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“A victim/survivor needs agency”: Sexual assault survivors’ perceptions of university mandatory reporting policies

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Abstract

In institutions of higher education, mandatory reporting policies require certain employees to report students’ sexual assault disclosures to university officials, even if the student does not want to report. It is commonly assumed that these policies will benefit survivors, but there is a paucity of research to substantiate this assumption. The current study examined college sexual assault survivors’ perceptions of mandatory reporting policies, including three specific policy approaches (Universal, Selective, Student-Directed). Interviews were conducted with 40 college sexual assault survivors and thematic analysis was used to analyze these data. Results found that the mandatory reporting policy approaches that survivors prefer, which limit the number of mandatory reporters and offer more autonomy and flexibility, do not align with the policy

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approaches most frequently implemented within institutions of higher education (i.e., Universal). Survivors anticipated more harms resulting from mandatory reporting than benefits (e.g., pushing survivors into disclosures before they are ready, increasing stress and anxiety, discouraging help-seeking from trusted sources of support on campus). Survivors lacked substantive knowledge of their university's mandatory reporting policy. Findings suggest that policy makers at institutional, state, and federal levels should consider survivors' perspectives when crafting such policies and institutions should increase educational efforts about mandatory reporting.

When college students experience sexual assault, they face serious psychological and academic harms (Dworkin et al., 2017; Jordan et al., 2010; Jordan et al., 2014; Mengo & Black, 2016). As a result, sexual assault survivors may consider seeking help from people on campus who can provide supports or resources (e.g., faculty members, resident assistants). One reason that survivors disclose to informal providers, is a desire to receive emotional and tangible support (Ahrens et al., 2009; Demers et al., 2017; Ullman, 1999). However, in many institutions, these university employees would be required to report a sexual assault disclosure to university officials, even if doing so contradicts the wishes of the survivor (Holland et al., 2018). These "mandatory reporting" policies that require employees to report sexual assaults to a university official have been informed by federal guidelines, such as The Clery Act and Title IX. It is commonly assumed that these policies will benefit survivors, but there is a paucity of research to substantiate this assumption and existing evidence suggests that mandatory reporting policies may have adverse effects on survivors and campus communities (Holland et al., 2018). To address this need, the current study examined college sexual assault survivors' perceptions of mandatory reporting policies.

Mandatory reporting policies in institutions of higher education

Mandatory reporting policies for sexual assault have been shaped by federal policy and guidelines, wherein mandatory reporters can be designated as "Campus Security Authorities" or "Responsible Employees." The Clery Act (34 CFR 668.46(a)) states that academic institutions must designate certain employees as Campus Security Authorities. This includes those who are in charge of campus safety and employees "who have

significant responsibility for student and campus activities” (e.g., residence staff, faculty advisors to student organizations; US Department of Education, 2016). In the role of Campus Security Authority, employees are only required to report general information (e.g., assault type, assault location) to the university officials in charge of publishing the university’s Annual Security Report (US Department of Education, 2016). Although the current administration within the Department of Education has rescinded the 2016 Handbook on Campus Safety and Security Reporting (Office of Postsecondary Education, 2020), institutions are still required to designate Campus Security Authorities under Clery. Responsible Employees, on the other hand, are required to report all relevant information about a known sexual assault to university officials—most frequently the Title IX Coordinator. This reporting role was established through Title IX Guidance from the Department of Education Office for Civil Rights (OCR). Responsible Employees were defined as an employee who “has the authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility” (US Department of Education, 2001; p. 13). Because the mandatory reporting role under Title IX guidance requires the reporting of identifiable information (e.g., a victim’s name), the current study focuses on this role rather than the role of Campus Security Authority.

There is variability in how colleges and universities have interpreted and implemented the mandatory reporter mandate under Title IX guidance (Holland et al., 2018). In addition to the definition of “Responsible Employee” provided in the 2001 OCR guidance (US Department of Education, 2001), the Department of Education released a Q&A document in 2014 that offered more information about Responsible Employees (e.g., best practices for training employees designated as Responsible Employees; Lhamon, 2014). However, there is no prescriptive mandate as to which members of the campus community should be placed in the role of Responsible Employee. In fact, in recent rulemaking, the Department of Education explicitly stated that institutions have the latitude to make these decisions:

“...these final regulations leave each institution flexibility to decide whether the institution desires all (or nearly all, or some

subset) of its employees to be ‘mandatory reporters’ who must report notice of sexual harassment to the Title IX Coordinator.” (US Department of Education, 2020; p. 1959–1960)

There are at least three distinct approaches to designating mandatory reporters, including *Universal*, *Selective*, and *Student-Directed* approaches (Holland et al., 2018; Holland et al., 2019). One of the most common approaches is *Universal* mandatory reporting, which is a policy that designates all faculty, staff, and students employed by the university as mandatory reporters (Holland et al., 2018; Saviano, 2015). A less common approach is *Selective* mandatory reporting, which designates a specific list of employees as mandatory reporters, generally employees in positions of leadership (e.g., heads of departments, directors) and those with significant responsibility for student wellbeing (e.g., housing staff; Holland et al., 2018). A third, and novel, approach implemented by the University of Oregon (2018) is a *Student-Directed* policy. This approach designates a limited list of employees as mandatory reporters (similar to the *Selective* approach) and requires all other employees to give survivors “information, resources, support and...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). This approach requires Student-Directed employees to provide students with adequate knowledge of resources and reporting options, while ultimately deferring to students’ decisions on whether or not to file a formal report (for more information see Freyd, 2016).

The effects and effectiveness of mandatory reporting

A common assumption underlying the implementation of mandatory reporting policies is the belief that such policies benefit students who experience sexual assault (Holland et al., 2018). However, there is little research to substantiate this claim. The small body of existing research has primarily focused on students’ knowledge and perceptions of mandatory reporting in general, not among survivors. For instance, a study by Mancini et al. (2016) found that students held mixed feelings about the efficacy of mandatory reporting, with some imagining positive

outcomes (e.g., survivors receive services) and others imagining negative outcomes (e.g., survivors are stripped of autonomy). A recent doctoral dissertation (Amin, 2019) found that while many students favored mandatory reporting policies, other students indicated that mandatory reporting would hinder reporting. Newins & White (2018) examined students' perceptions of employees having to report "sexual harassment" and "rape," and found that more than half of the sample were unsure if they would disclose or were less likely to disclose to an employee who was a mandatory reporter, and students who had personally experienced sexual assault were least likely to say they would disclose. Regaining a sense of autonomy and control is a key component to healing after experiencing sexual assault (Frazier, 2003; Walsh & Bruce, 2011; Zweig & Burt, 2007). Thus, a critique of mandatory reporting policies is that they do not allow survivors to have autonomy in the decision to report an assault to the university—a decision that can have significant implications for their lives (e.g., Holland et al., 2018; Weiss & Lasky, 2017). However, additional empirical evidence is needed to elucidate how survivors feel about mandatory reporting and the implications of these policies for survivors' lives.

Current study

The purpose of the current study was to gain insight into college sexual assault survivors' perceptions of university mandatory reporting policies. We conducted in-depth qualitative interviews with campus sexual assault survivors to answer three research questions. First (RQ1), what are survivors' attitudes toward three mandatory reporting policy approaches? Given the autonomy that institutions have in designating mandatory reporters on their campuses, we assessed survivors' perceptions of *Universal*, *Selective*, and *Student-Directed* mandatory reporting policy approaches. Second (RQ2), how do survivors think mandatory reporting will affect survivors? Third (RQ3), what do survivors know about their university's mandatory reporting policy? In sum, our questions gained insight from survivors—addressing salient gaps in literature, elucidating the real-world impacts of mandatory reporting policies on survivors, and offering an opportunity to inform empirically driven, survivor-focused policies.

Method

Procedures and participants

We interviewed forty undergraduate student sexual assault survivors at a large, Midwestern university. The interview data analyzed in the current study were collected as part of a larger longitudinal study. Participants were recruited via flyers and electronic postings both within and outside of the university (e.g., residence halls, coffee shops, class announcements, campus listservs, university social media pages). Additional efforts were made to recruit LGBTQ students (an aim of the larger study) by distributing LGBTQ-specific recruitment materials via the university LGBTQ student center and LGBTQ-specific student organizations. Current students were invited to contact the study team if they had an unwanted sexual experience while attending the university. Each participant completed a brief screening call to verify their eligibility, which included being: (a) age 17 or older, (b) currently enrolled as an undergraduate at the university, (c) enrolled for the following semester, and (d) had an unwanted sexual experience while attending the university. Study procedures were approved by the university's Institutional Review Board.

One hundred and sixty students expressed interest during the recruitment phase, with 124 of those students engaging in the eligibility screening (33 students did not follow-up and 3 withdrew interest). Seventeen did not meet eligibility criteria. Of the 107 eligible student that were scheduled to complete the in-person baseline survey session, 7 students did not attend. The 100 participants who did attend the baseline session were provided information about study procedures and informed consent by a trained member of the research team. Surveys were computer-based and completed in a private research space. Participants were also invited to provide consent to be contacted for an additional, in-depth interview at the time of their follow-up survey. Participants were compensated US\$20 for completing the baseline survey.

Forty of the aforementioned students participated in an in-depth interview at the time of their follow-up survey, roughly 6 months following the baseline. We used maximum variation sampling approach to select the interview participants, which helps to capture diverse experiences related to the phenomenon under study (Merriam & Tisdell,

2016). First, we stratified all participants by gender identity, sexual orientation, and whether or not they used formal resources at the university based upon data collected during the baseline session; the groups included: (1) LGBTQ survivors who used formal university resources ($n = 19$); (2) straight, cis-gender women who used formal university resources ($n = 34$); (3) straight, cis-gender men who used formal university resources ($n = 2$); (4) LGBTQ survivors who had not used any formal university resources ($n = 7$); (5) straight, cis-gender women who had not used any formal university resources ($n = 16$); (6) straight, cis-gender men who had not used any formal university resources ($n = 1$); and (7) those who were uninterested in participating in an interview and/or were ineligible (e.g., did not indicate their gender or sexual identity in the survey; $n = 21$). Due to the small number of LGBTQ-identified survivors who had used formal resources ($n = 7$) and straight, cis-gender men ($n = 3$), we invited all of these participants to interview, of which, four of the LGBTQ survivors who used resources and all three straight, cis-gender men agreed to participate. Initial random samples of 10 participants from each of the remaining groups were invited to participate, with additional rounds of random invitations being extended to reach the final sample size of 40. The decision to conduct 40 interviews was driven by the breadth of our overarching research aims, our intention to recruit a more heterogeneous sample, our collection of rich interview data, and our available funding for participant compensation (Merriam & Tisdell, 2016). Interviews were audio recorded and lasted approximately one hour (range: 17–88 minutes). Each of the interview participants were compensated US\$30.

Twenty-one (52.5%) of the 40 interview participants identified as straight, cis-women while three (7.5%) identified as straight cis-men. Sixteen (40%) of these participants were members of the LGBTQ community, with nine identifying as cis-women, three as cis-men, and the remaining four identifying as transgender or gender diverse. In terms of sexuality of the LGBTQ participants, a majority identified as bisexual ($n = 9$), three identified as asexual, two identified as gay, one identified as pansexual, and one identified as queer. The majority of the sample identified as white (62.5%; $n = 25$), while 17.5% ($n = 7$) identified as multi-racial, 7.5% ($n = 3$) as African American/ Black, 7.5% ($n = 3$) as Latinx, and 5% ($n = 2$) as Asian/Asian American. Table 1 contains participants' chosen pseudonyms and demographics.

Table 1 Interview participant demographics

<i>Pseudonym</i>	<i>Gender identity</i>	<i>Sexual identity</i>	<i>Race/ethnicity</i>
Kirby	Nonbinary	Queer	White
Ryan	Cisgender Man	Gay	White
Rose	Cisgender Woman	Straight	Biracial
Jane	Cisgender Woman	Pansexual	Biracial
Lucy	Cisgender Woman	Bisexual	Biracial
Charlotte	Cisgender Woman	Straight	Biracial
Jeff	Trans man	Gay	White
Mika	Cisgender Woman	Straight	White
Penelope	Cisgender Woman	Bisexual	Biracial
Emily	Cisgender Woman	Bisexual	Biracial
Sally	Cisgender Woman	Straight	White
Max	Genderqueer	Asexual	White
Abby	Cisgender Woman	Straight	White
Tom	Cisgender Man	Straight	Latinx
Paul	Cisgender Man	Straight	White
Manuel	Cisgender Man	Bisexual	Latinx
Shelby	Cisgender Woman	Bisexual	White
Jan	Cisgender Woman	Straight	White
Demini	Cisgender Woman	Bisexual	White
Melissa	Cisgender Woman	Bisexual	White
Miles	Cisgender Man	Straight	White
Quinn	Cisgender Man	Asexual	Black
Abigail	Cisgender Woman	Straight	Latinx
Alexandra	Cisgender Woman	Asexual	White
Ashley	Cisgender Woman	Straight	Biracial
Diamond	Cisgender Woman	Straight	Asian
Cecilia	Cisgender Woman	Straight	Black
Maria	Genderqueer	Bisexual	White
Zoe	Cisgender Woman	Straight	White
Sara	Cisgender Woman	Straight	White
Tiffany	Cisgender Woman	Straight	White
Ivy	Cisgender Woman	Straight	Asian
Charlie	Cisgender Woman	Straight	White
Brooke	Cisgender Woman	Straight	White
Easton	Cisgender Woman	Straight	White
Brooklyn	Cisgender Woman	Bisexual	Black
Emma	Cisgender Woman	Straight	White
Susie	Cisgender Woman	Straight	White
Sammy	Cisgender Woman	Straight	White
Sarah	Cisgender Woman	Straight	White

Interview materials

Participants were asked a series of semistructured interview questions. The current study examined answers to the questions that focused on mandatory reporting policies. First, the interviewer generally described mandatory reporting policies. Next, the participants were instructed to read three different policy approaches and rank them from *best* = 1 to *worst* = 3. The descriptions of three policy approaches—*Universal*, *Selective*, and *Student-Directed*—were developed for the study based on language generally seen in these approaches (Holland et al., 2018). The participants then explained their rankings, for instance, describing the potential positives and negatives of each approach. Finally, participants were asked how mandatory reporting policies would affect students and what they knew about the mandatory reporting policy at their university. The entire interview script is included in the Appendix.

When this study was conducted, the university was employing a selective mandatory reporting model. In this model, there was a specific and selective list of employees who were required to report sexual assaults they learned about to a university official (e.g., directors, heads, managers, deans, chairs, advisors to student groups, and housing staff members). These reports would be made regardless of the victim's wishes. All other employees were encouraged to report. At the end of the interview, we provided participants detailed information about the university's mandatory reporting policy, including the list of all mandatory reporters.

Analysis approach

First, interviews were transcribed verbatim. We analyzed these data using thematic analysis (see Braun & Clarke, 2006). This process begins with reviewing the transcripts and generating codes that capture discrete pieces of information related to the research questions. For this analysis, we identified codes related to our three research questions: (1) What are survivors' attitudes toward three mandatory reporting policy approaches? (2) How do survivors think mandatory reporting will affect survivors? (3) What do survivors know about their university's mandatory reporting policy? For instance, the *Student-Directed is best* code would be applied to any text that communicated a participant's preference for the *Student-Directed* policy approach. We compiled the

codes into a codebook, which contained the complete list of codes and their definitions. Next, these codes were applied to these data using Dedoose version 8.2, which consisted of excerpting text and applying relevant codes in the interview transcripts and making memos regarding any questions with code application. Interrater reliability between the authors was excellent (Cohen's kappa = .90; Cohen, 1960) and all discrepancies in coding application were resolved through discussion. After coding, we identified themes within each of our research questions, which involved a close analysis of the codes and how they related to one another. To ensure the validity of our findings, we checked our themes against the transcripts to ensure that they fit participants' experiences and conducted a discrepant case analysis (i.e., searching for information that differs from the primary themes (Creswell, 2014; Merriam & Tisdell, 2016)).

Results

Attitudes toward mandatory reporting policy approaches

First, we examined sexual assault survivors' perceptions of three mandatory reporting policy approaches: *Universal*, *Selective*, and *Student-Directed*. Nearly all of the survivors in our sample ($n = 38$, 95%) believed that the *Student-Directed* policy approach was the best. Most of the participants then identified the *Universal* reporting policy as the worst ($n = 31$, 78%) and the *Selective* reporting policy as their middle choice ($n = 31$, 78%). The themes that arose in survivors' explanations of these rankings are discussed below. Quotes included to illustrate the themes are associated with participants' pseudonyms and may be edited for length and clarity.

Student-directed is best

We identified two main themes in students' reasons for selecting this policy as the best approach. First, participants discussed how this approach gives survivors information, which allows students to have more options for support and coping. Lucy, for example, stated that she ranked this policy as the best because it "*gives more information to the victim in*

general...the employees have to give all sorts of different options instead of just going straight to the reporting.” Both Jeff and Rose expressed a similar belief: “Telling them the options and walking them through the process is really beneficial” (Jeff) and “People telling you your resources is better because...you have more knowledge about what you can do after the fact” (Rose). Survivors believed that having this knowledge would be essential for them (and other survivors) when making decisions about seeking help:

It gives them options...asking, ‘Do you want me to report? No? Okay, here are these resources for you.’...It would be a lot better because my professors didn’t really give me resources, they were just like, ‘That’s really brave of you for telling me’ and now that I look back on that, I kind of wish they would have encouraged me to go to resources. So, I think that would be a better thing than just encouraging employees to report... that would have felt more supportive, and even if I chose not to go to one of the resources, I think I would have felt better knowing that. (Brooke)

They’re required to give you reporting options or therapy or counseling options...and I think it’d be beneficial to have someone offer resources, so I know they’re there even if I don’t choose to accept them. (Charlie)

These quotes illustrate the importance of employees being required to provide information after a disclosure; even if survivors chose not to use the resources that were offered, a *Student-Directed* policy approach lets survivors make well-informed decisions about where to seek help.

Second, participants believed that a *Student-Directed* approach was the most empowering for survivors. They expressed the benefit of a policy that respects survivors’ wishes and allows them to control decisions that are made. For instance, Sarah said that she thinks this is the best policy approach because “*it keeps the victim in mind, and it gives them consideration and voice as well.*” Similarly, Tom explained that “*the student is probably ‘gonna feel more comfortable and respected if they are offered information and the ability to choose whether or not they want it reported.*” Ashley identified the how this policy “*gives you some sort of power and lets you have a choice, which in itself is power you didn’t have*

before." Several survivors in our sample believed that a Student-Directed policy would help to protect survivors from the harms that can occur when their decisions are, once again, taken away. For instance, "*People shouldn't have to be forced to report...they've already been forced to do something that they didn't want to do*" (Brooklyn) and "*Ask if you want to report, I think that is the best, and just make people feel empowered instead of literally taking all their agency away all over again after they've been hurt*" (Max). These survivors believed that a *Student-Directed* approach would be less harmful because it does not force survivors into decisions (i.e., a mandated report) after they have already been forced to endure unwanted sexual contact.

Universal is worst

Most survivors believed *Universal* mandatory reporting was the worst policy approach. They were often deeply negative in their views, for instance, Brooklyn stated that it "*seems unnecessary, and invasive, and intrusive.*" There were two common themes that came up for why survivors believed that a *Universal* mandatory reporting approach was the worst of the three policies. First, they believed that this approach could create barriers to help seeking. For instance, Emily expressed that this policy "*might stop someone from even saying anything because they don't want you to report it.*" Similarly, Ashley discussed how "*it can discourage students from coming to talk to employees that they would feel comfortable talking to.*" Manuel believed that this chilling effect would cause harm, "*I feel like it would alienate the student even more from the university community if everyone had to report.*" Several participants explicitly mentioned how survivors may be hesitant to disclose to friends or peers if they were an employee (e.g., a resident assistant): "*you'd have to hide it from some people, and that's not fair. Like if you can't even tell your RA...*" (Alexandra) and "*students might be more reluctant to speak to friends or anyone who is an employee of the university if they're forced to report it*" (Zoe). This chilling effect was real for survivors in this sample, with some participants stating that they were unwilling to disclose when they needed help. For example, Jane was struggling in her classes after the assault and had to approach her professor for academic accommodations:

"I told a professor that I had a very uncomfortable experience and that's all I shared because I just wasn't sure if they were someone that needed to report it or not... I was really struggling with something that made it hard to go to class."

Second, survivors described how being forced into a reporting process under a *Universal* mandatory reporting policy would be harmful for survivors. One way that it could be harmful is by taking away survivors' sense of control. For instance, Susie was concerned that she *"would feel out of control of the situation."* Similarly, Ashley discussed the harm that can arise when survivors do not control the decision to report:

"It can be detrimental to somebody's mental health...because they aren't in control of the situation and that's most likely what happened when they were [assaulted]... it'll come out better if you feel like you're in control of how you're dealing with it."

Survivors also expressed that *Universal* policies can be harmful by compromising their confidentiality and sense of safety. For example, Ivy was concerned that *Universal* policy would *"make a lot of people know about these things, even if the victims don't want to."* Brook also expressed that a *Universal* approach would *"make me feel less safe at the university knowing that my wishes weren't respected."* For these survivors, a *Universal* policy approach could make survivors' lives even harder in the aftermath of an assault.

Selective is the middle

Most survivors in this sample rated the *Selective* policy as falling somewhere between *Student-Directed* (the best choice) and *Universal* (the worst choice). Fewer students provided detailed explanations for this ranking. Survivors primarily mentioned how a *Selective* policy was less harmful than a *Universal* policy but less helpful than a *Student-Directed* policy. For example, Melissa explained how *Selective* reporting would create fewer help-seeking barriers than the *Universal* approach—*"You can find out who you can talk to, cause then you can avoid a place or position of leadership"*—but she qualified this by stating that the policy must be clear: *"it should be clear of who is and who isn't [required to report]."*

The most common theme was that survivors liked this policy approach better than the *Universal* approach because it limited the number of mandatory reporters. For instance, Easton stated *"I don't know if all employees should be reporting."* Several students discussed how they understood why certain members of the campus community, such as leaders, may need to report. Sally, for example, stated that *"[selective mandatory reporting] is a little bit better [than universal] because it, I think it makes more sense because they are in leadership roles."* Similarly, Sarah explained, *"I like how that one puts the responsibility on someone with a little bit more authority."* Manuel expressed a similar view, stating that *"People that I see in a higher place of authority wouldn't necessarily be the first people that I would go to for such a thing, so I'd be ok with them being the mandatory reporters."* These survivors did not believe that every university employee should have to report, so they preferred this approach to a *Universal* approach.

Discrepant cases

There were two survivors—Cecelia and Sammy—who believed that the *Universal* approach was the best, *Student-Directed* was the middle, and *Selective* was the worst. Both believed that all sexual assaults needed to be reported. Cecilia stated, *"I feel like it should be everyone's, like, duty to like report things that they hear. So that's why I think the universal one would be the best one."* Similarly, Sammy explained:

"Even if a student has a reason that they do not want to report, I think all sexual assaults should be reported. If in the future that person sexually assaults someone else, they can look back and see that it has happened more than once...a lot of times Title IX or different places won't believe women or men when they say that they've been assaulted."

These young women believed that all employees needed to have a duty to respond to sexual assault disclosures, and saw the *Universal* policy as a way to accomplish that, followed by a *Student-Directed* approach (e.g., *"the [student-directed] employees still have their duty too, not just higher up positions [in the selective policy]. I like how it kind of includes that."* Cecilia).

There were six survivors—Kirby, Ryan, Lucy, Mika, Jan, and Miles—who rated *Student-Directed* as best, *Universal* as middle, and *Selective* as worst. For some of these students, a reason why the *Selective* reporting policy was their least favorite approach was its potential lack of transparency. For example, Kirby explained, “*it’s better to have it be everyone rather than people just choosing.*” Lucy and Jan thought that a *Selective* approach could create confusion for survivors, for instance, if they were unsure how an employee might respond to a disclosure:

“If you know for a fact that directors, managers, they’re going to report it, but if you just tell another employee, you don’t know if they’re going to report it...because they’re encouraged but not required.” (Lucy)

“I don’t like [universal mandatory reporting] but at least it’s consistent and you know, if I talk to any employee, this is what is going to happen, rather than guessing...Who can I go to that’s not gonna report it and who can I go to that’s going to report it?” (Jan)

Some of these students also saw some potential benefit to requiring all employees to report sexual assault, which was why, for them, a *Universal* approach could be better than the *Selective* approach. For instance, Miles explained that “*if you think about like, janitors are always in those dorms and stuff, what if they hear something? What if they see something?...If it’s a universal thing, then they have to report that.*” Ryan expressed a similar view:

“[Selective] doesn’t require the staff to report the incident if it was to occur...for the universal, the pro would be everyone is reporting it, but I guess the con would be that the report has to be made regardless of the victim’s consent.”

While these survivors believed that a *Universal* approach is more straightforward than a *Selective* approach, and could have some benefits (e.g., assaults are reported), they also believed that reporting would not be beneficial for all survivors.

Perceptions of the effects of mandatory reporting on survivors

Participants also shared their thoughts about how mandatory reporting will affect survivors. The students in our study mostly discussed the potential harms of mandatory reporting, especially when a report is made against a survivors' wishes. Some students identified general harms that might occur. For example, Mika stated, *"if you have to report it when you are not ready to report it, that can be more destructive than helpful."* Another participant, Emma, explained that, *"they probably have a reason why they don't want to report and so it could put them in a dangerous or just a bad situation."* In addition to these general concerns, survivors identified several specific harms that can arise from mandatory reporting.

First, survivors believed that mandatory reporting policies are too prescriptive, and, as a result, will harm survivors who may need more time to report. As Sally described, *"everyone takes their own different time...They might need some resources...before they are even comfortable [reporting]."* Penelope echoed this concern:

"That should be a personal choice, if you want to report that or not. Some people are never ready to do that, and some people are ready to do that the second after it happens, and some people it takes them a little bit and then they are like...now I'm ready to do it."

Second, survivors expressed concerns that bringing survivors into a reporting process before they are ready can cause mental and emotional harm. For instance, Quinn believed that it *"can be another stressor that adds to your bad experiences"* and Jane stated, *"When I've already had my choice removed...having it removed even more just is really damaging to the soul."*

Third, participants described that mandatory reporting can be harmful for survivors because the outcome of sexual assault reports is often harmful. Jeff stated that, *"It would be nice if the people who committed the assault got in trouble, but they're not always going to be even if they are reported. And that could just create a lot of problems for the victim."* Sarah imagined many possible problems that could result from a negative reporting experience:

"If [reporting] didn't turn out positively for them, it could affect them in so many ways. Their mental health could decline a lot more, especially if they're already struggling with that, they could commit suicide, they could get really bad into drugs, they could drop out of school, it could ruin friendships or family relationships. It has a lot of consequences."

Fourth, survivors believed mandatory reporting can erode survivors' trust and lead them to avoid seeking help from people on campus who may be able to provide support. Max stated, *"I think a lot of people maybe do want to stay anonymous because they're like me, they don't trust cops and they don't trust officials, and [mandatory reporting] would just take trust away."* Maria also believed that mandatory reporting *"would hurt more people than it helps...Their agency is already been taken from them, so...They won't tell their RA, they won't tell people who can help them."* Jan described how mandatory reporting limited her options for support:

"The harm of being forced to report is that a lot of people don't go to campus resources...like, I really trusted my RA's, I loved them, but I didn't tell them. I knew that they could've helped me with resources, but I didn't tell them because they were upfront, 'If you say this, we will have to report'...you feel like you can't go to them."

When a survivor does not want to report, mandatory reporting can make it more challenging for survivors to receive any assistance from those they trust on campus. Finally, survivors believed that mandatory reporting create a deep sense of fear. Brooklyn explained that, *"a sense of security, a sense of well-being, a sense of confidentiality, a sense of trustworthiness would all be taken away and turned into vulnerability, fear, and worry."* Jane also explained that with mandatory reporting, *"The environment starts to feel less safe and then that just makes it harder to finish."* For these participants, the sense of fear and vulnerability can be harmful for survivors.

While the majority of participants discussed the potential negative effects of mandatory reporting policies on students, some did identify possible benefits. First, a couple of participants thought that mandatory

reporting could communicate to survivors that sexual assault is being taken seriously. For example, Mika explained that:

“The positives to mandatory reporting is there, it’s almost like an instant gratification if it gets handled right away and if the victim feels it is super serious and this needs to be taken care of and there needs to be some sort of punishment ... then that’s great.”

Thus, mandatory reporting could benefit survivors if the action of making a report illustrates that the institution cares about sexual assault and leads to consequences for perpetrators. Second, there were a few participants who thought that mandatory reporting policies could make it easier for survivors to receive assistance. For instance, Tom stated that *“a benefit would be that somebody who’s afraid to reach out or knows that they need to but are not willing to take the steps...This is one way to get them the help they need.”* Lucy expressed a similar belief, explaining that *“It would make it a little easier to make a report, just because anyone would be required to do it.”* For these students, mandatory reporting could benefit a survivor who may be struggling to make a report—removing the pressure of indecision.

However, there were participants who explicitly discussed how the potential benefits of mandatory reporting do not necessarily outweigh the risks. For instance, Kirby discussed how the fears associated with reporting outweigh any benefits:

“While [reporting] would be good for you and good for everyone around you, it’s also terrifying because you don’t know what the risks are. You could lose friends or be made fun of, lose respect and credibility. There’s just so many fears that go into it.”

Another participant, Max, stated that, *“I get it that maybe [mandatory reporting] would help with creating less violence, but a victim/survivor needs agency.”* In their perspective, reporting an assault could be positive for survivors and the community (e.g., reducing violence), but the potential harms of mandatory reporting (e.g., removing agency) could not be discounted.

Knowledge of their university's mandatory reporting policy

Finally, we asked participants what they knew about the mandatory reporting policy that was in place at their institution. There were 16 survivors (40%) who did not know that there was a mandatory reporting policy. For instance, Mika stated *"I did not know there was. Well, I just figured that out today apparently, that there is a mandatory reporting policy."* Another said,

Interviewer: *Can you tell me what you know about the mandatory reporting policy at [institution]?*

Emily: *I don't know anything about it.*

Interviewer: *Did you know we have a mandatory reporting policy at [institution]?*

Emily: *No, I didn't.*

There were then 17 survivors (43%) who knew, or assumed, that the university had a mandatory reporting policy, but they had no knowledge of the details of that policy. For example, Jane stated, *"I don't know about it. I know that there is something in place just because I assume ... but I don't know the exact details."* Similarly, when asked what she knew about the mandatory reporting policy, Maria answered, *"I do know there was one. I don't even know."*

Three (8%) survivors in the sample knew there was a policy in place and knew some correct information about that policy—specifically, that resident assistants (RA) are required to report. For example, Tom explained *"I know that our RA mentioned this...they're obligated as RAs to report anything and everything they hear."* Rose also knew that housing staff would have to report, explaining *"I know that there are certain people, specifically RAs who have to tell someone about them about it. I don't know all of the people who have to tell."*

Finally, there were four (10%) participants who knew the university had a policy and knew more extensive details about that policy. For example, Manuel answered *"I think it looks like the selective mandatory reporting, where it's only a few people...who need to report to [the Title IX Office]."* Brooklyn was also able to explain that employees must disclose

their reporter status if asked: *"I know that anybody you talk to, if you ask them, 'Are you a mandatory reporter?' they're required to tell you if they are."*

Overall, the vast majority of survivors in our sample knew little or nothing about the mandatory reporting policy at their institution. Some of the survivors in our sample discussed the consequences of this lack of knowledge. Shelby, for example, lamented her lack of awareness of the policy and how she might find it:

"You're not particularly sure unless you go in and read...the actual full policy somewhere, and even then it's like, how easy is that to access?...If you don't even know what you're looking for, how are you supposed to find it?"

Kirby stated that knowledge can provide survivors with agency, *"It would be good for students to know that if they share, then their story's going to get reported. That way they can make the choice of whether they want to keep it private."* Rose also discussed that it is essential for survivors to know someone's mandatory reporting status before a disclosure takes place, stating that, *"I knew that my RA was a mandatory reporter when I told her because they've made it very clear...but if I didn't know they had been a mandatory reporter, I would have felt really betrayed."* Similarly, Brooke disclosed to her professor without knowing his reporting status:

"I think [mandatory reporting] is something that should be clear because I had no clue that my professor was a mandatory reporter and I went to him and told him because I was failing the class and I was scared and I needed to tell him why...but it would have been nice to know that he was a mandatory reporter."

Together, these findings illustrate the importance of students having adequate knowledge of university mandatory reporting policies for sexual assault.

Discussion

Our analysis identified several key pieces of information regarding mandatory reporting policies for college sexual assault. First, survivors preferred mandatory reporting policy approaches that afford them autonomy, flexibility, and the opportunity to make informed decisions. Nearly all of our participants believed the *Student-Directed* approach was the best. A major perceived benefit of the *Student-Directed* approach was that this policy ensures that survivors receive valuable information about their options, which empowers survivors and helps them make the best, most informed decision about reporting and help-seeking. Some participants also considered a *Student-Directed* approach to be less harmful than other approaches because survivors would retain control of the decision to report, thereby avoiding the harm that can occur if survivors are forced into reporting. Our participants' concerns are supported by previous research, which suggests that regaining a sense of autonomy and control after a sexual assault is an essential component to healing (Frazier, 2003; Walsh & Bruce, 2011; Zweig & Burt, 2007). Responses from support providers that attempt to control survivors' decisions and behavior are associated with increased symptoms of post-traumatic stress and depression (Orchowski et al., 2013; Peter-Hagene & Ullman, 2014). It was for this reason that most survivors in our study ranked *Universal* mandatory reporting as the worst policy approach. Participants believed that this policy was too prescriptive and would strip survivors of a sense of control and autonomy. Many cited concerns that requiring all employees to report would create barriers to help-seeking for survivors who might otherwise seek support from trusted employees. Most survivors then ranked the *Selective* mandatory reporting approach as falling somewhere between the best and worst approaches. Survivors liked that this approach was less prescriptive than a *Universal* approach—affording survivors some autonomy and flexibility—and understood why leaders may need to hold a reporting role. However, there were a group of survivors who expressed concerns about the *Selective* approach. For instance, they were concerned that this approach could cause confusion for students, especially if universities did not offer sufficient information about who was and was not required to report under their policy.

Another major finding was that survivors identified substantially more harms than benefits of mandatory reporting. Participants believed that mandatory reporting conflicts with survivors' healing process. There is a wide range in the time between when survivors experience an assault and decide to disclose to informal and formal support providers, with some disclosing immediately and others waiting years (Ahrens et al., 2010; Dworkin & Allen, 2018). Many participants described how survivors may need time before they feel ready or are willing to initiate a report, and mandatory reporting may not afford the flexibility needed to accommodate survivors' timelines. Survivors believed that bringing survivors into a reporting process before they were ready would be harmful for their mental health. For instance, participants believed that mandatory reporting could cause survivors to feel out of control. This is a legitimate concern. When a mandatory reporter makes a report on a survivor's behalf, survivors will not always be able to retain control over the reporting process. Prior Title IX guidance (i.e., 2011 Dear Colleague Letter) stated that when a report is made, university officials are required to "take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation" (Ali, 2011, p. 5). New Title IX regulations state that "recipients are not forced to expend resources investigating situations over the wishes of a complainant, unless the Title IX Coordinator has determined that such an investigation is necessary" (US Department of Education, 2020; p. 379). In other words, a survivor's request to not investigate a report must be considered (and would likely be respected), but the final decision to pursue an investigation is made by the Title IX Coordinator.

Moreover, survivors lacked faith in the reporting process—stating that reporting will be psychologically taxing and unlikely to result in justice for the survivor. Thus, a student who is brought into the reporting process may experience serious consequences (e.g., stress, loss of friends) without achieving the intended outcome of a report (i.e., disciplinary action against the perpetrator). Unfortunately, there are many well-publicized cases of institutions of higher education mishandling survivors' reports of sexual assault (for one example, see *The Hunting Ground* documentary; Ziering & Dick, 2015). Moreover, evidence suggests that when assaults are reported, the majority of students who are

found to be “responsible” for committing sexual assault are not removed from campus (Richards, 2019). Survivors expressed that mandatory reporting can further erode survivors’ trust in the institution, making it more challenging to seek help when it is needed. Survivors in our sample described how they deliberately avoided disclosing to people on campus who could have provided needed assistance—including professors (e.g., when they needed class accommodations) and RAs (e.g., when they needed resources)—because they knew or were unsure if these employees were required to report. Survivors only identified a few potential benefits of mandatory reporting. For instance, these policies can communicate that the institution takes sexual assault seriously and make it easier for survivors to report and receive assistance. However, several survivors stated that, for them, the potential benefits of mandatory reporting would not outweigh the potential harms.

A third key conclusion from our findings is the lack of knowledge of mandatory reporting policies among these survivors. In our sample, 83% had either no knowledge that the university had a mandatory reporting policy or knew no details about what that policy entailed (e.g., who were required to report). This substantiates similar findings in a recent doctoral dissertation— that many students lack knowledge about mandatory reporting policies (Amin, 2019). In our study, participants who knew more about the university’s policy tended to know that RAs were required to report and learned this from their RA. This finding is not entirely surprising, as RAs are increasingly designated as mandatory reporters and expected and trained to respond to sexual assault disclosures consistent with this role (Holland, 2019; Holland & Cortina, 2017; Letarte, 2014). Our findings highlight the important role that RAs can play in informing students about mandatory reporting policies—and their role within it—but also raise concerns about knowledge equity on campus (e.g., not all students live in university housing). Some of our participants discussed the consequences that can arise from their lack of knowledge, such as survivors disclosing to a mandatory reporter without knowing that they are required to report disclosures to the university. Our participants asserted that information about the university’s mandatory reporting policy is crucial for survivors to have when making disclosure decisions.

Policy and practice implications

Our findings demonstrate the need to develop more survivor-centered and empirically informed approaches to university mandatory reporting policies. The *Student-Directed* approach was the preferred policy for nearly every student survivor we interviewed. However, evidence suggests that the vast majority of universities use a *Universal* approach, few universities use a *Selective* approach, and the *Student-Directed* approach is (currently) only used by one university (i.e., University of Oregon; Holland et al., 2018). This finding suggests that a discrepancy exists between survivors' preferences and needs, and the mandatory reporting policies adopted by institutions of higher education. The Department of Education gives universities the power to decide which members of their campus community should be designated as mandatory reporters and legal scholars have also argued the legality and benefits of a *Student-Directed* approach (Weiner, 2017). However, empirically informed policy efforts must be undertaken at the state level as well. For instance, Texas recently passed a bill (SB 212) that requires all university employees to report all sexual assaults to their Title IX Coordinator, and failure to do so can result in criminal charges (a Class A or B misdemeanor) and termination. Virginia also passed legislation requiring universities to inform law enforcement about sexual assaults when they deem it "necessary to protect the health or safety of the student or other individuals" (Virginia Code § 23.1-806). Involving student survivors in policy decision-making may help to remedy the disparity between the implementation of expansive and prescriptive reporting policies and student survivors' needs.

The results of this study also suggest that campus communities would benefit from increased education and training around mandatory reporting. Very few students in our sample knew any details about their university's mandatory reporting policy. It is essential for both students and employees to be informed of their institution's mandatory reporting policy for sexual assault. Education efforts should include information on who is and is not a mandated reporter, what employees are required to report, how employees should report, and what confidential resources exist on campus and in the community. Moreover, it would be beneficial for mandatory reporters to receive training on trauma-informed methods of responding to sexual assault disclosures. Previous guidance from the OCR that outlined expectations and best practices for

training mandatory reporters (i.e., in the 2014 Q&A on sexual assault, Lhamon, 2014) has been repealed by the current administration (Jackson, 2017). However, the expectations outlined in the 2014 Q&A can still be met by individual institutions. Additionally, states have introduced bills mandating trauma-informed, survivor-centered, and comprehensive training for mandatory reporters (e.g., Massachusetts and Delaware; Richards & Kafoneck, 2016). Similar education efforts for students would be beneficial as well.

Limitations and future directions

Although the current study makes an important contribution to our understanding of survivors' perceptions of mandatory reporting policies, it is limited in several ways. First, all of the participants in the sample were students at a single university in the Midwest. Therefore, the generalizability of our findings to other university contexts may be limited. It would be useful for future research to build upon this work by investigating students' perceptions of mandatory reporting policies across different institutions of higher education. This would provide more comprehensive insight into how students perceive mandatory reporting and its effects on survivors. For instance, students' perspectives may differ across institutions with different types of mandatory reporting policy approaches (e.g., compare those at schools with a *Universal* approach vs. a *Selective* approach), which can be empirically tested.

Second, while it is beneficial to understand survivors' perceptions of mandatory reporting policies, our qualitative data did not allow us to test broader questions about how and why survivors' preferences for different policy approaches may differ. For instance, evidence suggests that trust in institutional response to sexual assault reports is a strong predictor of support for mandatory reporting (Holland, 2019). Entrenched institutional racism, heterosexism, and cissexism can have a significant impact on institutional trust for students of color and sexual and gender minority students (Brubaker et al., 2017). Straight white women may face fewer barriers to using campus reporting mechanisms (Mennicke et al., 2019). Thus, are survivors who prefer a *Universal* reporting approach more likely to hold positions of social privilege and power? Additional research is needed to determine the factors that predict survivors' support for different mandatory reporting policy approaches.

Finally, our data was unable to assess how other groups perceive mandatory reporting. While mandatory reporting policies should be crafted around survivors' needs (i.e., those who will be most affected by the policies and their outcomes), these policies have implications for all members of the campus community. For instance, additional research will be needed to understand the perspectives of employees who are required to report, and employees who help craft mandatory reporting policy approaches (e.g., in the Title IX Office or in General Counsel).

Conclusion

Colleges and universities across the United States have implemented policies that require certain employees to report all sexual assaults to university officials, regardless of a survivor's wishes. Our study suggests that the mandatory reporting policy approaches that survivors prefer—that limit the number of mandatory reporters and offer survivors more autonomy and flexibility—do not align with the policy approaches most frequently employed by institutions of higher education (e.g., see Holland et al., 2018). Survivors anticipate more harms resulting from mandatory reporting than benefits, including pushing survivors into disclosures before they are ready, increasing stress and anxiety, and discouraging help-seeking from trusted sources of support on campus (e.g., RAs, professors). Policy makers at institutional, state, and federal levels should consider survivors' perspectives when crafting mandatory reporting policies. Moreover, given survivors' lack of knowledge of these policies, institutions should also increase efforts to educate students about mandatory reporting.

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Appendix

Introduction to mandatory reporting

Every campus has confidential resources, such as [the counseling center] at [institution]. If a student discloses sexual misconduct to the counselors working in these resources, they are not required to report the student's name and information to the university. Mandatory reporting policies require other employees to report any sexual misconduct they learn about to a university official, such as the Title IX Coordinator. Sexual misconduct can include behaviors such as sexual harassment, sexual assault, and rape. The report must include the student's name and any other relevant facts, such as the name of the perpetrator or any witnesses. When creating these policies, there different approaches that colleges and universities have taken. I would like to get your thoughts about three different approaches. Please read all three policies and rank order them from *best* = 1 to *worst* = 3. After, I will ask you to briefly explain your rankings.

Policy approaches

Universal

All employees—including leaders, faculty, staff, and students—are required to report any sexual assault they learn about to a university official. The report would include the victim's name and any other relevant facts (e.g., the alleged perpetrator's name). The report must be made even if the victim does not want to report.

Selective

Employees who are in positions of leadership and/or have significant responsibility over students' wellbeing—such as directors, heads, managers, deans, chairs, advisors to student groups, and housing staff members—are required to report any sexual assault they learn about to a university official. The report would include the victim's name and any other relevant facts (e.g., the alleged perpetrator's name). The report must be made even if the victim does not want to report. All other employees are encouraged to report.

Student-Directed

Employees who are in positions of leadership and/or have significant responsibility over students' wellbeing—such as directors, heads, managers, deans, chairs, advisors to student groups, and housing staff members—are required to report any sexual assault they learn about to a university official. The report would include the victim's name and any other relevant facts (e.g., the alleged perpetrator's name). The report must be made even if the victim does not want to report. All other employees are required to (1) provide the student with information about reporting options, (2) ask if the student wants you to make a report to a university official and respect their decision, (3) provide the student with information about confidential resources that can offer more extensive support (e.g., victim advocate, counseling center), and (4) ask if the student wants you to help them connect with a confidential resource and respect their decision.

Interview questions

1. Please explain how you ranked the policies. For instance, what are potential positives/benefits and negatives/harms?
2. How would these policies affect students?
3. Can you tell me what you know about the mandatory reporting policy at [institution]?