committee?
- What, if any, training is available or needed?
- Are the identified resources available and who has authority over these resources?
- If not, what are other potential sources of the needed resources and what approaches can be used to obtain them? Who has authority over these resources, and will the project champion support these requests?

### Identifying the Policy Committee Chair

The sexual assault policy development committee must have a team chair—someone who will direct and manage the policy development, as well as serve as the official liaison to the policy champion/sponsor. Generally, the individual assigned to review this guide may have been designated as the team leader. Regardless, the team leader should possess the following essential characteristics:

- **Institutional Credibility:** The committee chair should be in a position of credibility within the institution and with outside entities to the success of developing and implementing a sexual assault amnesty policy. The committee chair may not be the individual with the most in-depth knowledge, but should understand the foundational information of Title IX.
- **Institutional Authority:** The committee leader should be in a position to access the resources necessary to complete the task and to obtain any needed approval or direction from the policy champion.
- **Ability to Build and Manage Committees:** Since success depends on the substantive involvement of a number of individuals within the institution, the committee chair's ability to build and manage committees is essential. The foundation of this ability is the ability to manage human relationships—making sure that individual needs are met in the process of accomplishing the ultimate goal of developing and implementing a sexual assault amnesty policy.

### Building the Policy Committee and Stakeholders

#### Policy Committee

Appointing a multidisciplinary committee is necessary to be successful in the process of developing and implementing a sexual assault amnesty policy. This type of collaboration lends to a wide range of viewpoints, substantive knowledge, and energy. To succeed, this team needs structure, leadership, and a common understanding that the goal can be accomplished.

While the policy committee should represent a broad array of perspectives, it is important that the number of team members be kept to a manageable size to ensure that the team can accomplish its goals and objectives. Team members must represent core populations or entities that are entrusted to speak on behalf of a population or have a responsibility to the campus.

The policy committee should have access to subject-matter experts, as well as general counsel, but these individuals do not necessarily need to be committee members.

### Stakeholders

Stakeholders are individuals or entities that are essential to the development and implementation of the sexual assault amnesty policy, but who are not on the policy committee. Stakeholders have interests in the outcome of the sexual assault amnesty policy and are solicited by the policy committee to provide input.

When determining broader stakeholder participation, the committee should consider whether representation or input is desired from a particular entity or individual. To avoid the creation of an unwieldy committee, it is important to carefully consider which entities and individuals are essential to developing and implementing the sexual assault amnesty policy. Also take into consideration the authority of the individuals comprising the committee who may be able to represent a position.

### **Team Dynamics**

It is important to establish a decision-making process that is clear to all committee members and creates a sense of value and participation. The process should allow for diverse input yet move towards achieving the stated goal.



## Institutional Planning & Process

Through the planning process, the sexual assault amnesty policy committee can ensure the development of a concrete, articulated sexual assault amnesty policy within a reasonable time frame. The systematic process of building commitment among committee members and key stakeholders to meet a common mission and goal is essential to ensure acceptance of the policy by those most affected by its implementation. Good planning can focus attention on common goals, articulate individual responsibilities, identify individual issues and challenges, and provide a timetable for completing tangible products.

### Developing a Vision, Mission, Values Statement, and Goals and Objectives

The first step in the planning process should be a committee effort to produce, revise, or revisit (if simply proceeding to policy development) a set of written guidance statements that serve as an overall guide to both the policy and to the committee. The process of developing these statements is as important as the statements themselves. The process will formalize and strengthen the collective body of the committee and set the framework for the inclusion of a sexual assault amnesty policy.

Collectively, these guidance statements should be connective of the committee's work and should logically flow from one to the other. Conceptual definitions are as follows:

Vision:	A compelling statement of the desired, successful outcome
Mission:	A succinct, comprehensive statement of purpose of the institution and policy that is consistent with the stated vision
Values:	The core principles and philosophies that describe how an institution conducts itself in carrying out its mission
Goals:	The desired long-term end results that, if accomplished, would mean the committee has achieved its mission
Objectives:	Specific and measurable targets for accomplishing goals

### Vision Statement

Operating from the premise that all institutions have an articulated vision statement and/or mission statements, it can often serve as a starting point for the policy committee in developing a vision statement. The vision statement describes a compelling conceptual image of the desired, successful outcome.

For example, the vision statement commonly states the mission of the University or system and then proceeds to a statement such as:

“To promote the institutional/system mission (insert specific mission information), the University is committed to creating and maintaining a campus community that is free from sexual harassment and sexual violence.”

### Mission Statement

Mission statements are generally short statements that more narrowly focus on a particular topic or task. The mission statement provides the common statement of purpose among the committee members and identifies the function that the policy committee is supposed to serve.

The mission statement should not describe strategies or detail how to accomplish the mission, rather it is a statement of the policy committee’s resulting effort. It serves as an important internal document and functions as a public statement to stakeholders about the committee’s focused efforts to promote a best practice in sexual misconduct policy. The mission statement should:

- Educate
- Establish expectations and limitations
- Clarify institutional purposes and philosophies

For example, is an example of a mission statement:

“The mission of (insert institution’s name here), is the development and implementation of a sexual assault amnesty policy that promotes reporting of sexual misconduct.”

Throughout the course of the policy committee’s development of the sexual assault amnesty policy, frequent reference to the mission statement as a resource can assist the committee focus on activities that contribute directly to policy development and implementation.

### Values Statement

A values statement is the guiding or defining principle(s) from which the committee will operate. It describes the core principles by which the team will be bound as it goes about developing the sexual assault amnesty policy.



A values statement may not be essential to the committee's function, however, the committee should minimally engage in some discussion of value statements, because of the very nature of the differing perspectives on sexual assault amnesty. The development of common values statements helps to establish the rules by which the committee will work and will building trust among committee members that all perspectives will be considered when developing policy language.

For example, the following are examples of values statements:

- We believe that victims have a special interest to feel supported and safe to report
- We expect (insert institution) to be a supportive and safe environment for all community members
- We accept our responsibility to reduce reporting barriers and chilling effects on reporting

### Goals and Objectives

After developing mission and values statements, the next planning effort is the identification of clear goals and objectives. Goals and objectives are more specific statements of the intended outcomes, that when met, assist the committee in achieving the mission.

Goals: Provide a general framework for more detailed levels of planning.

Objectives: Specific and measureable targets for accomplishing goals.

The following are examples of goals with associated objectives:

Goal: Increased reporting from students who experience sexual misconduct

Objective: Clearly stated description of who will receive amnesty and under what circumstances

Goal: Institutional support for the implementation of a sexual assault amnesty policy

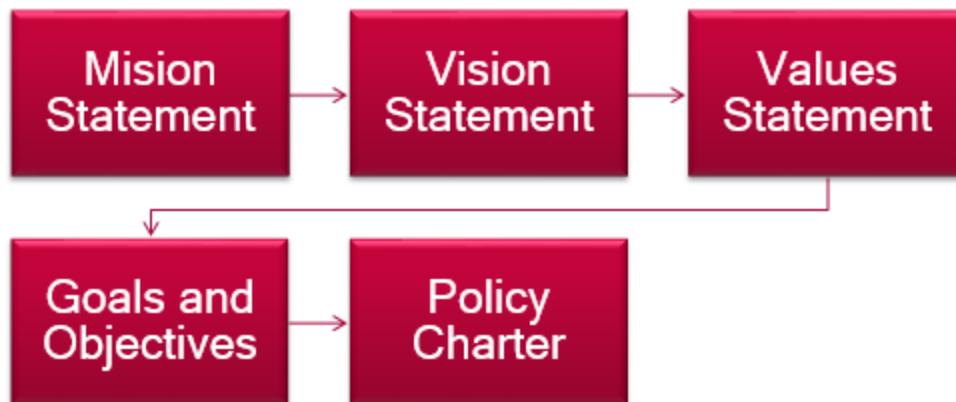
Objective: Education and marketing plans for the campus community

While development of the planning tools will take time, in the end, they contribute to more efficient and effective policy committee operations and progress.

### Policy Charter

After completing the vision, mission, values statements, and the goals and objectives, the policy committee should centralize all of these planning tools into a common document, known as the policy charter. The charter will serve as a reference and resource throughout the course of the sexual assault amnesty policy development effort. The most critical feature of the charter is that it accurately summarizes the planning efforts of the committee members to achieve specific goals and ultimately serves as a historical record of the committee plans and efforts.

At a minimum, the charter should include an introduction that describes the purpose of the charter, background information that includes a statement about the authorization to develop a sexual assault amnesty policy, and a committee membership roster. Finally the charter should highlight the vision, mission, values statements, and goals and objectives that the committee has adopted.



## Policy Development

### Language and Scope of the Sexual Assault Amnesty Policy

The policy committee is now ready to outline and draft the sexual assault amnesty policy. Defining the language and scope of the policy is essential to the development of the specifics of a sexual assault amnesty policy. The committee must make certain determinations, such as to whom the policy applies and in which situations.

There will be multiple audiences for the policy. The audiences include the campus community as a whole, students who experience sexual misconduct, and practitioners who will use the policy to make decisions on application in day-to-day operations. The committee must be mindful of all audiences and should draft a policy that is clear in its vision and scope and readable and understandable by all audiences.

### Applicability

Identify what sexual assault amnesty will entail and to whom it will apply (reporting, responding, and/or witnesses). There may be different provisions applicable to different parties or in certain circumstances. Decisions regarding applicable parties and circumstances are both at the discretion of the institution, but should be definitively articulated in the policy.

### Writing the Sexual Assault Amnesty Policy

Once the outline has been created and the necessary policy decisions have been identified and discussed, the committee can begin drafting the policy. As previously noted, the policy should be written for all intended audiences in a clear, succinct manner with the inclusion of policy rationale. Often, the use of commentary may be used to support the formal policy language.

Examples of model language for a sexual assault amnesty policy:

"The health and safety of every student at (insert institution) is of the highest importance and priority. Students are encouraged to report and the University seeks to remove any reporting barriers by making the process straightforward and transparent. The University recognizes that a student who has been drinking or using drugs at the time of an incident, may be hesitant to report due to potential Code violations. To minimize hesitation, students who report incidents of sexual misconduct, either as a complainant or as a third party witness, will not be subject to disciplinary action by the University for their own personal consumption or use at the time of the incident."

"The (insert institution) strongly encourages students to report instances of sex discrimination, sexual harassment, retaliation, sexual assault, domestic violence, dating violence or stalking. Students who report information about a violations of this policy will not be disciplined by the University for any violation of alcohol or other drug possession or consumption policies or other minor violations of the Student Conduct Code in which they might have engaged in connection with the reported incident."

### Vetting the Sexual Assault Amnesty Policy

The draft sexual assault amnesty policy should be broadly disseminated for comment before it is finalized. Time appropriated for vetting is often time well spent with respect to the goal of policy implementation. During the committee meetings, the committee chair should encourage committee members to consult with appropriate colleagues and entities regarding progress of the sexual assault amnesty policy development.

## Policy Implementation

### Formal Adoption of the Policy

The appropriate governing bodies should formally adopt the sexual assault amnesty policy. This process will vary based on institutional and system practices, but will often require approval from campus senate entities.

### Publication

The adopted sexual assault amnesty policy should be readily available to all audiences of the policy. It should not only be embedded in the broader sexual misconduct policy for the institution, but highlighted in complementary policy documents, as appropriate.

### Education, Outreach, and Training

Based on the process associated with the planning of policy development and implementation, primary stakeholders will likely be well informed. However, education and outreach should become a practice of the institution, as community members and stakeholders will transition and change. Even with an extensive network of involved committee members and stakeholders, the committee chair or committee champion should conduct formal education and outreach to ensure dissemination of the sexual assault amnesty policy. Education and outreach may include:

- Press releases and public service announcements
- Community meetings
- Connecting with key institutional leaders

Training is also essential to effective implementation of any policy. The committee should recommend an approach to training, based on the institutional structure and existing training programs and resources. At a minimum, a committee subgroup should be assigned to begin the development of training recommendations.

## Resources

- Association for Student Conduct Administration. (2014). Student Conduct Administration and Title IX: Gold Standard Practices for Resolution of Allegations of Sexual Misconduct on College Campuses. Retrieved from <http://www.theasca.org/Files/Publications/ASCA%202014%20Gold%20Standard%20Report.pdf>
- Association Title IX Administrators. (2017). ATIXA Position Statement in Favor of Amnesty Policies. Retrieved from <https://atixa.org/wordpress/wp-content/uploads/2017/02/2017February-Final-ATIXA-Position-Statement-in-Favor-of-Amnesty-Policies.pdf>
- Bolger, D., & Brodsky, A. (2014). *Know Your Title IX*. Retrieved from <http://knowyourix.org>
- Know Your IX. (2015). Campus Policy Guide. Retrieved from <http://knowyourix.org/campus-policy-guide/>
- Lhamon, C. (2014). *Questions and Answers on Title IX and Sexual Violence*. United States Department of Education. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qu-201404-title-ix.pdf>
- Medical Amnesty Initiative. (2016). Make the Call: Save a Life. Retrieved from <http://www.medicalamnesty.org/>
- Santovec, M. L. (2011). Reducing barriers to students reporting sexual assaults. *Women in Higher Education*, 20, 7-8. doi: 10.1002/whe.10211
- USA Today College. (September 5, 2015). Medical amnesty laws changing culture on campus. Retrieved from <http://college.usatoday.com/2015/09/05/medical-amnesty-laws-college/>
- White House Task Force to Protect Students From Sexual Assault. (2014). *Not Alone*. Retrieved from <https://www.notalone.gov/assets/report.pdf>

## APPENDIX B. IRB LETTER



April 17, 2018

Dr. Chris Ray  
School of Education

Re: Your submission to the IRB: "Exploring Contemporary Issues Related to Title IX and the Incorporation of Amnesty Policies"

Co-Investigator(s) and Research Team: Emily Frazier

Thank you for your inquiry regarding your project. At this time, the IRB office has determined that the above-referenced protocol does not require Institutional Review Board approval or certification of exempt status because it does not fit the regulatory definition of 'research involving human subjects'.

Dept. of Health & Human Services regulations governing human subjects research (45CFR46, Protection of Human Subjects), defines 'research' as "...a systematic investigation, research development, testing and evaluation, designed to contribute to generalizable knowledge." These regulations also define a 'human subject' as "...a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information."

It was determined that your project does not require IRB approval (or a determination of exemption). After review of your protocol submission, the interview questions do not seek information about the respondent, but about institutional policies and practices.

We appreciate your intention to abide by NDSU IRB policies and procedures, and thank you for your patience as the IRB Office has reviewed your study. Best wishes for a successful project!

Sincerely,

A handwritten signature in blue ink that reads "Kristy Shirley".

Kristy Shirley, CIP, Research Compliance Administrator

For more information regarding IRB Office submissions and guidelines, please consult [www.ndsu.edu/irb](http://www.ndsu.edu/irb). This Institution has an approved FederalWide Assurance with the Department of Health and Human Services: FWA00002439.

### INSTITUTIONAL REVIEW BOARD

NDSU Dept 4000 | PO Box 6050 | Fargo ND 58108-6050 | 701.231.8995 | Fax 701.231.8098 | [ndsu.edu/irb](http://ndsu.edu/irb)

Shipping address: Research 1, 1735 NDSU Research Park Drive, Fargo ND 58102

NDSU is an EQ/AA university.

## APPENDIX C. SEXUAL MISCONDUCT POLICY REVIEW RUBRIC

	Presence of Sexual Assault Amnesty Policy	Sexual Assault Amnesty Policy Description	Sexual Assault Amnesty Policy Application	Quality of Overall Sexual Misconduct Policy Document
4-Exemplary	<ul style="list-style-type: none"> <li>• Clear reference to the presence of sexual assault amnesty policy</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual assault amnesty policy description is clearly articulated</li> <li>• In-depth and well developed explanation of the entailments of sexual assault amnesty policy</li> </ul>	<ul style="list-style-type: none"> <li>• Clear and detailed description of sexual assault amnesty policy application</li> <li>• Specific and well developed parameters of sexual assault amnesty policy application are included</li> </ul>	<ul style="list-style-type: none"> <li>• Clearly articulated sexual assault policy information and objectives</li> <li>• Highly developed sexual assault policy- presented in a logical, organized, and linear format</li> </ul>
3-Competent	NA	<ul style="list-style-type: none"> <li>• Sexual assault amnesty policy description is somewhat clearly articulated</li> <li>• Somewhat developed explanation of the entailments of sexual assault amnesty policy</li> </ul>	<ul style="list-style-type: none"> <li>• Somewhat clearly detailed description of sexual assault amnesty policy application</li> <li>• Somewhat specific and developed parameters of application of sexual assault amnesty policy are included</li> </ul>	<ul style="list-style-type: none"> <li>• Somewhat clearly articulated sexual assault policy information and objectives</li> <li>• Somewhat developed sexual assault policy- presented in a mostly logical, organized, and linear format</li> </ul>
2-Developing	NA	<ul style="list-style-type: none"> <li>• Limited description of sexual assault amnesty is provided</li> <li>• Limited explanation of the entailments of sexual assault amnesty policy</li> </ul>	<ul style="list-style-type: none"> <li>• Limited clarity and detail of sexual assault amnesty policy application</li> <li>• Generalized and less developed parameters of application of the sexual assault amnesty policy are included</li> </ul>	<ul style="list-style-type: none"> <li>• Limited clarity articulated in sexual assault policy information and objectives</li> <li>• Adequately developed sexual assault policy- minimal logic, organization, and linear formatting</li> </ul>
1-Underdeveloped	NA	<ul style="list-style-type: none"> <li>• No description of sexual assault amnesty policy is provided</li> <li>• Lack of or no explanation of the entailments of sexual assault amnesty policy</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of or no clarity and detail of sexual assault amnesty policy application</li> <li>• No parameters of application of the sexual assault amnesty policy are included</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of or no clarity in articulated sexual assault policy information and objectives</li> <li>• Poorly developed sexual assault policy-lacks a logical, organized, and linear format</li> </ul>



## APPENDIX D. LAND-GRANT INSTITUTIONS

<b>State</b>	<b>Institution</b>
Alabama	Auburn University
Alaska	University of Alaska
Arizona	University of Arizona
Arkansas	University of Arkansas
California	University of California
Colorado	Colorado State University
Connecticut	University of Connecticut
Delaware	University of Delaware
Florida	University of Florida
Georgia	University of Georgia
Hawaii	University of Hawaii
Idaho	University of Idaho
Illinois	University of Illinois
Indiana	Purdue University
Iowa	Iowa State
Kansas	Kansas State University
Kentucky	University of Kentucky
Louisiana	Louisiana State University
Maine	University of Maine
Maryland	University of Maryland, College Park
Massachusetts	University of Massachusetts, Amherst
Michigan	Michigan State University
Minnesota	University of Minnesota
Mississippi	Mississippi State University
Missouri	University of Missouri, Columbia
Montana	Montana State University
Nebraska	University of Nebraska-Lincoln
Nevada	University of Nevada, Reno
New Hampshire	University of New Hampshire
New Jersey	Rutgers
New Mexico	New Mexico State University
New York	Cornell
North Carolina	North Carolina State
North Dakota	North Dakota State University
Ohio	Ohio State University
Oklahoma	Oklahoma State University
Oregon	Oregon State University
Pennsylvania	Pennsylvania State University
Rhode Island	University of Rhode Island
South Carolina	Clemson University
South Dakota	South Dakota State University
Tennessee	University of Tennessee
Texas	Texas A&M University
Utah	Utah State University
Vermont	University of Vermont
Virginia	Virginia Tech
Washington	Washington State University
West Virginia	West Virginia University
Wisconsin	University of Wisconsin-Madison
Wyoming	University of Wyoming

## APPENDIX E. TELEPHONE INTERVIEW INVITATION EMAIL

Greetings!

My name is Emily Frazier. I am an Ed.D. student in the School of Education at North Dakota State University. I am conducting research for my dissertation on sexual assault amnesty policies, which is directly related to my professional role. Upon completion of my research, I will be developing an implementation guide that will assist institutions in adopting a sexual assault amnesty policy.

Upon review of your institution's policy on sexual misconduct, I identified it as a model for others. I would really appreciate the opportunity to interview you and learn more about how amnesty was incorporated and is used on your campus. You will be one of approximately 6-10 people being interviewed for this study. If you would be willing to visit with me, please reply to this email so that I may schedule an appointment at a time that works well in your schedule.

It should take about 20-30 minutes to complete the interview. I will ask you about the sexual misconduct policy on your campus and the incorporation and implementation of amnesty. The interview will be audio recorded. I will keep private all research records that identify you. When the interview is transcribed, your identity will not be included, and other potentially identifying information will be left out of the transcripts. In any written documents (including my dissertation), identities will be kept confidential.

Audio files will be stored on a digital recorder that will be kept in a locked drawer in my office. The recording will only be accessible by the principal investigator and co-investigators. Electronic copies of the interview transcripts will be saved and protected by password. After the data has been analyzed, the audio recordings will be deleted.

I have attached the informed consent form for your review. If you have any questions about the form or any part of the study, please contact me at 701-231-8406 or [Emily.Frazier@ndsu.edu](mailto:Emily.Frazier@ndsu.edu) or contact my advisor Chris Ray at 701-231-7104 or [Chris.Ray@ndsu.edu](mailto:Chris.Ray@ndsu.edu).

I look forward to talking with you soon!

Sincerely,

Emily Frazier

## **APPENDIX F. TELEPHONE-INTERVIEW QUESTIONS**

What does sexual assault amnesty entail on your campus?

What action(s) will or will not be taken, if sexual assault amnesty applies in an incident?

Which members of your institution were involved in the development of your sexual misconduct policy?

What process was followed to implement your current sexual misconduct policy?

What challenges or barriers, if any, did your campus experience when implementing sexual assault amnesty into your institution's sexual misconduct policy?

How did you overcome or navigate the challenges and barriers of implementing sexual assault amnesty?

How are students made aware of sexual assault amnesty on your campus?