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## **ATIXA Position Statement on the Need for Victim Advocates on College Campuses**

*Founded in 2011, ATIXA is the nation's only membership association dedicated solely to compliance with Title IX and the support of our more than 4,000 administrator members who hold Title IX responsibilities in schools and colleges. ATIXA is the leading provider of Title IX training and certification, having certified more than 2,500 Title IX Coordinators and more than 5,000 Title IX investigators since 2011. ATIXA releases position statements on matters of import to our members and the field, as authorized by the ATIXA Board of Advisors. For more information, visit [www.atixa.org](http://www.atixa.org).*

This statement affirms ATIXA's strong position endorsing the need to provide free and confidential support and advocacy to college students and employees who have experienced sexual assault, sexual harassment, or other gender-based or sex-based harassment or violence. ATIXA encourages every college and university to provide a designated, trained Victim Advocate who is exempt from the duty to report sexual misconduct to the college or to law enforcement.

Students and employees who experience sexual assault, sexual harassment, or other gender-based or sex-based harassment or violence often experience trauma and significant disruption to their lives. Research from the Bureau of Justice Statistics (BJS) and several recent studies show that the majority of rapes and sexual assaults are not reported to the police<sup>1</sup> and we see a similar trend in reporting to colleges. Reporting rates are not correlating to the prevalence of sexual harassment and violence on college campuses.

Although formal reporting to the college can be empowering and healing for some individuals, many will choose to not report. ATIXA supports the right of the victim/survivor to maintain autonomy in making this choice, recognizing that how and when a person heals from a traumatizing event is highly individualized. In those cases, the Victim Advocate can play an important role in providing emotional support and assistance with navigating school or work.

For individuals who do consider reporting, the myriad reporting options and available processes can be confusing, stressful, time-consuming, and unpredictable, and in some cases individuals may distrust the ability of their own institution to equitably, impartially, and effectively address a report. In those cases, a Victim Advocate is an essential conduit for information about options while still allowing for autonomy.<sup>2</sup> Advocates are able to provide support as victims/survivors decide upon and navigate through these options.

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<sup>1</sup> Rennison, C.M. *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, August 2002, NCJ 194530.

<sup>2</sup> Research also establishes that victims/survivors who work with an advocate experience less distress, are less likely to experience certain negative outcomes (such as self-blame, guilt, and depression), and are less reluctant to seek further help, such as medical care or assistance from law enforcement. (Campbell, 2006; Wasco et al., 1999).

When students or employees do report to the college, the role of the Victim Advocate is crucial, both in allowing the personnel resolving the report to maintain impartiality and in providing emotional support and assistance to the reporting party. Our experience from over 20 years of work in the field clearly shows that in the vast majority of cases, the college's resolution process is optimized for victims/survivors when a trained, confidential Victim Advocate is involved, regardless of the ultimate outcome of the process. The Victim Advocate can offer not only emotional support, but can also advocate on behalf of the victim/survivor's needs. Their role strengthens the ability of the Title IX Coordinator or Investigator to be both present and equitable in their job duties.

Pending federal legislation addresses the role of the Victim Advocate in a college's response to a report. The Survivor Outreach and Support on Campus Act (S.O.S. Campus Act) would require colleges receiving federal funding to appoint a confidential, independent advocate to assist victims/survivors of sexual assault. The advocate would help to facilitate and provide options for access to medical care and forensic exams, to ensure victims/survivors are aware of their options for reporting sexual assault to law enforcement, to help victims/survivors connect with counseling and crisis intervention services, and to guide victims/survivors who have reported being sexually assaulted through the disciplinary process.

The legislation would require that the advocate be appointed based on experience and a demonstrated ability to effectively provide sexual assault victim/survivor services. Importantly, the legislation provides that the advocate represents the interests of the victim/survivor even when in conflict with the institution, and contains a provision that the advocate may not be retaliated against by the institution for doing so. ATIXA supports this aspect of the legislation and calls on colleges and universities to voluntarily provide this resource now, well before it is legally mandated, because it is the right thing to do.

A second piece of legislation, the Campus Accountability and Safety Act (CASA), would extend the designation of confidential advisors to cases of alleged sexual harassment, domestic violence, dating violence, sexual assault, and stalking. ATIXA recommends that colleges and universities extend confidentiality to Victim Advocates as permitted under current federal guidance, to allow them to perform their responsibilities freely and to remove the burden of being the sole confidential reporting option from licensed counselors and medical providers. ATIXA supports this aspect of the CASA legislation, as well, to the extent that it would not require mandated reporting by advocates.

ATIXA strongly encourages Congress and colleges to create a clear delineation between the role of the advocate and the role of the investigator. Advocates should have no institutional role in the investigation except to support and advocate for the victim/survivor. ATIXA also calls on colleges and universities to recognize that process advisors and Victim Advocates serve different functions, though a victim/survivor may choose to use their Victim Advocate as their advisor. In any case, victims/survivors should have access to a Victim Advocate irrespective of their choice of process advisor. Using one should not preclude access to the other.

Many colleges have resisted providing victim advocacy based on a misunderstanding that doing so would obligate them to provide an advocate for an individual accused of sexual misconduct as well. Although the reauthorization of the Violence Against Women Act (VAWA - 2013) requires that all parties have the same opportunities to have others present at any institutional disciplinary meeting or proceeding, and to have the same opportunity to be accompanied by an advisor of their choosing, nothing in the law or in the concept of equity would require colleges to provide an advocate to the individual accused of misconduct. Rather, equity requires that an advocate be provided regardless of the gender of the victim/survivor.

Victim Advocates should not be tasked with the responsibility of serving responding parties based on the potential for conflict of interest, as well as safety and confidentiality concerns. While the law does not mandate that colleges provide an advocate for the accused party, honoring the equal dignity of all members of the college community suggests that accused individuals would benefit from advice and guidance as well.

ATIXA strongly supports the provision of a Victim Advocate to any student or employee who has experienced gender-based or sex-based harassment or violence. Institutions such as the University of Colorado Boulder and the University of California Santa Barbara are good examples of successful in-house victim advocacy centers, and colleges with more limited resources may provide these services through the creation of a cooperative agreement or MOU with a local victim advocacy agency. Local agencies should be trained in institutional processes and procedures, though many colleges will ultimately be best served by hiring one or more employees to serve as advocates for the campus community.

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