

From: Jennifer E Seyer OConnell
Sent: Fri, 11 Jun 2021 15:45:50 +0000 (UTC)
To: T9PublicHearing
Subject: Written Comments: Title IX Public Hearings (Higher Education Victim Advocacy)
Attachments: Statement for Title IX Hearings.pdf

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Jennifer

University Student Affairs Professional

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Thank you for your time and attention to this very important topic. My name is Jennifer and I am a campus advocate and prevention professional with over 20 years' experience working with survivors on a college setting. There are several areas of the current regulations that are concerning which I have heard many others discuss during the past week. I wanted to share today about the role of advocacy and support of those who have experienced harm that I haven't heard come up as much and where I have seen the pendulum turn to causing more harm and adding barriers for survivors to get support and begin to heal.

The lack of ability of survivors to share their story without fear of being put into process they were not anticipating causes harm. Since the 2011 Dear College Letter, most institutions have established a policy that identifies all most all employees as responsible for notifying the Title IX coordinator of that disclosure, thus reporting an incident. Even with the changes around responsible employees in the 2020 regulations, many institutions have chosen to maintain this high standard because of their belief in its protection of the university.

However, in my experience, the majority of disclosures to faculty or staff by survivor, are **not** done with the intent to report. Some are in response to an assignment or discussion topic of the course. Many of these disclosures have occurred outside the institution or the student is not in a place where they want action to happen at that time. Throughout the week, you have heard testimony on the reasons why survivors don't

report and for many survivors those reasons are valid and should be respected. Taking a stance that the institution or Title IX Coordinator may know better, is insensitive to the voice of the survivor. Just because we, as a society, have a responsibility to end sexual violence, we should never impose a process on someone who is not ready or willing.

Because of strict notification policies and because of the 2020 regulations requiring the Title IX coordinator to reach out to all reports and oversee supportive measures for all parties, these survivors are now being required to meet with someone to verify the incident, so that it can be assessed under the Title IX standard and be provided a standard menu of supportive measures. More often than not, they are told it doesn't meet Title IX, which was already known based on what was disclosed originally. And with Title IX Coordinators being the person responsible for supportive measures, this has allowed for universities to remove advocacy from the process because as they justify, they don't have an advocate for respondents.

Survivors have been required to "go it alone" and only when going through a formal process, have the right to an advisor. The regulations have been interpreted as "what you do for one, you do for the other" rather than seeing supportive measures as based on the needs of the individual and not a menu item. The needs of one may not be the same as the needs of the other, but they both may have needs that should be provided resources.

Regulating supportive measures to parrot one another shows a clear lack of understanding of the different needs of a victim and the professional role of a victim advocate for support, validation and empowerment. Being told your actions were harmful to someone else and going through an investigation to determine if they violated a policy is certainly stressful and difficult and supportive measures are valid and needed. However, for someone who identifies as being the victim, carrying a feeling of being sexually violated, emotionally harmed or physically assaulted even when choosing to not go through a formal adjudication process has a different impact and different needs. Different is not wrong, better or worse; it is just different.

When survivors are **not** able to openly share, or when sharing results in an unintended response, they will often turn in and not seek further resources. We know that most survivors don't ever go through a formal process and are only seeking support. We also know that when survivors are able to talk through their experience with a trained advocate, be believed, validated and supported, learn about their options and have the right to choose who and when they report as well as have an ongoing support network, they are more likely to engage with a formal accountability process. The current interpretation of the regulations that the Title IX Coordinator has to "do it all", can be retraumatizing and add a barrier for future disclosures and support.

Clear definitions of disclosures versus official notice/reports and formal complaints that request action, would assist in developing a response to a disclosure that connects them with appropriate resources to meet them where they are and have autonomy in choice and brings professional advocacy support back into the response.

In closing, throughout my tenure on college campuses and working with survivors of sexual violence, I have seen a law that is about equity and access to education be implemented through actions to reduce risk of liability and lawsuits. I have seen a law that is about gender equity to be use as a synonym for sexual and relationship violence response and ignore the many other gender inequity in education. I have seen the primary role of a Title IX Coordinator being viewed as first protecting the university, second protecting their job and finally, protecting its students and employees. We need to get back to the roots of the law to ensure gender equity and to make sure its implementation within the university setting allows for autonomy of choice for those who have been impacted by sexual and relationship violence to seek action by the institution, if they want, and to seek care and support if they don't, in a way that doesn't regulate that care.

Thank you for your time and attention to this very important topic. My name is Jennifer and I am a campus advocate with over 20 years' experience working with survivors on a college setting. There are several areas of the current regulations that are concerning which I have heard many others discuss during the past week. I wanted to share today about the role of advocacy and support of those who have experienced harm that I haven't heard come up as much and where I have seen the pendulum turn to causing more harm and adding barriers for survivors to get support and begin to heal.

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