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Mandatory Reporting + Confidential Advocacy in Youth Serving Settings

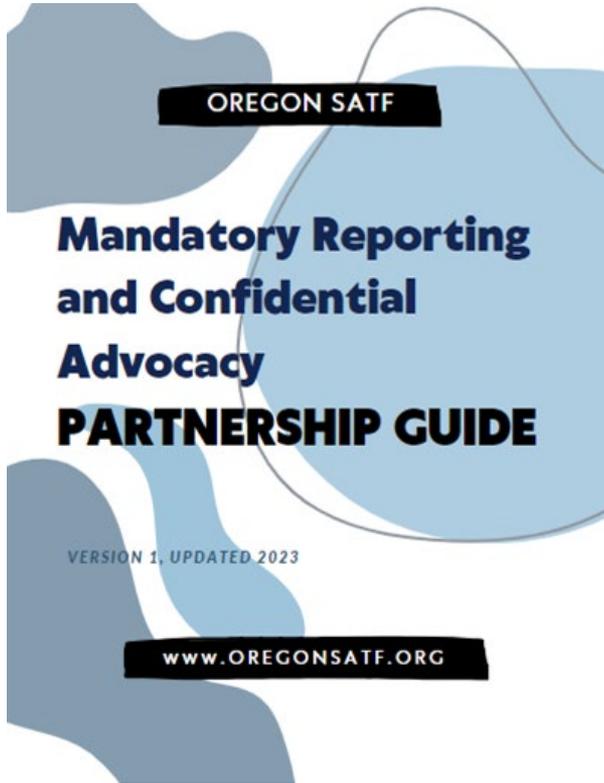
November 15th from 11AM-12:30PM (Pacific)



Disclaimer

This information in this webinar is not offered as, not intended as, and does not constitute legal advice. It is provided for informational purposes only. Much of the information was pulled directly from experts across Oregon and compiled into this guide. None of the information provided here should be considered a substitute for professional legal advice.

Additionally, state and federal laws are updated regularly and changes to law (statutes, case law, regulations, etc.) may impact the information shared within.



Check out this NEW Companion Resource

www.oregonsatf.org

SPECIAL THANKS!

- Cares NW
- Clackamas Women's Services
- Douglas Cares
- Oregon Coalition Against Domestic and Sexual Violence
- Oregon Crime Victims Law Center
- Oregon Department of Education
- Oregon Department of Human Services
- Oregon Health Authority
- Oregon School Based Health Alliance
- Peace at Home Advocacy Center
- Prevent Child Abuse Oregon
- Protect Our Children
- Raphael House of Portland
- Sexual Assault Support Services
- Victims Rights Law Center
- Volunteers of America Home Free
- Women's Crisis Support Team

Introducing Today's Speakers



Kate Hildebrandt
(she/her)
Civil Rights Specialist,
Oregon Department of
Education



Martina Shabram,
PhD (she/her)
Executive Director,
Sexual Assault
Support Services



Megan Foster (she/her)
Prevention Program
Coordinator,
Oregon Attorney
General's Sexual Assault
Task Force

TODAY'S GOALS

What we Will do

- Provide a simplified overview of laws/policies that affect these partnerships
- Highlight clear strategies to partner to better promote health and safety for youth in Oregon

Might do

- Troubleshoot partnership barriers that have arisen in efforts to better serve youth

Won't do

- Provide a deep dive into the nuance and complexities of mandatory reporting and confidential advocacy laws



A QUICK NOTE ON LANGUAGE

Survivor vs. Victim

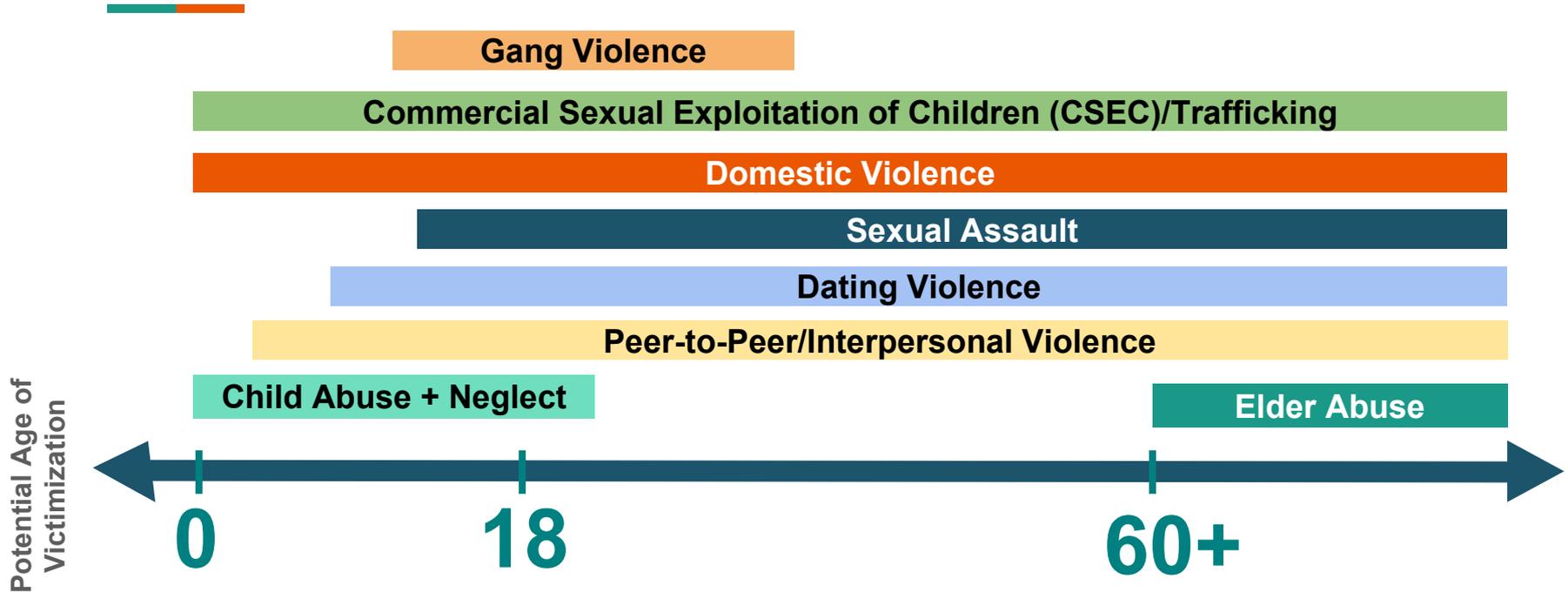
Youth vs. Child

Privileged and Confidential Advocacy



An Overview of Serving Youth in Oregon who Experience Violence/Abuse

Addressing Violence and Abuse Across the Lifespan



During the past year, did someone you were dating, hooking up, hanging out or going out with **ever purposely try to control you, manipulate you or hurt you mentally or emotionally?**

(For example, told you who you could and could not spend time with or what you could or could not wear, humiliated or insulted you in front of others, or tried to control you via social media?)

18.9% Oregon 11th Graders

Has anyone ever **touched or grabbed you or made unwanted sexual comments** about your body without your permission?

19.9%
8th Graders

26.5%
11th Graders

Have you **ever witnessed someone** at school being physically, emotionally or sexually harmed?

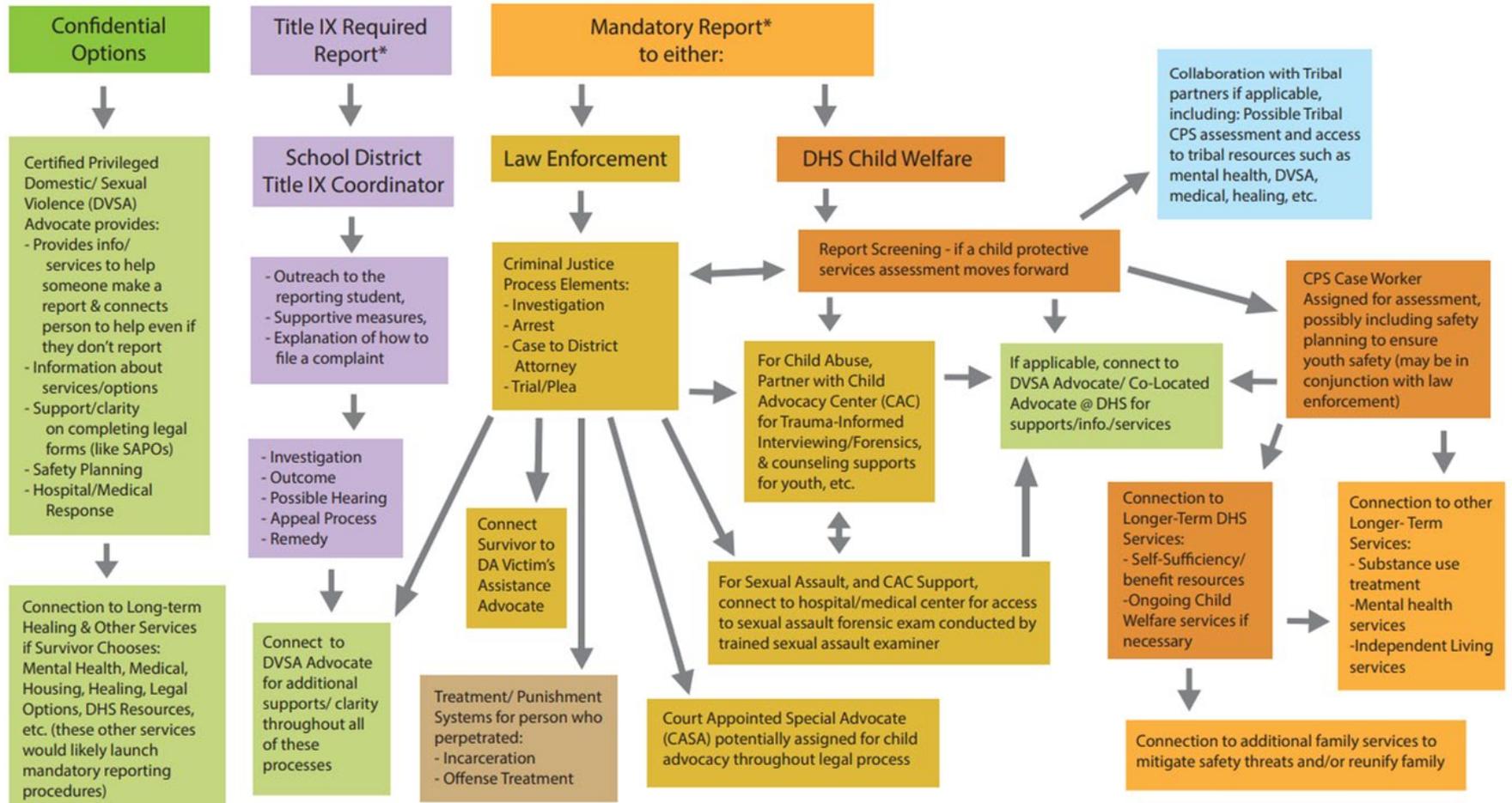
17.5%
6th Graders

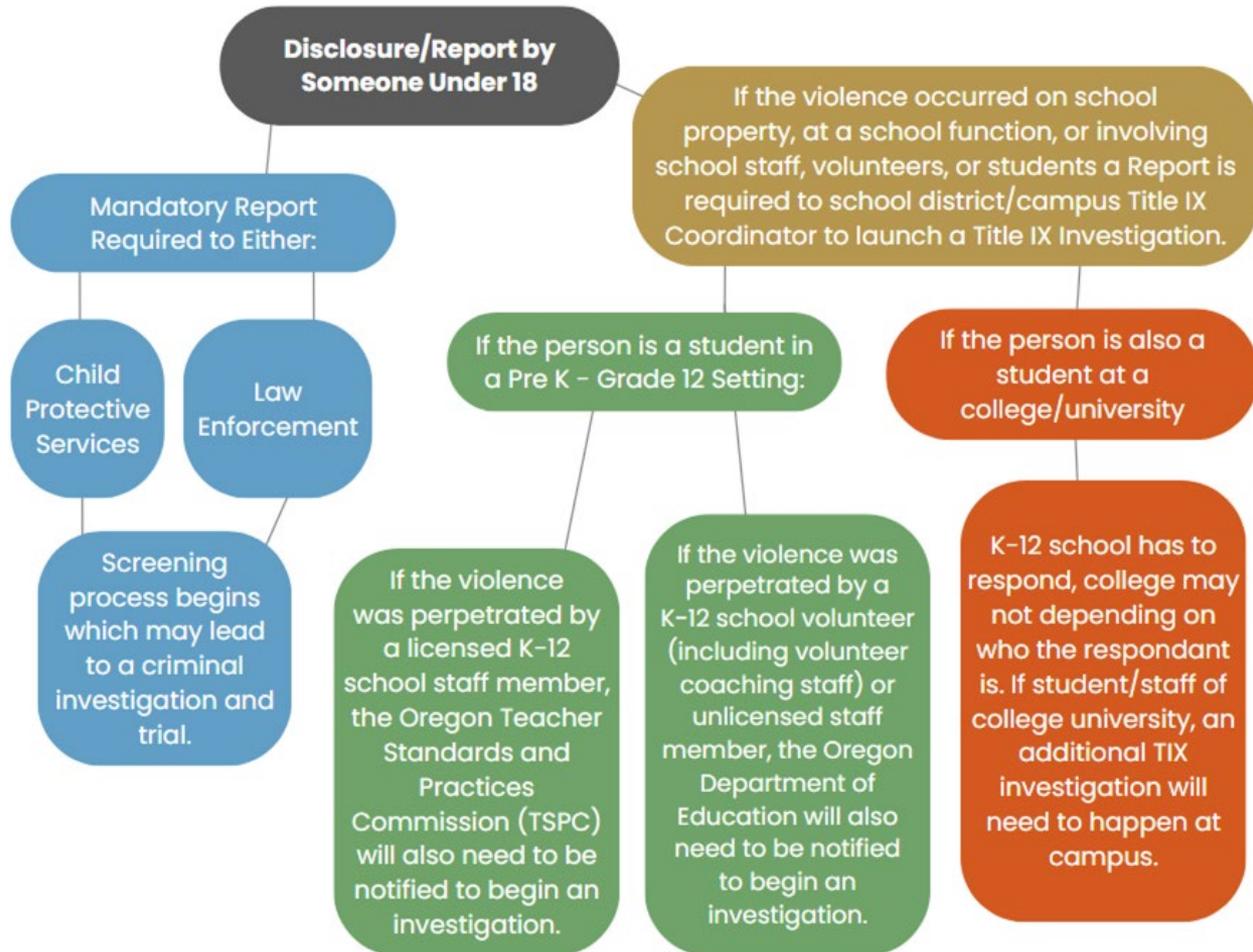
23.1%
8th Graders

20.9%
11th Graders

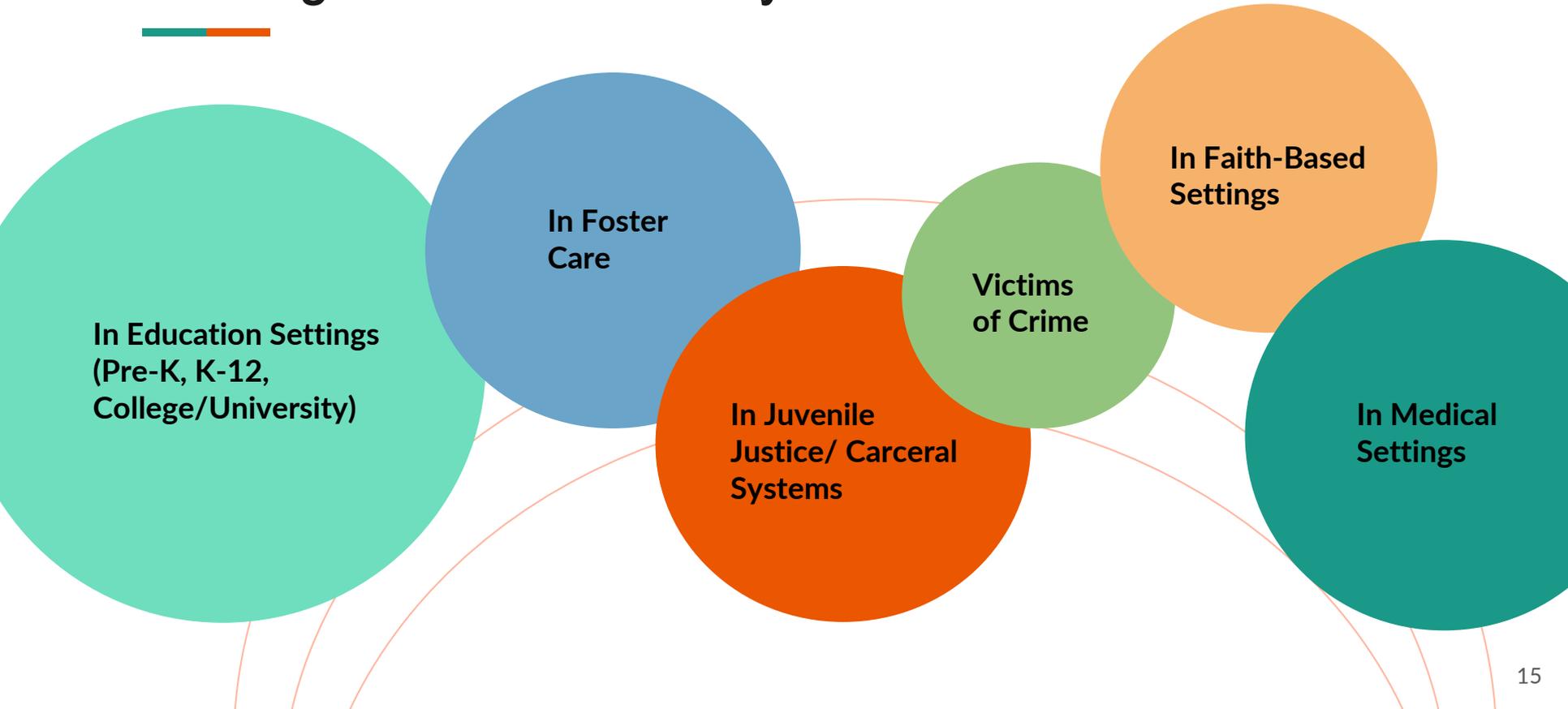
In the pilot Oregon Child Abuse Prevalence Study (OCAPS) of youth in Oregon who reported having an abuse experience, "**47% had never talked with anyone about their experience.** Those who had shared their experience at some point in time most often shared it with a friend, parent or sibling."

- *The University of Oregon's Center for the Prevention of Abuse and Neglect
OCAPS High school Pilot Study Preliminary Report, 2019*





Youth Rights and Access Vary



“Institutional betrayal is harm an institution does to those who depend upon it. This betrayal can take the form of overt policies or behaviors, such as discriminatory rules... Harm can also mean failing to do what is reasonably expected of the institution, such as... failing to respond effectively to sexual violence. For instance, some victims of assault are punished or even demoted or fired for reporting the assault to their institution.”

- *Jennifer Freyd, Professor of Psychology and Researcher at the University of Oregon*

WHY CONFIDENTIAL OPTIONS?

A University of Oregon study found "the **more gender harassment** and institutional betrayal (like mishandling of the situation by schools) teens encounter in high school, the **more mental, physical, and emotional challenges** they experience in college," lead researcher Monika Lind explains.

Women **97%** & Men **96%**

identified experiencing gender harassment at least once in high school.

- *Isn't high school bad enough already? Rates of gender harassment and institutional betrayal in high school and their association with trauma-related symptoms by Monika N. Lind, Alexis A. Adams-Clark, and Jennifer J. Freyd*

"In the first year since victim-advocate privilege was passed in Oregon, college and university campuses observed **a 122% increase in reporting of assaults to Title IX officials, and a 138% increase in access to on campus victim services.**"

- (Oregon Attorney General's Sexual Assault Task Force, Campus Program, 2017)

"Two of the most important factors for teens seeking services are the **desire to be treated with respect** and the **need for confidentiality.**"

- (World Health Organization, 2001)



A Couple of Meaningful Details

Mandatory Reporters of Child Abuse

(ORS 419B.005- 419B.050)

- ODHS offers this overview "mandatory reporters are public and private professionals required by law to report suspected child abuse." A complete list of designated reporters can be found in ORS 419B.005.
- Reporting requirements vary (ex. psychiatrists, psychologists, clergy, attorneys, and certain guardians ad litem are not required to report child abuse that was disclosed in privileged communications).

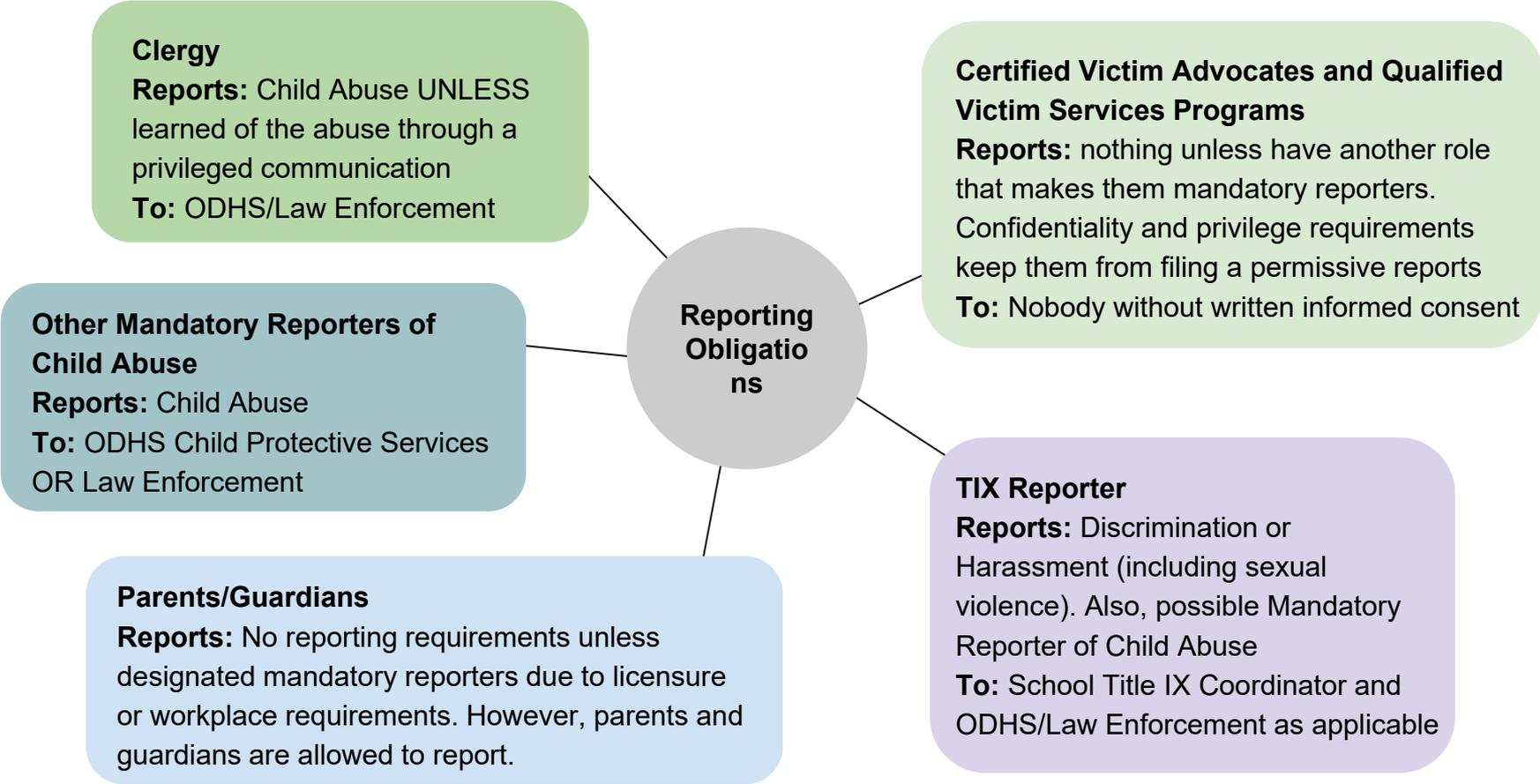
Privileged and Confidential Advocates

(VAWA, ORS 40.264 Rule 507-1, ORS 147.600(1))

- Privileged and Confidential Advocates work through qualifying domestic and sexual violence agencies/programs throughout Oregon
- This may include people from these organizations who provide prevention programming, including prevention education

Title IX Reporters

- When these people receive a disclosure of sexual or gender-based violence/harassment, on top of any mandatory reporting requirements, they will likely need to report this to their school district/campuses designated Title IX Coordinator.



Reporting Obligations

Clergy

Reports: Child Abuse UNLESS learned of the abuse through a privileged communication

To: ODHS/Law Enforcement

Certified Victim Advocates and Qualified Victim Services Programs

Reports: nothing unless have another role that makes them mandatory reporters. Confidentiality and privilege requirements keep them from filing a permissive reports

To: Nobody without written informed consent

Other Mandatory Reporters of Child Abuse

Reports: Child Abuse

To: ODHS Child Protective Services OR Law Enforcement

TIX Reporter

Reports: Discrimination or Harassment (including sexual violence). Also, possible Mandatory Reporter of Child Abuse

To: School Title IX Coordinator and ODHS/Law Enforcement as applicable

Parents/Guardians

Reports: No reporting requirements unless designated mandatory reporters due to licensure or workplace requirements. However, parents and guardians are allowed to report.

Safe Supports Provided by Mandatory Reporters of Child Abuse:

- **Connect Youth with Resources and Systems that can help them** - this may include systems like child-welfare, but can also include confidential and more expansive resources.
- **Provide Trauma-Informed Reporting Processes** - Reporters can each work to create a safe space for people to begin engagement with the expansive systems and structures that help to stop violence and abuse. This includes offering as much control as possible back to the young person whenever possible. See the next page for more tips on this from the Oregon Department of Education.
- **Connect Youth to Other Community Resources, Including Confidential Advocacy** - Knowing what resources are available in your community that can provide more in-depth support for the young person and their families can be really meaningful. This includes providing contact information and/or a warm handoff to those resources to make direct connections.

Safe Supports Provided by Privileged and Confidential Advocates:

- **Emotional Support**- Provide a listening and supportive ear for those who have experienced violence of any form with no mandatory actions to follow.
- **Confidentiality**- Work directly with the youth and are bound by law to enhance confidence. This includes not sharing information with schools, agency staff, parents or guardians, etc. without a signed time-limited release of information form.
- **Safety Plan**- Explore options with youth to enhance safety within their home, school and community.
- **Minor Rights**- Inform youth of their legal rights as a minor.
- **Access Resources**- Assist youth in identifying and accessing community and school resources that fit their needs.
- **Navigate**- Assist youth in navigating the medical process and community systems.
- **Assist**- Youth in accessing safe shelter and transportation.
- **Empower**- Provide unwavering support that encourages the youth to make choices that will help improve their situation.

“When asking confidential youth advocates throughout Oregon what some of the most common needs young people reach out to them about, they shared extensive examples falling into four overarching themes: **Finding Resources and Getting Referrals**, **Processing Experiences of Violence**, **Building Healthy Relationships Skills**, and **General Concerns About Navigating Life.**”

**Oregon Attorney General's Sexual Assault Task Force's (SATF) Privileged and Confidential Youth Advocacy Services Guide based on data compiled in a forthcoming joint report from SATF and the Oregon Health Authority Rape Prevention and Education Program.*

Can minors consent to confidential advocacy services?

These services are **available to anyone regardless of their identities, including age**. Nothing in Oregon's victim-advocacy laws (including ORS 147.600) requires victims to “consent” to confidential advocacy services. Rather, the laws say that victims “seek” services and qualified victim services programs (and advocates) “provide” or “offer” services.

Oregon law allows youth of certain ages the legal capacity needed to protect themselves in certain situations, like the ability to consent to varying medical services, and even enter into contracts for things like housing and protective orders to protect themselves from abuse.

Confidential advocacy resources are trained to provide victims/survivors information about their legal options and resources, so ensuring access to privileged confidential advocacy can actually help young people be more successful at accessing their other rights under Oregon law.



Partnering Better in Youth Serving Settings

Models for Partnering with Privileged and Confidential Advocates

- Co-Located Models
- Rapid Response Models
- Including Confidential Options in Policies and Procedures
- Making Warm Referrals and Ensuring Awareness of Expansive Resources

CO-LOCATED PARTNERSHIP MODELS

Co-located advocates are staff from a nonprofit community-based agency who **spend part of their time working in the partner setting** (like a school or juvenile detention center) and part of their time working at their community-based DVSA organization.

These co-located advocates **provide in-depth safety planning, emotional support, education, advocacy, referrals, available client assistance funds, program navigation, and parenting/family resources.** Advocates can also provide training and consultation on violence/abuse-specific issues to partner staff and beyond.

EVIDENCE OF SUCCESS: CO-LOCATED MODELS

ODHS Child Welfare and Self-Sufficiency Staff involved with co-located advocacy programs in Oregon reported benefits for both their caseworkers and their clients, including:

- Improved access to safety planning and intervention services for clients
- Increased utilization of DHS services by DV survivors
- A better understanding by DHS Self-Sufficiency staff of how DV impacts a client's ability to achieve self-sufficiency
- Expanded knowledge of self-sufficiency services by DV advocates
- Increased ability of DV advocates to assist DV victims to access benefits

**Working Together Domestic Violence Advocates Co-Located at DHS Offices POLICIES & PRACTICES RESOURCE GUIDE*

“I was so happy (to meet my co-located DV advocate) because I realized I wasn’t alone; in a maze of bureaucracy **I had found a person who understood me, whose position was made just to help me.**” –Survivor

“Co-located DV advocates engage DHS caseworkers in working with families in a different way, it’s more of an engagement model, **(this partnership) has shown there is a fundamentally different way to do child welfare practice.**” –ODHS Caseworker

**Working Together Domestic Violence Advocates Co-Located at DHS Offices POLICIES & PRACTICES RESOURCE GUIDE*

RAPID RESPONSE PARTNERSHIP MODELS

This strategy refers to **automatically contacting a privileged and confidential advocate once a disclosure is received**. This can help ensure that youth are connected with an advocate to help them navigate all of the different processes/systems as soon as possible. Youth are also then able to make more choices around what resources they want to use/have access to.

Advocates can provide emotional support, education, and connection to services. Advocates may also be able to provide clothing, informational handouts, and transportation. Most often hospitals call community-based domestic violence/sexual assault agencies.

**Oregon Attorney General's Sexual Assault Task Force's SANE/SAE Program Toolkit*

EVIDENCE OF SUCCESS: **RAPID RESPONSE MODELS**

This model has been shown to be really meaningful in a variety of settings. A notable example is, since 2017, Oregon law (ORS 147.404) states that an advocate must be called when a sexual assault patient presents for medical assessment.

Providing advocacy during a medical-forensic exam is **considered best practice nationally, and allows the person to receive immediate support and crisis intervention, and to be informed of additional resources to assist in their recovery.**

**Oregon Attorney General's Sexual Assault Task Force's SANE/SAE Program Toolkit*

INCLUDING CONFIDENTIAL OPTIONS IN POLICIES AND PROCEDURES

Including referrals to and collaboration with confidential options in your institution/organization's policies and procedures can be a **meaningful way to help ensure that all people on your team can provide the same level of supports to all youth you serve.** This includes policies on response to disclosures, as well as prevention implementation.

There are **great examples of this built into Oregon's education laws around responding to sexual violence, like Oregon's Law on school sexual harassment policies (ORS 342.704).** These laws help us implement best practices to ensure that young people are aware of: their rights, expansive resources, and how they can access services.

Regardless of whether we are implementing programming in a school based setting, **ensuring young people are connected to information is a best practice and will help ensure all young people are getting help.**

- Include local Confidential Advocacy Resource contact information on various parts of **your website** (ex. community resource pages, any page related to violence or abuse, specific policy pages, etc.)
- Include these resources in **materials directed at youth and families**.
- Utilize **opportunities in educational programming** to highlight confidential advocacy resources
- Utilize **visual materials** throughout your space with the contact information of both your local confidential advocacy resources, as well as any relevant national resources
- Whenever violence or abuse is brought up (ex. in meetings, trainings, classroom instruction, etc.) **highlight the confidential advocacy resources** present and available in your communities.
- **Ensure staff and faculty are aware of community resources** and how to contact them and able to share this information with others. This is a key component of Erin's Law for K-12 schools.



Partnering in Education Settings: A Case Sample

"School support is there before anyone ever hears about a disclosure and after everything is said and done... They are very unique in this entire process because they have to see every child more than any of the rest of us... Schools are required to see every child in the community and they have this very important role. So when we're talking about partnering, **we also have to make sure that we're having good relationships with our schools and that they know they can count on us when they need us.**"

- *Sarah Wickersham, Executive Director at Douglas Cares, Webinar 1 in this Series on 11/9/2023*

In 2018, the Oregon School-Based Health Alliance (OSBHA), Raphael House of Portland, Volunteers of America (VOA) Home Free, and Portland Public Schools (PPS), with funding from the E.C. Brown Foundation, launched an unprecedented collaboration in the United States, that was, at the time, the only public school-approved program offering on-site confidential advocacy services to youth.*

From July 1, 2018-December 31, 2018, this project provided **healthy relationship educational & advocacy services to 4,506 students; 212 administrators, teachers, and school-based health center staff; and 4 parents.** [This was often through referrals from school staff, drop-in models, and scheduling through apps/texting.] These services were **recognized as valuable by students, administrators, teachers, and school-based health center staff who were surveyed.****

**New, innovative approach to healthy relationship services launches at two PPS high schools, article from PPS*

***Oregon School-Based Health Alliance (OSBHA) Healthy Relationships ACTION Grant Summary of 2018 - 2019*

PPS reported the Following Outcomes as a result of this pilot project

- The pilot project **helped PPS understand the skills, training, and experience needed by adults** who respond to student healthy relationship ‘incidents’ in schools.
- The project prompted **better coordination between PPS** Prevention Services (prevention education) and PPS Student Support Services (incident response) groups, including weekly meetings and conjoint strategic planning.
- They recognized **benefit for students** is more ‘askable’ + ‘safe’ adults available to support them.
- The community partner **advocates provided services to schools that PPS did not have the capacity to provide** and helped meet needs of the HTRA state mandate.
- **Schools not in pilot project wanted confidential advocate services** in their schools to support students coping with healthy relationship issues - PPS began funding project beyond pilot year.
- As a result of the enhanced relationships with RH and Home Free, **PPS is now engaged with a regional “family violence coordinating council and prevention group.”**

- Portland Public Schools District News Article ‘Innovative approach to healthy relationship services launches at 2 high schools’

Title IX Sexual Harassment (Federal Definition)

- Requirement to respond to and investigate sexual harassment
- Required to provide supportive measures
- Required to remedy any sexual harassment substantiated

Sexual Harassment Policy (State Definition) ORS 347.700-708

- Requirement to respond to and investigate sexual harassment
- Required to provide supportive measures
- Required to provide document describing rights and options

Mandatory Reporting of Child Abuse ORS 419B

- Requires specific individuals, including school employees, to report child abuse, including sexual abuse (ORS 163) and sexual exploitation

Sexual Conduct ORS 339.370-400

- Requires reporting of any sexual conduct between employees, contractors, agents, or volunteers and students.
- Requires actions to support student safety

Title IX Sexual Harassment
=
Title IX Coordinator

Commonly position is held in Oregon K-12 by district-level admin, HR Director, or Superintendent.

Sexual Harassment Policy
(State Definition)

- No specific required designated personnel
- Investigations and response may be done by Title IX Coordinator, building-level admin, or other

District may or may not overlap these systems in personnel and response protocols

Mandatory Reporting of Child Abuse

Requirement to report lies with the mandatory reporter, but school is often made aware. School may do their own investigation or may defer to outside agency.

Sexual Conduct
=
Designated Licensed Administrator

May conduct district's own investigation or may defer to outside agency.

WHERE CAN CONFIDENTIAL ADVOCACY FIT INTO THESE SYSTEMS?

Identify possible partners and entry-points into the district:

- Title IX Coordinator?
- Who is responsible for sexual harassment response and investigations in the district? Student Services Directors? Building Admin?
- Who is responsible for safety planning and supportive measures? School Counselors?
- Are there other partners or champions specific to your district?

Each district will have unique dynamics and unique processes for response. Ways to learn about a district's process include:

- Look up any Title IX information, including policies and procedures, on the district's website.
- Attend school board meetings.
- Connect with designated personnel for informational meetings or questions.

SASS' PARTNERSHIP

Education and training
for staff (all levels) and
students (HS only)

Rapid response (HS
only)

Co-located advocacy
(HS only)

LESSONS LEARNED



Start with the why and make the ethical case, but be confident in your knowledge of the law.

Be understanding of and proactive about the complex logistics and legalities that schools are working through.

Connect with other experts to ensure that you have policies/practices that feel defensible and strong.

Prepare your advocates for what's unique about school-based advocacy. Work as a team to develop new procedures.

Be ready for a lot of change and discontinuity.

ESSENTIAL TAKEAWAYS



Advocates are not there to relieve the district of their responsibilities, nor to create secrecy.

Partnerships aren't about creating something new, just making services more accessible.

People get scared because this is scary. Breaking the culture of silence is a big job.

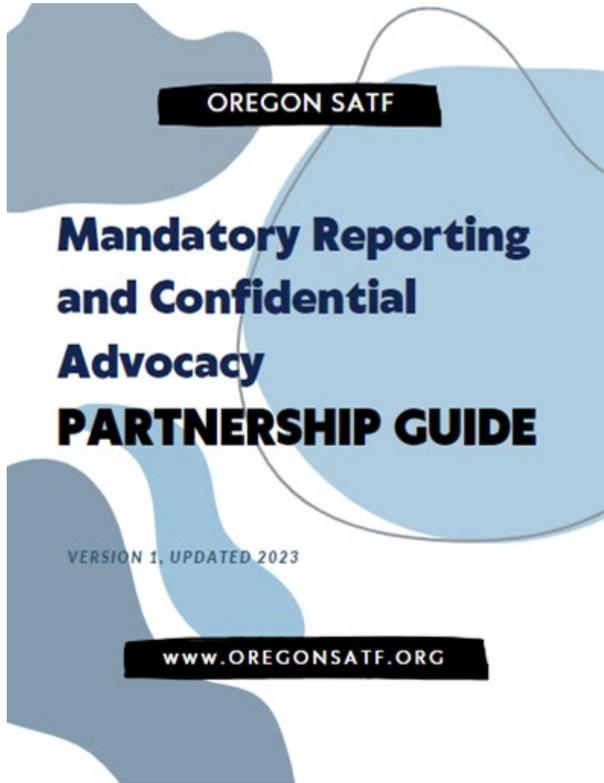
Breaking down barriers demonstrates commitment, which is powerful in and of itself.

Districts have done this with other issues; they can do it with SV, too.

Working with kids is playing the long game. Let the game play out.



Resources to Support Partnership Efforts

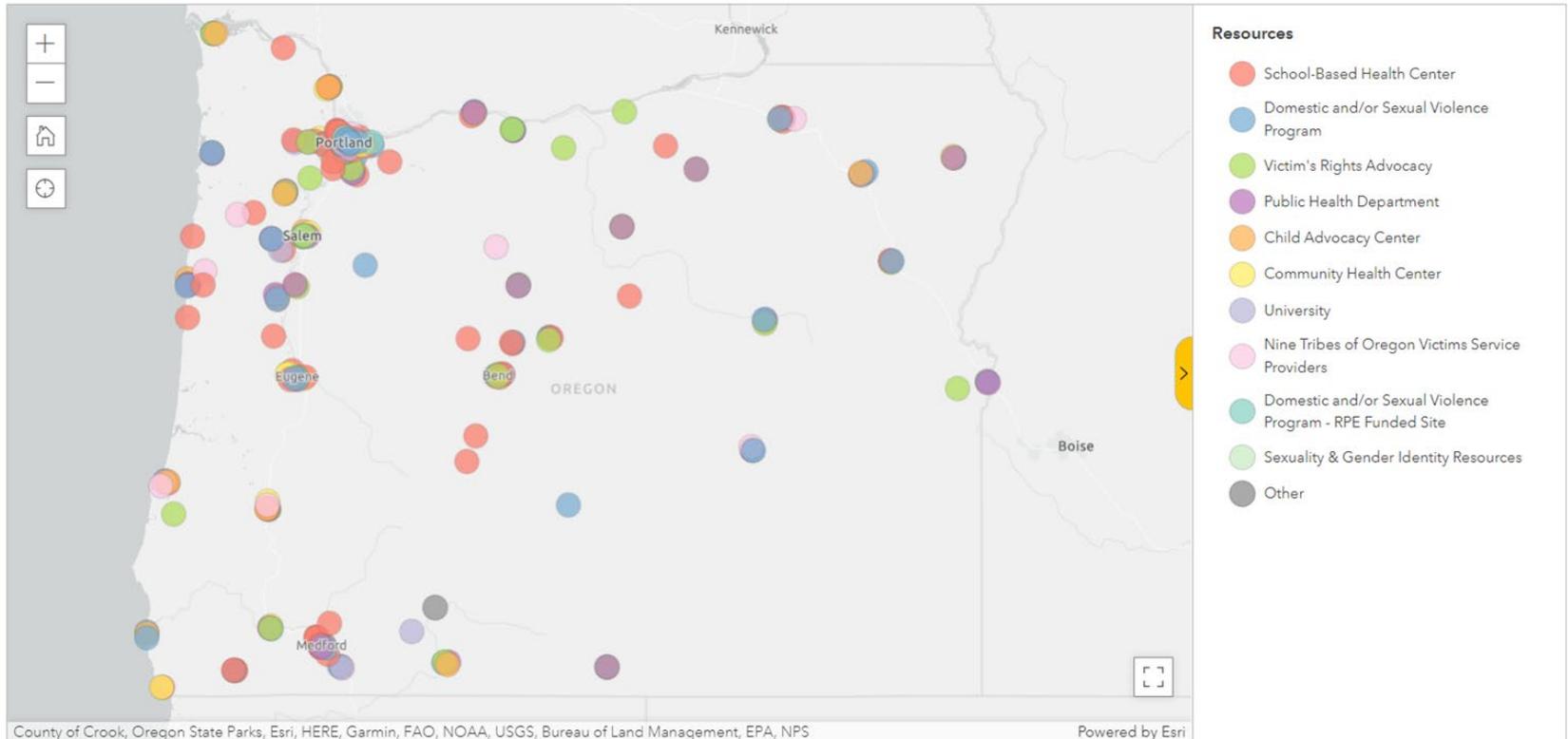


Check out this **NEW** Companion Resource

www.oregonsatf.org

OHA Rape Prevention & Education Resource Map

Data and Tools for the Prevention of Sexual Violence & Abuse in OR



- **Working Together: Domestic Violence Advocates Co-Located at DHS Offices**
Policies and Practices Resource Guide from OCADSV, ODHS, and ODOJ
- **Children, Youth and Families** page of the Oregon Department of Human Services Website
- **Civil Rights Webpage** from the Oregon Department of Education (ODE)
- **Understanding Minor Consent and Confidentiality in Health Care in Oregon** from the Oregon Health Authority
- **You Matter: An Illustrated Guide for Young People Beyond Mandatory Reporting** from Mandatory Reporting is Not Neutral and Just Beginnings Collaborative
- **Serving Teen Survivors: A Manual for Advocates** from the National Sexual Violence Resource Center (NSVRC)
- **HTRA Pilot Project Evaluation Report** Submitted to the Oregon School-Based Health Alliance on July 10, 2019 by John A. Dougherty, PhD, Independent Public Health Services



Oregon Sexual
Assault Task Force
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**Thank
You!**