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Law and Science Perspectives on a Systematic Approach to Policy Development: Overview and Case Study

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Overview of Session

• Policy development from a scientific perspective (Langford)
• Policy development from a legal perspective (McKendall)
• Case study: Campus Sex Crimes Prevention Act
Connection between Law and Science

• Recent court decisions ➔ campuses must address foreseeable risks
  – Implication is that campuses must \textit{prevent} problems
  – So, must consider what is \textit{effective prevention}
  – This is a question for science as well as law

• Integral part of science is \textit{assessment}. 3 roles:
  – Use assessment to identify \textit{(foresee)} problems
  – Draw on past research to design appropriate actions
  – Evaluate to see whether actions reduced problems
Public Health

- A field dedicated to preventing health problems and fostering the health of whole populations
  - expands beyond medical notion of treating individual cases of disease
  - study risk factors for diseases in populations and intervene to prevent new cases (in those populations)
  - this thinking translates to the prevention of high-risk behaviors, including violence, suicide, heavy drinking, etc.
    - study risk factors in populations and intervene to prevent future occurrences

- Uses a scientific methodology = epidemiology
Key Question: *How to prevent problems?*

Public health suggests:

- Define the problem
- Identify *contributing factors* that
  - increase the likelihood of the problem ("risk factors")
  - reduce the likelihood of the problem ("protective factors")
  - Consider both *individual* and *environmental/systemic* factors
    - multiple causes: "agent, host, environment"
    - Envision the "chain of events" that result in the problem
- Institute measures intervening in that chain of events
- Evaluate to examine whether new cases were prevented
- Use that information to design better efforts
The public health approach involves a circle of activities:

I. Defining a problem
II. Identifying its causes and protective factors
III. Developing and testing intervention strategies
IV. Implementing interventions
V. Evaluating the impact of interventions and surveillance monitoring
VI. Redefining the problem, reevaluating its causes, and refining interventions

http://www.surgeongeneral.gov/topics/obesity/calltoaction/1_0.htm#circle01
Many Prevention Programs Are Flawed

- Driven by a motivated individual or group, rather than an institutional mandate.
- Limited in scope
- Don’t target particular contributing factors
- Not based on prior research on effectiveness (often draw from “what others have done”)
- No assessment of local problems, resources
- Programs, policies, and services not coordinated
- Not evaluated
Lessons from Public Health: Effective Prevention Initiatives - I

• Comprehensive
  – Addresses multiple contributing factors
    • include individual and environmental

• Strategic
  – Solutions driven by an analysis of local data/ information
    • how problem manifests itself locally
  – Draws on research literature
Effective Prevention Initiatives - II

• Multi-faceted
  – Combines multiple initiatives designed to work in sync
    • Need a combination of programs, policies, services
    • *Content* of each component should address specific contributing factors
    • Combine policy with training and enforcement

• Collaborative
  – Involve multiple stakeholders to coordinate, ensure consistency, work towards common goals
Effective Prevention Initiatives - III

• Planned
  – Uses a systematic planning and evaluation process to design, implement and evaluate the program

• Evaluated
  – Builds in evaluation from the beginning, before program implementation
  – Establish clear goals and objectives, and measure whether these were achieved
Planning/Evaluation Process

Problem Analysis/Needs Assessment

- Set long-range goals
- Consult the literature
- Select program strategies, translate these into specific activities, and plan for evaluation

\[ \text{Strategic plan} \]
\[ \text{Logic model} \]

Implement program activities

Evaluate whether goals were achieved
Biggest Prevention Mistake

- Failure to articulate:
  - What is the problem we are trying to solve?
  - How do we envision proposed efforts will solve those problems?
  - What evidence exists that these efforts might work?
Recommendations
Improve Problem Definition

• In policy/law context, the problem is often conceptualized as “absence of a policy” or “lack of compliance”
  – Can lead to focus on requirements vs. underlying problems

• Recommendations:
  – Identify the underlying problem the policy is intended to address
  – The “background” goal(s) for the effort, e.g., preventing violence, fostering student development, assisting students in distress
  – Clearly define the scope of the current task
  – When possible, create solutions that will address underlying problems as well as meet statutory and legal mandates
Conduct a Thorough Problem Analysis

• Define the extent and nature of the problem
• Analyze the problem:
  – What factors cause and contribute to the underlying problem?
    • Research literature
• Local context
  – What does the problem look like on our campus? (Review data and records; collect more data if needed)
  – Inventory: programs, policies, and services already in place.
  – Why are we at the table? (Why aren’t we in compliance?)
Causes and Contributors - Sexual Harassment

• **Individual factors**
  – Perpetrator beliefs and attitudes supportive of SH
  – Victim not clear what behaviors constitute sexual harassment & lack clout or strategies to respond to them
  – Perceptions that sanctions against harassment are lacking

• **Organizational factors**
  – Lack of explicit grievance procedures
  – Management not responsive to complaints
  – Acceptability of sexist behavior in the workplace
Local Context

- Impetus for task force: large jury verdict entered against a neighboring college in a sexual harassment case

- Nature of problems locally:
  - Numerous complaints from across constituent groups

- What’s in place:
  - Separate policies for students, faculty, staff
  - No centralization of complaints; inconsistent handling of complaints
  - Lack of recent training
Follow Best Practices for Policy (and Program) Design

• Make sure policies and programs address the specific contributors identified during the problem analysis
• Base policies and programs on research and theory about what works
• Decide what measures will be effective and *then* ensure compliance with laws and regulations
• Create a plan for policy implementation (including dissemination, procedures, training)
• Combine and coordinate policy with education and services
• Build in evaluation to assess effectiveness and improve the policy
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