

Dating and Sexual Violence Research in the Schools: Balancing Protection of Confidentiality with Supporting the Welfare of Survivors

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Highlights

- Youth may not report dating or sexual abuse if they have concerns about confidentiality.
- No procedures exist to support research participants who are adolescent survivors of abuse.
- We conducted a structured ethical decision-making process to solve our ethical dilemma.
- Our novel protocol helps balance participant confidentiality with survivor welfare.

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Abstract Rigorous research and program evaluation are needed to understand the experience of dating and sexual violence among youth and the impact of prevention and intervention efforts. Our dilemma in doing this work occurred when youth disclosed dating and sexual violence on a research survey. What responsibility do researchers have to protect survivors' confidentiality as a research participant versus taking steps to ensure the student has the opportunity to access help? In our evaluation of a pilot dating violence prevention program, our protocols employed widely used procedures for providing resources to participants upon their completion of the survey and de-identifying survey data. Upon reviewing preliminary survey results, we became concerned that these established procedures were not sufficient to support research participants who were adolescent survivors of dating and sexual violence. We followed a structured ethical decision-making process to examine legal and ethical considerations, consult with colleagues, consider impacts and alternative solutions, and ultimately find a solution. Through this process, we developed procedures that balance participant confidentiality and the desire to support the welfare of survivors, which other researchers may want to employ when conducting youth sexual and dating violence research in school and community settings.

Keywords Ethics · Community psychology · Dating violence · Sexual violence · Confidentiality

Introduction

Dating and sexual violence is a pressing social issue for US youth. Dating violence comes in many forms, including physical, sexual, psychological, or emotional abuse or stalking of a current or former dating partner, either in person or online (Center for Disease Control, 2016). Although estimates vary widely, nationally representative data found that 10.3% of high school students reported physical violence by a dating partner in the past year, and more girls (13%) than boys (7.4%) reported physical abuse (Vagi, Olsen, Basile, & Vivolo-Kantor, 2015). This report found similar rates of sexual abuse by a dating partner, as 10.4% of students reported forced sexual contact or intercourse (14.4% of girls and 6.2% of boys). Other national data found that over 60% of youth aged 12–18 years reported psychological abuse by a partner (Taylor & Mumford, 2016). Experiencing abuse in dating relationships is associated with mental health issues, substance use, and delinquent behavior, and abuse at a young age has been linked with experiencing further relationship abuse across the lifespan (Foshee, McNaughton Reyes, Gottfredson, Chang, & Ennett, 2013; see Shorey, Cornelius, & Bell, 2008, for a review).

Rigorous research and program evaluation are needed to understand the experience and consequences of dating and sexual violence and the impact of prevention and intervention efforts. However, dating and sexual violence are difficult topics to study, especially among minors.

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Many youth rarely tell others, especially adults, about dating violence experiences (e.g., Black, Tolman, Callahan, Saunders, & Weisz, 2008), and may be even less inclined to report abuse if they have concerns about confidentiality. There are also challenges around raising awareness about these issues among youth, as youth are navigating unknown territory in their early dating relationships and may not recognize signs of abuse. Due to the importance and challenges of dating violence research and program evaluation, this paper explores the ethics involved in balancing confidentiality and the welfare of adolescents. When dating violence is disclosed on a research survey, what responsibility do researchers have to protect teenage survivors' confidentiality as a research participant, versus ensuring the minor has the chance to access help?

The Ethical Challenge

Our research team was contracted to evaluate *What is LOVE*, a school-based dating violence prevention program that draws from restorative justice principles to reach students, parents, and staff. The program focuses on how to identify the harm caused by unhealthy and abusive dating behaviors, take accountability for causing harm, and safely repair relationships. Interventions provided by *What is LOVE* include an assembly for all freshman students, 6-week workshops for small groups of students, parent presentations, crisis intervention, and disseminating outreach materials.

To evaluate the 6-week workshops, we implemented a quasi-experimental design with random assignment at three local high schools. Regarding confidentiality, youth assent forms stated:

Your name will not be used on any of the research documents. You will be given a study identification number, which will be the only identifying information on study materials. All information used for research purposes will be reported as a group, so there will be no way to identify your participation in any of the study's findings. However, be aware that absolute confidentiality cannot be guaranteed, since research documents are not protected from subpoena. Additionally, we are required to report if we gain knowledge of child abuse as mandated by UCSB's policy on child abuse reporting.

The parent consent forms were similar but were addressed to the parent (e.g., "your teen" instead of "you"). Using online software, control and intervention group participants completed pre- and post-workshop surveys throughout the school year that queried knowledge,

attitudes, and experiences related to dating violence. Participants were given a random project ID code for their surveys to protect the confidentiality of responses. These project IDs were connected to their student IDs by a master list that was only accessible by our research team. Per our research protocol, at the end of the online survey, all participants were given a list of resources. This list included school counselors, national hotlines, and helpful websites. These procedures were approved by the school district and our university Institutional Review Board.

Our dilemma arose while conducting preliminary analysis of our first pretest survey. Of the 143 participants, we found that 19% reported being pressured to have sex and 11% reported being forced to have sex or do something sexual that they did not want to do by a dating partner. Although these statistics were similar to national rates, thus not entirely unexpected, we now had knowledge of students under the age of 18 years who reported experiencing sexual assault. Although student identities were not readily available to us through our confidentiality protocols, it was still possible to go through a process of connecting their project ID to their student ID and then ask the school to provide the names of students. Some members of our research team raised the concern that we had access to information about students at risk, but we were not using that information to offer additional support to students. We wondered if our list of resources at the end of the survey was sufficient support for a student experiencing distress or abuse, as it put the responsibility solely on the student to seek support. However, we also recognized the importance of students' rights to confidentiality, and the decision to disclose if and when they wish. As faculty in a graduate school of education (one of whom teaches ethics), we decided to lead our team through a structured ethical decision-making process to find a solution that balanced confidentiality and student welfare.

With our dual roles as researchers and mental health (MH) professionals (and mandated reporters) in conflict, questions that arose at this moment included: Do researchers who study dating and sexual violence have an obligation to seek out these students and break confidentiality, especially if they are minors? Were our consent/assent forms as clear as they should be on what information is private? How do we as researchers, community-engaged scholars, and practitioners balance confidentiality with mandated reporting laws and supporting the welfare of sexual assault survivors?

Resolving the Conflict

To resolve this conflict, we implemented an ethical-decision-making model designed to help psychologists make difficult decisions that might arise in community- and

school-based practice (Armistead, Williams & Jacob, 2011). The model addresses ethical dilemmas via seven steps: (1) describe the problem; (2) define the potential legal and ethical issues; (3) consult legal and ethical guidelines; (4) consult with colleagues; (5) evaluate the rights, responsibilities, and welfare of all affected parties; (6) consider alternative solutions and consequences; and (7) select a course of action and take responsibility for it. We adopted this approach for our dilemma because employing a logical, systematic approach is likely to lead to a better solution and is more defensible than common sense judgment (Boccio, 2015). After the ethical challenge became clear, we described the problem (Step 1) as a conflict between disclosing the abuse to protect the minor and confidentiality protections of research participants.

Steps 2 and 3: Legal and Ethical Issues and Guidelines

We consulted the American Psychological Association (APA) ethical guidelines (APA, 2010), human subjects' protections, and the California's Child Abuse and Neglect Reporting Act (CANRA) to guide our decision-making process.

APA Ethics Code

The goal of the APA Ethics Code is the “welfare and protection of the individuals and groups with whom psychologists work...” (APA, 2010, p.3). The principles of the code most relevant to the current dilemma include Principle A: Beneficence and Nonmaleficence, Principle B: Fidelity and Responsibility, and Principle E: Respect for People's Rights and Dignity. Our ethical dilemma was initiated by our desire to “benefit those with whom they work, and take care to do no harm” (Principle A, p.3). As community researchers, we were working with, and felt a responsibility to, a variety of stakeholders—the program developer who sought our evaluation services, the schools that were offering the program, youth who volunteered to participate in the 6-week workshops and disclosed sensitive and private information, and to the parents, who would be concerned about the safety and welfare of their child. Each stakeholder may want a somewhat different course of action.

We also strove to adhere to Principle B, which describes our obligation to professional standards of conduct, to clarify our professional roles and obligations, accept responsibility for our actions, and the need to consult with others to determine the best course of action. Our chosen process for ethical decision-making, which

involved consultation across several relevant stakeholders, helped us adhere to this principle. We also had to clearly balance our concern for the safety and welfare of youth, with Principle E, which states “psychologists respect...the rights of individuals to privacy, confidentiality, and self-determination” (p.4). We had to contemplate if our youth assent forms were clear enough on limits to confidentiality, and if there are better procedures we could employ in the future to provide help to vulnerable youth experiencing abuse while maintaining autonomy and privacy of all participants.

In terms of specific standards outlined in the APA Ethics Code, several were relevant to the current situation. We had followed 3.10 Informed Consent, using standard and acceptable procedures researchers and evaluators use for consent. However, this dilemma raised questions about our ability to balance confidentiality with protecting the welfare of minors. We also considered several aspects of Standard 4, Privacy and Confidentiality. We eventually revised consent procedures to better discuss limits of confidentiality (4.02) while also recognizing that we have the right to disclose confidential information as mandated by law to protect those we serve from harm (4.05).

Community psychologists have elaborated on the application of ethics in terms of community intervention, where information and knowledge change over time and can be incomplete, the needs of multiple stakeholders must be considered, and where there are often multiple choices for how to proceed (O'Neill, 1989). O'Neill (1989) cogently asked “To whom is the psychologist accountable, and for what?” (p.324), and acknowledged the competing values that affect ethical decisions. Community psychologists have to determine who is the client, and in this case, it could be the school, the community-based organization who provided the program and hired the evaluators, or the children being served. Given multiple clients, the strategy often used and recommended is prioritizing the interests of the most vulnerable group (O'Neill, 1989), which in this case would be the youth disclosing abuse.

Human Subjects Protections

Research in schools involves a specific set of ethical and legal guidelines, and requires institutional review board (IRB) approval. Research ethics are designed to protect research participants from harm, such as exposure to stress or deception, and require confidentiality of data, informed consent, and participant privacy. In this case, we had IRB approval to administer surveys linked over time by project ID and student ID numbers, as long as we kept responses confidential. Our consent form assured participants that

we would keep their data confidential unless “we gain knowledge of child abuse.” Contemplating our legal and ethical guidelines, we realized that our confidentiality statement did not address dating partner violence specifically and was therefore unclear. We felt that maintaining the privacy of participants was a high priority and that whatever course of action we took must proceed with extreme caution if we were to reveal any link between who they are and their survey responses.

Mandated Reporting and Minor Consent Laws

As MH professionals, we are mandated reporters in the State of California and under the CANRA we are obligated to report any suspected incidents of child abuse. According to the California penal code, child abuse includes “physical injury inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury” (Gudeman, 2006). Many service providers, including psychologists, are required to make an initial verbal report immediately, with a follow-up written report within 36 h of disclosure.

The basics of mandated reporting policies are likely consistent across states; however, the rights of minors and minor consent laws are state-specific. Mandated reporters must break confidentiality and make a report if a minor was or is being physically or sexually abused or if age of their sexual partner meets standards in that state for statutory rape (Duplessis, Goldstein, & Newlan 2010). These reporting requirements typically focus on a minor being abused by a parent or guardian, or the parent/guardian failing to take steps to protect the minor, rather than abuse by a peer or dating partner.

In summary, a minor reporting a sexual assault that occurred recently *or* in the past constitutes “sexual abuse of a minor.” Recent or past sexual assaults therefore fall under the definition of “child abuse” for mandated reporting laws, and must be reported in the State of California. Whether *past* assaults must be reported differs from state to state. Dating and sexual violence researchers should be aware of the mandated reporting and minor consent laws in their state, and assess whether their research protocols align with these laws and human subjects protections. However, it was still unclear to us how these laws might apply to online survey research protocols with minor participants, as researchers do not gain access to identify information about a minor in person, or any contextual information, to make such a report to the parents or authorities. It is also unclear how these laws might interact with confidentiality assurances given through the informed consent process.

University Mandated Reporting

As University employees, we are mandated reporters according to CANRA, which requires that all University employees who are mandated reporters because of their licensure, profession, or University duties make required reports to child protection or law enforcement agencies. These employees are also required to encourage all members of the university community to make a report when they observe, have knowledge of, or reasonably suspect child abuse or neglect. The University provides training and resources to support the mandated reporting requirements.

Step 4: Consultation with Others

Our team also underwent an iterative process of consultation and discussion with several parties, including the University of California mandated reporting hotline, the University of California, Santa Barbara (UCSB) Office of Research human subjects staff, UCSB Chief Campus Council, and dating violence researchers across the country via the Violence Against Women and Children (VAWC) track of the Council on Social Work Education (CSWE) email listserv. We learned about variations in mandated reporting laws by state, and more specifically, that the State of California often has stricter laws than other states where dating violence research is being conducted. Through this process, we gained insight into how others view the ethical dilemma brought by conflicts between the roles of researcher and MH professional, and between protecting the welfare of youth and respecting their right to confidentiality.

Consultation with Dating Violence Researchers

Most researchers who responded to our request via the VAWC-CSWE listserv believed that their research did not rise to the level of mandated reporting for several reasons; we have received written permission from these researchers to share a de-identified summary of their opinions and experiences. First, some researchers felt that providing students with dating and sexual violence hotlines and resources in their community was sufficient. Other researchers felt they did not have an obligation to report peer-to-peer abuse between two minors, especially physical abuse. This is where our California-specific statute on reporting if the minor is receiving care for sexual assault applies, as it is a policy that is explicitly relevant to peer-to-peer abuse. All researchers agreed that it was important to create thoughtful research protocols that considered confidentiality and provided students with some access to

resources. Some researchers provided examples of the informed consent documents they use in their research, or examples of their confidentiality protocols. Most use a protocol that was similar to our original procedures; it was common for researchers to provide a list of resources to students after their research participation, and for researchers to ask questions about sexual violence experiences without any protocol for reporting student responses to authorities. Disagreements seemed to arise about whether dating and sexual violence in teen relationships was a reportable offense, and how much autonomy teens should be afforded in choosing to disclose these experiences to adults or authorities. For example, some researchers believed it was important to empower youth to choose when and how they might disclose experiences of sexual assault, and felt researchers would be disempowering survivors by breaking that confidentiality despite their status as minors.

Consultation with University Administrators

We did not receive conclusive guidance from our university and school administrators. The Office of Research staff asked us to consult with Chief County Counsel and school district personnel. The project PI called the University Compliance Hotline as instructed by the mandated reporter protocol. She made a report with an answering service and then was contacted by the UCSB Chief Council. During this conversation, it was clear that this situation fell outside the typical child abuse reporting scenarios addressed by this unit. UCSB counsel advised us that this work was not under the University purview because the abuse did not happen during a University program or activity, but was discovered through a research project. They noted that *we* were the UC experts on this topic and should develop a protocol that we believed adequately addressed our conundrum.

Consultation with School Personnel

School district personnel were hesitant for us to break confidentiality by reporting students' experiences of sexual violence victimization because they were concerned about violating the privacy of participants. Because disclosure happened during the course of a confidential research survey, they felt it was not their report to make. The school personnel felt that their awareness-raising efforts, including bringing the *What is LOVE* program to their schools, were sufficient for educating students on these topics. The school professionals were willing to meet with the student survivors if we felt it was our legal or ethical obligation to identify the survivors. The schools contracted with the *What is LOVE* director to provide

additional crisis intervention support as needed for reported or disclosed incidents of dating and sexual violence.

Consultation with Research Team

We concluded that there were no clear guidelines for this dilemma; instead, our team emerged as the experts who should be advising on this issue. We discussed this dilemma among our research team, which is comprised of a diverse group of researchers and practitioners with experience in school-based contexts and training in community, clinical, developmental, and school psychology and social work.

Step 5: Rights, Responsibilities, and Welfare of Others

When considering the welfare of others in this context, we were primarily concerned about the most vulnerable group, the students' welfare as it relates to reporting of sexual violence experiences. We were confident that our survey protocol was ethical, recognizing that dating violence research has found that participants do not experience distress from answering questions about dating violence, regardless of their past dating violence experiences (e.g., Shorey et al., 2013). In fact, not asking about traumatic events like abuse keeps the topic taboo and hidden, which helps abusers at the same time it fails to contribute to a body of scholarship that could help curb future abuse (Becker-Blease & Freyd, 2006). We also understood our ethical obligation to respect our participants' right to privacy and self-determination in obtaining support when it came to their dating experiences. At the same time, we realized it might be irresponsible to ask our adolescent participants to reveal potentially traumatic sexual violence experiences without providing an outlet for support.

Step 6: Consider Alternative Solutions and Consequences

We discussed several solutions and their ethical and practical consequences. From a researcher perspective, to ensure data validity and accuracy as much as possible, we did not want participants to feel that they were going to have their confidentiality breached because they reported experiencing violence. This was also a community-based evaluation of a dating violence prevention program, so data validity had implications for both knowledge production and evaluation of program effectiveness. If deemed

effective, this program had the potential to reach many students to learn about dating and sexual violence and develop healthy relationship skills. From a practitioner perspective concerned primarily with student safety, we worried about students receiving needed support for abuse experiences. Taking into account the laws, guidelines, advice, and consultations, we considered several solutions.

First, we considered storing all survey data without any review or analysis until after data collection had concluded and we could discard the list that connected project IDs to student IDs. In this scenario, our team would not be able to connect students to their responses, and would remove the responsibility to report. However, we did not feel that this solution met our ethical standards; we would be intentionally avoiding knowledge that some of our participants have experienced sexual abuse and might want and need services.

Second, we considered creating a protocol that upon survey data collection, our team would view survey results at the school site and immediately identify and report participants who reported experiencing sexual violence to school counselors. Then, school counselors would contact each student and make a child welfare report if necessary. However, this option seemed like a violation of participants' privacy because we had not warned students that we would immediately report their responses to school counselors. Furthermore, if we made this protocol clear in future informed consent forms, we worried that students who have experienced sexual violence would be less likely to participate in the dating violence prevention program, or would not accurately report their experiences. In addition to the risk this poses for the validity of our data, these students may continue to suffer the consequences of their assault experiences without receiving support. These potential solutions formed two ends of a spectrum of responses to this dilemma, and neither was satisfactory. We needed a resolution that would balance both needs of the participants: privacy and a chance to be heard.

Step 7: Resolution

Ultimately, we agreed on a protocol that met legal obligations and APA ethical principles to our satisfaction. If students self-reported experiencing sexual violence in their dating relationship (i.e., pressure to engage in sexual activity, forced sexual acts, or forced sex), they were immediately routed to a resources page that lists community and national resources for dating and sexual violence and the email address and mobile phone number for the director of the *What is LOVE* program. These participants are also asked if they would like this MH practitioner specializing in dating and sexual violence to contact them about their

experiences. Students only needed to select "yes" to receive this additional support. All survey participants continued to receive the list of resources at the end of their survey.

To facilitate follow-up, a researcher from our team reviewed results of the surveys within an hour after they were administered to identify and share the school IDs of participants who indicated that "yes," they would like to be contacted by the *What is LOVE* director. Participants had been exposed to (through assemblies and school outreach activities) or met (through school outreach and workshops) the program director, and may therefore be more likely to seek contact from her than school personnel. The director was then responsible for contacting schools to connect the student IDs with corresponding student names. The school was not informed about the purpose of the director's student ID inquiries. After receiving student names, the director reached out and attempted to meet individually with each student who sought support. The director could then provide services, refer to other appropriate services, and make a CPS report if necessary. Due to these protocols, 13 students were contacted by and met with the program director following their request for additional support. Finally, our team did not analyze any survey data until data collection concluded, all surveys were matched by project ID only, and the lists that linked project IDs to student IDs were deleted.

To address informed consent, we submitted a modification to our research procedures that allowed us to send follow-up forms to the parent and their participating teenager letting them know about the new survey procedures (e.g., "We are making a change to the survey so that helpful resources are given to all teens who complete the survey. Teens who indicate they have had some negative experiences will also be asked if s/he wants to talk with a *What is LOVE* staff member or an adult at school to get extra support"). Parents and teens were required to actively withdraw their consent for participation. We received one request to withdraw from the research but still participate in the program.

This protocol had several benefits over our previous protocol. Survey results remained confidential to researchers and school-based professionals, protecting participants' confidentiality as human subjects participating in research. Students were also provided with resources more quickly in the middle of the survey instead of at the end, and had the opportunity to ask for further support. The most important aspect of this protocol is that the onus was not placed solely on the student to seek support; rather, they only had to click one button to request follow-up from the program director. The responsibility was then placed on the researchers to convey this information, and the director to reach out to students. Ultimately, this protocol ensured that for survivors of any type of sexual violence

in their dating relationships, participating in our research study received *more support and services than students who did not participate in this research*. Therefore, this protocol allowed us to offer confidential assessments that maintained the rigor of our evaluation and provided students with easily accessible supportive services.

Conclusion

The resolution to our ethical dilemma was not without limitations. Some students who reported sexual violence in their relationships but did not want to reach out to our MH professional did not receive any additional support beyond a list of resources. However, their autonomy to determine their own needs was preserved. Also, the goal of this program was to understand and reduce dating violence; therefore, only violence occurring within the context of a dating relationship was addressed. As survey questions asked about sexual violence that occurred with a current or most recent dating partner only, students who may have experienced sexual violence outside the context of a relationship would likely not report these experiences. However, all participants had access to a list of resources that could be used to seek support.

This protocol is generalizable to other community-based research and evaluation projects on dating and sexual violence. Researchers could adapt this protocol to be more inclusive of sexual violence outside of relationships, other forms of dating violence, or to those experiencing acute emotional distress resulting from an abusive relationship. This protocol could also be adapted to programs outside of the school context. The protocol is flexible in that, through relationships built with community-based organizations and/or schools, research teams can identify the best person to follow up with students who request support for abuse experiences.

Conflict of Interest

The authors have no conflict of interest regarding the research conducted related to this manuscript; the article is their work and the opinions stated are their own. The research that informs this paper met the ethical standards for research involving human participants.

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