

REPLY

Advocating Alternatives to Mandatory Reporting of College Sexual
Assault: Reply to Newins (2018)Kathryn J. Holland
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Our recent article “Compelled Disclosure of College Sexual Assault” examines college and university policies requiring most, if not all, employees to report student disclosures of sexual assault to university authorities, with or without student consent. We provided evidence that these mandatory reporting policies have become ubiquitous in American higher education, despite limited evidence of their safety or efficacy. Commenting on our article, Newins offers helpful advice for psychologists navigating the role of “responsible employee,” such as seeking out information about their campus policy for reporting sexual assault disclosures and informing students of reporting mandates. The comment concludes with a call for researchers to investigate the many questions that remain unanswered about these policies. We agree with Newins’s recommendations and, in this reply, encourage psychologists to push the envelope further. In addition to better understanding and managing reporting responsibilities, psychologists should advocate for policies that respect survivor autonomy, dignity, and right to self-determination.

Keywords: mandatory reporting, sexual assault, college students, Title IX

Our recent article “Compelled Disclosure of College Sexual Assault” examines college and university policies requiring most, if not all, employees to report student disclosures of sexual assault to university authorities, with or without student consent (Holland, Cortina, & Freyd, 2018). We provided evidence that these mandatory reporting policies have become ubiquitous in American higher education, despite limited evidence of their safety or efficacy.

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concludes with a call for researchers to investigate the many questions that remain unanswered about these policies. We agree with Newins’s recommendations and, in this reply, encourage psychologists to push the envelope further. In addition to better understanding and managing reporting responsibilities, psychologists should advocate for policies that respect survivor autonomy, dignity, and right to self-determination.

Newins (2018) discusses two possible roles under university mandatory reporting policies—*responsible employees* and *completely confidential employees*. However, a third category—*student-directed employees*—deserves attention. A student-directed role requires the employee to provide students who disclose sexual assault with information about reporting options and resources and to ask these students whether they wish for a report to be made. If the answer is yes, the employee must report. But if the survivor declines, the employee must respect the survivor’s wishes and maintain confidentiality (see Freyd, 2016). Under this policy, survivors decide when, how, and with whom to share their story. In this way, their autonomy and dignity are protected.

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The University of Oregon has developed such a policy, detailing three possible roles for employees: (a) designated reporter, (b) confidential employee, and (c) student-directed employee. Student-directed employees “offer students information, resources, support and . . . will only report the information shared to the university administration when the student requests that the information be reported (unless someone is in imminent risk of serious harm or a minor)” (University of Oregon, 2018, para. 1). Student-directed employees receive a conversation guide and checklist to facilitate appropriate responses to disclosures.

In her comment, Newins (2018) notes that compelled disclosure conflicts with the American Psychological Association’s principles of fidelity and responsibility, integrity, and respect for people’s rights and dignity (Newins, 2018). A student-directed role aligns well with these principals—providing survivors with information and support so that they can make well-informed decisions about reporting and accessing resources.

Psychologists have many avenues for getting involved here. They can create campus working groups that shape sexual assault policy (Klein et al., 2018), weigh in on new state laws as they develop (Richards & Kafonek, 2016), or get involved with statewide antiviolence coalitions. Psychologists can also intervene in federal policy, for instance by participating in the comment period when the Department of Education releases notice of new Title IX guidance (for details, see Know Your IX, n.d.).

Bottom line: Psychological science, practice, and ethics raise many doubts about mandatory reporting as a solution to college sexual assault. Let us push this envelope and advocate for policy change.

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