

Responding to the Unexpected: Intragroup Sexual Misconduct Response and Support

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In recent years, in alignment with increased national dialogue about campus sexual misconduct, many inter/national fraternities and sororities have taken significant impactful steps to provide prevention education to their members on the topics of sexual misconduct, relationship violence (also known as intimate partner violence, dating violence, and domestic violence), and stalking. They have also undertaken efforts to refine protocols for responding to such incidents which occur at their events, within their facilities, and involving their members. However, one area that many of these organizations have not anticipated needing a response is that of intragroup incidents, meaning those involving member-on-member behaviors within a single organization (this includes prospective members and alumni as well), and intragroup impact. Consider how you, in your professional role, would respond to the following scenarios:

- A member of your organization is not selected for an executive board position and takes a non-consensual nude photograph of the member who was selected and then distributes the photograph among members and non-members.
- A member of your organization routinely wakes up new members in the early morning hours of brotherhood retreat in a crude manner.
- A member of your organization tells you a prospective member sexually assaulted them.
- New members are given a scavenger hunt list that includes getting a photograph of them engaged in a sexual act.
- A member of your organization is incapacitated due to alcohol consumption and another member begins to touch the incapacitated member's genitals without consent. Several other members witness this behavior and begin taking photos and videos of the incident.

Some of these behaviors are what most individuals automatically think of when hearing "sexual misconduct" (i. e. non-consensual sexual intercourse, non-consensual sexual contact). Many of these behaviors, often more common among students, are behaviors indicative of sexual harassment; sexual exploitation; discrimination based on sexual orientation, gender identity, or gender expression; and, sexualized hazing.

While Title IX and the Clery Act (through the Violence Against Women Act reauthorization in 2013) both articulate minimal policy and process requirements to ensure compliance, each higher education institution or system has the authority, and obligation, to develop and implement its own policy and process for responding to allegations of sexual misconduct, relationship violence, and/or stalking. Policies and processes are informed by institutional type, geographic location, enrollment,

organizational structure, presence of (or lack thereof) campus law enforcement, state law, and a variety of other factors. The overarching tenets of effective investigation and resolution practices include, but are not limited to:

- Equitable rights and access to resources for reporting individual(s) and responding student(s);
- A presumption of no policy violation until a policy violation is substantiated by the process and standard of information designated by the institution;
- Agency for the reporting individual(s) to identify how they would like the institution to respond and what, if any, participation they would like to have in a campus investigation and resolution process;
- An expectation of non-retaliation, that is, creating an environment in which good faith concerns can be reported for assistance and response without fear of adverse repercussions; and
- Ability to implement, and revise as appropriate, interim measures to protect the individuals involved and the integrity of the investigation (if applicable).

Local alumni and campus advisors should, at minimum, be aware of, and best case, seek training in the policies and processes for the campus(es) with which they closely work in order to most effectively assist students and organizations who are impacted by incidents of sexual misconduct, relationship violence, and/or stalking. This training is likely readily available to employees of the institution, but it can be requested by local alumni and chapter advisors. It is imperative that all individuals understand their role in supporting student members, and allow the institution to adhere to its policies and processes for the protection of the rights of all involved.

Generally, there are several phases to an institution's response to receiving notice of an alleged policy violation. First, it is important the impacted individual is made aware of their rights and resources. Often simultaneously, the appropriate staff – typically the Title IX Coordinator or Deputy Title IX Coordinator – ensure the initial reported information will be reviewed to determine whether there is sufficient information provided, or if additional information is to be gathered, to answer whether or not 1) institutional response is required under law and/or policy, and 2) interim measures are appropriate to be implemented pending potential investigation and resolution process. If there isn't enough information available to determine the answer to both prongs, but there is enough information provided to inform the direction of an inquiry, the responsible Title IX administrator would seek further information from appropriate sources. This initial inquiry may include seeking input from the campus staff working with student groups. Such staff may have relevant information such as identifying whether or not any organization had an event matching the

date/description provided, the identity of a student who is referred to by first/last name or a nickname/line name in the report, or whether or not an individual resides in an organization's housing facility/area. Such requests are permitted by the “educational need to know” clause within FERPA and should be responded to as promptly and thoroughly as possible. It is important to recognize, as an advisor to a group, this may mean providing information but not learning what further action is taken.

Campus administrators and/or inter/national organization representatives may also be contacted to provide assistance regarding the logistics of implementing interim measures such as no contact directives, housing relocations, access or program restrictions, and interim suspensions. The implementation of interim measures within fraternities and sororities, and other closed communities, may have added layers of complexity and require more collaboration among all stakeholders to effectively navigate circumstances without unduly infringing upon the privacy of the involved individuals.

When working with fraternities and sororities, whether as a staff member of the institution or as an alumni advisor, it is likely there will be the time when a member discloses experience of sexual misconduct. The internal culture and group dynamics of fraternities and sororities can present challenges and opportunities. Advisors can assist the involved parties and the institution’s process by focusing on the group dynamics. Often, members want to help one of their own, advisors can seek to provide the tools for this. While it is human nature to want to “do something” and/or “talk about” what is happening, both benefit from structure. Members may indicate desire to participate in holding someone accountable, so it is important to be aware of any campus or law enforcement process that may be available and help members understand organizational or individual efforts outside a process could hinder more than help. It is most helpful to either an impacted party or an accused party to protect their privacy, and when genuine, remind the person they are supported. Ask the individual what would be helpful to them, and recognize they might not know, what they say may be different than what you would expect, and often simply receiving an offer to talk or invitation to spend time together is helpful, even if the invitation is declined.

Encourage members to focus on channeling energy into prevention. They may not have direct knowledge to contribute to an investigation, but they can work to reduce the likelihood of another member having a similar experience. For example, look to existing practices and protocol for the group. Might there be an opportunity to enhance planning or guidelines to enhance the group’s intention to create an inclusive, supportive space? Identify a plan for infusing prevention efforts in educational programs, consider on campus and off campus experts who might provide learning opportunities throughout the year. It can be helpful to begin with review of bystander skills and to

provide practical tips for how to help. You might also check with your campus counseling center or a local agency to offer drop in hours for individual support. Also, remember the potential that other members may have their own trauma history. Finally, we are talking about supporting students; they may need some structure to aid in returning their focus to that primary role – their academics. Often, groups want to talk about a situation as a group, if considered, this should be facilitated with great care to be of benefit. A skilled facilitator should keep the group focused on the discussion while creating options for being supportive with healthy boundaries and self-care. Know your group, and encourage group learning and individual, ideally confidential, help seeking to minimize escalating emotions and potential disruption.

In the interest of generating thought, offered below are a few examples to assist in thinking through what this could look like in practice.

- Following welcome week events in early September, a fraternity member learns a friend was assaulted by their partner. The chapter advisor coordinates with chapter leadership to begin planning an event on healthy relationships, to be open to all fraternity and sorority members. October is Domestic Violence Awareness Month; January is Stalking Awareness Month; and April is Sexual Assault Awareness Month. Prevention efforts are valuable at any time, though connecting with an awareness month can be helpful.
- A sorority member discloses to her sisters that she does not recall what happened over the weekend. While she is connected with confidential support, group members work with the campus violence educator to learn more about bystander intervention skills (on some campuses this may be programs like Green Dot, Step Up, or Bringing in the Bystander). The members work with their chapter leadership to identify their risk officer, an appointed position a member must serve at all hosted events, will be the point person for members who may be concerned about another person at the event. For the group, it became an indirect option, if someone saw something concerning and were not sure how to help, they could seek out the risk officer to assist with intervention.
- Members are clustering and feeling overwhelmed, and unsure what to do, having recently learned that a member has been accused of sexual misconduct. It comes to your attention that at the chapter meeting going into midterms members discussed how to get back at the accuser. You consult with a campus Title IX Administrator to get helpful language for providing guidance to members as to how then can help and how to avoid engaging in behavior that may constitute retaliation. You also coordinate with your counseling center to offer drop in visits with a counselor during scheduled study hours to encourage members to take advantage of a confidential space to both discuss their concerns and identify an

individual plan to set boundaries to be supportive without further disrupting their own academic progress.

It is, of course, important to know your campus and your organization. The available prevention resources, policies, procedures, and process support and confidential support options on each campus differ. The diversity of fraternities and sororities also informs what may be important to consider, while the group dynamics of brotherhood and sisterhood is common there may be unique considerations. Such unique dynamics may be a co-ed service group that works regularly with a local youth group or a fraternity who has many members who also play on a college athletic team. While we do not want to operate from a place of fear, it is important to be proactive to consider how we can best serve and develop our members, including when navigating crisis response. Given the national statistics, it is not if a member of your organization discloses an experience of sexual misconduct, it is if they know chapter leadership and advisors will be supportive so that they will disclose such experience.