



WV PIVIT Toolkit

West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit

Law Enforcement and Security Edition

West Virginia Intercollegiate Council Against Sexual Violence

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Forward

INTRODUCTION

This document is one of the three editions of the *West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit* created by the West Virginia Intercollegiate Council Against Sexual Violence, a collaborative of colleges and universities, rape crisis centers, and allied professionals in West Virginia.

The target groups for the three editions are:

- ✓ Campus law enforcement and security officers
- ✓ Campus judicial boards
- ✓ Campus personnel involved in interpersonal violence prevention efforts

It is the hope of those who worked on this project that the users of this toolkit will review and utilize all toolkit sections in order to provide a more effective and comprehensive response to student victims of sexual violence, dating violence, domestic violence, and/or stalking (collectively referred to as interpersonal violence).

Project Partners

The Office on Violence Against Women (Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program) provided financial support for the development of this toolkit. Project partners included Fairmont State University (grant administrator), Concord University, Davis & Elkins College, Glenville State College, Marshall University, Shepherd University, West Virginia State University, the West Virginia School of Osteopathic Medicine, West Virginia Wesleyan College, CONTACT Huntington, Family Counseling Connection/REACH Program, Family Refuge Center, HOPE, Inc., Shenandoah Women's Center, Women's Aid in Crisis, Women's Resource Center, the West Virginia Higher Education Policy Commission, and the West Virginia Foundation for Rape Information and Services (grant coordinator).

Project Coordination

Nikki Godfrey of the West Virginia Foundation for Rape Information and Services served as Project Coordinator.

Kristin Littel served as Project Consultant.



User's Guide

OVERVIEW



Colleges and universities are referred to in this toolkit as “colleges.”

Colleges in West Virginia and across the country utilize a variety of types of public safety agencies. One primary difference is that some have campus law enforcement departments with personnel who are sworn officers of the state, while others have security departments with personnel who are not sworn officers. Both types of public safety agencies work to maintain campus safety and play a critical role in the institutional response to interpersonal violence. Campus law enforcement can also conduct criminal investigations of crimes reported in their jurisdiction, whereas security departments must refer victims to local law enforcement to make a criminal report.

The *West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition* was developed to enhance and standardize the knowledge campus law enforcement and security officers have regarding interpersonal violence. It provides a repository of basic information on this type of violence and discusses law enforcement and security roles regarding initial interventions, reporting, investigation, and maintaining campus safety. It also offers tools to facilitate training programs for campus law enforcement and security officers on this topic.

Reviewing the toolkit and utilizing the training materials can assist you in:

- ✓ Understanding the nature and dynamics of interpersonal violence, victimization, victim trauma and victim behavior, as well as perpetration;
- ✓ Increasing knowledge about criminal laws related to interpersonal violence, relevant college policies and federal civil laws;
- ✓ Building comfort and competency in discussing these issues in general and with victims of these crimes (victims' options for protection and assistance, related resources, students' roles in increasing campus safety, etc.); and
- ✓ Increasing knowledge of how to respond to reports of interpersonal violence as per the scope of your duties and intervene in a coordinated manner with other campus and community responders.

The toolkit can also be a reference source to help address issues and challenges that arise in the course of dealing with this issue with college students.



Acquiring new knowledge and putting it into practice is a process. *You are not expected to “know” the information in the toolkit all at once.* Instead, you can work through toolkit sections at your own pace, building your knowledge base as you go and considering how new information fits into your work. You will see this note at the beginning of most toolkit sections, to encourage you not to get overwhelmed by the extensive amount of information presented.

ORGANIZATION

The toolkit is organized into several sections as summarized below. See the toolkit's *Table of Contents* for specific topics covered in each section.

A. Are You Ready to Respond? This section offers a self-assessment tool to help individual officers (1) assess their readiness for responding to interpersonal violence on your campus, (2) identify their strengths and areas for improvement, and (3) identify training needs and sections of the toolkit to help build upon identified strengths and address informational needs. This survey takes just a few minutes to complete.

B. What You Need to Know. This section provides an introduction to the key issues that toolkit creators identified as critical for campus law enforcement and security officers. It includes general information on (1) the types of interpersonal violence, (2) how to respond when someone has been victimized, (3) reporting and criminal investigation, and (4) how to promote prevention of interpersonal violence on your campus.

C. Getting Started. This section delves into how interpersonal violence impacts college students, and information that college law enforcement and security need to know when interpersonal violence is reported. It also reviews resources available to students.

D. Training Resources. This section offers extensive interpersonal violence training materials (powerpoints, suggested agendas, facilitator's guides) as well as a compilation of supplemental resources which were reviewed and selected for training campus law enforcement and security officers and conducting prevention activities.

E. Sample Policies and Procedures. This section offers sample policies and procedures on issues that can impact interpersonal violence interventions with students. You are encouraged to review these carefully and make adaptations as appropriate to your department's mission and services as well as the needs on your campus.

Be sure to periodically check www.fris.org for toolkit updates.



Explanations of terms can be found throughout the toolkit. Two initial explanations:

(1) Although both males and females are victims of interpersonal violence, most reported and unreported cases involve female victims (Rennison, 2002; Tjaden & Thoennes, November & April 1998, 2000; Catalano, 2007) and male offenders (Greenfeld, 1997; Catalano, 2007). Thus, victims are often referred to in this toolkit as females and offenders as males. This use of terms is not intended to minimize the fact that male victimization and same gender violence do occur.

(2) In this toolkit, the term “interpersonal violence” generally refers to sexual violence, domestic violence, dating violence, and stalking. “Sexual violence” and “sexual assault” are generally used in this toolkit to encompass sexual assault, sexual abuse and other forms of sexual violence, unless otherwise specified.

College law enforcement and security departments are strongly encouraged to partner with their local rape crisis centers and domestic violence programs in responding to victims of interpersonal violence. These centers offer a range of direct services for victims. Local rape crisis centers also have prevention education specialists on staff who can not only assist in preparing and implementing trainings and prevention activities, but also have access to most of the resources identified in the toolkit.

REPRODUCTION OF MATERIALS

The non-commercial use and adaptation of this toolkit to increase knowledge about interpersonal violence and/or to use as a supplement or guide to training or professional development is permitted.

Toolkit Credits

Please credit any material used from this toolkit to the **West Virginia Intercollegiate Council Against Sexual Violence**. Visit www.fris.org for additional information about this collaboration.

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A. Are You Ready to Respond?

INTRODUCTION

This toolkit provides essential information for training campus law enforcement or security officers on responding to, investigating and preventing sexual violence, domestic or dating violence and stalking (hereafter collectively referred to as interpersonal violence). As an important member of your campus' coordinated response team you will need to have multiple layers of knowledge about interpersonal violence, in general and as it specifically relates to college students. You may also need to be prepared to assist in training and prevention work with administration, students, faculty and staff. Finally, you may have a vital part in training other law enforcement and campus safety personnel.

Review the toolkit in its entirety to build your knowledge base. Consider how to best utilize this toolkit to enhance your responding skills and possibly for training and prevention efforts with other officers, students, faculty, staff and campus administrators.

As a potential trainer/presenter, your knowledge and experience as a trained investigator may be challenged during discussions of the issues of victimization and perpetration. This self-assessment tool is designed to help you identify your strengths as well as the areas in which you need to build your knowledge base. *This self-assessment tool can be used with officers and for your individual use.* It is meant to help:

- ✓ Assess officer's readiness to respond to interpersonal violence on campus;
- ✓ Assess your readiness to provide interpersonal violence training and prevention work;
- ✓ Identify any related gaps in knowledge; and
- ✓ Find the sections of the toolkit that provide information to fill those gaps.

If the assessment tool helps you identify specific areas where you require additional knowledge, you can focus on the sections of the toolkit that address those areas.

You are encouraged to seek guidance and information as needed from your supervisor and others doing this and similar work on your campus and in the local community. Local rape crisis centers and domestic violence shelters can provide a wealth of expertise and resources for intervention, prevention and training. The West Virginia Foundation for Rape Information and Services (www.fris.org) can also be a source of guidance and information.



It is likely that even those of you who are experienced in this work will identify areas in which you could expand your knowledge. Those with less experience may find a need to build your knowledge on the majority of toolkit topics. The toolkit's purpose is to provide a reference tool for you to learn what you need to know to respond effectively to victims and potentially conduct effective training and prevention education on these issues. Acquiring new knowledge and putting it into practice is a process—you are not expected to “know” the information all at once. Instead, work through the toolkit sections at your own pace, building your knowledge base and considering how new information fits into your work on campus.

SELF-ASSESSMENT TOOL: READINESS TO RESPOND TO INTERPERSONAL VIOLENCE AND CONDUCT TRAINING AND PREVENTION PROGRAMS ON CAMPUS

This self-assessment tool is designed to help you evaluate the depth of your knowledge and your comfort level with different issues as you prepare to respond to interpersonal violence on campus or conduct training and prevention programs. It is important that you answer each item honestly. Additional instructions on how to use this tool are provided at the end.

Consider your current level of knowledge, skill and readiness for each item, and then rate each statement according to the following scale. (Circle one for each.)

1-----2-----3-----4-----5
 This statement is not true. This statement is true.
 I have very little knowledge on this topic. I have a great deal of knowledge on this topic.

Interpersonal Violence Knowledge	
1. I can describe different forms of interpersonal violence (sexual assault, dating violence, domestic violence and stalking). (See B1. Types of Interpersonal Violence)	1 2 3 4 5
2. I can provide current information on the prevalence of interpersonal violence in the general population. (See B1. Types of Interpersonal Violence & C2. A Snapshot of Interpersonal Violence Against College Students.)	1 2 3 4 5
3. I can provide information on the risk factors for perpetration of sexual and domestic violence in the general population. (See C3. Factors Associated with Sexual and Domestic Violence Perpetration)	1 2 3 4 5
4. I can provide information on the prevalence of interpersonal violence against college students. (See C2. A Snapshot of Interpersonal Violence Against College Students)	1 2 3 4 5
5. I can cite state laws related to sexual violence, domestic violence and stalking. (See B1. Types of Interpersonal Violence)	1 2 3 4 5
6. I can cite state laws regarding the sexual victimization of adults who are incapacitated specifically due to the influence of a controlled or intoxicating substance. (See B1. Types of Interpersonal Violence)	1 2 3 4 5
7. I know whether I am a mandated reporter of abuse/sexual violence against children as well as adults who are considered incapacitated under state law. (See B3. Responding to Disclosures)	1 2 3 4 5
8. I can provide detailed information on student conduct/judicial affairs policies and procedures regarding interpersonal violence on my campus. (Consult the student conduct/judicial affairs policies for your campus)	1 2 3 4 5
9. I understand and can describe the potential impact of interpersonal violence on victims. (See B3. Responding to Disclosures & C2. A Snapshot of Interpersonal Violence Against College Students)	1 2 3 4 5
10. I could provide crisis intervention if someone disclosed victimization during or after one of my presentations. (See B3. Responding to Disclosures)	1 2 3 4 5
11. I can explain the purpose and benefits of a forensic medical examination. (See B3. Responding to Disclosures & C1. Explanation of Terms)	1 2 3 4 5
12. I am knowledgeable about the specific resources available on my campus and in my community for victims of interpersonal violence. (See C8. Resources for Victims on College Campuses)	1 2 3 4 5

1-----2-----3-----4-----5

This statement is not true.

I have very little knowledge on this topic.

This statement is true.

I have a lot of knowledge on this topic.

13. I can explain reporting options <i>for college students</i> who are victims of interpersonal violence <i>on my campus</i> , specifically:	1 2 3 4 5
13a. On how <i>a student</i> can report interpersonal violence to law enforcement and how a case typically proceeds in the criminal justice system. (See C6. <i>Reporting on College Campuses</i>)	1 2 3 4 5
13b. If there are procedures in place if a victim wishes to report anonymously or not report to law enforcement at all. (See C6. <i>Reporting on College Campuses</i>)	1 2 3 4 5
13c. On how a student can report interpersonal violence as a violation of the code of conduct <i>on my campus</i> and what happens after a report is made. (See C6. <i>Reporting on College Campuses</i>)	1 2 3 4 5
14. I can describe civil legal options available to interpersonal violence victims <i>on my campus</i> and <i>in the community</i> . (See C6. <i>Reporting on College Campuses</i>)	1 2 3 4 5
15. I can describe reporting procedures for students experiencing sexual harassment <i>on my campus</i> . (See C4. <i>Sexual Harassment on College Campuses</i>)	1 2 3 4 5

Interpersonal Violence Training and Prevention Programming	
16. I can explain the differences among primary, secondary and tertiary prevention programs. (See B5. <i>Promoting Prevention</i>)	1 2 3 4 5
17. I can explain how campus law enforcement and security departments can encourage a comprehensive response to and prevention of interpersonal violence <i>on college campuses</i> . (See B5. <i>Promoting Prevention</i> & C7. <i>Promoting Comprehensive Interventions on College Campuses</i>)	1 2 3 4 5
18. I can identify key issues I should be aware of as in presenting interpersonal violence training and prevention programs. (See B5. <i>Promoting Prevention</i>)	1 2 3 4 5
19. I can comfortably discuss healthy relationships and sexuality in front of a group. (See B5. <i>Promoting Prevention</i>)	1 2 3 4 5

If you answered 1, 2 or 3 for any of the above statements, you are encouraged to review the documents or specific sections of the toolkit indicated in parenthesis at the end of each item.

Contact the West Virginia Foundation for Rape Information and Services (www.fris.org) if you would like additional assistance with general issues related to presenting sexual violence training and prevention education programs.



B. What You Need to Know

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INTRODUCTION

The term interpersonal violence simply means violence inflicted on one person by another individual (e.g., an intimate partner, an acquaintance or stranger) or by a small group of individuals (e.g., perpetrators of a gang rape) (Krug et al., 2002; Rosenberg et al., 2006). The **main acts of interpersonal violence discussed in this toolkit are sexual violence, domestic violence, dating violence and stalking**. Sexual harassment is also reviewed.

B. What You Need to Know provides basic information on interpersonal violence:

- ✓ Types of interpersonal violence
- ✓ Background information on gender-based violence, victim-blaming and offenders
- ✓ Responding to disclosures
- ✓ Reporting and criminal investigations
- ✓ Promoting prevention efforts

C. Getting Started delves into information more specific to college students and response by campus law enforcement and security departments. *D. Training Resources* provides more in-depth material that can be utilized to train campus law enforcement and security departments on sexual violence, domestic and dating violence, and stalking.

Although both males and females are victims of interpersonal violence, most reported and unreported cases involve female victims and male offenders. Thus, victims are often referred to in this toolkit as females and offenders as males. This use of terms is **not** intended to minimize the fact that male victimization and same gender violence do occur. It is written in this format solely for the ease of reading the material.



Acquiring new knowledge and putting it into practice is a process. You are not expected to “know” the information in the toolkit all at once. Instead, you can work through toolkit sections at your own pace, building your knowledge base as you go.

B1. TYPES OF INTERPERSONAL VIOLENCE

Sexual assault, dating violence, domestic violence and stalking are serious crimes affecting millions of individuals across our nation, including those attending college. This section offers general information on these crimes, often **collectively known as interpersonal violence**, as well as a summary of applicable criminal offenses. Specifically, it covers:

- ✓ Sexual violence
- ✓ Drug-facilitated sexual assault
- ✓ Child sexual abuse
- ✓ Sexual harassment
- ✓ Domestic violence
- ✓ Dating violence
- ✓ Stalking and harassment
- ✓ Cybercrimes (related to sexual and domestic violence and stalking)

The section begins with a brief overview of criminal justice response and civil legal remedies.



Criminal Justice Response and Civil Legal Remedies

It is helpful to have an understanding of the criminal and civil legal systems and be able to concisely explain these systems to victims of interpersonal violence and their families.

With **criminal offenses**, the **county prosecuting attorney makes the decision whether or not to prosecute the case and what level of offense is charged**. Once a crime is reported to law enforcement, a criminal investigation may begin. Law enforcement makes the initial determination of what charges to file against a suspect. However, at the time an indictment is sought, the county prosecuting attorney makes the decision as to what charge(s) should be brought in connection with a case.

To charge a suspect with a crime, sufficient evidence that the crime occurred is needed. **Law enforcement seeks to help reconstruct details about the crime during an investigation**. Evidence on victims' bodies can be collected, if applicable to the crime. There may be crime scene evidence as well as evidence on suspects' bodies/clothes and at other locations. Statements from victims, suspects and witnesses may support evidentiary findings.

Whether or not there are criminal charges filed, civil legal remedies may also be available to victims of interpersonal violence. A civil protective order is a remedy available to victims of domestic violence, sexual assault and stalking in West Virginia. Victims can request a protective order through **magistrate court—a Personal Safety Order (PSO) for victims in non-domestic relationships or a Domestic Violence Protective Order (DVPO)**. Filing fees may be waived. There is no obligation to file a criminal report in order to obtain a protective order. (See *B3. Responding to Disclosures: Safety Planning*.)

Under criminal law, when a person is a victim of another person's criminal act, the crime is considered to be committed against the community and not against an individual victim. Thus, prosecution represents the state rather than victims in criminal cases. Certain restrictions are placed on prosecutors in order to protect the rights of the accused. For example, the accused has the right to have an attorney, to not be subjected to unlawful search or seizure, to confront witnesses, and to not be forced to testify against oneself. Prosecutors are required to share any information with the defense that might prove that the accused is not guilty or less culpable of a criminal act.

Civil cases occur when private individuals or states file lawsuits against an individual, corporation or the government for harm/loss that has occurred. A civil lawsuit may list one or more torts (civil wrongs or injuries), including assault, negligence, infliction of emotional distress, false imprisonment or wrongful death. Sanctions usually include the injured party receiving monetary compensation. Sometimes other awards can be made, but imprisonment cannot be imposed. The burden of proof in a civil case is a "preponderance of the evidence," a lower standard than required in a criminal case (which requires guilt beyond a reasonable doubt). (From International Association of Forensic Nurses, 2010; Brandl et al., 2007.)

Sexual Violence

Sexual violence is broadly defined by the World Health Organization (Krug et al., 2002) as **any sexual act or attempt to obtain a sexual act** (as well as unwanted sexual comments or advances or acts to traffic) **directed against a person's sexuality using coercion**. For the toolkit's purpose, this **overview of sexual violence is focused on those acts which are considered crimes in West Virginia**. Examples of crimes of sexual violence include:

- ✓ Rape—sexual intercourse against a person's will
- ✓ Forcible sodomy—anal or oral sex against a person's will
- ✓ Forcible object penetration—penetrating someone's vagina or anus, or causing that person to penetrate her/himself, against that person's will
- ✓ Unwanted sexual touching
- ✓ Sexual contact with a person who lacks the capacity to give consent
- ✓ Incest (sexual contact between family members)
- ✓ Any other nonconsensual sexual contact

STATE LAWS



Sexual assault and sexual abuse are the two major classifications of sex offenses in West Virginia (*WVC§61-8B*).

Sexual abuse occurs when **a person subjects another to sexual contact without her/his consent**, and that **lack of consent is due to physical force, threat or intimidation**. The levels of sexual abuse in West Virginia are:

- ✓ **1st Degree:** Sexual contact without the victim's consent due to forcible compulsion, the victim is physically helpless, or the victim is younger than age 12 and the perpetrator is age 14 or older. Penalty: An indeterminate term of not less than 1 nor more than 5 years in a state correctional facility; and/or a fine not more than \$10,000. However, if the defendant is 18 or older and the victim is younger than 12, the penalty is not less than 5 nor more than 25 years in a state correctional facility; and/or a fine of not less than \$1,000, nor more than \$5,000.
- ✓ **2nd Degree:** Sexual contact with someone who is mentally defective or mentally incapacitated. Penalty: Confinement in a regional jail for not more than 12 months; and/or a fine of not more than \$500.
- ✓ **3rd Degree:** Sexual contact with a victim under age 16 without her/his consent. Penalty: Confinement in a regional jail for not more than 90 days; and/or a fine of not more than \$500.

Sexual assault is sexual intercourse or sexual intrusion without consent. West Virginia's levels of sexual assault include:

- ✓ **1st Degree:** The perpetrator inflicts serious bodily injury, uses a deadly weapon, or the perpetrator is over age 14 and the victim is younger than 12 years old and is not married to that person. Penalty: Indeterminate term of not less than 15 nor more than 35 years in a state correctional facility; and/or a fine of not less than \$1,000 nor more than \$10,000.

However, if the defendant is 18 or older and victim is younger than 12, the penalty is not less than 25 nor more than 100 years in a state correctional facility, and or a fine of not less than \$5,000 nor more than \$25,000.

- ✓ **2nd Degree:** Sexual intercourse or intrusion without consent and lack of consent is due to forcible compulsion or physical helplessness. Penalty: An indeterminate term of not less than 10 nor more than 25 years in a state correctional facility; and/or a fine of not less than \$1,000 nor more than \$10,000.
- ✓ **3rd Degree:** Sexual intercourse or intrusion with someone who is mentally defective or mentally incapacitated, or when someone age 16 or older assaults someone less than 16 who is at least 4 years younger than the perpetrator and not married to him/her. Penalty: An indeterminate term of not less than 1 nor more than 5 years in a state correctional facility; and/or a fine of not more than \$10,000.

There is **no statute of limitations for felony sex offenses; 2nd and 3rd degree sexual abuse must be charged within 1 year** after the offense was committed (*WVC§61-11-9*).

Explanation of Terms: WV Sexual Abuse and Sexual Assault Laws

(see www.legis.state.wv.us)

Forcible compulsion: (a) physical force that overcomes such earnest resistance as might reasonably be expected, under the circumstances; (b) threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to him/herself or another person or in fear that he/she or another person will be kidnapped; or (c) fear by a person under 16 years of age caused by intimidation, expressed or implied, by another person who is at least 4 years older than the victim. For the purpose of this definition, "**resistance**" includes physical resistance or any clear communication of the victim's lack of consent.

Married: for the purpose of this article, in addition to its legal meaning, includes persons living together as husband and wife regardless of the legal status of their relationship.

Mentally defective: a person suffers from a mental disease or defect which renders that person incapable of appraising the nature of his/her conduct.

Mentally incapacitated: a person is rendered temporarily incapable of appraising or controlling his/her conduct, as a result of the influence of a controlled or intoxicating substance administered to that person without his/her consent or a result of any other act committed upon that person without his/her consent.

Physically helpless: a person is unconscious or for any reason is physically unable to communicate unwillingness to an act.

Sexual contact: intentional touching, either directly or through clothing, of the anus/any part of the sex organs of another person, or the breast of a female or intentional touching of any part of another person's body by the actor's sex organs, where the victim is not married to the actor and the touching is done to gratify the sexual desire of either party.

Sexual intercourse: any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.

Sexual intrusion: any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party.

Bodily injury: substantial physical pain, illness or any impairment of physical condition.

Serious bodily injury: bodily injury which creates a substantial risk of death, which causes serious or

prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

Deadly weapon: any instrument, device or thing capable of inflicting death or serious bodily injury and designed or adapted for use as a weapon or possessed, carried or used as a weapon.

While some terms are not the most sensitive choice of language, they currently define the law and influence charging decisions. Avoid use of legal terms such as “mentally defective” when talking with victims as their use could increase their reluctance to seek assistance.

BASIC DATA ON SEXUAL VIOLENCE

(Note that studies from which the data is extrapolated may define sexual violence differently and examine only certain forms, such as rape or sexual assault.)

- ✓ About **1 in 6 women** and **1 in 21 men** in **West Virginia** indicated they experienced an attempted or completed rape (*2008 West Virginia Behavioral Risk Factor Surveillance System Survey*, West Virginia Bureau for Public Health).
- ✓ According to the 2004 U.S. Department of Justice’s *National Crime Victimization Survey*, 15% of sexual assault and rape victims were under age 12, 29% were age 12 to 17, **44% were under age 18 and 80% were under age 30.**
- ✓ According to the *West Virginia State Police 2010 Incident-Based Reporting System*, **86% of sexual assault victims knew their offenders: 48% of sexual assaults were committed by an acquaintance (non-intimate partner)**, 7% by an intimate partner, 31% by other family members, and 5% by a stranger. In 9% of these cases, the relationship between victim and offender was unknown.
- ✓ National studies indicate that **14% to 39% of all sexual assaults are ever reported to law enforcement** (Kilpatrick, 2000). Some of the most common reasons victims are reluctant to report are self-blame, fear of retaliation, fear of rejection, and negativity they perceive might accompany criminal justice system involvement (Office on Violence Against Women, 2004).

The **impact of sexual victimization on individuals’ lives can be profound**, potentially leading to short- and long-term physical, emotional, sexual and reproductive health problems. Victimization can also affect those close to victims. (See *B3. Responding to Disclosures: Health Consequences for Victims* and *C3. A Snapshot of Interpersonal Violence Against College Students: Sexual Violence.*)

DRUG FACILITATED SEXUAL ASSAULT

In West Virginia, someone who is drunk or drugged cannot give consent to sex.

Perpetrators may intentionally drug their victims or prey on persons who have been voluntarily drinking in order to have sexual intercourse with them. If a person has sex with someone who is in such an incapacitated condition, it is sexual assault.

Sexual assaults are often linked to the abuse of drugs, primarily alcohol, that decrease inhibitions and make the user incapacitated. In addition to alcohol, the **drugs most often used to facilitate sexual assaults** are GHB, Ecstasy, Rohypnol (a benzodiazepine), Ketamine and Soma, although other benzodiazepines and sedative hypnotics are used as well. These drugs cause unconsciousness—an effect that is quickened and intensified when the drugs are taken with alcohol. They can also cause intense sleepiness, memory loss, nausea, lack of

coordination, slurred speech, loss of inhibition, confusion, seizures and even death. **Victims may be unconscious during all or parts of the sexual assault and, upon regaining consciousness, may experience anterograde amnesia**—the inability to recall events that occurred while under the influence of the drug.

Victims often are reluctant to report drug facilitated sexual assault because of a sense of guilt, embarrassment or perceived responsibility because they lack specific recall of the assault. Many of the drugs used in these cases are rapidly absorbed and metabolized by the body, making them undetectable in routine urine and blood drug screenings.

Potential Signs a Person May have been Drugged

- ✓ Feeling more intoxicated than usual for the amount of alcohol that was consumed
- ✓ Waking up feeling hung over or still feeling intoxicated/drugged, experiencing memory lapse and not being able to account for periods of time
- ✓ Remembering taking a drink but not being able to recall what happened for a period of time after consuming the drink
- ✓ Thinking sex occurred, but not being able to remember the actual incident



If individuals think they have been drugged and sexually assaulted, they should be **encouraged to get help immediately**—go to a safe place, preserve evidence and go to a hospital emergency department for a forensic medical examination and care.

- ✓ To **preserve evidence prior to the exam, victims should not urinate, shower, bathe, douche or throw away clothes that they wore during the incident.** They should also save other materials that might provide evidence (e.g., a glass that held the drink).
- ✓ **The first urine after the assault needs to be collected in a clean container for drug toxicology testing. Preferably the urine should be collected at the hospital.** The likelihood of detecting the drugs used to commit the sexual assault lessens each time the person urinates. **If patients cannot wait to urinate until their arrival at the hospital, first responders should ask them to provide a sample and bring it to the hospital, documenting the chain of custody.** It is suggested that law enforcement officers and emergency medical technicians keep toxicology screening kits readily available, according to agency policy (Office on Violence Against Women, 2004).

CHILD SEXUAL ABUSE

On college campuses, it is more likely that sexual assault and sexual abuse as defined by the West Virginia Code will occur than child sexual abuse. However, child sexual abuse is not out of the realm of possibility, as minors can come/be brought to campus for any number of reasons.



In addition to sexual assault and sexual abuse, West Virginia law describes other **sex offenses involving children**. Sexual abuse of children includes, but is not limited to, sexual intercourse, sexual intrusion and sexual contact (West Virginia Department of Health and Human Resources, Child Protective Services, 2008):

- ✓ **Use of minors in filming sexually explicit conduct** (*WVC§61-8C-2*);

- ✓ **Distribution and exhibiting of material depicting minors engaging in sexually explicit conduct** (*WVC§61-8C-3*);
- ✓ **Sexual abuse** by a parent, guardian, custodian or person in a position of trust to a child; a parent, guardian, custodian or person in a position of trust to a child allowing sexual abuse to be inflicted on that child; and displaying of a child's sex organs by a parent, guardian or custodian (*WVC§61-8D-5*);
- ✓ **Sending, distributing, exhibiting, possessing, displaying or transporting of material** by a parent, guardian or custodian **depicting a child engaged in sexually explicit conduct** (*WVC§61-8D-6*); and
- ✓ **Incest**—engaging in sexual intercourse or sexual intrusion with one's father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle or aunt (*WVC§61-8-12*).

Generally speaking in West Virginia, child abuse involves **a parent, guardian or custodian of a child who knowingly or intentionally inflicts an injury upon that child**; and sexual abuse of children includes, but is not limited to, **sexual intercourse, sexual intrusion and sexual contact** (West Virginia Department of Health and Human Resources, Child Protective Services, 2008) (See *WVC§61-8B, 8C and 8D*). Note that not all sexual violence committed against children is child sexual abuse as described above. Teenagers, for example, can experience sexual assault perpetrated by their peers.

Examples of Child Sexual Abuse

- ✓ Sexual touching and fondling of a child's sexual body parts
- ✓ Attempted or actual oral, anal or vaginal penetration
- ✓ Forcing a child to touch another person's sexual body parts or engage in sexual activity with animals
- ✓ Exposing a child to adult sexual activity or pornography or taking pornographic pictures of a child
- ✓ Having a child undress, pose or perform in a sexual manner
- ✓ Voyeurism, exposing oneself to a child or masturbating in front of a child
- ✓ Sexualized talk with a child or making fun of a child's sexual development, preferences or organs
- ✓ Forcing overly rigid rules on dress or forcing a child to wear revealing clothes
- ✓ Stripping to hit or spank, or getting sexual excitement out of hitting

Symptoms a Child Who is Being Sexually Abused May Display

(Note the presence of such symptoms is not necessarily reflective of abuse)

- ✓ Sleep disturbances or nightmares and bedwetting
- ✓ Change in eating habits
- ✓ Excessive clinging or crying
- ✓ Depression and/or anxiety
- ✓ School problems
- ✓ Running away
- ✓ Hostility or aggression
- ✓ Sexually transmitted diseases
- ✓ Fear/dislike of particular adults/places
- ✓ Drug/alcohol problems
- ✓ Withdrawal from family, friends or usual activities
- ✓ Frequent touching of private parts or sexual behavior inappropriate to the age of the child
- ✓ Physical symptoms involving the genital, anal or mouth area
- ✓ Any dramatic change in behavior or development of new behavior

Common Emotional Responses of Children to Sexual Abuse

- ✓ **Fear** of the abuser, of getting into trouble/getting a loved one into trouble, and/or of not being believed
- ✓ **Guilt** for not stopping the abuse, believing they consented to it, telling/keeping the secret, etc.
- ✓ **Shame** about the abuse and/or their body's reactions
- ✓ **Confusion** due to their emotions (e.g., because they love the abuser)
- ✓ **Anger** at themselves and/or the abuser and others who failed to protect them
- ✓ **Sadness** at being betrayed by someone they trusted
- ✓ **Isolation** because they feel alone and have trouble talking about the abuse



When child abuse has occurred or is suspected: Stay calm and believe the child.

Assure the child that she/he is not to blame. Let the child know it was brave to tell you and you are glad she/he told. Protect the child immediately from the suspected offender. West Virginia protocol requires that suspected child abuse be reported immediately to the West Virginia Department of Health and Human Resources, Child Protective Services (1-800-352-6513) or a law enforcement agency. It is best practice to encourage that the child have a medical exam, even if no injuries are apparent, and to connect the child with a counselor.

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, conduct of a sexual nature and requests for sexual favors. It must affect a person's employment, unreasonably interfere with school or work performance, or create an intimidating, hostile or offensive school or work environment (U.S. Equal Opportunity Employment Commission). It can be **verbal or written** (e.g., making sexually degrading jokes or sending unwanted sexually harassing e-mails or text messages), **non-verbal or visual** (e.g., displaying sexually explicit pictures or making sexual gestures) or **physical** (e.g., inappropriately touching a person or a person's clothing). It can include offering benefits (e.g., better grades or a work promotion) in exchange for sexual favors or making threats after sexual advances are rejected.

Sexual harassment is a violation of federal and state discrimination laws in qualifying settings. Federal laws apply to certain work sites (Title VII of the Civil Rights Act of 1964) and school settings (Title IX of the Education Amendment of 1972). West Virginia law (*WVC§5-11, Legislative Rule Title 77*) addresses certain work settings. In addition to unwanted sexual conduct, hostile or physically aggressive behavior may constitute sexual harassment if the harassment is based on gender.



To report sexual harassment, victims should **first follow their school/workplace complaint policy,** reporting the behavior to the proper authority using the written procedures of their school/workplace. **If the harassment continues after a reasonable amount of time following a report,** victims may have the right to **file a formal complaint** with the [West Virginia Human Rights Commission](#) (for qualifying schools/workplaces), the [West Virginia Equal Employment Opportunity Office](#) (for state employees), the [U.S. Equal Employment Opportunity Commission](#) (for qualifying workplaces), or the [Office of Civil Rights, U.S. Department of Education](#) (for schools receiving federal financial assistance).

Domestic Violence

(Section adapted in part from [National Coalition Against Domestic Violence](#), 2007)

Domestic violence is **abusive behavior**—e.g., willful intimidation, physical assault, battery and sexual assault as well as emotionally abusive and controlling tactics— **perpetrated by an intimate partner against another**. This **definition sometimes extends—as it does in West Virginia law—to include victims who are related to the abuser or are other household members**. Domestic violence affects individuals in every community, regardless of age, economic status, race, religion, nationality, education, gender identity or sexual orientation. In addition to emotional trauma caused by domestic violence, physical harm can vary from simple assault to homicide (Sampson, 2006).

STATE LAWS

WVC [§48-27-202](#) defines **domestic violence or abuse** as the occurrence of one or more of the following acts **between family or household members**:

- ✓ Attempting to cause or intentionally, knowingly or recklessly **causing physical harm** to another person with or without dangerous or deadly weapons
- ✓ Placing another person in **reasonable apprehension of physical harm**
- ✓ **Creating fear of physical harm** by harassment, stalking, psychological abuse or threatening acts
- ✓ **Committing either sexual assault or sexual abuse**
- ✓ **Holding, confining, detaining, or abducting another person** against that person's will

A **family or household member**: current or former spouses, persons living as spouses or who have formerly resided as spouses, current or former intimate partners, persons who are dating/have dated, persons who are presently or in the past have resided together in the same household, persons who have a child in common, parents and in-laws, siblings, children and stepchildren, grandparents, aunts and uncles, and nieces, nephews, first and second cousins.



Domestic violence offenses and penalties ([WV §61-2-28](#)) in West Virginia:

Domestic Assault: The unlawful attempt to commit a violent injury of another family or household member or unlawfully committing an act which places another family or household member in reasonable apprehension of immediately receiving a violent injury.

Domestic assault is a **misdemeanor charge**, with penalty of confinement in a county or regional jail for not more than 6 months, or fined not more than \$100, or both. For the **2nd violation**, the penalty is confinement in a county or regional jail for not less than 30 days nor more than 6 months, or fined not more than \$500, or both.

Domestic Battery: The unlawful and intentional physical contact of an insulting or provoking nature with another family or household member or unlawfully and intentionally causing physical harm to another family or household member.

Domestic battery is a **misdemeanor charge**, with penalty of confinement in a county or regional jail for not more than 12 months, or fined not more than \$500, or both. For the **2nd violation**, the penalty is confinement in a county or regional jail for not less than 60 days nor more than 1 year, or fined not more than \$1,000, or both.

A **3rd violation for domestic assault or battery** is a **felony charge** if the offense occurs within 10 years of a prior conviction of these offenses. The penalty is confinement in a state correctional facility not less than 1 nor more than 5 years and/or a fine not more than \$2,500.

Domestic violence victims often seek **civil protective orders** against their abusers. In West Virginia, they can petition their [county magistrate](#) for an emergency order—if the magistrate finds that domestic violence or an imminent threat of domestic violence exists, an emergency order may be issued. The order will require the abuser to stop abusing, harassing, stalking, threatening or otherwise intimidating the victim. The emergency order is good until the family court hearing is held and a decision is made whether to issue a more permanent protective order (usually within 30 days of issuing the emergency order). If the abuser violates the conditions of emergency or permanent protective orders, it may result in a contempt of court charge or a criminal charge. (Paragraph from [West Virginia Laws on Domestic Violence](#).)

See the West Virginia Supreme Court of Appeal's brochure, [Domestic Violence Protective Orders](#), for more information.



See the [West Virginia Domestic Violence Response Guide for Law Enforcement Officers](#) (3rd ed., 2011). This booklet offers law enforcement officers in West Virginia guidance on initial response to domestic violence and issuing protection orders.

BASIC DATA ON DOMESTIC VIOLENCE

Women age 16 to 24 have the highest per capita rate of intimate partner violence (Rennison, 2003). Women age 20 to 24 are at the greatest risk of nonfatal intimate partner violence (Catalano, 2007). Many of the physical assaults involve pushing, slapping and hitting (Tjaden & Thoennes, 2000; Rennison & Welchans, 2000; Sampson, 2006). The 2010 [National Intimate Partner and Sexual Violence Survey](#) found that 1 in 4 women and 1 in 7 men have been the victim of severe physical violence by an intimate partner. Not surprisingly, this survey found that many female victims experienced multiple forms of violence (physical and sexual violence and stalking) while male victims most often experienced physical violence. Another study found that sexual assault occurs in approximately 40 to 45% of abusive intimate relationships (Campbell, 2003).

Klein (2009) indicated that intimate partner homicides constituted 11% of homicides between 1976 and 2005, 30% of female murders and 3% of male murders. Similarly, the FBI (2011) indicated that over 1/3 of female murder victims were killed by an intimate partner.

As for **domestic violence in West Virginia** ([West Virginia Coalition Against Domestic Violence](#), 2012): 14,880 domestic violence cases were filed in West Virginia Family Court in 2010 (West Virginia Supreme Court of Appeals) and 12,661 domestic violence offenses were reported to law enforcement in 2010 (West Virginia State Police). Consistent with national statistics, **1/3 of**

homicides were related to domestic violence (West Virginia State Police, 2010). **Over 2/3 of women murdered were killed by a family or household member** (West Virginia Bureau of Public Health, 2010)

The incidence of domestic violence is likely much higher as the above data includes only reported cases in the state, and many victims do not report this crime.

Dating Violence

(Drawn from Dating Violence Resource Center, [Campus Dating Violence Factsheet](#))

Dating violence is controlling, abusive and aggressive behavior against a person on a date or a dating partner. Like sexual and domestic violence, it can occur regardless of the sexual orientation of the victim and perpetrator. It can include:

- ✓ **Physical abuse**—intentional use of physical force with the intent to cause fear or injury, such as hitting, shoving, biting, strangling, kicking or using a weapon
- ✓ **Emotional abuse**—non-physical behaviors such as threats, insults, constant monitoring, humiliation, intimidation, isolation or harassment
- ✓ **Sexual abuse**—action that impacts a person’s ability to control her/his sexual activity or the circumstances in which it occurs, including rape, coercion or unwanted sexual contact

Many view dating violence simply as a form of domestic violence—in fact, research on dating violence sometimes lumps intimate partner violence together with violence that occurs on a date but not necessarily between individuals who have an intimate relationship. **Such a view can be misleading.**

- ✓ While a date could involve persons who are already in an intimate relationship, a **date could also be a casual encounter of persons who have not yet been intimate** or may have been intimate but **do not consider themselves in a relationship** (e.g., if they had a one-night fling only after drinking at parties they both attended but otherwise do not interact). Note that many sexual assaults in college environments occur when the victim and offender are at the same location/function (a party, a bar, a dance, etc.) but not dating or on a date.
- ✓ **Violence committed on a date is often mainly sexual in nature**, making it more about sexual rather than domestic violence.
- ✓ **Individual acts of violence committed by a date which are criminal offenses should be investigated as such** and not minimized because they occurred in a dating relationship. Violence is violence regardless of the victim’s relationship to the offender.

For these reasons, **avoid using the term dating violence and instead opt for terms that more powerfully describe the individual behaviors**—sexual assault, physical assault, intimidation, battery, stalking, etc.

Stalking and Harassment

The Stalking Resource Center defines **stalking as a course of conduct directed at a specific person that would cause a reasonable person fear**. Under this definition, stalking can include a variety of behaviors, including harassment.

STATE LAW



West Virginia law (WVC §61-2-9a) differentiates stalking from harassment. To be charged with stalking in West Virginia, someone must repeatedly (two or more times) follow another person, knowing or having reason to know that the conduct causes the person followed to reasonably fear for his or her safety or suffer significant emotional distress. **To be charged with harassment**, someone must repeatedly (two or more times) harass or make credible threats against another person.

Both stalking and harassment are misdemeanors charges in West Virginia, with penalties upon conviction of confinement in the county or regional jail for not more than 6 months and/or fined not more than \$1,000. If a person stalks or harasses another in violation of an order by the circuit court, magistrate court or family court judge, they are also guilty of a misdemeanor, and upon conviction, can be incarcerated in the county jail for not less than 90 days nor more than 1 year and/or fined not less than \$2,000 nor more than \$5,000.

Note that the term stalking is used to refer to stalking and harassment in this toolkit.

The **federal stalking statute adds protection**. It specifically addresses and makes it a crime to travel across state lines or tribal jurisdiction with the intent to kill, injure, harass or place under surveillance with similar intent. The stalker must have the intent to harass, or intimidate the victim, or to place the victim, a family member, or a partner of the victim, in fear of death or serious bodily injury. **Details on the federal laws and penalties** for related federal violations can be found at the national Stalking Resource Center's website at <http://www.victimsofcrime.org/our-programs/stalking-resource-center> or by accessing the stalking section (*18 U.S.C. 2261A Interstate Stalking*) of the federal code at <http://uscode.house.gov/search/criteria.shtml>.

BASIC DATA ON STALKING

Many behaviors can constitute stalking. For example, stalkers might repeatedly follow victims on their way to school or repeatedly wait for them outside of their classrooms, homes or offices. They may slash tires, vandalize property and threaten victims and their loved ones, and use weapons. Some send gifts and cards to intimidate their targets. Stalkers may approach, confront and even harm victims, perhaps in violation of a protective order. They may call and make threats or hang up each time their victims answer. Some monitor victims' phone calls or computer use. Some use the Internet and cell phone texting to defame the reputations of their victims. Some enlist others to assist them.

According to the *National Crime Victim Survey* (2012), **6.6 million people in the U.S. were stalked in one year**. Stalking does not just happen to celebrities and well-known people.

Although high profile cases make the news, **stalking can happen to anyone. One in 6 women and 1 in 19 men have experienced stalking victimization at some point during their lifetime** (Black et al., 2011), in which they felt very fearful or believed that they or someone close to them would be harmed or killed.

There is a strong link between stalking and other forms of interpersonal violence. The Bureau of Justice Statistics' 2006 *Supplemental Victimization Survey* found that **nearly 3 in 4 stalking victims knew their offenders** (Baum et al., 2009). Another national survey found that 81% of women who were stalked by a current or former partner were also physically assaulted by that partner and 31% were also sexually assaulted (Tjaden & Thoennes, 1998).

While stalking victims may or may not be in imminent danger, the potential always exists. It can be useful for victims to develop a safety plan (see *B3. Responding to Disclosures*).

As a consequence of being stalked, victims may experience sleep and eating disturbances, nightmares, hyper-vigilance, anxiety, shock and disbelief, and a feeling of helplessness and loss of personal safety (National Center for Victims of Crime, 2010; WV FRIS). Depression, anxiety and insomnia rates are higher among stalking victims than the general population (Blauuw et al., 2002). Victims' employment could suffer because of lost time from work, frequent interruptions or disturbances by stalkers, or lost productivity due to anxiety, fear or other causes related to the stalking behavior. If victims are in school, their academic performance could be affected. Some victims feel that they have to move to end the stalking.

Cybercrimes

Cybercrimes are criminal activities facilitated through the use of technology. Technology used is not limited to computers and the Internet, but can extend to a broad range of electronic devices and media (e.g., telephones, fax machines, TTY/TTD equipment, cameras, webcams and spycams, and computer software and hardware such as global positioning systems, caller ID systems, computer monitoring software, and keystroke logging systems and software). **Stalking, sexual violence, and domestic and dating violence may involve cybercrimes.**

Electronic aggression is a term used to describe any kind of aggression perpetrated through technology, such as Internet and cell phone sexual solicitations, harassment or stalking (Hertz and David-Ferdon, 2008). The Internet creates opportunities for electronic aggression to occur through e-mails, instant messaging, chat room exchanges, website posts, creating web pages, videos or profiles on social networking sites, taking pictures and distributing them, and uploading videos and posting them on-line for the world to see. The cell phone—via phone calling, texting, taking/distributing photos/videos, and connecting to the Internet— is another popular tool for electronic aggression.

Some examples of how electronic aggression is used in interpersonal violence cases (both alone and in combination with other controlling, abusive and/or violent tactics):

- ✓ **Sexual predators can victimize individuals online.** For example, they may (Wolak, Mitchell & Finkelhor, 2006): request victims to engage in sexual activities or provide

personal sexual information, attempt offline contact with victims, expose victims to unwanted sexual material, and/or harass victims.

- ✓ **Prior to or in the aftermath of a sexual assault, a sex offender may also use electronic aggression to threaten or retaliate against the victim.**
- ✓ **For abusers in dating or domestic violence situations,** technology offers a host of readily available tools to enable them to **repeatedly control, pressure or threaten someone** they are in an intimate relationship with or dating.
- ✓ **Stalkers can use any form of electronic or technological media and/or devices to threaten, harass or intimidate their victims (sometimes referred to as cyberstalking).** With their technology arsenals, stalkers can easily gather information and spy on victims, impersonate them, intercept and monitor their communications with others, and embarrass, insult, harass and exploit them.



See Campus Safety Magazine's [Your Ultimate Guide to Student and School Internet Safety](#) (Swanson, 2011) to explore how to protect students from cyberstalking and Internet predators.



Victims of cybercrimes may need assistance identifying the full extent of the problem, developing a plan to address their concerns, dealing with the emotional trauma resulting from their victimization, planning for safety, and obtaining additional information and referrals for service. Education may be needed for all parties involved to recognize the seriousness of the situation and examine ways to reduce the risk of future incidences. Help in these areas is available from rape crisis centers and domestic violence programs. See C8. *Getting Started: Resources for Victims on College Campuses.*

B2. BACKGROUND

This section briefly explores:

- ✓ How gender biases contribute to interpersonal violence
- ✓ The phenomena of victim-blaming
- ✓ Basic information on sex offenders, abusive partners and stalkers.

Gender-Based Violence

Most males are not violent towards females. However, girls and women do experience interpersonal violence at significantly higher rates than boys and men, and, in the vast majority of cases, a male is the perpetrator.

Gender bias is prejudice in treatment or action towards other persons on the basis of their sex (www.legal-explanations.com). **Gender bias greatly influences social norms that tolerate violence against females.** It is useful to examine gender stereotypes you may hold to be able to dispel myths related to interpersonal violence and avoid gender bias in your own interactions.

We are socialized from an early age—through the media, family, community, peers, schools, religious institutions, etc.—to buy into stereotypes of females and males that reflect and

reinforce gender bias. **Due to gender bias, girls and women are more at risk for violence throughout their lives.** The following are a few examples of societal beliefs about gender roles, relationships and sexuality that support gender-based violence:

- ✓ It's acceptable to tell jokes and show visual images that degrade women.
- ✓ If a man takes a woman out on an expensive date, it is OK for him to expect sex in return.
- ✓ It's OK for males to be sexually aggressive, while females are expected to set and enforce limits on male sexual behavior.
- ✓ In an intimate relationship between males and females, women traditionally were expected to listen and be supportive to their male partners, fulfill their sexual needs, care for their children, and cook and clean their home. An abusive husband may rationalize the use of violence if his wife fails to live up to such expectations. (For more on domestic violence and adherence to gender roles, see [University of Michigan, Sexual Assault Prevention and Awareness Center.](#))

While many individuals do not buy into beliefs rooted in gender bias, the overall message of male power and female submissiveness is inescapable in our culture. **Note the following overlapping social norms that contribute to gender-based violence:**

- ✓ Traditional male roles that promote domination, exploitation, objectification, oppression and risk-taking behaviors in men and boys, often glorifying victimizing women and girls;
- ✓ Limited female roles that sexualize women from a young age, encouraging them to act like and be treated as objects for the pleasure of men and condoning men's use of the "commodity" of women;
- ✓ Glorification of power that allows men to hold control over women;
- ✓ Acceptance of aggression as normal male behavior that can be used as a way to solve problems and get what one wants; and
- ✓ Individual and family privacy and shame that encourages silence around interpersonal violence and fosters stigmatization of victims, lack of intervention and further abuse.

Community factors can reinforce societal norms, such as weak sanctions against perpetrators and lack of support for victims from institutions that are supposed to help them seek justice. For example, college students who had been sexually victimized give a number of reasons for not reporting their victimizations to law enforcement officials. Fear of being treated with hostility by law enforcement and anticipation that law enforcement would not believe the incident was serious enough and/or would not want to be bothered with the incident were listed as barriers to reporting (Fisher, Cullen & Turner, 2000).



Gender bias is exacerbated by discrimination based on race, ethnicity, sexual orientation, perceived gender identity, socio-economic status, class, disability and/or age. These additional forms of discrimination can further increase a person's vulnerability to violence and make safety, healing and justice less feasible (Amnesty International).

Gender bias affects all victims of interpersonal violence. When men are victims of sexual or domestic violence, they may be even less likely than female victims to seek help because these crimes are seen as ones that "happen to" females, who are perceived as the "weaker" sex.

Despite the public's growing awareness about male victimization, there is still a sense of disbelief that boys and men could be violated sexually or by a female intimate partner. Heterosexual male victims may fear being perceived as homosexual, feminine or weak if they were assaulted by a male. If they were sexually assaulted by a female, many believe that they should just enjoy "the sex" instead of "complaining" about it.

When girls and women experience sexual or domestic violence by a female perpetrator, gender bias that sanctions violence against women can still be a factor.

Victim Blaming

A key reason for a victim's reluctance to report or seek help following an act of interpersonal violence is society's tendency to blame the victim. **Victim blaming in essence removes the responsibility for the violence from the offender and places it upon the victim.** Sadly, it is common for a victim to experience some degree of victim blaming from her family, friends, classmates, school faculty/staff, fellow employees, criminal justice officials, health care providers, etc.

Some **examples of myths that people believe that support victim blaming in sexual violence cases** include:

- ✓ If a woman wears revealing clothing, flirts with or walks home with the perpetrator, she is enticing him, so it can't be sexual assault.
- ✓ If a woman is out alone at night, she deserves what she gets.
- ✓ If a woman did not physically resist the perpetrator's advances or there was no "real" threat of physical harm, then it cannot be sexual assault.
- ✓ If an individual had sex previously with the perpetrator, it can't now be sexual assault.
- ✓ A woman might fabricate interpersonal violence to seek attention or revenge.

When women remain in abusive relationships, people will often question why they stay and then blame them for "letting" the abuse happen ("she would leave if she didn't like it"). Some may justify the violence if they feel the woman provoked it ("she was being such a nag" or "she made him get angry and lose his temper"). Some may excuse violence as a side effect of the abuser's use of alcohol or drugs.

The blame that victims receive from others often erodes their confidence and develops into self-blame, which can manifest into feelings of guilt, shame, anxiety, depression, lack of trust and isolation. **It makes it harder for victims to come forward and report the violence. Just as damaging, victim blaming can lead to backlash and retaliation against victims**—for example, a victim might be labeled promiscuous by peers after being sexual assaulted by a classmate or sexually harassed by a professor. If the incident is reported, a victim may be subjected to retaliation by the perpetrator (e.g., her stalker may increase the level of attacks) and others (e.g., harassed if her abusive partner or rapist is a popular public figure such as an athlete). In addition, institutions and the media can add to the damage by portraying victims negatively.

Why do people blame victims of interpersonal violence? Some thoughts and theories:

- ✓ **Men and women are socialized to believe stereotypes that support gender discrimination, including gender-based violence.**
- ✓ **People want to believe that as long as they behave “appropriately,” nothing bad will happen to them.** This belief leads to the view that victims of interpersonal violence must have done something to encourage or deserve the violence and, therefore, are to blame. Those who blame victims may feel a false sense of security because they view themselves as acting appropriately and thus not vulnerable to violence. (Bullet adapted from Rape Crisis Information Pathfinder.)
- ✓ **People may believe that sexual violence is caused by uncontrollable sexual desire,** which leads them to conclude that the way a person looks or behaves can elicit irrepressible sexual arousal on the part of others.
- ✓ **People may find it difficult to comprehend that a person they know is capable of interpersonal violence.** This is especially true when the alleged perpetrator is someone they like and/or respect.
- ✓ **People may not be educated about the nature of interpersonal violence.** Some people maintain victim blaming attitudes simply because they have not been taught about the realities of interpersonal violence and have not had the opportunity to counter their assumptions and biases with facts.



Some tips ([Center for Relationship Abuse Awareness](#)): Challenge victim-blaming statements. Don't agree with perpetrators' excuses for violence (they will try to rationalize their actions). Let victims know that it is not their fault. Hold perpetrators accountable for their actions. Provide victims with resources and support. Avoid victim blaming.

Sex Offenders

(Partly drawn from the Center for Sex Offender Management (CSOM) publications. See www.csom.org.)

The primary motivation for sex offenders to commit sexual violence is generally not sexual gratification, although that may be part of it. More commonly, **offenders use sexual violence as a tactic to overpower, control and/or humiliate another person.** They often have a need to compensate for their own feelings of inadequacy, anger and/or powerlessness. By humiliating victims, their anger is discharged and their feelings of strength and capability are validated. Offenders' dehumanizing acts of sexual coercion may help them gain a temporary sense of control, while leaving their victims feeling devastated, traumatized and powerless.

There is no profile of a typical sex offender (Becker & Murphy, 1998; Hunter, 2006; Marshall, 1996; Talbot et al., 2002). Instead (paragraph and bullets drawn from CSOM, 2010; Gilligan, 2008):

- ✓ Sex offenders vary from one another in terms of demographics, range of offending behaviors, motivations, intervention needs and levels of risk they pose (Carter, 2008).
- ✓ Sex offenders can be adults or juveniles. Sex offenders may offend against adults and/or children, males and/or females.
- ✓ The vast majority of sex offenses are committed by males, but females do commit these crimes (FBI, 2005; Schwartz & Cellini, 1995).
- ✓ Sex offenders vary in marital status, socio-economic level, education and family ties.

- ✓ Some have been victims of sexual abuse, but many have not. Being sexually abused does not cause people to become sex offenders.
- ✓ Offenders' sex crimes can range from non-contact offenses such as flashing or voyeurism to contact offenses such as fondling or rape.
- ✓ Most sex offenders commit multiple sex crimes against multiple types of victims with whom they have varying types of relationships (Denver Police Department, 2011).
- ✓ Sex offenders may have a long criminal history or none at all.

Key points about sex offenders (drawn in part from [Lisak & Miller; 2002](#)):

- ✓ When discussing sexual assault that occurs on college campuses, people may have an image of a male student “who, under the influence of alcohol, mistakenly crosses the line between sexual pressure and rape.” However, the **majority of rapists plan their assaults as well as how to get away with them** (e.g., by identifying potential victims who are vulnerable, accessible and easily manipulated/isolated, and whose credibility will be called into question if they report due to factors such as they were drinking or doing drugs, involved in illegal activities, have a mental disability, had sex with the rapist previously, etc.).
- ✓ **Sex offenders use violence as needed.** They may not need to use physical force if they can incapacitate, intimidate and/or wear down resistance of their victims. It is easier to avoid prosecution if physical force is not used. Bachman (1998) found that the only factors associated with rape that increased the likelihood of victim reporting were physical injuries and the use of a weapon.

Between 12 and 24% of convicted sex offenders are known to have repeated sex crimes, as indicated by a new charge or conviction for a sex offense (Hanson & Harris, 2004; Hanson & Morton-Bourgon, 2005). However, **these rates likely are underestimated since most sex crimes are not reported.** There is usually no single factor that makes someone more likely to reoffend, but rather a combination of factors that might include problems in relationships, difficulty in dealing with emotions such as anger, having antisocial values, hostile attitudes toward women, or being sexually attracted to children. Treatment may help sex offenders develop skills to manage their behavior, which can reduce their chances of reoffending. But whether they will be successful depends on whether they are motivated to change their behaviors (Aos, Miller & Drake, 2006). (Paragraph drawn from CSOM, 2010.)

It is likely that **sex offenders committed far greater number of sex crimes than they are or will be convicted of (most will likely not be convicted at all).** Lisak and Miller (2002) found that of 1,882 men they assessed for acts of interpersonal violence, 120 reported acts that met legal definitions of rape or attempted rape, but were never prosecuted by criminal justice authorities. The majority (76) were repeat rapists. The 76 repeat “undetected” rapists together committed: 439 rapes and attempted rapes, 49 sexual assaults, 277 acts of child sexual abuse, 66 acts of child physical abuse, and 214 acts of battery. Lisak and Miller also found common characteristics between incarcerated and undetected rapists: Anger directed at women, need to dominate women, belief in rape myths, hyper-masculine attitudes, view of violence as normal, view of women as objects to be conquered, and deficits in empathy.

Lisak and Miller noted that with both incarcerated and undetected rapists, there is **a pattern that a small number of men committed the majority of sex crimes** (rather than many men committing single acts of sexual violence).

The courts can impose a variety of sentences for sex offending, depending upon the offender, the facts of the case and state laws. While some offenders are sentenced to prison or jail, others are sentenced directly to community supervision (e.g., probation). Depending on their age and conviction, some are on the sex offender registry for their lifetimes, others for 10 years, and some not at all. For those sentenced to prison or jail, some are released with parole or probation supervision, while others are released with no supervision. When they are under community supervision, sex offenders are required to abide by certain restrictions and rules, such as the following (Paragraph and bullets drawn from CSOM, 2010):

- ✓ No contact with their victims
- ✓ No or limited contact with minors
- ✓ Participation in sex offender-specific treatment
- ✓ Limited or no Internet access
- ✓ No use of alcohol or drugs
- ✓ Restrictions on where they can live and work
- ✓ Restricted movement within the community and within and across state line
- ✓ Reporting to a probation/parole officer as required



In every state, law enforcement agencies must maintain registries of certain convicted sex offenders (e.g., including data such as offenders' names, addresses, photographs and crime or conviction).

For **public access to the West Virginia sex offender registry**, go to www.wvstatepolice.com/. The State Police administers the registry, as per the stipulations of the *Sex Offender Registration Act (WVC§15-12)*. In addition to updating the registry on a daily basis, the State Police distributes registrant data to the FBI and local entities in the county that the registrant resides, owns or leases property that he/she regularly visits, or is employed or attends a school/training facility.

Abusive Partners

Like sex offenders, there is **no one profile for abusive intimate partners**. They come from all socioeconomic backgrounds, races, religions and walks of life. However, what they have in common is the **use of power and control as the main tactic in their abusive behavior**.

Abusive partners often (from [Maricopa Association of Governments Domestic Violence Council](#); Wilson, 1997):

- ✓ **Equate jealousy with love**—continually question their partners about people spoken to or associating with, become jealous of time their partners spend with others, including family
- ✓ **Use controlling behavior** to inhibit almost every aspect of their partners' lives
- ✓ **Lie** or alter or withhold the truth
- ✓ **Pressure their partners** to become committed to their relationship quickly
- ✓ **Hold unrealistic expectations**—they may expect their partners to meet all of their needs
- ✓ **Isolate** their partners by severing outside ties, support and resources, accuse others of being "troublemakers," block partners' access to use of vehicles, work or telephone service

- ✓ **Blame others for their feelings** and may use their feelings to manipulate their partners—e.g., "You are hurting me by not doing as I want"
- ✓ **Hold children to high expectations** and then punish them for not performing up to their harsh standards
- ✓ Exhibit **cruelty to animals**
- ✓ **Use force in sex**—may restrain their partners against their will during sexual activity, act out fantasies in which their partners are helpless, force sex when their partners are asleep, ill or tired; show little concern for their partners' desire to be touched, and use sulking or anger to manipulate sexual compliance
- ✓ **Verbally abuse their partners**
- ✓ **Hold rigid gender roles**

Although both men and women are abusers, the vast majority are men. Like sex offenders, they may refuse to accept responsibility for their behavior and believe that it is justified. Often they will try to excuse the violence or blame the victim for causing it. The tendency to use abuse as a control tactic can be aggravated by the use of drugs and alcohol, but overcoming a substance abuse problem does not usually end the abusive behavior. There is treatment available to help abusive partners address abusive behavior. (Paragraph from Maricopa Association of Governments Domestic Violence Council.)

Stalkers

Most stalkers are men; however, females can also be stalkers. Like sex offenders and abusive intimate partners, stalkers are a heterogeneous group. One broad way they can be categorized is by their relationship with their victims: current or former intimate partner, acquaintance or stranger (Mohandie, Meloy, Green-McGowan, & Williams, 2006; Logan, 2010).

Many stalkers know their victims, particularly those who stalk women. For 66% of female stalking victims and 41% of male victims identified in *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*, a current or former intimate partner was their stalker (Black et al., 2011). About 10% of stalkers are strangers to their victims (Baum et al., 2009).

Partner stalkers are more likely to be threatening and violent towards their victims than stalkers who are acquaintances or strangers. For example, 71% of the partner stalking victims who were threatened were actually assaulted compared to 33% of non-partner stalking victims who were threatened (Thomas et al., 2008; Logan, 2010). Similarly, Tjaden and Thoennes (1998) found that 81% of women who were stalked by current or former intimate partners were also physically assaulted by them; 31% were also sexually assaulted.

Compared to stalkers who were acquaintances or strangers, **partner stalkers were also more likely to be violent towards third parties and damage property, and reoffend after court interventions** (Logan, 2010). **They also appeared to engage in stalking more frequently and intensely than non-partner stalkers.**

B3. RESPONDING TO DISCLOSURES

A first responder's words and actions can have a tremendous impact on a victim of

interpersonal violence. Reacting to a disclosure with judgment and blame may lead a victim to think that the violence was her fault and lead her to suffer in silence. Conversely, responding with support, compassion and accurate information about the violence, traumatic reactions and resources can empower the victim to seek assistance and begin the process of healing.

This section offers basic information on:

- ✓ Coordination with other first responders
- ✓ Health consequences for victims
- ✓ State requirements related to suspicions/disclosures of victimization
- ✓ Crisis intervention
- ✓ Planning for safety
- ✓ Victims with disabilities

Coordinated Response

The **coordination of interventions among those involved in the immediate response to disclosures of interpersonal violence is critical to helping victims and facilitating timely investigations.** As a key college campus responder, law enforcement and security departments should identify other campus offices (as discussed in *C. Getting Started*) and community agencies with whom they might be working with initially on these cases. At a minimum, those community agencies include:

- ✓ Advocates from the local rape crisis center (for sexual violence and stalking)
- ✓ Advocates from the local domestic violence program (for intimate partner violence)
- ✓ Emergency department medical staff (in sexual assault cases, often sexual assault nurse examiners)
- ✓ Local law enforcement representatives (if your campus does not have law enforcement)
- ✓ Prosecutors (may be involved in an advisory capacity in immediate response)

Knowing the other key players can help you connect individuals who disclose interpersonal violence to the services they might require.



A sexual assault response team (SART) may exist in your community to promote a coordinated response in sexual assault cases. See www.fris.org for more information on local rape crisis centers and SARTs.

Health Consequences for Victims

Interpersonal violence has many potential health consequences for victims. Some victims sustain physical injuries during the violence. As discussed below, emotional trauma from interpersonal violence victimization can lead to physical, emotional and cognitive repercussions. Victims of rape may also fear their victimization will lead to pregnancy and sexually transmitted infections, including HIV. Some develop gynecological and sexual problems as a result of their victimization. The health consequences of interpersonal violence victimization can profoundly impact individuals' capacity to lead productive and healthy lives.

TRAUMATIC REACTIONS

Understandably, experiencing interpersonal violence causes emotional trauma for many victims.

Examples of factors that may influence whether a person's emotional reactions to the violence are traumatic include: severity and frequency of the event; personal history (e.g., if there was a prior victimization); individual coping skills, values and beliefs; and the level of support from family, friends and/or professionals (Santa Barbara Graduate Institute et al.). Traumatic reactions may include one or more of the following **symptoms** (Santa Barbara Graduate Institute et al.):

- ✓ **Physical:** e.g., changes in eating patterns, sleep disturbances, sexual dysfunction, low energy and chronic, unexplained pain
- ✓ **Emotional:** e.g., depression; spontaneous crying; feelings of despair and hopelessness; anxiety and panic attacks; fearfulness; compulsive and obsessive behaviors; feelings of being out of control, irritable, angry and resentful; emotional numbness; and withdrawal from normal routines and relationships
- ✓ **Cognitive:** e.g., memory lapses (especially about the sexual violence), difficulty in making decisions, decreased ability to concentrate, hyperactivity and impulsivity

Additional symptoms—e.g., intrusive re-experiencing of the trauma, emotional numbing and avoidance, and hyper-vigilance and overreactions—are **key indicators of post-traumatic stress disorder (PTSD)**.

Nearly **1/3 of rape victims develop PTSD** during their lifetimes (Kilpatrick, Edmunds, & Seymour, 1992). **PTSD symptoms specific to survivors of sexual violence are also known as rape trauma syndrome (RTS)**. **Phases of RTS** include (Burgess & Holmstrom, 1974):

- ✓ **Acute:** Occurs immediately after the assault and usually lasts a few days to several weeks. Common reactions include being openly emotional, being controlled/without emotion and experiencing shock, disbelief and/or disorientation.
- ✓ **Outward adjustment:** Individual resumes what appears to be her "normal" life, but inside is suffering from considerable turmoil. Primary coping techniques include: minimization (pretends that "everything is fine" or that "it could have been worse"); dramatization (cannot stop talking about the assault); suppression (refuses to discuss or acts as if it did not happen); explanation (analyzes what happened); and flight (tries to escape the pain by moving or changing jobs, appearance or relationships, etc.).
- ✓ **Resolution:** The assault is no longer the central focus of the individual's life. She may recognize that while she will never forget the assault, the pain and negative impact usually lessen over time.

Unfortunately, **this stress response is often not a one-time experience but can be reactivated when a victim has intrusive symptoms related to the violence** (a nightmare or flashback of the actual incident) **or other traumatic events**.

A substantial portion of women who experience domestic violence exhibit PTSD symptoms—31 to 84% according to a review of research. Multiple victimization experiences also increase the likelihood of PTSD. (Paragraph from Jones, Hughes & Unterstaller, 2001.)

If not addressed, emotional trauma can result in lasting negative effects for victims, such as substance abuse, compulsive behavioral patterns, self-destructive and impulsive behaviors, inability to make healthy professional or lifestyle choices, dissociative symptoms, feeling permanently damaged, a loss of previously sustained beliefs, and feelings of ineffectiveness, shame, despair and hopelessness. It can also contribute to sexual problems, the inability to maintain close relationships or choose appropriate friends and partners, social withdrawal, and feelings of being constantly threatened and hostile towards others (Paragraph from Santa Barbara Graduate Institute et al.).



Be prepared to help victims understand their reactions to violence, including how it can cause traumatic reactions and the potential impact of the trauma. **Victims also may need assistance identifying resources for support in dealing with emotional trauma.** Rape crisis centers and domestic violence programs have specially trained staff to assist victims in recovering from this trauma. (See *C. Getting Started: Resources for Victims.*)

State Requirements Related to Disclosures of Victimization

In West Virginia, an individual can decide whether or not to report interpersonal violence to law enforcement, unless the situation meets the criteria for mandatory reporting. If a mandatory report is required and a victim discloses the violence to someone who is not a sworn law enforcement officer, encourage the victim to initiate the report and offer assistance in reporting. Fulfill all mandatory reporting responsibilities.

In West Virginia, victims in non-mandatory reporting situations can have a forensic medical exam conducted without reporting the incident to law enforcement. The kits are stored at Marshall University Forensic Science Center and, with no statute of limitations in the state on sexual assault, may be retrieved at a later date to initiate an investigation upon a victim's request.

College law enforcement or security departments have additional mandatory reporting requirements due to federal mandates and institutional policies. Individuals who come to college law enforcement or security departments to disclose interpersonal violence should be informed, prior to their communications to the extent possible, of the department's duties to make an official report in specific circumstances, whether it be a state, federal or college-specific requirement. See *C6. Getting Started: Reporting on College Campuses.*

MANDATORY REPORTING

In West Virginia, state law (WVC§9-6-9) identifies individuals who must report suspected abuse or neglect of adults who are incapacitated or of emergency situations where adults who are incapacitated are at imminent risk of serious harm. Reporters include:

- ✓ Medical, dental and mental health professionals
- ✓ Christian Science practitioners
- ✓ Religious healers
- ✓ Social service workers
- ✓ Law enforcement officers

- ✓ Humane officers (Each county sheriff designates officers to investigate complaints of inhumane treatment of animals. In their work, humane officers may witness or suspect the abuse of incapacitated adults or children.)
- ✓ State or regional ombudsmen (an advocate for residents of nursing homes, board and care homes, and assisted living facilities)
- ✓ Employees of nursing homes or other residential facilities.



An **adult who is considered “incapacitated,”** according to state law, is **someone who cannot independently conduct daily life sustaining activities due to a physical, mental or other infirmity.** Note the incapacity can be temporary (e.g., if someone is under the influence of alcohol or has an injury that will heal, such as a broken leg).

Reporting procedures for suspected mistreatment of an incapacitated adult:

- ✓ Abuse, neglect or an emergency situation involving an adult who is incapacitated should be reported to the local Department of Health and Human Resources (DHHR), Adult Protective Services (APS), *or* the 24-hour hotline provided for this purpose (800-352-6513).
- ✓ If it is suspected that a crime has occurred (e.g. a sex offense), report to the local law enforcement agency.
- ✓ The oral report to DHHR should be followed with a written report within 48 hours, using DHHR’s forms or forms your organization has developed for this purpose.

Mandatory reporters of suspected mistreatment of a minor in West Virginia include:

- ✓ Religious healers and members of the clergy
- ✓ Christian Science practitioners
- ✓ Social service workers
- ✓ School teachers and other school personnel
- ✓ Child care or foster care workers
- ✓ Humane officers (see above)
- ✓ Emergency medical services personnel
- ✓ Peace officers or law enforcement officials
- ✓ Circuit court and family court judges
- ✓ Employees of the Division of Juvenile Services and magistrates
- ✓ Youth camp administrators or counselors, employees, coaches or volunteers of an entity that provides organized activities for children
- ✓ Commercial film or photographic print processors

Reporting procedures for suspected mistreatment of a minor:

- ✓ Reports should be made immediately to DHHR, Child Protective Services (CPS) *or* 800-352-6513 (same as above number).
- ✓ In any case it is believed that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall *also* immediately report, or cause a report to be made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint.
- ✓ If the mandatory reporter is a staff member or a volunteer of a public or private institution,

school, entity that provides organized activities for children, facility or agency, the reporter should immediately notify the person in charge of that institution school, entity, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

- ✓ The oral report to DHHR should be followed with a written report within 48 hours if so requested.



In addition to the above mandatory reporters, **any person over the age of 18 who receives a disclosure from a credible witness or observes child sexual abuse or sexual assault** is required to immediately report or cause a report to be made to DHHR, the State Police, or the law enforcement agency having jurisdiction to investigate the report.

INFORMED CONSENT AND GUARDIANSHIP/CONSERVATORSHIP

It is critical to respect the right of victims of interpersonal violence to make their own decisions (unless a situation meets the criteria for mandatory reporting). **Help ensure that victims' decisions are well-informed by offering them information about their options** (about reporting and who are mandatory reporters, getting medical care, having a sexual assault forensic medical examination, seeking shelter or a protective order, seeking support and counseling, Crime Victims Compensation Fund, etc.) and the potential impact of their decisions. For example, if a student tells a college law enforcement or security officer about being sexually assaulted, even if she does not wish to make an official report, she should understand who officers are required to tell (e.g., a school administrator, the campus Title IX coordinator, local law enforcement if the circumstances involves a minor or incapacitated adult, etc.).

A West Virginia resident over the age of 18 is presumed to be competent to make her own decisions unless a court determines otherwise. If a person is declared to be legally incompetent, the circuit court may determine she is a “protected person” and appoint a guardian/conservator to make decisions on her behalf. A **guardian** is responsible for the personal affairs of a protected person. A **conservator** is responsible for managing the estate and financial affairs of a protected person. The terms and conditions of a court appointment indicate the scope of the guardianship or conservatorship.

If abuse or neglect of a protected person by a guardian/conservator is suspected, report suspicions to DHHR at 800-352-6513. If it is suspected that a crime has been committed against a protected person or that they are in imminent danger, law enforcement is contacted. If it is suspected that a guardian/conservator is not acting in the protected person’s best interest, contact the circuit court that appointed the guardian/conservator or a private attorney for information on options. In cases in which DHHR is the appointed guardian, contact a DHHR supervisor.

CONFIDENTIALITY

Maintaining confidentiality is a key to developing trust with victims.

- ✓ Victims are expected to share very personal information about their experiences of being

violated in order to receive medical, emotional and legal support. They may be traumatized and embarrassed by having to recount what happened.

- ✓ Victims may have grave concerns related to disclosing their victimization, reporting to law enforcement and seeking services that stem from what they perceive the consequences to be of others finding out about the assault.
- ✓ Given such difficulties and concerns, it is critical for victims to be able to trust that the communications they have with college law enforcement and security departments will be kept in confidence as appropriate and allowable by law and campus policies.
- ✓ Information should not be released about victims without their informed, written consent, except in cases requiring reporting. Understand your state, federal and school requirements and convey these requirements to individuals before they disclose, to the extent possible.

Special conditions regarding release of information and informed consent exist for minors and some “incapacitated” adults (WVC§9-6-9) with cognitive disabilities.

- ✓ Minors are typically unable to legally provide informed consent. Therefore, when the victim is a minor, the written release of information should be signed by the minor where possible and her/his non-abusive parent or guardian. Emancipated minors and minors who are married, however, can make most of their own decisions and do not need a signature of their parent or guardian (WVC§49-7-27).
- ✓ With adults who are incapacitated, the issue is whether they are competent to give consent. If an adult is not capable of providing consent to release information, the written release should be signed by the adult where possible and the non-abusive guardian, if one exists.

Note that release of information forms should be time-limited and specific.

Customizing Your Initial Response

Whoever initially responds to a victim must be supportive and quickly direct or connect the victim to the help she/he needs. Note that each person’s circumstances and needs can vary.

A person’s experiences of and reactions to interpersonal violence may be affected by multiple factors, such as (adapted from Office on Violence Against Women, 2004):

- ✓ Age and developmental level
- ✓ Gender and/or gender identity
- ✓ Sexual orientation
- ✓ Existence of a disability
- ✓ Language and communication needs
- ✓ Ethnic and cultural beliefs and practices
- ✓ Economic status
- ✓ Immigration and refugee status
- ✓ History of prior victimization
- ✓ Past experiences with responding systems (medical, criminal justice, victim advocacy, etc.)
- ✓ Whether the victim was involved in activities prior to the violence that traditionally generate victim blaming (wearing a short skirt to a party, drinking alcohol at the party, flirting with the offender, etc.)
- ✓ Whether the violence involved alcohol and/or drugs
- ✓ Whether the victim engaged in illegal activities at the time of the violence/had outstanding criminal charges

- ✓ Prior relationship with the offender, if any
- ✓ Whether physical injuries were sustained and the severity of the injuries
- ✓ Capacity to cope with trauma and the level of support available

Because there are so many variables that can affect a victim's experience of and reaction to interpersonal violence, it is critical to **ask each victim: "Is there anything I should know that will enable me to better assist you?"** Let the person guide you in how to support her/him.

Crisis Intervention

Varying incidences can trigger crisis reactions for a victim of interpersonal violence—traumatic reactions to the violence itself, disclosing the violence, the reactions of others to the disclosure (e.g., minimizing it or not believing it happened), memories of the violence (e.g., hearing a song that was on the radio at the time of a sexual assault), events connected to the violence (e.g., the release of an offender from jail or prison) and unresolved trauma related to the violence (e.g., attending social events in which an offender is present).

Crisis intervention attempts to stabilize a person's reactions to an immediate problem.

Crisis intervention is sometimes referred to as "emotional first aid" designed to "stop the emotional bleeding." Crisis management rather than resolution is the goal.

Ideally, if a person in crisis discloses interpersonal violence to a college law enforcement or security officer, the officer should immediately enlist the assistance from someone trained in crisis intervention (e.g., an advocate from a rape crisis center/domestic violence program, a counselor or other person designated by the college). However, until that trained person arrives, the **officer's initial response to a victim in crisis** might encompass:

- ✓ Helping to calm the victim to facilitate rational, informed decisions;
- ✓ Ensuring the victim's immediate safety/planning for short-term safety;
- ✓ Addressing medical concerns and encouraging the victim to seek needed care;
- ✓ Discussing reporting options and encouraging evidence collection, if appropriate;
- ✓ Addressing specific concerns and helping to prioritize urgency;
- ✓ Telling the victim what the law enforcement/security department can/cannot do (including reporting requirements);
- ✓ Providing contact information for the local rape crisis center or domestic violence program, explaining services and connecting the victim, with her permission, with an advocate; and
- ✓ Providing additional information and referrals as needed.

Some victims are reluctant to seek medical care due to lack of funds. West Virginia has a **Crime Victims Compensation Fund** to reimburse victims for medical and other expenses related to crime victimization if the crime is reported to law enforcement within 72 hours. Advocates at local rape crisis centers and domestic violence programs are trained to assist victims in accessing this fund.

Medical Care

It is important to encourage victims to seek medical care as soon as possible after physical or sexual violence. Taking care of their health at this time is an important step in their healing process. They can be examined for injuries (some of which they may not be aware of, such as internal injuries). Victims of sexual assault may need antibiotics to prevent bacterial sexually transmitted infections (STIs). Female sexual assault victims can receive medication to protect against pregnancy. Through a forensic medical exam a victim's health care needs can be assessed and evidence collected for potential use in a case investigation or prosecution (Office on Violence Against Women, 2004). Sexual assault forensic medical examinations encompass non-acute medical care related to the assault and forensic evidence collection. (See below.)

Preservation of Evidence in Sexual Assault Cases

If the respondent is a sworn law enforcement officer and victims disclose having been sexually assaulted, steps should be taken immediately to preserve forensic evidence. If the respondent is a security officer, evidence preservation is key if the victims are considering reporting the crime to law enforcement or considering having a forensic medical exam (see the earlier section *State Requirements Related to Disclosures of Victimization*). Once victims are safe and have their acute medical needs addressed, it is important to preserve potential evidence that may help in the investigation and prosecution.

To preserve potential forensic evidence, victims are generally advised:

- ✓ Do not shower, bathe or clean any body parts.
- ✓ Do not douche, brush teeth or comb/brush hair.
- ✓ Do not go to the bathroom.
- ✓ Do not eat or drink anything.
- ✓ Do not change clothes.
- ✓ If clothing must be changed prior to going to the hospital, remove carefully, place each item in a separate paper bag and take to the hospital.
- ✓ Bring extra clothing to the hospital to replace any items that law enforcement may take to test for evidence.
- ✓ Do not touch, straighten or clean anything at the crime scene area.



Even if victims are uncertain about reporting the crime, they can still be encouraged to preserve evidence and get medical care. The [WV Code §61-8B-16\(5c\)](#) states that a victim of sexual assault is NOT required to participate in the criminal justice system or cooperate with law enforcement in order to have a forensic medical exam.

Licensed medical facilities in West Virginia can provide medical care and collect evidence without reporting the assault to law enforcement, if the victim wishes (except in mandatory reporting cases). The evidence will be collected and stored for at least 18 months. With no statute of limitations on felony sexual assaults, the victim can later decide to report the crime to law enforcement and the evidence can then be retrieved. If the victim does not want a forensic medical exam to collect the evidence, medical care is still important to treat physical injuries and address possible exposure to sexually transmitted infections and pregnancy.

- ✓ The **West Virginia State Police Forensic Lab** indicates that **96 hours post-assault** is the outside limit for conducting a forensic medical examination using the state Sex Crime Collection Kit, **unless circumstances exist where evidence may be present**. If there is any question about the appropriateness of forensic medical care in a particular case, err on the side of caution and encourage the victim to go to the hospital.
 - ✓ **Because so many sexual assaults are committed by offenders who are known to the victim, the collection of biological identifying evidence may not always be the most vital component of the forensic medical exam.** Forensic examiners can collect an assault history and document any pain, soreness or injury whether or not they collect physical evidence. This information and documentation can corroborate force and/or the assault history provided by the victim and is therefore critically important to the investigation and prosecution of the case.
 - ✓ **If drug or alcohol-facilitated sexual assault is suspected** based on the statement of the victim's activity or the victim's physical symptoms, **act quickly to expedite the seizure of blood and urine analysis**. If necessary, urine specimens can be collected without a medical professional (according to law enforcement department policy).
-

Safety Planning

If safety concerns exist, it is important to give victims the opportunity to create a plan to enhance their safety. Each victim's safety concerns are unique. Short-term safety planning may be a component of responding to a victim in crisis; longer-term planning is usually done when a victim has more time and is not in crisis.



Safety Planning with Victims in Crisis

(1) Ask victims if they have pending safety concerns for themselves, their family, pets or service animals. (2) Then ask them if you can help in developing a plan of action to address their immediate safety needs. (3) The plan should identify:

- ✓ **Specific steps** victims can take to address immediate safety concerns;
- ✓ **Supportive persons** who can help provide safety;
- ✓ Any **essential items** that victims need if they flee their current locations;
- ✓ Specific safety strategies that may be difficult to achieve (e.g., fleeing a situation if the victim has a physical disability) and **accommodations** to reduce/eliminate barriers; and
- ✓ **Referrals to community resources** to meet their urgent needs.

(4) Encourage victims of sexual violence to seek the assistance of the local rape crisis center to develop a longer-term plan for safety and other assistance as appropriate. Victims of domestic violence can seek help from the local domestic violence program. For victims of stalking and dating violence that is connected with sexual violence, the rape crisis center can assist. If the violence is perpetrated by a current or former intimate partner, the domestic violence program can help. Also see *C8. Getting Started: Resources for Victims*.

Protective Orders

A victim of sexual assault, domestic violence and stalking in West Virginia can request a

protective order through magistrate court—a Personal Safety Order (PSO) for victims in non-domestic relationships or a Domestic Violence Protective Order (DVPO).

- ✓ Filing fees may be waived.
- ✓ These are civil remedies; there is no obligation to file a criminal report in order to obtain a protective order.
- ✓ The petition may be filed by any person for themselves, or by a parent, guardian or custodian on behalf of a minor child or incapacitated adult. In the petition, it will need to explain exactly what the perpetrator has done to make the victim afraid.
- ✓ Upon filing the petition, if a magistrate finds reasonable cause to believe the offender committed the offense in question, then a temporary order can be issued.
- ✓ Under a PSO, the magistrate can order the offender to “stay away” from the victim’s home, work and school; refrain from contact; not interfere with the victim and, if the victim is a minor, any siblings or minors in the home. Under a DVPO, additional remedies can include temporary custody, possession of the residence and/or financial support.

Victims with Disabilities

Given that almost 20% of West Virginia’s population has a disability (U.S. Census, American Community Survey, 2010), **it is likely you will interact with people with disabilities in the course of your work, including those who have experienced interpersonal violence.**

Victims may have a cognitive, sensory or mobility disability or mental illness, or any combination of disabilities. Like other victims of interpersonal violence, victims with disabilities may feel powerless, vulnerable and afraid. However, many factors can complicate their ability to disclose the violence to others, reach out for help and/or access services.

Commonly cited risk factors for sexual victimization for persons with a disability are listed below—most also apply to other types of interpersonal violence (Ticoll, 1994; Day One et al., 2004):

- ✓ Negative public attitudes towards persons with disabilities may lead offenders to view them as easy targets
- ✓ Gender—females with disabilities have a higher risk of victimization than males with disabilities
- ✓ Type of disability—risk may be higher for persons with certain physical and cognitive disabilities, developmental disabilities and severe mental illnesses
- ✓ Reliance on others for care, assistance and management of personal affairs
- ✓ Communication barriers
- ✓ Social isolation
- ✓ Lack of resources/knowledge of resources
- ✓ Lack of accessible transportation
- ✓ Poverty
- ✓ Lack of knowledge about sexuality and healthy intimate relationships

Potential barriers for persons with disabilities to seeking help include:

- ✓ Lack of accessibility to services (e.g., due to reliance on a caregiver to access resources)
- ✓ Situational factors (e.g., lack of a needed service in the community)
- ✓ Fear of perceived consequences (e.g., retaliation or loss of independence)
- ✓ Socialization and education (e.g., they may have been taught to be compliant)
- ✓ Physical/programmatic inaccessibility of services themselves

When interacting with a person with a disability (Adaptive Environments, Inc., 1992; Ward and Associates, 1994):

- ✓ Keep in mind that **a disability may influence the person’s ability to communicate**
- ✓ Remember that **a person with a disability is entitled to the dignity, consideration, respect and rights** you expect for yourself
- ✓ Use **terminology that places the person before the disability** (e.g., “a person with epilepsy” rather than “an epileptic”)
- ✓ Take the time **to listen and understand the situation**
- ✓ **Be honest** if you do not understand the message a person is trying to communicate and **ask for suggestions** to improve the interaction
- ✓ If someone with a disability is accompanied by another individual, address the person with the disability directly—**don’t speak through the other person**
- ✓ When interacting with a person who uses a wheelchair, **sit at her/his level and do not touch the wheelchair** (if you inadvertently bump into the wheelchair, excuse yourself)
- ✓ If you offer assistance and the person declines, **do not insist**
- ✓ Help the person to **make her/his own choices**, to the extent possible



If a victim discloses having a disability, **it is helpful to identify concerns related to if and how the disability may affect the person’s reactions to the assault/abusive incident, safety or ability to access services, and what accommodations would be useful.** An accommodation is a modification to goods, services and structures that allows for inclusion and participation by a person with a disability.

B4. REPORTING AND INVESTIGATION

Victims may experience a wide variety of responses such as fear, anger, shame or confusion. Some may be unable to clearly recall all details of an incident during the initial interview. Injuries are not always immediately apparent, particularly in the case of sexual assault. **It is of the utmost importance that college law enforcement and security officers involved in these cases show acceptance and support for victims, regardless of their emotional response.**



In our culture, when interpersonal violence occurs, too often people examine the behaviors and actions of the victim, almost ignoring the offender. The victim is often vilified, making it appear that the crime was her/his fault. In your response to sexual assault, domestic violence, dating violence, and stalking, **shift the focus of the investigation from the victim’s behavior to how the offender targeted the victim based on vulnerability, accessibility, and/or perceived lack of credibility.**

MAKING THE REPORT

Reporting interpersonal violence to law enforcement is a very personal decision for victims. If a victim chooses to report, having a victim advocate or friend with them can help make the process easier. If interpersonal violence is reported (e.g., called into 911), law enforcement will send an officer to the victim. The victim may be at the hospital, the scene of the crime, her/his residence, a friend’s residence, etc.

If the responder is a campus security officer, the victim may be unaware that her report may not automatically initiate a response from the criminal justice system. It is imperative that responding officers clearly convey to the victim what additional steps need (and do not need) to be taken if the victim desires an investigation to take place outside of the realm of the campus.

RESPONDING LAW ENFORCEMENT

The first contact for many adult victims of sexual assault, domestic violence and stalking will be with a law enforcement officer. The primary responsibilities of this officer are to ensure the immediate safety and security of the victim, secure the crime scene, obtain basic information about the incident in order to identify/apprehend the perpetrator (if applicable), and transport the victim to a designated facility for medical treatment if needed and/or collection of forensic evidence (as appropriate to the case). As explained earlier, sexual assault victims typically are offered a forensic medical examination for medical care and forensic evidence collection.

An investigative officer will be assigned to the case as soon as possible after the initial complaint is received. In many rural counties in West Virginia, the responding officer will also be the investigating officer who will be responsible for case investigation and follow-up.



Encourage victims to access a victim advocate as soon as possible. Having the support of an advocate can not only help victims with their healing, but also may increase their willingness to participate in the criminal justice process. Rape crisis center advocates are typically available to accompany sexual assault victims during the forensic medical examination as well as any investigative interviews and court processes.

GATHERING INFORMATION FOR THE REPORT

The next step for law enforcement is to gather information for the report, which starts the investigation. If the victim has a sexual assault forensic medical examination, the officer or investigator should conduct an in-depth interview with the victim following the exam, if possible.

The investigator will need to ask the victim many questions which are important for the investigation of the case. All the facts must be known in order to make a complete report. The investigator will want as much information as the victim can provide about the person who committed the crime. It might be necessary for the victim to provide a step-by-step description of what happened. Be aware that the questions may be very difficult for the victim to answer.

What if the victim has difficulty remembering the details? At first, it may be difficult for the victim to remember some details, but perhaps later what happened may be clearer. If this happens, and it often does, it's important for victims to tell the investigator. It is not unusual for a victim to be confused about details and the order of events—a traumatic event makes it difficult to remember things clearly. If events are remembered later, the victim should be encouraged to report them promptly to the investigator.

What if the victim does not know the perpetrator? In such instances, the victim may be asked to look at pictures of suspects who fit the description given to the law enforcement officer. The investigator may ask the victim to help make a composite drawing of the perpetrator.

What if the victim has concerns about safety? Help her/him plan for short-term safety. As mentioned earlier in this section under *Safety Planning*, a victim of sexual assault, domestic violence and stalking in West Virginia can request a civil protective order through magistrate court. For sexual assault victims, protection from their perpetrators may or may not be a key issue. It depends on the circumstances of the case and victim reactions. For domestic violence and stalking victims, fear of their perpetrators is very often a main concern.

ONGOING INVESTIGATION

The investigator may need to talk to the victim several times during the investigation. The victim's account of the violence may need to be repeated several times. The victim may be called at different times to clarify information as the investigator develops new leads. It is important that the victim knows to notify the investigator assigned to the case of any changes in phone numbers, place of residence or work, or trips out of town. When the investigator's report is complete, it will be given to the prosecutor in the county in which the offense occurred.



Social media is a potential source of digital evidence that must not be overlooked.

Evidence of a crime might be found in writing, videos and photos in texts, tweets, posts, via mobile phones, posts, blogs, e-mails, etc. For example, a perpetrator may have photos of a sexual assault on his cell phone, which he then might send out to his network of friends. People at a party that a victim and the offender attended prior to a sexual assault might start texting about what happened in the days following the incident. A perpetrator or others might electronically harass the victim or her friends following the assault. (See [Social Media and the Changing Role of Investigators](#), *Forensic Magazine*, 12/2012.)

Investigating Stalking. It is helpful in stalking cases if the victim keeps a detailed journal of what the stalker says and does (see below). Stalking is often not the only crime for which a stalker can be arrested. The stalker is also breaking the law if he or she hurts the victim, threatens to hurt the victim, sexually assaults the victim, destroys that person's belongings, breaks into the victim's home, trespasses on the victim's property or harasses the victim on the telephone, on the computer or through the mail. West Virginia's stalking code includes repeatedly following (stalking) and repeated harassment. Detailed legislative rules to assist law enforcement officers in investigating stalking (including a detailed section on investigating cybercrimes and securing evidence) can be found at www.fris.org.



Encourage victims to document the stalker's behaviors. Using a [stalking incident/behavior log](#), such as the one illustrated below, encourages victims to be specific and thorough in documentation. This information can be kept in a notebook or binder created specifically for this purpose and help document a pattern of behavior that is necessary to substantiate stalking or harassment charges.

Date of Incident	Time of Incident	Description of Incident (Attach any photos/evidence, e.g., e-mail/phone messages, texts, video-recordings, gifts)	Location of Incident	Witness Names (Attach address & phone #)	Law Enforcement Called (Date, time, report #)	Officer Name (Badge #)

B5. PROMOTING PREVENTION

While you/your department may or may not be involved directly in interpersonal violence prevention efforts on campus, you probably have opportunities to encourage prevention.

Prevention efforts can tie directly in with a college law enforcement or security department’s mission to keep the campus as safe as possible.

This section very briefly discusses a general approach to prevention, including promoting healthy relationships and healthy sexuality and supporting bystander intervention strategies.

Conducting awareness and prevention programs on this topic often involves discussing the issues of sex, intimate relationships, and even can involve conversations about specific body parts. Not everyone is comfortable in facilitating these conversations. In preparing to present interpersonal violence training and prevention programs, several key issues need to be considered: knowledge of the subject, comfort in talking about sex and sexuality, ability to handle a disclosure of victimization from the audience during the presentation, knowledge of basic training and prevention techniques, and awareness of specific cultural needs of the audience.

Sometimes it is most effective to collaborate in prevention efforts. In reality it usually “takes a village” for a campus community to embrace intolerance for interpersonal violence. Law enforcement can play a key role in prevention. Collaborate with others to disseminate and promote prevention messages, reach a target audience and engage them in prevention work, and create an infrastructure that supports healthy sexuality and respectful relationships. Collaborative efforts can help you and others accomplish much more than can be done alone. There may already be structures in place on your campus to help support collaboration, such as an violence prevention taskforce. If so, use it to extend and enhance your efforts. At a minimum, reach out to the local community rape crisis center to discuss partnering opportunities. The center will have access to many of the resources listed in *Section D* of this toolkit.

General Approach to Prevention

(Adapted CDC, 2004)

Interpersonal violence prevention efforts exist on a continuum:

- ✓ **Primary prevention** takes place *before* interpersonal violence occurs in order to prevent initial perpetration or victimization.
- ✓ **Secondary prevention** encompasses *immediate responses after* interpersonal violence occurs to address the short-term impact of violence.

- ✓ **Tertiary prevention** includes *the long-term responses after* interpersonal violence occurs to address the lasting consequences of the violence and offender/abuser treatment interventions.

Together these prevention efforts are geared to bring about change in individuals, relationships, communities and society through strategies that promote healthy relationships and healthy sexuality and counteract the perpetration of interpersonal violence.

A Primary Prevention Parable

“There is an often quoted parable that tells of a man and woman fishing downstream. Suddenly a person comes down the river struggling for life. The fisherfolk pull her out. Then another comes downstream and again must be rescued. This happens all afternoon and the fisherfolk are getting very tired from constantly pulling people from the river.

When they go upstream, they find that people are drawn to the edge to look at the river, but there is no safe way to do this. Many of them fall. The fisherfolk go to the community leaders and report the number of people who have fallen into the river. They also report that this is due to the lack of a protective barrier on the cliff. Community leaders build a wall behind which people may safely view the water. Some still fall, but there are many fewer victims to rescue” (CDC, 2004; PREVENT, 2005a).

The community above employed a primary prevention strategy to stop the problem from happening in the first place, instead of expending all resources and energy on rescuing people who have fallen into the river (PREVENT, 2005a). In addition to the barrier, the community might also place a warning sign near the cliff and publicize related safety tips.

So what does this mean to college law enforcement and security departments? Like the fisherfolk in the parable, they are most often involved in secondary prevention—helping victims when they need immediate protection, if they wish to report, etc. However, like the community leaders in the parable, they also can promote activities that can help to stop interpersonal violence from occurring in the first place. For example, many campus law enforcement and security departments participate in campus orientation presentations on enhancing campus safety. They promote student participation in a range of programs that build relationship skills or in bystander prevention activities (see below).

HEALTHY RELATIONSHIPS AND HEALTHY SEXUALITY

Sex offenders, abusive intimate or dating partners or stalkers may take advantage of the victim’s lack of knowledge or distorted perspective of healthy relationships and/or sexuality. For example, a sex offender might try to manipulate someone to do something sexual she does not want to do. The offender might say after she refuses his initial sexual advances: “Come on, I know you want it as much as I do, but you feel like you have to say no first, so I won’t think you are a slut.” Or an individual may stay in an abusive dating relationship because she believes the abuser when he repeatedly tells her that “no one else would want you” or “you won’t be able to function on your own.” Or a stalker might try to convince his ex-girlfriend that his love for her justifies his following her, harassing her, etc.

It is important that students understand what healthy relationships entail, see themselves as worthy of such relationships, and be capable of being in such a relationship (e.g., they do not have to abuse or be abused). **The positive attributes of healthy relationships can create a buffer against some violence and abuse.** Individuals in a healthy relationship would likely:

- ✓ View each other as deserving of respect
- ✓ Recognize and value each other's contributions to the relationship
- ✓ Respect differences of opinion
- ✓ Be honest about their feelings and actions
- ✓ Enjoy each other's company

Enhanced safety can be viewed as a by-product of a healthy relationship. (Paragraph adapted from Perry, 2006.)

Students also need to nurture a positive and respectful approach to sexuality and sexual relationships. A sexually healthy person knows (McLaughlin, Topper & Lindett, 2009):

- ✓ Her/his body parts and that sexual feelings are healthy and normal
- ✓ The choices she/he has about what to do with her/his sexual feelings
- ✓ About sexual pleasure
- ✓ The different sexual acts and how she/he feels about them
- ✓ How to be sexually responsible
- ✓ Which behaviors could cause a pregnancy and sexually transmitted diseases and how to reduce the risk of both
- ✓ What consent is; how to get it; how to ask for it; and how to give it
- ✓ How to make decisions about sex and sexuality
- ✓ How to communicate about sexuality and relationships
- ✓ That she/he is sexual and deserves information about sexuality
- ✓ That she/he has the right to ask questions about sexuality
- ✓ Her/his sexual rights

Developing a healthy approach to sexuality is challenging when societal beliefs about gender roles, relationships and sexuality that support gender-based violence (as discussed in *B2. Background: Gender-based Violence*). However, colleges have the opportunity to dispel such myths and promote sexual health for women and men and intolerance for gender-based violence. One way to do that is by supporting bystander intervention efforts as discussed below.

BYSTANDER INTERVENTION

(Adapted from Tabachnick, 2009)

A bystander intervention approach explores how the behaviors of others—such as friends, families, teachers, classmates and witnesses that surround any act or pattern of abuse—**offer opportunities to prevent violence before it occurs.** This approach has been employed to combat a variety of social problems including drinking and driving, racism, domestic violence and sexual violence.

When considering how to stop interpersonal violence, we usually think of intervening in the actual sexual or physical assault. Yet, rarely is the assault the only opportunity to intervene. Instead, there are often many comments, harassing behaviors and other forms of abuse that lead up to a sexually or physically violent act. Thus, there really is a continuum of behaviors that could evoke different interventions. At one end of the continuum are healthy, age-appropriate, respectful and safe behaviors. At the other end are violent behaviors. Between the ends are other behaviors (e.g., those that begin to feel inappropriate, coercive or harassing). **Each situation presents an opportunity for bystanders to intervene by reinforcing positive behaviors before a behavior moves further towards sexual or physical violence.**

Just one voice speaking up can change the social norm in a situation. One child on the playground speaking up for another who is being bullied can give courage to others to rally on the victim's behalf. A fraternity brother can express his strong opposition to the plans of a few to add drugs to drinks at a party. Peer pressure to conform guides the behavior of many. **Bystanders, by intervening, can help redirect the peer pressure toward respectful social norms.**



There is a wealth of literature, tools, programs and campaigns on bystander intervention in sexual and domestic violence. Many focus on encouraging schools to teach students, staff and parents to be proactive bystanders to prevent violence. Go to www.nsvrc.org or www.preventconnect.org for a listing of related resources.

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INTRODUCTION

Interpersonal violence (sexual violence, dating violence, domestic violence and stalking) is a serious problem on college campuses. As noted in *Beyond Title IX: Guidelines for Preventing and Responding to Gender-based Violence in Higher Education* (Fleck-Henderson, 2012), women of traditional college age continue to be at particular risk for interpersonal violence:

- ✓ Approximately 80% of female rape victims experienced their first rape before the age of 25 (Black et al., 2011).
- ✓ About 1 in 5 women experience sexual assault during their college years (Krebs et al., 2007).
- ✓ About 12% of completed rapes, 35% of attempted rapes and 22% of threatened rapes on college campuses occurred on a date (Fisher, Cullen & Turner, 2000).
- ✓ Women ages 20 to 24 are at highest risk for violence by an intimate partner (Rennison & Welchans, 2000).
- ✓ Women ages 18 to 24 are at highest risk of stalking (Baum et al., 2009).

College students who are victims of interpersonal violence often face challenges associated with a “closed” campus environment. For example, a victim may continue to live in danger after an abusive incident if the perpetrator resides in the same dormitory or knows where the victim lives and how to enter that residence, attends the same classes, or has meals in the same location. The victim may be harassed by classmates or the perpetrator’s friends who claim the victim “asked for it” or “provoked” the crime. On smaller campuses, the victim may wish to remain anonymous but may find it almost impossible in such an insular setting. (Paragraph adapted from Alternatives to Domestic Violence.)

This section explores the issue of interpersonal violence specific to college students, as well as provides information for college law enforcement and security departments on responding to crimes of interpersonal violence. It offers information on:

- ✓ Commonly used terms
- ✓ Different types of interpersonal violence against college students
- ✓ Factors associated with sexual and domestic violence perpetration
- ✓ Sexual harassment on college campuses
- ✓ Working with victims who are international students or who identify as lesbian, gay, bisexual, transgender, and/or queer/questioning (LGBTQ)
- ✓ Reporting of interpersonal violence on college campuses
- ✓ Promoting comprehensive violence intervention programs on college campuses
- ✓ Resources for victims on college campuses



Remember that acquiring new knowledge and putting it into practice is a process. You are not expected to “know” the information in the toolkit all at once. Instead, you can work through toolkit sections at your own pace, building your knowledge base as you go.

C1. EXPLANATION OF TERMS

It is helpful to be familiar with terms related to interpersonal violence:

Acquaintance Rape/Sexual Assault: This type of sexual assault involves coercive sexual activities that occur against a person’s will by means of force, violence, duress or fear of bodily injury. These sexual activities are imposed upon a person by someone she/he knows, including a friend, date or acquaintance (Rape, Abuse & Incest National Network—RAINN, 2009). In the vast majority of sexual assaults, the victim knows the offender. Acquaintance rape is the most common violent crime on college campuses.

Anonymous Reporting: When a victim or friend of a victim reports a crime without revealing the victim’s name or other identification (National Organization for Women, 2008). Anonymous reporting may also be referred to as blind reporting or third party reporting. Anonymous reporting allows victims and/or third party reporters to share critical information about an incident of violence with law enforcement without compromising confidentiality and filing a formal complaint. It also enables investigators to gain information about crimes that might otherwise go unreported (Office on Violence Against Women, 2004).

Confidentiality: Maintaining confidentiality in the case of a disclosure of interpersonal violence by a college student means not sharing student identifying or personal information or any information that the student has communicated to you/your campus (outside of entities identified in your campus protocol), unless there is a court mandate or the student has given informed consent to release the information.

Consensual Sex: The voluntary agreement, by words or conduct, to engage in sexual activity. Lack of consent is critical in determining whether a sexual assault has occurred. People have the right to change their minds at any point in a sexual encounter and to withdraw consent by

words or conduct. Consent cannot be provided under the following conditions: when the victim was incapable of consenting due to age, mental or physical incapacity; when the victim used words or conduct to indicate “no;” when the victim changed his/her mind; or when there was an abuse of trust or authority (e.g., between a student and a professor). In West Virginia, a person cannot legally consent to sexual activity if she/he is under the age of 16. (See *WVC §61-8B-2*.)

Coercion: The use of manipulation, threat or force to have sexual contact with someone without her/his proper consent. Many behaviors that are deemed socially acceptable actually promote and lead to sexual coercion (e.g., initiating any sexual contact without explicit permission and/or without explicit awareness of what the other person wants, acting despite mixed signals from the other person, sexual contact with someone who is drunk or on drugs or otherwise unable to give consent, and impulsive sexual action or acting on a dare) (University of Chicago).

Electronic Aggression: A term used to describe any kind of aggression perpetrated through technology or the Internet and cell phone harassment or bullying (Hertz & David-Ferdon, 2008). Electronic aggression may be used interchangeably with the term cyberstalking.

Dating Violence: Dating violence is controlling, abusive and aggressive behavior against a person on a date or a dating partner. It can include any combination of physical, emotional or sexual abuse. Dating violence should not be viewed simply as a form of domestic violence—the fact that individuals are on a date or dating doesn’t necessarily mean that are in an intimate relationship. Even if they have been intimate (e.g., hooking up), it does not mean they consider what they have a relationship. In many instances on college campuses, violence while on a date may have more to do with sexual than domestic violence.

Domestic Violence: Abusive behavior perpetrated by an intimate partner against another. The definition may also extend to a victim who is related to the abuser’s family or who is another household member.

Drug-Facilitated Sexual Assault: This type of sexual victimization occurs when drugs or alcohol are used to compromise an individual’s ability to consent to sexual activity. In addition, drugs and alcohol are often used to minimize the victim’s resistance to sexual assault as well as her/his memory of the assault. Drugs commonly used to incapacitate a victim include Ecstasy, Ketamine, Benzodiazepines, GHB and GBL.3 (RAINN, 2009).

Forensic Medical Examination: Following a sexual assault, a victim may require medical attention for her/his injuries and need to address related health concerns. There may be evidence on her/his body that could be collected and information that needs to be gathered about the assault, if the victim is considering or still undecided about reporting the assault to law enforcement. The purpose of a sexual assault forensic medical exam is to assess a victim’s health care needs and collect evidence for potential use during case investigation and prosecution (Office on Violence Against Women, 2004).

Interpersonal Violence: Includes sexual assault, dating violence, domestic violence and stalking

LGBTQ: This term refers broadly to the community of persons who identify as lesbian, gay, bisexual, transgender or queer. LGBT is also a commonly used acronym. In addition, you also

might encounter LGBTQQ (where the second Q stands for questioning sexual preferences), LGBTQQI (where the I stands for intersex), LGBTQQI2-S (where the 2-S stands for two spirited) and/or LGBTTSQI (where the TS stands for two spirited).

Mandatory Reporting in West Virginia: State law has identified individuals who must report suspected abuse or neglect of *adults* who are incapacitated or emergency situations where adults who are incapacitated are at imminent risk of serious harm; and (2) individuals who must report suspected or observed mistreatment of *minors*. Reporting requirements vary slightly in cases of suspected abuse and neglect of children and incapacitated adults, but both can initially be verbally reported to the local Department of Health and Human Resources (DHHR) or the 24-hour hotline (800-352-6513) provided for this purpose followed by a written report within 48 hours to CPS if requested. Reports to APS require a follow-up written report. If a crime is suspected, a report should always be made to law enforcement.

Protective Order: A court order issued in a jurisdiction for the protection of a victim of domestic or dating violence, sexual violence or stalking that restricts the conduct of an individual toward the victim.

Safety Plan: An individualized plan to address the safety of a person who fears having violence committed against her/him.

SANE: A sexual assault nurse examiner (SANE) is a registered nurse who has received specialized education which prepares her/him to perform a forensic medical examination for sexual assault victims. Common duties of a SANE include: providing comprehensive care to victims of sexual violence, identifying physical trauma, documenting injuries, collecting evidence and maintaining the chain of custody, providing referrals for medical and psychological care and support, and being an expert witness as needed during court proceedings (West Virginia Foundation for Rape Information Services—WV FRIS, 2008).

SART: A sexual assault response team (SART) is a group of professionals who work jointly to minimize the trauma that sexual assault victims may experience when they seek initial support, medical care and legal assistance. Through the coordination of initial responses, a SART seeks to facilitate victim healing, provide appropriate and compassionate medical care, reduce repeated questioning of victims, and increase effective collection and preservation of evidence. Members typically include emergency medical personnel, prosecution, law enforcement and a sexual assault victim advocate (WV FRIS, 2008). Colleges may have their own SARTs (or coordinated response teams) and be a member of a community SART. One related resource for colleges is Barry and Cell's 2009 *Campus Sexual Assault Teams—Program Development and Operation Management*.

Sexual Assault: Sexual intercourse or sexual intrusion without consent (see WV law). Some types of sexual acts which fall under the category of sexual assault include forced sexual intercourse (rape), sodomy (oral or anal sexual acts), incest and attempted rape. Sexual assault is among the most underreported crimes in the United States.

Sexual Harassment: Unwanted and unwelcome sexual behavior that makes the person being harassed feel uncomfortable and interferes with her/his ability to get an education and

participate in school activities. In addition to sexual harassment occurring in schools, students who have jobs may also experience sexual harassment in work settings.

Sexual Violence: Conduct of a sexual nature which is non-consensual, and is accomplished through threat, coercion, exploitation, deceit, force, physical or mental incapacitation, and/or power of authority (Virginia Sexual and Domestic Violence Action Alliance).

Stalking: A course of conduct directed at a specific person that would cause a reasonable person fear. West Virginia's stalking statute includes stalking (repeated following) and harassment. Stalking can include a variety of behaviors, including surveillance or watching the victim; pursuing/following the victim; unexpected appearances where the victim works, lives, goes to school or visits; and use of technology to stalk. Harassment can include many types of unwanted behaviors, including telephone harassment; sending/giving unwanted gifts, letters or e-mails to the victim; monitoring of telephone calls or computer use; spreading rumors or otherwise defaming the victim's character; vandalism or other destruction of property; threats to the victim and her family, friends and pets; and physical and sexual attacks.

C2. A SNAPSHOT OF INTERPERSONAL VIOLENCE AGAINST COLLEGE STUDENTS

As discussed in this section, women are significantly more likely to be victims of sexual violence, domestic violence, dating violence and stalking, and men are significantly more likely to be the perpetrators. However, women can be violent and men can also be victims. Also keep in mind that lesbian, gay, bisexual or transgender college students are at risk for interpersonal violence, just the same as heterosexual students.



The Center for Problem-Oriented Policing offer publications on interpersonal violence for the law enforcement field, including [Acquaintance Rape of College Students](#), [Sexual Assault of Women by Strangers](#), [Domestic Violence](#) and [Stalking](#).

Sexual Violence Against College Students

WHAT NUMBER OF COLLEGE STUDENTS EXPERIENCE SEXUAL ASSAULT?

In the U.S., it is estimated that 1 in 6 women and 1 in 33 men will become a victim of attempted or completed rape in their lifetimes (Tjaden & Thoennes, 1998, 2006). In West Virginia, 1 in 6 women and 1 in 21 men will experience an attempted or completed sexual assault during their lifetimes (West Virginia Behavior Risk Factor Surveillance System Survey, 2008). **College women have even higher rates of sexual victimization than the general and state populations.** The *National College Women Sexual Victimization Study* (Fisher, Cullen & Turner, 2000) found 35 incidents of rape per nine-month academic year for every 1,000 female students at a college. When projected to a full calendar year, nearly 5% of college women are victims of rape annually (Pennsylvania Coalition Against Rape, 2004). This projection coincides with the findings of several other national studies (Kilpatrick et al., 2007; Mohler-Kuo et al., 2004). Based on these figures, **1 in 5 women (20%) experience rape during a now-typical five-year college career** (Pennsylvania Coalition Against Rape, 2004). Similarly, the more recent

Campus Sexual Assault Study (Krebs et al., 2007) found **19% undergraduate women had been victims of an attempted or completed sexual assault since entering college.**

WHO SEXUALLY ASSAULTS COLLEGE STUDENTS?

Far from being the stranger jumping out from the bushes to assault his victim, Fisher, Cullen and Turner (2000) found 9 out of 10 of the rape victims knew their offenders. Most often they were their boyfriends, ex-boyfriends, classmates, friends, acquaintances or co-workers. Another survey indicated that 3 out of 4 sexual assault victims knew their offenders (Hart, 2003). Clearly, **the vast majority of sexual assaults on campus are perpetrated by persons known to victims (acquaintances) rather than by strangers.** (See B2. *Background: Sex Offenders.*)

IN WHAT CONTEXTS DOES SEXUAL ASSAULT OCCUR IN THE COLLEGE ENVIRONMENT?

Acquaintance sexual assault in college settings occurs in a variety of contexts, including:

- ✓ **At a party:** For example, at an off-campus residence or on- or off-campus fraternity, involving a perpetrator plying the targeted victim with alcohol or targeting someone who is intoxicated.
- ✓ **On a date:** For example, after going out to the movies together and then kissing back at the victim's house, the perpetrator forces sex on the victim.
- ✓ **Non-party, non-date situation:** For example, where two students who are just becoming acquainted and the perpetrator sexually assaults the victim in a car or residence.
- ✓ **Sexual assault by a current or former intimate partner:** For example, one current partner overpowers the other and forces sex on them.

It is critical that campus law enforcement and security officers recognize the seriousness of acquaintance sexual assault regardless of its context.



The majority of sexual assaults of college students are not perpetrated by dating partners or during a date, but occur when the victim and perpetrator are otherwise in the same place (e.g., at a party together) (Pennsylvania Coalition Against Rape, 2004).

Unfortunately, the term “date rape” so commonly used on college campuses has led many to believe that rapes are committed by “basically good guys” who, when faced with the combination of too much alcohol and “miscommunication,” accidentally commits a sexual assault. However, research on sexual perpetrators over the last two decades has clearly shown that the majority of campus rapes are not ‘accidents’ due to miscommunication and, in fact, are committed by a small number of students who are, in essence, serial rapists (WV FRIS, 2012). Lisak and Miller (2002) found that perpetrators of sexual assaults on college campuses were often premeditating, repeat offenders, who targeted females who were most vulnerable and would lack credibility as sexual assault victims.

WHERE AND WHEN DO SEXUAL ASSAULTS OF COLLEGE STUDENTS OCCUR?

Fisher, Cullen and Turner (2000) found that sexual assaults of college women occurred both on- and off-campus, in the victims’ residences and other living quarters, and at fraternities, bars,

nightclubs and work settings. They also found that the vast majority of sexual victimizations occurred in the evening after 6 p.m.

DO VICTIMS EXPERIENCE PHYSICAL INJURIES IN THE COURSE OF A SEXUAL ASSAULT?

Fisher, Cullen and Turner (2000) found that in about 1 in 5 rape and attempted rape incidents of college women, victims reported being injured, most often citing the response “bruises, black-eye, cuts, scratches, swelling or chipped teeth.” **As perpetrators are often successful in using coercion, intimidation and the threat of force to facilitate sexual assault, excessive force is generally not a factor. As a consequence, most victims of sexual assault have few visible physical injuries.** Note, however, that the absence of physical evidence in no way correlates with the level of fear and terror that victims may have experienced during an assault.

Emotional trauma as result of a sexual assault is more likely than physical injuries. Victims also may be at risk for getting a sexually transmitted infection, including HIV/AIDS, from their perpetrators, becoming pregnant if they are females, or having short- and long-term physical ailments associated with emotional trauma caused by sexual victimization (see *B3. Responding to Disclosures: Health Consequences for Victims*).

WHAT FACTORS MAY RAISE COLLEGE WOMEN’S RISK FOR SEXUAL VICTIMIZATION?

Numerous risk factors as cited below are associated with sexual victimization for college students. Note that most studies cited focus on women rather than men due to the high rates of sexual assault of college women. Clearly, being a female is a risk factor for victimization.

Alcohol and Drug Use: With widespread use of alcohol in college social settings, it is no surprise that **most college sexual assaults involve alcohol consumption**, by either or both the victims and perpetrators (Abbey, 2002; Abbey et al., 1996; Koss et al., 1987; Presley et al., 1997; Mohler-Kuo et al., 2004; Tjaden & Thoennes, 2006). Attending a college where heavy drinking is the norm (where more than 50% of students “binge drink”) has been connected with increased risk of alcohol-involved sexual assault (Mohler-Kuo et al., 2004; Norris, 2008). In addition, heavy drinking puts women at risk for more severe assaults (Abbey et al., 2003). Drug use has also been linked with increased risk of sexual assault (Mohler-Kuo et al., 2004). There is a strong connection between alcohol consumption and drug-facilitated rape. One study found that 84% of drug-facilitated sexual assaults were preceded by the victim's voluntary alcohol consumption (Lawyer et al, 2010).

See Norris (2008) and Abbey (2008) for more discussion of the ways that alcohol can contribute to sexual assault perpetration and victimization. Note that alcohol does not cause someone to be an offender or a victim. It can, however, reduce the inhibitions of offenders and render their victims helpless.

Class Rank and Age: College is a time when many young women and men enjoy their first freedom away from their families. Along with this independence, students are surrounded by newly made friends, new social situations (e.g., partying and heavy alcohol consumption) and unfamiliar surroundings. These characteristics make **the first weeks of the fall semester, known as “the red zone,” often the most risky for sexual victimization for new students.**

There is a **greater risk of sexual victimization for freshmen and sophomores than for juniors and seniors.** A study employing a convenience sample of university women by Gross et al. (2006) found that during their first 4 semesters at college, 84% of women had sexually coercive experiences. In addition, underage women are more likely to experience sexual assault than those 21 and over (Mohler-Kuo et al., 2004).

Greek Affiliation: Research suggests that students who live in sorority houses or belong to sororities have an increased risk for sexual victimization (Copenhaver & Grauerholz, 1991; Franklin, 2010; Kalof, 1993; Mohler-Kuo et al., 2004; Tyler, Holt & Whitbeck, 1998). Fraternity members and student athletes are more likely than any other men on campus to commit a sexual assault (Murnen & Kohlman, 2007). Fisher, Cullen and Turner (2000) found that of the rapes reported by students surveyed in their study, 10.3% occurred in a fraternity house.

Prior Victimization: Women who experience a sexual assault while attending college, as well as those sexually assaulted prior to college, are at risk for further victimization while in college (Fisher, Cullen & Turner, 2000, Krebs et al., 2007). Similarly, women who have experienced intimate partner violence are more at risk for sexual violence while in college (American College Health Association, 2004).

Race/Ethnicity: White women and Native Americans may be most at-risk for rape on college campuses, while Asian-Americans appear to have the lowest risk (Tjaden & Theonnes, 2006). However, white women are less likely to experience physically forced or threatened forcible rapes than women of other ethnicities or races (Mohler-Kuo et al., 2004).

Consensual Sexual Experiences: There is a connection between the number of sex partners a college woman has had and an increased risk for being sexually assaulted, especially when intoxicated (Tyler, Hoyt & Whitbeck, 1998; Parks et al., 2008). One study (Parks et al., 2008) indicates that “women who have more consensual sexual partners are more likely to encounter a sexually aggressive individual and are more likely to experience sexual victimization.” At the same time, women who increased their drinking are more likely to be behaviorally and cognitively impaired and less likely to recognize, avoid or defend themselves against sexual aggression (Science Daily, 2008).



Regardless of the circumstances, sexual assault is never the victim’s fault. The presence of one or more risk factors does not cause or justify sexual assault. Even if, for example, a woman had too much to drink, the consequence for naive or regrettable decisions should never be rape. Perpetrators must be held accountable for their actions.

HOW OFTEN IS SEXUAL ASSAULT OF COLLEGE STUDENTS REPORTED?

National studies indicate that only 14% to 39% of all sexual assaults or rapes are reported to law enforcement (Kilpatrick, 2000). **College students appear to report sexual assault even less frequently than the general population.** Fisher, Cullen and Turner (2000) found that **of students who indicated they experienced completed or attempted rape, only 5% said reported it to law enforcement.**

College students may want help following a rape, but most are aware of the tendency of others to blame victims for the assault rather than hold offenders accountable (see *B2. Background: Victim Blaming*). To a degree, they may even buy into victim-blaming (if I haven’t been drinking, if I had only stayed with my friends, etc.) and be silenced by their shame. Victim-blaming can be particularly harsh when victims know their offenders (e.g., mutual friends of a victim and offender might take the side of the offender and ostracize or even harass the victim). Not surprisingly, **victims of non-stranger sexual assault indicate reasons such as the following for not reporting:**

<ul style="list-style-type: none"> ✓ Self-blame ✓ Not seeing the assault as serious enough to report ✓ Not sure if a crime had been committed ✓ Lacking proof of the assault ✓ Not knowing how or to whom to report ✓ Desire to protect the offender 	<ul style="list-style-type: none"> ✓ Fear of others finding out ✓ Lack of anonymity ✓ Fear of publicity ✓ Fear of reprisal ✓ Fear of isolation ✓ Fear of not being believed ✓ Fear of being treated with hostility or indifference (e.g., by law enforcement or college administrators) ✓ Community backlash 	<ul style="list-style-type: none"> ✓ Participation in illegal activity during assault (e.g., underage drinking) ✓ Outstanding warrants ✓ Possible immigration concerns
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WHAT REACTIONS ARE COMMON FOR SEXUAL ASSAULT VICTIMS?

(Section adapted from the Pennsylvania Coalition Against Rape, 2000. Also see B3. *Responding to Disclosures: Health Consequences for Victims.*)

Some **common victim reactions to sexual assault** include:

<ul style="list-style-type: none"> ✓ Humiliation ✓ Shame and self-blame ✓ Feeling a loss of control over life 	<ul style="list-style-type: none"> ✓ Guilt ✓ Grief ✓ Depression ✓ Denial 	<ul style="list-style-type: none"> ✓ Fear of people ✓ Concern for the rapist ✓ Anger and irritability ✓ Memory loss
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Every victim is unique and each person reacts to trauma in a different way. As described above, some reactions are fairly common, but emotional trauma triggered by a sexual assault can surface in many forms. Some victims may react by being hysterical and crying, while others might giggle, be devoid of emotion, or change from one emotion to the next. Thus, it is more realistic to expect that victims will react differently following a sexual assault or a disclosure about an assault—in the timing of their reactions (immediately or delayed), their concerns, their facial and body language, their coping strategies, and their evolving feelings and understanding about their experience. **Be careful not to make assumptions based on victims’ reactions** (e.g., if she was really raped she would not be laughing now).



First responders to sexual assault, including campus law enforcement and security officers, must be aware of the influence of their response on victims. **Victims’ perceptions of being supported, believed, protected and helped in the aftermath of a disclosure of sexual assault can impact their reactions as much as the assault itself.**

Sexual violence can be a component of domestic and dating violence and be associated with stalking. Each of those issues is discussed separately in this section.

Domestic Violence Against College Students

HOW MANY COLLEGE STUDENTS EXPERIENCE DOMESTIC VIOLENCE?

As mentioned previously, Rennison (2003) found that women within the typical age bracket of high school and college students, ages 16 to 24, experience the largest per capita rate of

intimate partner violence. Catalano (2007) found that women ages 20 to 24 are at the greatest risk of nonfatal intimate partner violence.

WHAT IS THE GENERAL CONTEXT IN WHICH DOMESTIC VIOLENCE OCCURS?

(Adapted from the University of Michigan's Sexual Assault Prevention and Awareness Center)

Unfortunately, **violence typically reoccurs in an intimate relationship**. It seldom is a one-time occurrence or just goes away.

Violence in intimate relationships **usually begins with verbal and emotional abuse to establish control**. It can be so subtle that the other person doesn't even recognize it. **Physical violence may not even begin until the abused partner decides to leave or becomes committed to the relationship** (e.g., becoming monogamous, moving in together, gets engaged or married or have a child together).

Almost all abused women try to escape the relationship at some point, but face many barriers in doing so. For example, they may still have hope in the relationship and love the abuser. Emotionally abusive tactics used by the abuser may have led them to lack faith in themselves. They may fear increased violence and dying or violence against their loved ones or pets if they try to leave. They may be isolated from their support system. They may fear losing custody of their children. They may feel they lack the resources needed to stay safe and support themselves once they leave.

An abused person's decision to leave an abusive relationship can increase their danger of severe injury or death. Abusers tend to escalate their violence when the abused person tries to leave, wants more independence, or has already left.



Educate students about warning signs of an abusive intimate or dating partner.

For example, a boyfriend might frequently check his girlfriend's phone or e-mail without permission, constantly tell her what to do and put her down, be extremely possessive, jealous and insecure, be moody, have an explosive temper, be financially controlling, and try to isolate her from family or friends.

HOW OFTEN IS DOMESTIC VIOLENCE AGAINST COLLEGE STUDENTS REPORTED?

Domestic violence is chronically underreported: women report only 1/4 to 1/2 of their assaults to police, men perhaps less (Tjaden & Thoennes, 2000; Rennison & Welchans, 2000).

However, domestic violence related law enforcement calls have been found to constitute the single largest category of calls received by law enforcement, accounting for 15% to more than 50% of all calls (Friday, 2006; Hendricks, 1991). (Paragraph from Klein, 2009)

See [Practical Implication of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges](#) (Klein, 2009)—it offers a summary of reporting and arrest rates associated with domestic violence in general.

WHAT FACTORS MAY RAISE COLLEGE WOMEN’S RISK FOR DOMESTIC VIOLENCE?

(From Sampson, 2006. Also see C3. *Factors Associated with Sexual and Domestic Violence Perpetration.*)

Numerous risk factors as cited below are associated with domestic violence victimization for women. Having any of these risk factors does not necessarily mean that a person will become a domestic violence victim.

Age: As mentioned previously, women ages 16 to 24 are at highest risk for domestic violence victimization.
Socioeconomic Status: Victimization surveys indicate that lower-income women are more frequently victims of domestic violence than wealthier women (Rennison & Welchans, 2000).
Race: Black females experience intimate partner violence at a rate <u>35% higher than</u> that of white females, and black males experience intimate partner violence at a rate about 62% higher than that of white males and about 2 ½ times the rate of men of other races (Rennison & Welchans, 2000). Other survey research, more inclusive of additional racial groups, finds that American Indian/Alaskan Native women experience <u>significantly higher rates</u> of physical abuse as well (Tjaden & Thoennes, 2000).
Being young, black, low-income, divorced or separated, a resident of rental housing, and a resident of an urban area have all been associated with higher rates of domestic violence victimization among women and men (Rennison & Welchans, 2000).
Women whose partners are verbally abusive are at increased risk factors for physical intimate partner violence (Tjaden & Thoennes, 2000).
Women whose partners are jealous or tightly controlling are at increased risk of intimate partner violence and stalking (Tjaden & Thoennes, 2000).
Although alcohol and drug use do not cause intimate partner violence, the risk of victim injury increases if the abuser is using alcohol or drugs (Tjaden & Thoennes, 2000).

WHAT ARE COMMON VICTIM REACTIONS TO DOMESTIC VIOLENCE?

(Adapted from the University of Michigan’s Sexual Assault Prevention and Awareness Center)

Like sexual assault victims, victims react differently to domestic violence. However, it is common for a person who has just experienced the first incident of violence at the hands of her/his intimate partner to **respond with disbelief or denial and feel responsibility, shame and/or embarrassment. As violence increases in severity and frequency, victims may become more afraid**, but also may **internalize the problem and feel guilt and failure**. Other **common victim responses** include:

<ul style="list-style-type: none"> ✓ Feeling hopeless or worthless ✓ Becoming depressed ✓ Having nightmares ✓ Hypervigilance ✓ Lacking emotion 	<ul style="list-style-type: none"> ✓ Becoming isolated ✓ Becoming suicidal ✓ Using alcohol or other drugs as a means to numb the pain ✓ Developing post-traumatic stress disorder 	<ul style="list-style-type: none"> ✓ Developing physical health problems—e.g., headaches or migraines, fatigue, insomnia, musculoskeletal issues, anxiety, eating disorders, gastrointestinal disorders, and chronic pain
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Domestic violence can involve sexual violence and stalking, each of which is discussed separately in this section. Go to those subsections for more information on each issue.

Dating Violence Against College Students

IS DATING VIOLENCE THE SAME AS DOMESTIC VIOLENCE?

In some situations, dating violence is the same as domestic violence. For example, college students may experience physical, sexual and emotional violence (including stalking)—by a current or former boyfriend or girlfriend (dating partner). In other situations, dating violence may have slightly different dynamics than domestic violence. For example, students may be abused by someone with whom they are casually dating or had a few dates. Abusive tactics in these situations may be more subtle than in established intimate relationships, but this is not always the case. Dating violence may be a more comfortable term for teens and college students to use to explain their circumstances than domestic violence, especially if they associate domestic violence with couples who are older or in more serious or long-term relationships.

WHAT SITUATIONS ARE NOT DATING VIOLENCE?

Some situations that may be referred to as dating violence may actually not involve dating at all. For example, it is not uncommon for college students to attend a party with friends, become intoxicated, and at some time in the course of or after the party, have an intimate encounter (hook-up) with a person who was at the party. Violence, most notably sexual assault, can occur during these encounters, but it is not dating violence or date rape or date sexual assault.

HOW MANY STUDENTS EXPERIENCE DATING VIOLENCE?

As mentioned previously, traditional college age women experienced one of the highest rates of domestic violence. Some studies specifically examined abuse of dating partners. In a study by Sellers and Bromley (1996), 32% of college students reported dating violence by a previous partner and 21% reported violence by a current partner. According to Fisher, Cullen and Turner (2000), 12% of completed rapes, 35% of attempted rapes and 22% of threatened rapes on college campuses occurred on a date. They also found that of the college women who had been stalked, 42% indicated the stalker was a boyfriend or ex-boyfriend. A survey of college students by Straus (2004) asked about perpetration of dating violence; nearly 1/3 of students reported physically assaulting a dating partner in the previous year.

Dating violence can involve sexual violence, domestic violence and stalking, each of which is discussed separately in this section. Go to those subsections for more information on each issue.

Stalking Against College Students

HOW MANY COLLEGE STUDENTS ARE STALKED?

Persons ages 18 to 24 experience the highest rate of stalking (Baum et al., 2009).

According to [The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report](#) (Black et al., 2011), more than 1/2 of female stalking victims and more than 1/3 of male stalking

victims indicated that they were stalked before the age of 25. This statistic is especially relevant to college communities. College campuses have ideal environments for stalking as they are closed communities to a degree, where class schedules and other campus activities can be easily monitored (Fisher, Cullen & Turner, 2000). As students are making friends, learning about campus activities and registering for classes, they are likely to give their names and share cell phone numbers or dorm locations with virtual strangers.

Fisher, Cullen and Turner (2000) found that **more than 13% of college women were stalked** (defined as experiencing repeated, obsessive and frightening behavior that made the victim afraid or concerned for her safety).

WHAT IS THE RELATIONSHIP BETWEEN VICTIMS AND THEIR STALKERS?

Fisher, Cullen and Turner (2000) found that **4 out of 5 of college women who experienced stalking knew their stalkers.**

College students experience a high rate of stalking by current or former intimate partners. Of the known stalkers in the Fisher, Cullen and Turner study (2000), they were a boyfriend or ex-boyfriend 43% of the time. Another national study of female college students found that about 5% reported being stalked by a partner or ex-partner over a 7-month period (Fritsch et al., 2005; Logan, 2010). A smaller study found that almost 7% of college women were stalked by a current or former partner (Buhi, Clayton & Surrency, 2009; Logan, 2010). These statistics coincide with studies of the general population. The *National Intimate Partner and Sexual Violence Survey: 2010* found that for 66% of female stalking victims and 41% of male stalking victims, a current or former intimate partner was the stalker (Black et al., 2011).

Understandably, **current or former partners know about the likes, dislikes, habits, interests and other details of their victims' lives that can assist them in stalking.** Partner stalkers also may have or could easily gain access to passwords, account numbers and other sensitive information that could be used against victims.

According to Fisher, Cullen and Turner (2000), **it is slightly more likely that female college victims will be stalked by someone who is NOT an intimate partner**, but rather a classmate (25%), acquaintance (10%), friend (6%) or coworker (6%).

WHERE ARE COLLEGE STUDENTS STALKED?

Fisher, Cullen and Turner (2000) found that of the female students who were stalked, about 30% were stalked only off campus and about 70% were stalked either only on campus or both on and off campus.

WHAT IS THE TYPICAL LENGTH OF TIME STALKING LASTS?

Fisher, Cullen and Turner (2000) found that almost **2/3 of the college women who were stalked indicated that they were stalked at least 2 to 6 times a week.** Stalking incidents

lasted an average of 60 days. Tjaden and Thoennes (1998b) found that, for the general population, the **average case lasts about 2 years**.

WHAT TACTICS DO STALKERS USE?

Under West Virginia's definition of stalking/harassment, there are **many behaviors that could potentially be considered stalking** (Stalking Resource Center; WV FRIS):

- Surveillance or watching the victim
- Pursuing/following the victim
- Unexpected appearances where the victim works, lives, goes to school or visits
- Approaching or confronting the victim
- Telephone harassment
- Sending/giving unwanted gifts, letters or e-mails to the victim
- Monitoring of telephone calls or computer use
- Use or misuse of technology to stalk and harass
- Spreading rumors or otherwise defaming the victim's character
- Vandalism or other destruction of property
- Threats to the victim and/or her/his family, friends and pets
- Physical attacks, including sexual assault

Stalking behaviors may not seem anything more than simply coincidental or annoying. Initially victims, their friends and families, law enforcement and the courts may not fully recognize that these offenders can be dangerous. However, **it is the cumulative pattern of behaviors that forms the "course of conduct" that can cause the targeted individual to be afraid and distressed** (and thus may be considered criminal). For example, a single e-mail or bouquet of flowers may not be frightening, but 150 e-mails, bouquets of dead flowers and late night threatening calls become actions that cannot and should not be ignored.

Most stalkers use multiple tactics. The **most common stalking tactics** reported by female college victims in the Fisher, Cullen and Turner 2000 study were **being telephoned** (78%), having an **offender waiting** outside or inside places (48%), being **watched from a distance** (44%), **being followed** (42%), **being sent letters** (31%) and **being e-mailed** (25%).

DO STALKERS ENGAGE IN OTHER VIOLENCE?

Stalking often occurs in the context of sexual assault, domestic violence and dating violence. Jordan, Wilcox and Pritchard (2007) found that **3/4 of college women who experienced stalking-related behaviors also experienced other forms of violence**. Approximately 26% of stalking victims experienced stalking and sexual assault, while 11% experienced stalking and physical and sexual assault. Fisher, Cullen and Turner (2000) similarly found that in over 10% of campus stalking incidents, the victim reported that the stalker forced or attempted sexual contact and in over 15% of incidents, victims reported that the stalker either threatened or attempted to harm them. They also found that 43% of stalking victims were stalked by a current/former boyfriend.

Research on sexual assault on college campuses found that perpetrators of sexual assaults were often premeditating, repeat offenders who use classic stalking strategies to select and ensure the vulnerability of their victims (Lisak & Miller, 2002).

HOW DANGEROUS ARE STALKERS?

Stalking behaviors should always be taken seriously. Stalkers can be violent and can escalate their stalking over time (Stalking Resource Center). They most likely will not stop if their behavior is ignored. In fact, ignoring the behavior sometimes seems to cause the behaviors to increase in frequency and/or become more disturbing or bizarre. Stalkers have physically assaulted, sexually assaulted and/or murdered their victims.

WHO IS AT RISK FOR ESCALATIONS IN STALKING VIOLENCE?

Being stalked by an intimate partner presents an increased risk of danger for victims. Eighty-one percent of women who were stalked by intimate partners were also physically assaulted; 31% of those women were also sexually assaulted (Tjaden & Thoennes, 1998). Partner stalkers are more likely to physically approach their victims, be more insulting, interfering and threatening, and use weapons. Their behavior is more likely to escalate quickly. They are more likely to re-offend even after criminal justice intervention. **Stalking can be extremely dangerous for female victims if it involves an intimate relationship that has recently ended.**

Risk of violence is heightened when the stalker makes direct threats of violence, is jealous of the victim's relationships with others, and uses illegal drugs.

There is a **higher risk for lethality when stalking accompanies physical or sexual violence** than for either physical or sexual violence alone.



Risk assessment specifically to evaluate the threat of violence faced by stalking victims is an emerging area of research and practice. See the Stalking Resource Center training webinar, [Threat Assessment in Stalking Cases](#).

HOW OFTEN IS STALKING REPORTED TO LAW ENFORCEMENT?

Fisher, Cullen and Turner (2000) found that **only 17% of stalking incidents were reported to law enforcement**. However, the vast majority (93%) of victims confided in someone, most often a friend, that they were being stalked. Campus law enforcement and security departments may want to consider how they can reach out to and educate those individuals to whom a student might disclose victimization, since they could pass along resource information to victims.

As mentioned earlier, victims may not initially be aware that they are being stalked and as a consequence may not report. When they do become concerned, they may look back on the pattern of behaviors and realize that they were being stalked. If stalking behavior is reported,

law enforcement and security are in a position to proactively educate students as to how stalking behaviors typically present and to take all stalking behaviors seriously.

WHAT REACTIONS ARE COMMON FOR STALKING VICTIMS?

(Also see *B3. Responding to Disclosures: Health Consequences for Victims*)

Fisher, Cullen and Turner (2000) found that 3 in 10 college women who reported they were stalked indicated being injured emotionally or psychologically from being stalked. Findings from the *2006 Supplemental Victimization Survey* provides a snapshot of reactions of stalking victims from the general population (Baum et al., 2009).

- ✓ When stalking victims were asked about their worst fears related to stalking, 46% indicated they feared not knowing what would happen next, 30% were afraid of bodily harm, 29% feared the behavior would never stop, and 9% feared death at the hands of their stalker.
- ✓ As the stalking progressed, 74% of victims reported being angry/annoyed, 36% were anxious or concerned, 26% were frightened, 16% felt helpless, 10% felt depressed, and 10% felt sick.
- ✓ About 1 in 8 of employed victims lost time from work due to the stalking. About 3 in 10 victims accrued out-of-pocket costs associated with the stalking.

Stalking can be a component of domestic, dating and sexual violence, each of which is discussed separately in this section. Go to those subsections for more information on each issue.

C3. FACTORS ASSOCIATED WITH SEXUAL AND DOMESTIC VIOLENCE PERPETRATION

Research suggests that most college men who commit acquaintance sexual assaults perceive their behavior as normative and reasonable (PCAR, 2004). Their peer groups often also consider their behavior as normal (Sampson, 2002). Their likelihood of committing sexual assault is associated with factors such as negative attitudes toward women and a belief that men are entitled to sex under certain conditions (PCAR, 2004). Based on Krug et al. (2002), the CDC (2004, 2009) identified a combination of individual, relational, community and societal factors that may contribute to the risk of becoming a perpetrator of sexual violence in the general population (see below, *Factors Associated with Perpetration of Sexual Violence*).

The CDC (2010) also identified a list of risk factors that may contribute to a greater likelihood of domestic violence perpetration in the general population (see below, *Factors Associated with Domestic Violence Perpetration*). Note that the CDC indicated that some risk factors for perpetration of domestic violence are the same for victimization.

Factors Associated with Perpetration of Sexual Violence	Factors Associated with Perpetration of Domestic Violence
Individual risk factors ✓ Alcohol and drug use	Individual Risk Factors ✓ Low self-esteem

<ul style="list-style-type: none"> ✓ Coercive sexual fantasies ✓ Impulsive and antisocial tendencies ✓ Preference for impersonal sex ✓ Hostility towards women ✓ Hyper-masculinity ✓ Childhood sexual/physical abuse ✓ Witnessed family violence as a child <p>Relationship factors</p> <ul style="list-style-type: none"> ✓ Association with sexually aggressive and delinquent peers ✓ Family environment characterized by physical violence and few resources ✓ Raised in homes with strong patriarchal structures rather than egalitarian structures ✓ Emotionally unsupportive familial environment <p>Community factors</p> <ul style="list-style-type: none"> ✓ Lack of employment opportunities ✓ Lack of institutional support from police and judicial system ✓ General tolerance of sexual violence within the community ✓ Weak community sanctions against sexual violence perpetrators <p>Societal factors</p> <ul style="list-style-type: none"> ✓ Poverty ✓ Societal norms that support sexual violence ✓ Societal norms that support male superiority and sexual entitlement ✓ Societal norms that maintain women's inferiority and sexual submissiveness ✓ Weak laws and policies related to gender equity ✓ High tolerance levels of crime and other forms of violence 	<ul style="list-style-type: none"> ✓ Low income ✓ Low academic achievement ✓ Aggressive or delinquent behavior as a youth ✓ Heavy alcohol and drug use ✓ Depression ✓ Anger and hostility ✓ Antisocial personality traits ✓ Borderline personality traits ✓ Prior history of being physically abusive ✓ Having few friends/being isolated from others ✓ Unemployment ✓ Emotional dependence and insecurity ✓ Belief in strict gender roles ✓ Desire for power/control in relationships ✓ Perpetrating psychological aggression ✓ Being a victim of physical/psychological abuse ✓ History of poor parenting as child ✓ History of physical discipline as child <p>Relationship Factors</p> <ul style="list-style-type: none"> ✓ Marital conflict-fights, tension, other struggles ✓ Marital instability-divorces or separations ✓ Dominance/control of relationship by one partner over the other ✓ Economic stress ✓ Unhealthy family relationships and interactions <p>Community Factors</p> <ul style="list-style-type: none"> ✓ Poverty and associated factors (e.g., overcrowding) ✓ Low social capital- lack of institutions, relationships, and norms that shape a community's social interactions ✓ Weak community sanctions against intimate partner violence <p>Societal Factors</p> <ul style="list-style-type: none"> ✓ Traditional gender norms
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Interpersonal violence prevention programs are increasingly focused on stopping perpetration and empowering men and women to intervene as active bystanders. A primary message for both men and women should be that, until they work together on this issue, sexual assault and other interpersonal violence will not stop. (Paragraph primarily from PCAR, 2004)

C4. SEXUAL HARASSMENT ON COLLEGE CAMPUSES

(Also see *B1. Types of Interpersonal Violence: Sexual Harassment* and *C7: Key Federal Legislation Influencing Campus Response*. Note that the following is offered as basic information on the issue, not as legal advice.)

What is Sexual Harassment?

The U.S. Equal Employment Opportunity Commission defines sexual harassment as a continuum of acts, including **unwelcome** sexual advances, conduct of a sexual nature and requests for sexual favors. These acts must explicitly or implicitly affect a person's employment, unreasonably interfere with work or school performance or create an intimidating, hostile or offensive work or school environment. Sexual harassment can be (examples may overlap):

Category	Examples
Verbal or Written (via in-person comments, mail, phone calls, texting, e-mails, other social media, etc.)	<ul style="list-style-type: none"> ✓ Requesting sexual favors/repeatedly asking a person out ✓ Offering academic benefits/employment advancement in exchange for sexual favors ✓ Making sexual innuendoes/comments with sexual overtones ✓ Describing attributes of a person's body, clothing or behavior in a sexual manner ✓ Telling sexual or sex-based jokes ✓ Asking a person about her/his sexual experiences, fantasies or preferences ✓ Spreading rumors about a person's personal or sexual life ✓ Making statements that threaten a person or involve sexual bribery ✓ Making threats after a negative response to sexual advances ✓ Calling a person sexually oriented names such as hunk, doll, babe or honey ✓ Calling a person a sexually derogatory name such as bitch, whore or slut
Non-verbal/visual	<ul style="list-style-type: none"> ✓ Looking/staring up and down a person's body ✓ Making facial expressions of a sexual nature such as leering, winking, throwing kisses or licking lips ✓ Making sexually suggestive or derogatory gestures ✓ Sending/distributing sexually explicit or derogatory posters, drawings, pictures, cartoons, cards, publications, screensavers, novelties, etc. ✓ Creating public graffiti about a person's sexuality ✓ Touching or rubbing oneself sexually in view of another person ✓ Exposing oneself to another person ✓ Following a person
Physical	<ul style="list-style-type: none"> ✓ Impeding or blocking a person's movement/path ✓ Inappropriately touching a person or a person's clothing ✓ Standing closer than appropriate or necessary to a person ✓ Assaulting a person ✓ Having unwanted sexual contact with a person ✓ Patting, hugging, kissing or stroking

Sexual harassment does not have to come from the opposite sex; victims can be of the same sex as their harassers. It is not always confined to unwanted sexual conduct. For example, *WVC§5-11. Legislative Rule Title 77-4* indicates that hostile or physically aggressive behavior may constitute sexual harassment, if it is based on gender.

FORMS OF SEXUAL HARASSMENT

Quid pro quo (“this for that” behavior): In this form of sexual harassment, educational or employment decisions are made on the condition that a person accepts unwelcome sexual behavior. This behavior only needs to happen one time to be considered sexual harassment. An example would be a professor making a passing grade contingent upon whether a student has sex with him.

Hostile environment: This form of sexual harassment is characterized by pervasive (persistent or all encompassing), sex-related verbal or physical conduct that is unwelcome or offensive, and can unreasonably interfere with school or work performance. For the conduct to be considered sexual harassment, the hostile environment must be extreme or sustained and non-trivial. An example would be a male student continuously e-mailing degrading jokes about women to the only female student in his engineering classes even after she tells him to stop.

HOW MANY COLLEGE STUDENTS EXPERIENCE SEXUAL HARASSMENT?

The American Association of University Women Education Foundation estimates that **2/3 of college students have experienced sexual harassment while in college** (Hill & Silva, 2005).

WHAT SEXUAL HARASSMENT LAWS APPLY TO COLLEGE STUDENTS?

Sexual harassment is a civil rights violation of federal and state discrimination laws in qualifying settings. The law applicable in educational settings is Title IX of the Education Amendment of 1972. The amendment includes a prohibition of sexual harassment in schools that receive federal funding. Sexual harassment, along with other forms of sexual violence, is typically also a violation of a campus’s student code of conduct. (See *C6. Reporting on College Campuses: Options for Reporting and Key Federal Legislation Influencing Response.*)

Keep in mind that students may be employed, on or off campus. If sexual harassment occurs at their workplaces, there may be federal and state laws that protect them as employees. (See *B1. Types of Interpersonal Violence: Sexual Harassment.*)

A surprising number of campus staff until recently were uninformed about Title IX, thinking that it only applied to athletics. Title IX offers protection to victims of interpersonal violence and sexual harassment (See *C6. Reporting on Campus: Title IX.*)

Victim Reactions and How to Help

(Drawn from WV FRIS, 2012; Sexual Harassment Support).

Sexual harassment can cause victims to feel:	At school, sexual harassment can lead to:	In the workplace, sexual harassment can lead to:
<ul style="list-style-type: none"> ✓ Powerlessness, anger and anxiety ✓ Self-blame, depression and lowered self-esteem ✓ Denial that the harassment is occurring ✓ Isolation—family, friends and co-workers may minimize the victimization, and peers may blame and reject them ✓ Decreased mental/physical well-being 	<ul style="list-style-type: none"> ✓ Inability to concentrate ✓ Lower grades ✓ Withdrawal from courses ✓ Changing majors ✓ Absenteeism ✓ Dropping out of school 	<ul style="list-style-type: none"> ✓ Decreased productivity ✓ Denial of advancement and/or benefits ✓ Loss of income or job

Sexual harassment is not necessarily confined to the person targeted for sexual harassment; anyone can be negatively affected by this offensive conduct.

If students disclose sexual harassment:

- ✓ Be clear that sexual harassment is never the victim's fault.
- ✓ Encourage them to talk about it, even if they are uncertain about how to describe it.
- ✓ Refer them to someone who can help them (a rape crisis center victim advocate, the campus Title IX coordinator, a counselor on campus or in the community, etc.) consider their options and resources, create a safety plan, cope with emotional effects, etc.
- ✓ Based on your campus policy, inform them what you can and can't keep confidential.

WHAT CAN VICTIMS DO?

While victims cannot be held responsible for stopping sexual harassment, they should understand they can document and report it:

- ✓ **Victims can inform their harassers directly that the conduct is unwelcome and must stop.** However, it is not always safe for victims to confront their harassers, for reasons of physical safety or retaliation. Victims do not have to inform their harassers that their behavior is unwelcome in order to file a complaint of sexual harassment, if doing so may jeopardize their physical safety, emotional well-being or school success.
- ✓ **Victims can document the harassing behavior.** Write down specifically what was done or said and if there were other witnesses. In addition to documenting incidences of sexual harassment, keep notes about negative actions that result from the harassment (e.g., loss of an academic scholarship) and about school performance (e.g., lower grades after the harassment began). Keep a copy of any written communications sent to/from harassers.

Campus law enforcement and security officers should be familiar with the sexual harassment policies and grievance procedures of the college, and file a report accordingly. These policies and procedures are required to be posted for all students to access. Depending on the severity of the harassment and the protocol outlined in your campus policy, a formal report may not always be made. For example, a student may decide to inform

the head of the department or other authority about the issue. Informing these designated individuals may allow the harassment to be resolved without a formal report, depending on campus policy. An example of when a student may not want to report directly to a legal authority would be when a student is made uncomfortable due to a hostile class environment created by other students. In this situation, a student may inform the dean of the department about the issue to allow the issue to be addressed with the professor without involving the campus judicial system. Some policies may require that a report be made within a certain amount of time, so it is important that you are familiar with your campus policy and follow it. Every campus is required to have a Title IX Coordinator who can be contacted to verify when investigations must occur and who on campus is responsible for conducting investigations.

If the harassment continues after a reasonable amount of time following a report to the college, victims may have the right to file a formal complaint with the below entities. Note that school policies may or may not indicate what constitutes “a reasonable amount of time.” A complaint should initially be filed with a single entity outside of the college so an investigative process can begin. An attorney is not needed to file a complaint.

[U.S. Department of Education, Office of Civil Rights](#) (for schools receiving federal funding): Complaints must be filed within 180 days from the date of the sexual harassment. 800-421-348

[West Virginia Human Rights Commission](#) (for qualifying workplaces, and public and housing accommodations): Complaints must be filed within 365 days from the date of the sexual harassment. 304-558-2616 or 888-676-5546

[West Virginia Equal Employment Opportunity Office](#) (for state employees): 304-558-0400

[U.S. Equal Employment Opportunity Commission](#) (EEOC) (for qualifying workplaces): File complaints within 300 days of the date of the harassment. 800-669-4000 or 800-669-6820 (TTY)

If a formal complaint outside of the college is filed, the college first responds to the complaint. An investigation is conducted where relevant information is gathered to determine if there is reasonable cause to believe sexual harassment occurred. If there is reasonable cause, mediation may be made available to reach a settlement. If no settlement is reached, the case can go to a civil trial. After the case is presented, the judge makes a ruling. If the ruling is in favor of the victim, various remedies can be ordered, including monetary compensation.



While an attorney is not needed to file a complaint of sexual harassment at any level, some victims may wish to consult with an attorney to help them through the legal process and/or to file a private civil lawsuit.

C5. WORKING WITH INTERNATIONAL OR LGBTQ STUDENTS

International Students

College campuses often have students and faculty from other countries and cultures who bring a global perspective to their campus community. However, there is little known about the prevalence of interpersonal violence among this population on campuses.

Addressing interpersonal violence on college campuses merits additional considerations when it involves students from other cultures. A suggestion when working with these students is to provide information in a way that is culturally sensitive. For example, in some cultures, sexual assault, particularly acquaintance rape, may be seen as a consequence of being female. Cultural perspectives should be taken into account when responding to international student victims (and perpetrators), while also explaining what the laws are in the U.S. and the jurisdiction in which they reside.



Some cultural practices reinforce sex discrimination against females. For example, if a daughter in some traditional Latin-American families is raped, family members may regard the assault as bringing great shame to the family. The victim's trauma may be overlooked in an effort to maintain family honor. As a first responder, listen closely when victims disclose interpersonal violence to hear if there are cultural influences at play that affect their willingness to seek help (e.g., I can't report because it would ruin my family or my brothers would try to kill the perpetrator). While recognizing victims' concerns, offer to help them identify their options for assistance and available resources (even if they don't report, they could still seek confidential counseling for themselves).

RESOURCES

Note that students from the international community who have been victimized may be reluctant to seek services because they are not aware of resources available to them. Those who are recent immigrants may fear that interaction with the criminal justice system or other government agencies could lead to deportation (Battered Women's Justice Project). Below are a few questions that these students may ask (Leppington, Orloff, Kuguyutan & Olavarria, 2002):

Can international students who hold a J visa (student visa) transfer to a different college within the United States? Yes. Students who have been victimized may wish to transfer to another college. Once admitted to the new school, the J visa can be transferred once the student provides the proper paperwork.

What protections are available to documented and undocumented immigrants?

Protective orders: Victims of sexual or domestic abuse are eligible for protective orders. There is no citizenship or permanent resident status requirement.

Shelter: Non-citizens in domestic violence situations have the same legal right as U.S. citizens to access domestic violence shelters.

Law enforcement assistance and criminal justice system intervention: Anyone can report a crime to law enforcement, regardless of immigration status. It is important, however, to know what the practices are in your community regarding non-citizen victims, including those who are not legally present in the United States. With few exceptions, federal law does not require law enforcement officers to ask crime victims about their immigrant status. But this does not mean that law enforcement *won't* ask victims about their status (or that defense counsel won't try to make it an issue in a case). In some states, local law enforcement agencies have entered into what are referred to as a "287(g) agreements" with the federal government. Through these agreements, local law enforcement officers are trained by the Immigration and Customs Enforcement program and agree to implement federal immigration enforcement procedures at the local level. Victims and witnesses as well as defendants may be turned in to the federal authorities

under these agreements. However, no West Virginia law enforcement agency had a 287(g) agreement in effect as of 9/21/11 (see www.ice.gov/news/library/factsheets/287g.htm#signed-mou). (Bullet from Mindlin, 2011; Battered Women's Justice Project; Southern Poverty Law Center, 2010).

U visa: The U visa is a protection available for noncitizen victims through the Violence Against Women Act of 2000 (VAWA). Obtaining a U visa allows victims of certain crimes to gain legal status and work eligibility for up to four years (U.S. Immigration Support, 2010). Crimes covered by the U visa include: rape, torture, abusive sexual contact, hostage situations, peonage, false imprisonment, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, blackmail, extortion, manslaughter, murder, witness tampering, obstruction of justice, perjury or attempt, conspiracy, sexual assault, trafficking, domestic violence, prostitution, sexual exploitation, felonious assault, female genital mutilation, incest or solicitation to commit any of the above mentioned crimes (Leppington, Orloff, Kuguyutan & Olavarria, 2002). No relationship to the perpetrator is needed to obtain a U visa. Additionally, the perpetrator does not have to be a U.S. citizen or lawful permanent resident. Visa requirements include: the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and law enforcement certifies that the victim has been helpful (Leppington, Orloff, Kuguyutan & Olavarria, 2002).

T visa (WomensLaw.org, 2008): A T visa gives temporary non-immigrant status to victims of severe forms of human trafficking, on the condition that they assist law enforcement in investigating and prosecuting related crimes. Victims under 18 years of age are not required to cooperate with law enforcement to obtain a T visa. T visas allow victims to stay in the United States for four years from the date the T visa application is approved, although longer than four years may be permitted if a law enforcement authority certifies that a victim is necessary for investigating or prosecuting the crime.

Petitioning for resident status under VAWA: A protection that may be helpful to married victims of domestic violence derives from VAWA 1994. It allows spouses or children of U.S. citizens or lawful permanent residents to file for resident status if they have been battered or subjected to extreme cruelty (Leppington, Orloff, Kuguyutan & Olavarria, 2002). This protection allows for immigrant victims of domestic violence to obtain a lawful immigration status independent of the abuser.



See www.womenslaw.org or www.usimmigrationsupport.org/visa-u.html for more information about the above protections.

NON-ENGLISH SPEAKING STUDENTS

Some students may not speak English or may prefer to communicate in a language other than English. Accommodate their language needs to the extent possible when responding to disclosures of victimization. Make every attempt to help students obtain language assistance as needed (e.g., interpretation services and translated materials). An international student programs office on campus may be able to help identify the range of languages used by students on your campus. Interpreters used should be educated on sexual assault issues, confidentiality and cultural concerns. Also, take students' country of origin, acculturation level and dialect into account when arranging any response to disclosures. (Paragraph primarily from Office on Violence Against Women, 2004.)

Note that language skills may deteriorate if a person is upset or in a crisis.

Develop partnerships with the international programs office and other campus departments that provide support and services to international students (Leppington, Orloff, Kuguyutan & Olavarria, 2002). These offices are typically the main connection to international students.

Local rape crisis center and domestic violence program advocates often have access to interpreter services for victims they serve. With the victim's permission, law enforcement can facilitate a referral to access those services.

LGBTQ Students

Sexual assault, domestic violence, dating violence, and stalking are often viewed as heterosexual crimes with a female victim and a male perpetrator. In reality, any of these forms of interpersonal violence can also happen to students within the LGBTQ—lesbian, gay, bisexual, transgender, and/or queer or questioning—community.

Little research has been conducted exploring the prevalence of interpersonal violence within the LGBTQ community, especially research with a focus on LGBTQ victims who are college students. However, recent findings from the *Sexual Violence Survey: 2010 Findings on Victimization by Sexual Orientation* (CDC, 2011) provide some insight:

Sexual Violence:

- ✓ Approximately 1 in 8 lesbians (13%), nearly 1 in 2 bisexual women (46%), and 1 in 6 heterosexual women (17%) have been raped in their lifetime.
- ✓ Almost half of bisexual women (48%) and more than a quarter of heterosexual women (28%) were first raped between the ages of 11 and 17.
- ✓ Nearly 1 in 2 bisexual men (47%), 4 in 10 gay men (40%), and 1 in 5 heterosexual men (21%) have experienced sexual violence other than rape in their lifetime.

Domestic Violence

- ✓ Among women who experienced rape, physical violence, and/or stalking in the context of an intimate relationship, the majority of bisexual and heterosexual women (90% and 99%, respectively) reported only male perpetrators while self-identified lesbians (67%) reported having only female perpetrators.
- ✓ Among men who experienced rape, physical violence and/or stalking by an intimate partner in the context of an intimate relationship, most bisexual and heterosexual men (79% and 100%, respectively) reported having only female perpetrators, while the majority of self-reported gay men (91%) reported having only male perpetrators.
- ✓ More than 1/3 of lesbians (36%), over 1/2 of bisexual women (55%), and more than 1/4 of heterosexual women (30%) have been slapped, pushed, or shoved by an intimate partner at some point in their lifetime. Approximately 1/4 of all men, regardless of sexual orientation, reported being slapped, pushed, or shoved by an intimate partner at some point during their lifetime (24% gay men, 27% bisexual men, and 26% heterosexual men).
- ✓ Nearly 1 in 3 lesbians (29%), 1 in 2 bisexual women (49%), and 1 in 4 heterosexual women (24%) experienced at least one form of severe physical violence by an intimate partner in her lifetime. Severe physical violence by an intimate partner in their lifetime was reported by 16% of gay men and 13% of heterosexual men.

Stalking:

- ✓ Approximately 1 in 3 bisexual women (37%) and 1 in 6 heterosexual women (16%) have been stalked at some point during their lifetime.

Other research suggested that 11% of women cohabiting with a female partner have experienced violence from their partner in the form of rape, physical assault and/or stalking (Tjaden & Thoennes, 2000). A study by Greenwood et al. (2002) found that 39% of gay men

were battered at least once in the last 5 years by a partner. It has also been suggested that the transgender population faces relatively high rates of intimate partner violence (Stotzer, 2009).

In addition to the typical barriers faced by any victim of interpersonal violence, students who identify as LGBTQ may be reluctant to report because of discrimination within the criminal justice system, lack of specialized services to meet their needs, the potential that no one will believe them (e.g., because they have a hard time envisioning how a man could sexually assault another man or a woman could sexually assault another woman) and feelings of guilt for “betraying” the LGBTQ community if they are reporting “one of their own” (California Coalition Against Sexual Assault—CALCASA, 2010). Also, victims may not want to disclose their sexual orientation or gender identity if they report violence by an intimate or dating partner as they may risk losing friends, family and employment, experiencing further isolation (CALCASA, 2010).

LGBTQ victims may also experience sexual violence or harassment that is motivated by hate and homophobia. For example, a lesbian might be targeted because of her masculine appearance and be victimized by heterosexual men who seek to “feminize” her (CALCASA, 2010). Not only are lesbian women at risk for men’s generalized sexist violence, but also men’s homophobic violence, which may also increase the intensity of the violence (Funk, 2006).

Along with the trauma that victims face after interpersonal violence occurs, LGBTQ victims may also find that the violence complicates the daily challenges they face due to their sexual orientation or gender identity (CALCASA, 2010). Transgender victims face additional issues, as they may be dealing with discrimination based on their anatomy. These victims may decline a physical or forensic medical exam for these reasons. To make LGBTQ victims feel more comfortable, it is helpful to mimic the language they use to describe themselves and their partners.



You need be aware of your own personal views about sexual orientation and gender identify to be able to effectively respond to LGBTQ victims (CALCASA, 2010).

Identify if there are any support resources available on campus for LGBTQ students in the event that they experience a sexual assault. Help connect victims with these resources, if they so desire.

C6. REPORTING ON COLLEGE CAMPUSES

(Note that the following basic information which can be provided to victims for guidance about reporting. It should not be regarded as legal advice.)

Options for Reporting

Reasons why victims may be reluctant to reporting sexual violence, domestic or dating violence, and stalking were discussed earlier. It is important that campus law enforcement and security departments recognize that there can be disincentives for students to report in these cases. For these and other reasons, many students may not wish to take formal action against their perpetrators. Instead they may simply want to be protected, make unwanted behavior stop or get help to deal with the trauma. Victim wishes should guide the process as much as possible.

The college should spell out procedures for reporting and make them easily accessible (e.g., on the school website and student handbook). (Paragraph adapted from Fleck-Henderson, 2012).

College students generally have two options for reporting—

(1) Victims can report interpersonal violence to law enforcement. Reporting provides the criminal justice system with the opportunity to begin an investigation into the matter (see *B4. Report and Investigation*). Whether a college has a law enforcement or security department can impact student procedures for making a criminal report—

- ✓ If victims disclose to a campus law enforcement department, the department can take a report and initiate an investigation, if appropriate.
- ✓ If victims disclose to a campus security department, the department would typically need to refer the student making a report to a local law enforcement agency if they are requesting a criminal investigation. The school might advise the student to contact local law enforcement her/himself or could automatically pass on the report to local law enforcement, with the student's permission and based on campus policy.

(2) Victims can also report interpersonal violence by another student as a violation of the student code of conduct. Each college has procedures on what students should do to report violations of its student code of conduct and how the college administration deals with such violations. A school's response to disclosures of interpersonal violence should be in accordance not only with the school's stated policy, but also with any applicable federal laws (Title IX, Clery Act, etc.). Policies should clearly explain any time limitations for reporting a violation.

If the perpetrator was a faculty or staff member, the student can still report it to the college, in addition to making a criminal report. Colleges typically can take disciplinary action against employees that violate their personnel policies. **If the perpetrator was not a student at the college**, the school may not be able to discipline the perpetrator, but it could still assist the student to some degree with safety issues, making a criminal complaint, seeking support, etc. **A formal report of interpersonal violence to college administration typically initiates a school investigation into the violation.** Colleges often utilize campus judicial boards to make a determination of whether there was a violation of their student code of conduct, with the potential of campus judiciary action that could result in disciplinary sanctions against the violator. (This report also could lead to a separate Title IX investigation, although Title IX complaints are typically handled through the school's grievance procedures as a violation of the school code of conduct. See *Title IX* below.) School processes likely vary to some extent when determining if there was a violation by a college employee.



What **additional options could help promote reporting, both of crimes and violations of student code of conduct?** It may help to allow **anonymous and confidential reports**, as well as **amnesty for unrelated violations of the victim**, such as underage drinking. Information from anonymous and confidential reports may provide campus public safety agencies with a better understanding of the campus climate and more capacity to address student needs. (Fleck-Henderson, 2012; Littel, 2012).



The [National Center for Higher Education Risk Management](#) (NCHERM) offers numerous **model policies and protocols related to school response to campus sexual misconduct**. For **guidance around campus response to stalking**, see the [Model Campus Stalking Policy](#) by the Stalking Resource Center and the California Coalition Against Sexual Assault.

WHAT SHOULD VICTIMS KNOW PRIOR TO REPORTING?

Prior to making decisions about reporting, students should be informed of the potential benefits and consequences of reporting, and their rights to decline. They should understand:

- ✓ Not reporting, or delaying a report, can lead to loss of evidence and be detrimental to case investigation and prosecution, as well as to the school judicial investigations and hearing (although not necessarily).
- ✓ That it is important to preserve evidence if the case is or may be reported and related procedures they should follow. In addition to crime scene and other evidence, preserving forensic evidence is particularly critical in sexual assault cases.
- ✓ If sexual assault victims choose to have a sexual assault forensic medical examination, the state pays the forensic evidence collection costs. The victim is responsible for medical costs beyond preventive prophylactic treatment related to the assault.
- ✓ A criminal report allows a criminal investigation to commence, which is the first step in holding the offender accountable. When making a criminal complaint, that report along with other case information becomes public record.
- ✓ When reporting a violation of the student code of conduct to their college, a number of school officials may be informed of the incident in order to carry out the school policy (e.g., assist the student with transferring to another residence or class). Also, the Clery Act requires colleges to maintain a public daily log of crimes reported to the college or local law enforcement (the log excludes identifying victim information).
- ✓ Prosecution or campus judicial practices could influence reporting decisions—e.g., if prosecution will likely pursue charges of illegal alcohol use by victims, or if voluntary alcohol use by victims may be used against them in campus judicial hearings (adapted from Office on Violence Against Women, 2004).
- ✓ If word of their victimization becomes public knowledge, there sometimes is backlash against them (e.g., victim blaming or retaliation). It is helpful if victims are aware of strategies they can use to cope with such consequences, if they occur.
- ✓ A range of services are available to them regardless of their reporting decisions.
- ✓ If they do not report, they will not be eligible for compensation of their related out-of-pocket expense through the West Virginia Crime Victims Compensation Fund.



Students who report may wish to consider seeking a private attorney to advocate on their behalf in a criminal case or during campus judicial system proceedings. Campus law enforcement and security departments can make referrals for such legal assistance as policies allow or refer students to the local rape crisis center or domestic violence program for such referrals.

WHAT IF VICTIMS ARE HESITANT OR DO NOT WANT TO REPORT?

Students have the choice of whether or not to report to law enforcement authorities. The exception is if the incident meets state mandatory reporting requirements and they disclose to a mandatory reporter (see *B3. Responding to Disclosures: State Requirements Related to Disclosures of Victimization*). The campus law enforcement or security department is still obligated to include the incident in its crime log.

If a student does not wish to formally report interpersonal violence to the college, or go through a formal school investigation, **other administrative support remedies may be available.** For example, campus administration may be able to make changes in a sexual assault victim's housing and class schedule or provide accommodations in testing and completion of assignments. The student can also discuss options and resources with the campus Title IX Coordinator.

Civil, Legal and Other Remedies

As has been noted earlier, few college victims report their victimization. Given their reluctance to report, it is critical when explaining reporting options to students to also discuss the following:

- ✓ **Civil legal options** either in place of or in addition to criminal or campus actions. One typically civil legal option is seeking an order of protection against a perpetrator (see *B3. Responding to Disclosures: Safety Planning*). Options may be influenced by state statute of limitations for different crimes. One resource for victims on civil legal issues related to sexual assault is the Victim Rights Law Center—go to www.victimrights.org.
- ✓ **Other services available to help victims heal** – victim advocacy services, medical and mental health services, etc. – are not impacted by reporting decisions (one exception is access to the West Virginia Crime Victims Compensation Fund). For example, a student victim may want counseling or assistance in transferring to a different on-campus residence or out of a class she attends with the perpetrator.

Key Federal Legislation Influencing Campus Response

THE CLERY ACT

The **Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** is named after Jeanne Clery. Jeanne was a 19-year-old college student who was raped and murdered in 1986 in her Lehigh University dormitory (The Clery Center for Security on Campus, 2010). The Clery Act was passed in 1990, requiring higher education institutions whose students receive federal financial aid to collect and report crime data to the U.S. Department of Education (The Clery Center for Security on Campus, 2010). **Basic components of the act** include (Center for Public Integrity, 2010):

- ✓ Campuses must publish and distribute an **annual security report** that includes crime statistics for the past three years. The report must include campus security policies. (Note

that the 2013 reauthorized Violence Against Women Act (VAWA), effective 3/7/14, includes sexual assault, domestic and dating violence, and stalking in the crimes to be included in the report, as well as requires colleges to describe their response and prevention policies related to sexual assault, domestic and dating violence, and stalking.)

- ✓ **Crimes** that pose a serious or continuing threat to the campus community **must be reported to the community** in a **timely manner**.
- ✓ If a college has a campus law enforcement or security department, a **public daily crime log** must be kept.

The Clery Act defines a “campus security authority” as any person or body with significant responsibility for student and campus activities (e.g., a dean, coach or resident hall adviser), as well as campus law enforcement or security staff. These authorities must report allegations of crimes to campus or local law enforcement. This reporting applies even if the victim does not file a report with law enforcement. Pastoral and professional counselors are exempt from acting as a campus security authority (Center for Public Integrity, 2010).

Examples of Clery Act violations include (Center for Public Integrity, 2010): Classifying crimes incorrectly (such as not differentiating between forcible and non-forcible rape as defined by the act), altering crime statistics and not collecting crime reports from all campus security authorities. Violators can be fined up to \$27,500 per violation through the U.S. Department of Education (The Clery Center for Security on Campus, 2010).

How does a campus law enforcement or security department address victim confidentiality while maintaining a public crime log? The U.S. Department of Education’s 2011 [Handbook for Campus Safety and Security Reporting](#) (Chapter 5) details the information to include in the daily crime log and how that availability can be maintained. The required information focuses on the actual crime: date of report, date/time crime occurred, nature of the crime, general location, and disposition of the complaint. **The crime log should not have any identifying information regarding the victim.** However, confidentiality may still be an issue for victims even if identifying information is not included (e.g., at a small college, the information included in the crime log may be enough to enable students to guess a victim’s identity).

The crime log for the most recent 60-day period should be accessible to the public, upon request, during normal business hours. Any portion of the log that is older than 60 days should be available within 2 business days of a request for public inspection. There are some **reasons that a law enforcement or security department may temporarily withhold information from the log:** if there is clear and convincing evidence that the release of information would jeopardize an investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Once the “adverse effect” is not longer likely to occur, the department is obligated to disclose it in the log.



The [Clery Center for Security on Campus](#) provides a clearinghouse of information and resources regarding Clery Act compliance and Title IX guidelines (as well as the related 2013 [VAWA reauthorization changes](#)). It also allows you to [search for a specific](#)

[campus' security data](#). [The Handbook for Campus Safety and Security](#) (2011) presents procedures, examples and references for college administrators to follow in meeting the campus public safety requirements of the Higher Education Act of 1965 (specifically the Clery Act).

TITLE IX

(Section drawn from [Know Your Rights: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School](#) and the [Sexual Violence Dear Colleague Letter](#), both by the U.S. Department of Education, Office for Civil Rights; and [Title IX and Sexual Assault: Know Your Rights and Your College's Responsibilities](#) by the American Civil Liberties Union and Students Active for Ending Rape.)

Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.) prohibits sex-based discrimination in any educational institution receiving federal funds. This law defines sexual assault and sexual harassment as discriminatory because their occurrences in educational settings discourage full participation in educational opportunities or extracurricular programs. They are forms of sex discrimination, given that they are disproportionately experienced by female students. Title IX requires schools to take reasonable steps to protect students and provide an environment free of sex discrimination.

As noted earlier, **schools receiving federal funds must designate a coordinator to oversee its compliance with Title IX.** The coordinator's role is to review complaints of sex discrimination and identify and rectify any patterns of discrimination on campus. **The school must inform all students and employees of the Title IX coordinator's contact information,** as well as **post a non-discrimination policy** explaining that the school does not discriminate on the basis of sex in any education program or activity.



The U.S. Department of Education, Office for Civil Rights issued a 2011 [Dear Colleague Letter](#) (DCL) to remind schools of their **Title IX responsibilities to take immediate and effective steps to respond to sexual violence.** The DCL provides guidance on concerns that arise in these cases and on Title IX requirements and how they relate to sexual violence. It discusses proactive efforts that schools can take to prevent sexual violence. It discusses the interplay between various pieces of federal legislation relating to a complainant's right to know the outcome of her/his complaint. Lastly, it provides examples of remedies and enforcement strategies that schools and the Office for Civil Rights may use to respond to sexual violence.

The DCL notes that a criminal investigation does not relieve a college of its obligation under its school code of conduct or Title IX to investigate and resolve a complaint of sexual misconduct. Nor does a college investigation relieve law enforcement agencies of their duty to investigate crimes reported in their jurisdictions. Investigations may be conducted concurrently.

For additional information on Title IX and colleges, contact the U.S. Department of Education, Office of Civil Rights at (800) 421-3481 or through ocr@ed.gov. Also see the resources of the [National Center for Higher Education Risk Management](#) (NCHERM).

Title IX requires each **college to have a clearly defined grievance procedure for addressing complaints of sex discrimination and make that procedure known to students.** This

procedure is usually the college's disciplinary process for violations of the student code of conduct. This procedure should be fair to both parties and ensure that each has a chance to present their case and contest evidence against them. **It should use the preponderance of the evidence standard** (a lower standard than required in a criminal case, in which guilt beyond a reasonable doubt is the standard) to resolve complaints of sex discrimination. It should ensure that complainants are protected as necessary, including prior to the final outcome of an investigation. It should ensure notification of both parties of the outcome of the complaint.

According to the **2013 reauthorized Violence Against Women Act** (effective 3/7/14), **college disciplinary action for reports of sexual assault, domestic or dating violence, and/or stalking should** (some of these requirements are already in effect for reports of sexual assault as per the DCL):

- ✓ Provide a **prompt, fair, and impartial investigation and resolution**;
- ✓ Be **conducted by school officials who receive annual training** on issues related to sexual assault, domestic and dating violence, and stalking, as well as how to conduct an investigation and hearing process that protects victims and promotes accountability;
- ✓ Recognize that the **accuser and the accused are entitled to the same opportunity to have others present during an institutional disciplinary proceeding**, including the opportunity to be accompanied to any related proceeding by an advisor of their choice;
- ✓ Recognize that the **accuser and the accused shall be simultaneously informed** of the outcome of the institutional disciplinary proceeding, the institution's procedures for the accused and the victim to appeal the results, any change in the results that occurs prior to the time the results become final, and when the results become final;
- ✓ Offer information about how the institution will **protect the confidentiality of victims**;
- ✓ Provide written **notification of students about services for victims** on- and off-campus;
- ✓ Provide written **notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations**, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus or local law enforcement; and
- ✓ Provide a written **explanation of student rights and options if a student reports** that they have been a victim of sexual assault, domestic or dating violence, and/or stalking.

The above also applies in situations when a college employee reports being a victim of interpersonal violence in violation of campus personnel policies.

FEDERAL GUIDELINES TO ADVISE THE CAMPUSES ABOUT SEX OFFENDERS

(U.S. Department of Education, *The Handbook for Campus Crime Reporting*)

Upon release from prison, individuals convicted of sex crimes may be required to register with law enforcement agencies (under Megan's Law). **If registered sex offenders are enrolled or employed at a postsecondary institution, the offenders must also provide this information to the state.** The state must then provide this information to campus law enforcement departments or to other law enforcement authorities in the jurisdiction where the institution is located (colleges are not required to request this information from the state). **This information is strictly for use by the campus law enforcement agencies and is not meant**

to be disseminated to the campus or community. The college is only required to inform the campus community of where this information can be obtained (e.g., the campus law enforcement department, a local law enforcement agency with jurisdiction for the campus, or a computer network address).

Colleges are required to provide the campus community with information that would enable them to obtain this public information about registered sex offenders on campus. The intention of this requirement is to afford a campus community the same availability of information about registered sex offenders as they would have in their home communities under Megan's Law.

HOW FERPA AFFECTS THE FEDERAL GUIDELINES ON SEX OFFENDERS

Nothing in the Family Educational Rights and Privacy Act (FERPA) prohibits an educational institution from disclosing information about registered sex offenders, including personally identifiable, non-directory information without prior written consent or other consent from the individual. Colleges also have authority to disclose information about registered sex offenders that may otherwise become available to educational institutions through the operation of state sex offender registration and community notification programs.

CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

The federal Campus Sexual Assault Victims' Bill of Rights was enacted as a component of the 1992 amendments to the Higher Education Act of 1965 (*Public Law: 102-325, section 486(c)*). It is now **part of campus security reporting requirements of the Clery Act**. It requires schools to provide basic rights to sexual assault victims on campus (Center for Public Integrity, 2010):

- ✓ Giving the alleged victim and perpetrator equal opportunity to have others present in disciplinary proceedings and equal notification of the outcome of such proceedings;
- ✓ Notifying alleged victims of counseling services and their right to pursue legal options through local law enforcement; and
- ✓ Notifying alleged victims of their option to change classes or dormitory assignments to avoid contact with alleged assailants.

C7. PROMOTING COMPREHENSIVE INTERVENTIONS ON CAMPUS

While law enforcement and security officers at colleges play a critical role in helping students who report sexual violence, domestic and dating violence, and stalking, and keeping their campuses safe, their interventions are just one component of a broad web of needed responses. **College law enforcement and security departments should encourage their campuses to move toward an effective, comprehensive response to and prevention of interpersonal violence.** Below are a few suggestions for campuses.

- ✓ **Develop comprehensive response and prevention policies for each type of interpersonal violence.** The policies should encompass the multiple campus departments and local agencies that need to coordinate their efforts to respond to and/or prevent the

violence. Both response and prevention components are essential to fight the problem. Specific policy goals are necessary to direct and enforce the policies. An example of a campus response policy goal is not tolerating sexual violence on campus and pursuing disciplinary action against any offenders (RAINN, 2010).

- ✓ **To develop and implement policies that involve coordination between colleges and communities, colleges will need to partner with their local community**—rape crisis center, domestic violence program, medical and counseling providers, law enforcement, prosecution, courts, and with existing coordinating entities such as a sexual assault response team (SART). WV FRIS offers information on [SARTS](#), as well as an online course on collaboration through its online Sexual Assault Services Training Academy (SASTA) accessed through www.fris.org.
- ✓ Work to **ensure college policies and practices are in line with all relevant federal and state requirements**. (See *Key Federal Legislation Influencing Campus Response* in this section, as well as *B3. Responding to Disclosures: State Requirements*.)
- ✓ **Provide training on each type of interpersonal violence for all campus personnel and outside agencies involved in response and/or prevention**. Make sure the information presented in training is accurate and tailored to the roles of involved departments and agencies. Section *D. Training Resources* provides materials on sexual assault, domestic and dating violence, and stalking for campus law enforcement and security departments. Contact WV FRIS for suggestions on developing training programs for other campus departments.)
- ✓ **Prepare campus staff and paraprofessionals, as appropriate, to provide students who disclose interpersonal violence with information** on where to make a criminal report and how to report a violation of campus policies, specific campus staff who are first responders in such cases, and on- and off-campus programs which can offer confidential information and assistance to victims of interpersonal violence
- ✓ **Educate students, their parents and the community about the college's response procedures and prevention efforts**. Present accurate information that is specific to college student population to the extent possible. For example, Fisher, Cullen and Turner (2000) found that many schools they surveyed did not include information about acquaintance rape in their prevention programs, in spite of the fact that most rapes that occur on college campuses are perpetrated by an acquaintance. Without information about acquaintance rape, students may have the misconception that most rapes are perpetrated by strangers. When an acquaintance rape does occur, they may not understand that what they experienced was, in fact, rape.
- ✓ **Gather accurate statistics about each type of interpersonal violence that occurs on your campus**, so that college administrators and policy makers can understand the need for campus intervention and prevention efforts, collaboration with local agencies, training for personnel, education for students, etc.
- ✓ **Take measures to promote student reporting of interpersonal violence**. For example, a National Institute of Justice study (Karjane, Fisher & Cullen, 2005) identified several campus policies and practices that may prevent some students from reporting, such as policies on drug and alcohol use, requirements for victims to participate in adjudication, and messages that overemphasize students' responsibility to avoid interpersonal violence while de-emphasizing offender accountability and bystander intervention strategies. Colleges should consider how they can remove these barriers for students seeking help after victimization.



A resource for college administrators to enhance and evaluate their safety programs is *Creating and Maintaining Safe College Campuses: A Sourcebook for Evaluating and Enhancing Safety Programs* (Jackson et al., 2007).

C8. RESOURCES FOR VICTIMS ON COLLEGE CAMPUSES

Campus Resources

Resources available to students who experience interpersonal violence differ greatly among colleges across the state. **Finding the answers to the following questions posed in the chart below can assist you in identifying related resources available on your campus.**

Are there campus policies/procedures for responding to sexual assault, domestic and dating violence, and stalking?

- ✓ If such policies/procedures exist, how are students, their parents, faculty and staff informed of them (student and staff orientations, student/personnel handbooks, school's website, etc.)?
- ✓ Do policies/procedures differ if students are victimized on-campus versus off-campus? If so, how?
- ✓ Do students have easy access to the policies/procedures so they can quickly find out about resources for reporting, medical care, evidence collection, counseling, etc.?
- ✓ Does the campus law enforcement or security department post any of this information on its website?

Does the college identify the campus office(s), staff person(s) and/or paraprofessional(s) responsible for the immediate response to victims of sexual assault, domestic and dating violence, and stalking?

- ✓ What assistance does each office/person provide (coordination of services, protection, taking reports, evidence collection, investigation, emotional support, health care, information and referral, etc.)?
- ✓ What hours is each office/person available? What is the contact information? If hours for a particular responder are limited, what happens when students seek assistance outside of available hours?
- ✓ What training does each involved person/office receive to allow them to be effective responders to disclosures of sexual assault, domestic and dating violence, and stalking?

What specific assistance can victims expect from campus law enforcement or security department if they seek help after a sexual assault, domestic or dating violence, or stalking?

- ✓ What are the specific roles of the campus law enforcement or security department related response to and prevention of each type of violence? Are there checklists that summarize their roles and related procedures for response and prevention? Responding law enforcement AND security officers should be able to assist victims with safety to some degree; explain their options for reporting; help them report an incident to the school and the local criminal justice system; explain the importance of getting medical care, emotional support and preserving evidence; help arrange safe transportation to a nearby hospital for medical care and forensic evidence collection (if applicable); and help them access support of victim advocates.
- ✓ In the likelihood of ongoing interpersonal violence, do campus law enforcement and security officers notify victims of protective measures available through the college and the local justice system, how to access immediate assistance, and how to document further violence?
- ✓ If your college has a campus law enforcement department, it likely has sworn officers who can take a criminal report and conduct the criminal investigation. Is that the case? Do officers receive training on investigating different types of interpersonal violence?
- ✓ If your college has a campus security department, are students referred to the local law enforcement agency to make a criminal report? Does the security department assist the victim in this regard?

<ul style="list-style-type: none"> ✓ If and how is the campus law enforcement or security department involved in investigations of student code of conduct violations?
<p>Is there an entity on your campus that provides support and information to victims of sexual assault, domestic and dating violence, and stalking? (Sometimes support is available through the campus women's center.)</p> <ul style="list-style-type: none"> ✓ If so, what is the extent of services they provide to each type of victim? ✓ Can they provide confidential support to victims? ✓ Does it have a permanent physical space to ensure that students know where to find such support? ✓ What hours is assistance available? What happens if assistance is sought outside of these hours? What level of coordination does this entity engage in with the local rape crisis center and domestic violence program? ✓ Is the support offered the center widely publicized on campus? ✓ Are campus faculty, staff and paraprofessionals aware of support available and how to access it?
<p>Is there a campus student health/counseling center? What specific assistance is offered to victims of sexual assault, domestic and dating violence, and stalking?</p> <ul style="list-style-type: none"> ✓ Are counseling staff trained to provide crisis intervention and counseling to these victims? ✓ What hours is assistance available? What happens if assistance is sought outside of these hours? ✓ Is emergency medical care available on campus? What is the scope of care provided (e.g., treatment for acute versus non-acute injuries)? What hours is emergency care available? If emergency care on campus is not available or if presenting injuries are beyond the scope of care of the campus health facility, what is the procedure for ensuring that victims have immediate access to appropriate care? ✓ Are there medical personnel on campus trained to conduct a sexual assault forensic medical exam? What is the procedure for notifying those personnel of the need for their services? If forensic medical exams are not done on campus, what is the procedure for ensuring that victims have immediate access to these exams? A forensic medical exam optimally should be done within 96 hours after the assault. In the absence of these services on campus, students should be advised to go to the local hospital emergency department for medical care.
<p>How will a report of sexual assault, domestic or dating violence, or stalking on campus be dealt with by school administration, regardless of whether there is a criminal investigation?</p> <ul style="list-style-type: none"> ✓ What specific incidents violate the school's student code of conduct? What specific incidents violate personnel policies? ✓ How is an administrative report made? ✓ Is there a campus judicial board that investigates complaints, decides whether the student code of conduct has been violated, and makes recommendations as to possible sanctions for violators? ✓ What measures of protection is the school able to offer students experiencing different types of interpersonal violence (recognizing that each circumstance is unique)? Is there any difference in measures available if the perpetrator was another student versus a school employee versus someone who is not student or employee of the college? ✓ Are victims kept apprised of the outcomes of their cases? How? ✓ How are related violations of personnel policies dealt with by the college?
<p>Is there a designated Title IX Coordinator on campus?</p> <ul style="list-style-type: none"> ✓ Is this person easily identified by campus faculty and staff in order to direct individuals or issues to this office? ✓ Is the coordinator's name and contact information made widely available to students? ✓ Is the coordinator aware of Title IX provisions regarding interpersonal violence on campus?
<p>Does the college participate on the local sexual assault response team (SART), if one exists?</p> <p>At a minimum, a SART is typically comprised of emergency department medical personnel, prosecution, law enforcement and a sexual assault victim advocate. The SART helps these practitioners work in a coordinated manner to provide victims with immediate emotional support, forensic medical care and legal assistance and to address issues that may arise in specific cases.</p>

- ✓ Who participates from the college and what is their role?
- ✓ Does the college participate in any collaboration to respond to domestic and dating violence or stalking? If yes, explain.

Community Resources

It is also helpful for campus law enforcement and security departments to compile a list of community resources available to students who experience interpersonal violence.

- ✓ Call **911 for emergency assistance** (if the campus utilizes a security rather than a law enforcement department), particularly if there are serious injuries and/or safety concerns, to report an assault and facilitate evidence collection. Calling 911 can trigger law enforcement response and/or emergency medical assistance.
- ✓ In West Virginia, there are **9 rape crisis centers** which can be utilized by victims of sexual violence, including college students (see below). These centers can also assist if the sexual violence includes domestic or dating violence or stalking. Rape crisis centers typically provide a range of services for victims and their family and friends, such as crisis intervention, emotional support, information and referral, advocacy, medical and legal accompaniment, safety planning, and counseling/support groups. All centers have 24-hour hotlines which can be used by victims who are seeking assistance. Information about the specific services offered at the rape crisis centers and their service area can be found through www.fris.org. These centers provide free and confidential services. In addition to calling a center directly, support can also be accessed by calling 800-656-HOPE.
- ✓ In West Virginia, there are **14 domestic violence programs, 6 of which are also rape crisis centers** (see below). Most programs offer core services such as individual safety planning, shelter, a 24-hour emergency hotline, legal advocacy, peer support counseling, support groups, and services for children. Information about the service area for each program can be found at <http://www.wvcadv.org/> (go to member programs).
- ✓ **Local hospital emergency departments** can provide care for acute injuries. Those with trained forensic examiners on staff are able to perform sexual assault forensic medical exams, in addition to providing general medical care. **Know which hospital in your area to send students to for general medical care as well as for the forensic medical exam.**
- ✓ Victims without health insurance or access to a school with student health services should be informed that medical and counseling bills as a result of sexual assault may be reimbursed through the **West Virginia Crime Victims Compensation Fund**. In West Virginia, victims of interpersonal violence who are residents or students who were victimized in the state are eligible to file a claim with the Crime Victims Compensation Fund (the claim must be filed within two years of the assault). The crime must be reported to law enforcement within 72 hours (with possible exceptions). For information about how to apply, visit www.fris.org.
- ✓ **Local SARTs** can be an invaluable asset to college campuses to facilitate an immediate response to a student who has been sexually assaulted. Contact your local rape crisis center or WV FRIS to see if there is a SART in your geographic area.
- ✓ The [West Virginia Coalition Against Domestic Violence](http://www.wvcoalition.org) offers state-specific information on domestic violence. The national domestic violence hotline is 800-799-SAFE.

- ✓ The [West Virginia Foundation for Rape Information Services](#) (WV FRIS) provides general and state-specific information and resources on sexual assault and stalking. The national sexual assault hotline is 800-656-HOPE.

<p>West Virginia's Rape Crisis Centers (* Indicates center is also a domestic violence program)</p>
<p>CONTACT P.O. Box 2963 Huntington, WV 25729 304-399-1111 www.contacthuntington.com</p>
<p>Family Refuge Center* P.O. Box 249 Lewisburg, WV 24901 304-645-6334 www.familyrefugecenter.org</p>
<p>HOPE, Inc. Task Force on Domestic Violence* P.O. Box 626 Fairmont, WV 26555 304-367-1100</p>
<p>REACH/Family Counseling Connection 1021 Quarrier St., Suite 414 Charleston, WV 25301 304-340-3676 www.familycounselingconnection.org</p>
<p>RDVIC- Rape and Domestic Violence Information Center* P.O. Box 4228 Morgantown, WV 26505 304-292-5100 www.rdvic.org</p>
<p>SAHC-Upper Ohio Valley Sexual Assault Help Center, Inc. P.O. Box 6764 Wheeling, WV 26003 304-234-8519</p>
<p>Shenandoah Women's Center* 236 West Martin St. Martinsburg, WV 25401 304-263-8292 www.swcinc.org</p>
<p>Women's Aid in Crisis* P.O. Box 2062 Elkins, WV 26241 304-636-8433 www.waicwv.com</p>
<p>Women's Resource Center* P.O. Box 1476 Beckley, WV 25802-1476 304-255-2559 1-888-825-7835 (TTY) www.wrcwv.org</p>

In addition to the 6 “dual” rape crisis and domestic violence agencies listed above (*), West Virginia has an additional 8 stand alone domestic violence programs—

Branches, Inc.
P.O. Box 403
Huntington, WV 25708
(304) 529-2382
1-888-538-9838

[Family Crisis Intervention Center](#)
P.O. Box 695
Parkersburg, WV 26102
(304) 428-2333
1-800-794-2335

Tug Valley Recovery Shelter
PO Box 677
Williamson, WV 25661
(304) 235-6121

Family Crisis Center
PO Box 207
Keyser, WV 26726
(304) 788-6061
1-800-698-1240

Lighthouse Domestic Violence Awareness Center
PO Box 275
Weirton, WV 26062
(304) 797-7233

YWCA Family Violence Prevention Program
1100 Chapline Street
Wheeling, WV 26003
(304) 232-2748

[Stop Abusive Family Environments](#)
P.O. Box 669
Welch, WV 24801
(304) 436-8117

[YWCA Resolve](#)
1114 Quarrier Street
Charleston, WV 25301
(304) 340-3573
1-800-681-8663

National Resources

It is useful to be familiar with national resources that address interpersonal violence so you can connect victims with them when it is appropriate.

Sexual Assault

- ✓ For victims seeking information or someone to talk to outside of their campus, [Rape, Abuse and Incest National Network](#) (RAINN) offers the 24-hour **National Sexual Assault Hotline** at **800-656-HOPE**. Callers will be connected to the nearest available rape crisis center based on the caller's area code; however, the hotline is confidential and anonymous (no personal information including phone number will be recorded).
- ✓ Students may find the RAINN's [National Sexual Assault Online Hotline](#) helpful. It is set up like a live instant message conversation, and is confidential and secured. Victims and their family members, partners or friends can use it to access support, information and referrals.
- ✓ Victims and their families and friends may be interested in gaining additional information about sexual assault. A few resources are the [Rape, Abuse and Incest National Network](#) (RAINN) and the [National Sexual Violence Resource Center](#).

Stalking

- ✓ [Stalking Resource Center](#) (202-467-8700 or src@ncvc.org) is a clearinghouse for stalking information, including help for victims.
- ✓ [Privacy Rights Clearinghouse](#) provides practical information on privacy protection, as well as specific fact sheets related to stalking.

Domestic and Dating Violence

- ✓ Students can call the 24-hour [National Domestic Violence Hotline](#) at 800-799-SAFE (7233) or 800-787-3224 TTY.
- ✓ The [National Teen Dating Abuse Helpline](#) (24 hour) is available at 866-331-9474 or 866-331-8453 TTY.
- ✓ A few additional resources are the [National Coalition Against Domestic Violence](#) and the [Workplaces Respond to Domestic Violence – A National Resource Center](#).

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D. Training Resources

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INTRODUCTION

Sections A-C of this toolkit were created to assist you in preparing to present trainings to campus law enforcement and security officers, as well as to assist you in presenting prevention programs on campus regarding interpersonal violence. Section A is designed to help you assess any additional information you may need. Section B provides supplemental information regarding interpersonal violence and related laws, while Section C includes information specific to victimization on college campuses.

This section (D) of the toolkit is designed to help you identify the training content you want to include and plan a training agenda. Several resources have been created specifically for those purposes and are included in separate electronic files in the toolkit folder. These resources are:

- Dating Violence ppt. training presentation with detailed notes pages
- Dating Violence ppt. training presentation Facilitator’s Guide (also below)
- Domestic Violence ppt. training presentation with detailed notes pages
- Domestic Violence ppt. training presentation Facilitator’s Guide (also below)
- Sexual Violence ppt. training presentation with detailed notes pages
- Sexual Violence ppt. training presentation Facilitator’s Guide (also below)
- Sexual Violence Investigation ppt. training presentation with detailed notes pages
- Sexual Violence Investigation ppt. training presentation Facilitator’s Guide (also below)
- Stalking ppt. training presentation with detailed notes pages
- Stalking ppt. training presentation Facilitator’s Guide (also below)

incorporates training activities and identifies additional resources that can be incorporated into

the training. The corresponding Facilitator's Guide for each powerpoint presentation (which can also be found below in this section) includes a suggested training outline with topics/estimated time needed; training objectives; a list of audio visuals included in the suggested training presentation and the length of each video/clip; a list of handouts/resources included in the suggested training outline and where those items can be accessed; and identifies additional resources that could supplement a training on that topic.

In addition to those resources cited above that can be found in the accompanying electronic files, this section (D) includes Resource Charts. These charts are a compilation of materials reviewed by a toolkit workgroup committee and selected as promising practices for prevention and training programs (or as supplemental materials to such programs) for college campuses. The resources, their costs and acquisition information are listed as of their availability in June 2013. This is not an exhaustive listing of resources. Not all resources reviewed were selected for inclusion. Resources were selected based on the following criteria:

- ✓ Meets components of the nine core principles of effective prevention programming (as identified in effective interpersonal violence prevention programming research by Nation et al. 2003);
- ✓ Adaptability;
- ✓ Interactive, if possible; and
- ✓ Mostly low/no cost.

Following the Facilitator's Guides, a sample participant evaluation form is included to assist you in collecting feedback on your training/presentation.

Users of this toolkit are encouraged to review other toolkit sections. The most updated version of this toolkit can be accessed at www.fris.org.

Anyone considering conducting interpersonal violence trainings or prevention programs on college campuses is encouraged to contact the rape crisis/domestic violence program in their community. West Virginia's rape crisis centers have most of the resources listed in this toolkit and have trained staff and prevention education specialists available to assist in presenting programs on campuses. Contact information for West Virginia's rape crisis centers can be found at www.fris.org as well as in *C. Getting Started*.



Acquiring new knowledge and putting it into practice is a process. You are not expected to “know” the information in the toolkit all at once. Instead, you can work through toolkit sections at your own pace, building your knowledge base as you go.

Websites are often updated or changed, which may result in change in a web address for a referenced resource or in its online availability. If you experience difficulty accessing a resource via the link provided in the following charts, another option for locating it is doing a web search using titles or contacting the publishing organization directly to see how to access the material.

D1. DATING VIOLENCE TRAINING PRESENTATION

FACILITATOR'S GUIDE

The following information is provided to assist individuals training on campuses using the Dating Violence Training Presentation powerpoint, part of the West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition for college campuses. In working to keep the audience engaged, consider supplementing the powerpoint with additional materials, listed in this Facilitator's Guide and the Resource Chart (also part of this section D). Each of the handouts, activities and videos suggested in this training powerpoint can be found electronically at www.fris.org as part of the PIVIT Toolkit.

Local rape crisis and domestic violence programs have additional resource materials, including DVDs listed below and can co-present on this topic (visit www.fris.org to find the nearest center). Please review videos, suggested handouts and supplemental materials thoroughly prior to including them in a training presentation. Remember to cite sources, even if the only available information is a web address. For additional information or technical assistance, contact the WV Foundation for Rape Information and Services.

Suggested Presentation Outline

A. Introduction and Welcome	10 min.
B. Dynamics of Dating Relationships	20 min.
C. Defining Dating Violence and Prevalence	40 min.
D. Impact, Risk Factors & Safety Planning	50 min.
E. Impact on Victims	15 min.
F. Safety Planning	15 min.

Total Estimated Time (with breaks): 3 hours

Objectives:

1. Recognize the prevalence of dating violence and understand the dynamics of relationships among youth
2. Understand the impact dating violence has on victims
3. Identify risk factors and warning signs of dating violence
4. Gain knowledge of protective capacities available to victims

Audio/Visual Aids:

- Chart Paper (optional for discussions)

Supplies Needed:

- Dating Violence Continuum Activity (See the Sexual Violence Continuum Activity Instructions to adapt this activity, which can be found in the detailed notes within the powerpoint presentation.)
- Speakers/Audio
- Laptop/Projector

Handouts:

- A College Student's Guide to Safety Planning by Break the Cycle
- Brochures (services on and off-campus)
- Campus Dating Violence – Fact Sheet by Office on Victims of Crime and Dating Violence Resource Center

Supplemental Resources:

- Campus and Dating Violence Information Packet by CALCASA
- Dating and Domestic Abuse on Campus by Break the Cycle
- Teen Dating Abuse and Harassment in the Digital World: Implications for Prevention and Intervention
- The Right to Safe Housing on College Campuses by ACLU and SAFER

Training Information Adapted From:

- Liz Claiborne, Inc./Teen Research Unlimited, 2007 Tween and Teen Dating Violence and Abuse Study, www.loveisrespect.org

*Note: The supplemental resources for dating violence and domestic violence overlap. You may choose to combine these two topics into one training.

D2. DOMESTIC VIOLENCE TRAINING PRESENTATION

FACILITATOR'S GUIDE

The following information is provided to assist individuals training on campuses using the Domestic Violence Training Presentation powerpoint, part of the West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition for college campuses. In working to keep the audience engaged, consider supplementing the powerpoint with additional materials, listed in this Facilitator's Guide and the Resource Chart (also part of this section D). Each of the handouts, activities and videos suggested in this training powerpoint can be found electronically at www.fris.org as part of the PIVIT Toolkit.

Local rape crisis and domestic violence programs have additional resource materials, including DVDs listed below and can co-present on this topic (visit www.fris.org to find the nearest center). Please review videos, suggested handouts and supplemental materials thoroughly prior to including them in a training presentation. Remember to cite sources, even if the only available information is a web address. For additional information or technical assistance, contact the WV Foundation for Rape Information and Services.

Suggested Presentation Outline

A. Introduction and Welcome	10 min.
B. WV Laws	15 min.
C. Prevalence of Domestic Violence	10 min.
D. Impact on Victims	20 min.
E. Safety Planning	10 min.
F. Law Enforcement Response	40 min.
G. Resources	5 min.

Total Estimated Time (with breaks): 2 hours

Objectives:

1. Define terms and understand WV laws
2. Recognize the prevalence of domestic violence in the U.S. and WV
3. Understand abusive behavior dynamics and the impact these relationships have on victims
4. Gain knowledge to explore options available to victims, including protective factors
5. Identify investigative techniques for responding to incidents of domestic violence

Audio/Visual Aids:

- Chart Paper (optional for discussions)

Supplies Needed:

- Speakers/Audio
- Laptop/Projector

Handouts:

- A College Student's Guide to Safety Planning by Break the Cycle
- Brochures (services on and off-campus)
- Campus Dating Violence – Fact Sheet by Office on Victims of Crime and Dating Violence Resource Center

Supplemental Resources:

- Campus and Dating Violence Information Packet by CALCASA
- Dating and Domestic Abuse on Campus by Break the Cycle
- Teen Dating Abuse and Harassment in the Digital World: Implications for Prevention and Intervention
- The Right to Safe Housing on College Campuses by ACLU and SAFER

Training Information Adapted From:

- WV Domestic Violence Response Guide for Law Enforcement Officers, 2011

*Note: The supplemental resources for dating violence and domestic violence overlap. You may choose to combine these two topics into one training.

D3. SEXUAL VIOLENCE TRAINING PRESENTATION

FACILITATOR'S GUIDE

The following information is provided to assist individuals training on campuses using the Sexual Violence Training Presentation powerpoint, part of the West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition for college campuses. In working to keep the audience engaged, consider supplementing the powerpoint with additional materials, listed in this Facilitator's Guide and the Resource Chart (also part of this section D). Each of the handouts, activities and videos suggested in this training powerpoint can be found electronically at www.fris.org as part of the PIVIT Toolkit, with the exception of DVDs.

Local rape crisis and domestic violence programs have additional resource materials, including DVDs listed below and can co-present on this topic (visit www.fris.org to find the nearest center). Please review videos, suggested handouts and supplemental materials thoroughly prior to including them in a training presentation. Remember to cite sources, even if the only available information is a web address. For additional information or technical assistance, contact the WV Foundation for Rape Information and Services.

Suggested Presentation Outline

A. Introduction and Welcome	10 min.
B. WV Laws	30 min.
C. Prevalence	20 min.
D. Gendered Violence	20 min.
E. Risk Factors	10 min.
F. Sex Offenders	35 min.
G. Impact on Victims	30 min.
H. Welcome to the Party (DVD)	34 min.
I. Conclusion/Wrap-Up	20 min.

Total Estimated Time (with breaks): 4 hours

Objectives:

1. Understand WV law related to sexual abuse and sexual assault
2. Recognize the prevalence of sexual violence in the U.S., WV and on college campuses
3. Understand the impact society has on perpetuating gender violence
4. Identify risk factors associated with sexual victimization
5. Understand the predatory nature of sex offenders
6. Identify concerns of victims and the impact sexual assault has on their lives

Audio/Visual Aids:

- Gendered Violence Art Ad with Music Lyrics 2:00 min. (can vary)
- 911 Call (“It’s my fault.”) 5:19 min.
- Gender Violence Ad Art 0:31 min.
- The Undetected Rapist (DVD) 23:00 min.
- Karen Clip 5:52 min.
- Welcome to the Party (DVD) 30:00 min.

Supplies Needed:

- Myth, Fact, Not Sure Cards (optional 3x5 cards you can pass out to participants and use to do the myth/fact section)
- Sexual Violence Continuum Activity (11x17 cards; see the Sexual Violence Continuum Activity Instructions below)
- Speakers/Audio
- Laptop/Projector

Handouts:

- Brochures (services on and off-campus)
- Sexual Violence on College Campuses brochure (www.fris.org or local rape crisis center)
- WV Protocol for Responding to Victims of Sexual Assault (WV FRIS @ www.fris.org)

Supplemental Resources:

- Drug-facilitated sexual assault PowerPoint presentation (WV FRIS), available at www.fris.org.
- Reconstructing Norms: A Curriculum to Educate College Campuses about Sexual Assault Prevention (WV FRIS, 2012 available at www.fris.org)
- Lisak, David and Miller, Paul (2002) Repeat Rape and Multiple Offending Among Undetected Rapist, *Violence and Victims* 17(1), 73-84.
- Undetected Rapist DVD Discussion Guide (PDF)

Training Information Adapted From:

- Oregon Sexual Assault Task Force, LETCBP (Law Enforcement Training Capacity Building Project) Curriculum, 2012
- Reconstructing Norms: A Curriculum to Educate College Campuses about Sexual Assault Prevention (WV FRIS, 2012)
- WV Sexual Violence Training and Prevention Resource Toolkit for College Campuses (WV FRIS, 2012)

D4. SEXUAL VIOLENCE CONTINUUM ACTIVITY INSTRUCTIONS

Supplies: Sexual Violence Continuum Activity

- Ten 11x17 numbered cards with types of sexual violence
 1. Anal Sodomy
 2. Molestation
 3. Genital touching of unconscious person
 4. Voyeurism
 5. Incest
 6. Posting nude pictures of minors
 7. Oral Sodomy
 8. Sexual Harassment
 9. Vaginal Rape
 10. Fondling
- Three 11x17 card with categories
 1. Sexual assault
 2. Sexual abuse
 3. Other crimes

Directions:

- 1) Post the three categories in different areas of the room (i.e., sexual assault, sexual abuse and other crimes).
- 2) Ask for ten volunteers. Give one 11x17 card to each volunteer and ask them to stand in a row in the front of the room.
- 3) Then ask participants to rank the forms of sexual violence in order from most offensive to least offensive. One being “most offensive” and ten being “least offensive.” (They can do this on a sheet of paper (see below), or you can have them ‘shout-out’ their order as a group.)
 - a. Ask for a volunteer to share their ranking. Once the volunteers holding the cards have been placed in order, ask if anyone disagrees with the current order. What would they change? Does someone else have a different ranking they would like to share?
- 4) Generate conversation by using the discussion questions and talking points below.
- 5) Next, ask participants to decide which types of sexual violence fit under the three categories. Trainers may place the category cards on the wall in different areas of the room and ask volunteers holding the numbered cards to go stand under the category card with which the participants have chosen. (See below for answers.)
- 6) Generate additional discussion by using the talking points below.

**You may choose to do the activity without the three category cards if you are not training on WV laws.*

Discussion Questions and Talking Points:

- 1) How easy or difficult was it to put the different types of sexual violence “in order?”
 - It is difficult, if not impossible, to “rank” forms of sexual violence. No type of sexual violence is “worse” or “better” than another.

- Ultimately, only victims can decide for themselves the degree of offense and severity they have experienced.
 - No victim should ever be made to feel “less” or “more” of a victim than another.
- 2) Were you surprised by any of the “situations”? Did some types of sexual violence seem out of place?
- Often, when people think of “sexual violence,” they think of rape – a physically violent assault by a stranger. Nine out of 10 times, the victim knows her perpetrator (Fisher, Cullen & Turner, 2000).

Talking Points (See *WV Sex Offenses and Related Laws* at www.fris.org):

- 1) Sexual assault may include: anal sodomy, oral sodomy, incest, molestation, vaginal rape and genital touching of an unconscious person, if there is penetration.
 - Sexual assault in West Virginia requires sexual intercourse or sexual intrusion, involving penetration, however slight. (Depending on the nature and particular circumstances of an act, additional and/or sexual abuse charges may apply. See *WV Sex Offenses*, as indicated above for further clarification.)
- 2) Sexual abuse may include: fondling.
 - Sexual abuse in West Virginia occurs when a person subjects another person to sexual contact without their consent, and that lack of consent is due to physical force, threat or intimidation.
- 3) Other crimes can include: voyeurism, posting nude pictures of minors and sexual harassment.

Note: If you have a small group, another way to do this activity would be to provide the participants with a copy of the list (1-10) and have them rank order from “least offensive” to “most offensive” on a sheet of paper. Have a volunteer read theirs out loud and ask if anyone else has the same order.

D5. SEXUAL VIOLENCE INVESTIGATION TRAINING PRESENTATION

FACILITATOR'S GUIDE

The following information is provided to assist individuals training on campuses using the Sexual Violence Investigation Training Presentation powerpoint, part of the West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition for college campuses. In working to keep the audience engaged, consider supplementing the powerpoint with additional materials, listed in this Facilitator's Guide and the Resource Chart (also part of this section D). Each of the handouts, activities and videos suggested in this training powerpoint can be found electronically at www.fris.org as part of the PIVIT Toolkit, with the exception of DVDs.

Local rape crisis and domestic violence programs have additional resource materials, including DVDs listed below and can co-present on this topic (visit www.fris.org to find the nearest center). Please review videos, suggested handouts and supplemental materials thoroughly prior to including them in a training presentation. Remember to cite sources, even if the only available information is a web address. For additional information or technical assistance, contact the WV Foundation for Rape Information and Services.

Suggested Presentation Outline

A. Introduction and Welcome	10 min.
B. Preliminary Response/Interview	25 min.
C. Victim Interview	60 min.
D. Unfounded Case Closures	30 min.
E. Overcoming Challenges	45 min.
F. Evidence Collection/Preservation	30 min.
G. Coordinated Response	20 min.

Total Estimated Time (with breaks): 4 hours

Objectives:

1. Improve interviewing skills by recognizing the impact trauma has on victims
2. Identify and utilize proper case closure classifications
3. Identify strategies for overcoming challenges and strengthening investigations through collaboration and evidence collection
4. Understand the benefits of a coordinated response to sexual assault

Audio/Visual Aids:

- DNA: Critical Issues for Those Who Work with Victims (DVD) 24 min. (Can be ordered for free, plus s/h at www.ovc.gov.)

- Sexual Assault Response Teams: Partnering for Success (DVD) 7:32 min
(Can be ordered for free, plus s/h at www.ovc.gov.)

Supplies Needed:

- Speakers/Audio
- Laptop/Projector

Handouts:

- Amanda Brown Complaint and Activities (6 pages with 4 activities)
- End Violence Against Women International (2013), *Start by Believing* Bulletin, "You were raped? How could you be so stupid?"
- First Response to Sexual Assault brochure (www.fris.org or local rape crisis center)
- Lonways, Kimberly and Archambault, Joanne (2011), Advocates and Law Enforcement: Oil and Water?
- WV Protocol for Responding to Victims of Sexual Assault (WV FRIS, www.fris.org)

Supplemental Resources:

- Bringing Sexual Assault Offenders to Justice (DVD) approximately 30 minutes long. Order for free at www.iacp.org.
- The following can be downloaded or requested for free from www.iacp.org:
 - o [Investigative Guidelines](#)
 - o [Supplemental Report Form](#)
 - [Model Policy on Investigating Sexual Assaults \(2005\)](#) and accompanying concepts and issues paper ([IACP Policy](#) and [Concepts and Issues Paper](#)).
 - o [Training Key #571 Investigating Sexual Assault Part I: Elements of Sexual Assault & Initial Response](#)
 - o [Training Key #572 Investigating Sexual Assault Part II: Investigative Procedures](#)
 - o [Training Key #573 Investigating Sexual Assault Part III: Investigative Strategy & Prosecution](#)
 - o [Training Key #574 Pretext Phone Calls in Sexual Assault Investigations](#)

Training Information Adapted From:

- Archambault, Joanne and Lonsway, Kimberly (2008), Incomplete, Inconsistent, and Untrue Statements Made by Victims: *Understanding the causes and overcoming the challenges*.
- Oregon Sexual Assault Task Force, LETCBP (Law Enforcement Training Capacity Building Project) Curriculum, 2012

D6. STALKING TRAINING PRESENTATION

FACILITATOR'S GUIDE

The following information is provided to assist individuals training on campuses using the Stalking Training Presentation powerpoint, part of the West Virginia Prevention and Interpersonal Violence Intervention Training (PIVIT) Toolkit: Law Enforcement and Security Edition for college campuses. In working to keep the audience engaged, consider supplementing the powerpoint with additional materials, listed in this Facilitator's Guide and the Resource Chart (also part of this section D). Each of the handouts, activities and videos suggested in this training powerpoint can be found electronically at www.fris.org as part of the PIVIT Toolkit, with the exception of DVDs.

Local rape crisis and domestic violence programs have additional resource materials, including DVDs listed below and can co-present on this topic (visit www.fris.org to find the nearest center). Please review videos, suggested handouts and supplemental materials thoroughly prior to including them in a training presentation. Remember to cite sources, even if the only available information is a web address. For additional information or technical assistance, contact the WV Foundation for Rape Information and Services.

Suggested Presentation Outline

A. Introduction and Welcome	10 min.
B. Overview/Impact on Victims	30 min
C. WV and Federal Laws	35 min.
D. Stalking Behaviors/Offender Typologies	40 min.
E. Overlap with other Crimes	50 min.
F. Investigation and Safety Planning	60 min.

Total Estimated Time (with breaks): 4 hours

Objectives:

1. Understand WV and Federal laws related to stalking to increase the likelihood of an arrest
2. Recognize the prevalence of stalking in the U.S. and WV
3. Identify stalking behaviors and offender typologies to better understand the dynamics of stalking and the impact on victims
4. Explain the overlap of stalking and sexual and domestic violence
5. Gain knowledge and skills to conduct effective interviews and collect potential evidence

Audio/Visual Aids:

- Peggy Klinke/Stalking: Real Fear, Real Crime (video clip/DVD) 17:21 min.
- The Use of Technology to Stalk (DVD) 15:00 min.
- The Undetected Rapist (DVD) 23:00 min.
- WV Stalking Kit

Supplies Needed:

- Chart Paper/Markers
- Speakers/Audio
- Laptop/Projector

Handouts/Supplemental Resources:

- Stalking Fact Sheet (Stalking Resource Center)
- Stalking Module Post-test (WV FRIS)
- Stalking Response Tips for Law Enforcement (Stalking Resource Center)
- Stalking Scenarios – “Is it Stalking?” (WV FRIS)
- Stalking Scenarios – “Working with Victims” (WV FRIS)

Information Adapted From:

- WV Foundation for Rape Information and Services, Stalking Training-of-Trainers Module (WVFRIS, 2009)
- WV Sexual Violence Training and Prevention Resource Toolkit for College Campuses (WV FRIS, 2012)

D7. SAMPLE PARTICIPANT TRAINING EVALUATION FORM

Insert Title of Training

Your feedback is important and necessary to improve future presentations.

1. What department/discipline best represents you?

- | | | |
|--|--|---|
| <input type="checkbox"/> Law Enforcement | <input type="checkbox"/> Security | <input type="checkbox"/> Mental Health/Counseling |
| <input type="checkbox"/> Public Safety | <input type="checkbox"/> Advocate | <input type="checkbox"/> Faculty/Staff |
| <input type="checkbox"/> Student Health | <input type="checkbox"/> Student Affairs | <input type="checkbox"/> Other |

2. Please answer the following:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The session and content increased my knowledge.					
The facilitators were well prepared.					
I will be able to apply what I learned in my work.					
I liked the format/style of the training (e.g., length, discussions, activities).					
I would recommend this training to others.					
I was provided with helpful resources.					
Overall, I enjoyed this workshop.					

3. What did you gain today that will impact your future work, and how so?

4. Comments/Recommendations (If you marked “disagree” to any of the above, please explain below.):

D8. RESOURCE CHARTS

Booklets

Resource	Author(s)/ Pub., Date	Audience	Description	Cost/How to Purchase or Access
<i>Bystander Intervention Playbook</i>	Virginia Polytechnic Institute and State University (Virginia Tech), adapted with permission from the College of William and Mary, updated 2009, not copyrighted	College students	Provides an easy-to-follow resource for understanding and educating about bystander intervention. Can serve as a primary prevention tool for a variety of campus populations.	No cost through http://www.stopabuse.vt.edu/pdf/playbook.pdf/
<i>Stalking: A Handbook for Victims</i>	Emily Spence-Diehl, University of Virginia, updated 1999, copyrighted	Stalking victims	Provides 80 pages of information about the elements of stalking, taking legal and protective action against stalking, as well as safety and planning procedures. Gives an overview of stalking on college campuses and offers safety precautions for the student population.	No cost through http://www.victimsofcrime.org/docs/src/stalking-a-handbook-for-victims.pdf?sfvrsn=2
<i>Stalking Brochure</i> English, Spanish	Idaho Coalition Against Sexual and Domestic Violence, 2008, copyrighted	Variety	Provides information about several aspects of stalking including: what stalking is, statistics, myths and facts, profile of stalkers, what to do if you are a victim, cyberstalking, what to do if you are a friend of a victim, and resources. Gives a simplified overview of stalking; comes in booklet form that could be used as an example for campuses creating their own stalking resource handbook. Available in English and Spanish.	No cost through idvsa.org/ go to resource/publication link Fees may apply if shipping is over \$50.

Books

Resource	Author(s)/ Pub., Date	Audience	Description	Cost/How to Purchase or Access
<i>May I Kiss You?</i>	Mike Domitrz, Awareness Publications, 2003, copyrighted	Teens, college students, parents, educators	Heightens sexual assault awareness while providing exercises for building healthy relationships in today's culture. Can be used as a primary prevention tool for male and female college students.	\$19.97 Softcover and \$9.97 PDF through http://www.datesafeproject.org/educational-tools-resources
<i>Reaching Men: Strategies for Preventing Sexist Attitudes, Behaviors, and Violence</i>	Russ Funk, JIST Life, 2003, copyrighted	Men	Reference book that educates men about sexual violence and sexism and how they can prevent the problem. Focuses on changing social attitudes of men that promote violence against women.	\$39.95 Softcover through http://www.rusfunk.com/ , <i>Reaching Men</i> link

Brochures/Fact Sheets

Resource	Author(s)/ Pub., Date	Audience	Description	Cost/How to Purchase or Access
<i>Sexual Violence and Alcohol and Other Drug Use on Campus</i>	Higher Education Center for Alcohol and Other Drug Abuse Violence Prevention, 2008	College administrators and faculty General campus population	This fact sheet summarizes contributing factors related to sexual violence, the extent of the problem, and the strategies of several higher learning institutions.	No cost through http://www.victory.edu/wp-content/uploads/2012/05/Sexual-Violence-and-Alcohol-and-Other-Drug-Use-on-Campus.pdf or www.edc.org
<i>When Drugs Are Used for Rape</i>	West Virginia Foundation for Rape Information and Services (FRIS)	Variety	This brochure summarizes the different drugs that are used in drug facilitated assault, the laws pertaining to drugs and sexual violence, how a drug facilitated assault occurs, and what to do if you are a victim. Can be used as a general information resource for college campuses.	No cost through www.fris.org , resources link

Curricula/Manuals/Toolkits

Resource	Audience	Time/ Sessions	Description	Cost/How to Purchase or Access
<i>A Call to Men: Toolkit</i> By A Call To Men: Committing to Ending Violence Against Women	College men	35-minute DVD and curriculum manual with discussions Can be adapted for different time allotments	Through seminars, workshops and other educational vehicles, A Call To Men: Committing to Ending Violence Against Women challenges men to reconsider their long held beliefs about women in an effort to create a more just society. The program achieves this goal by encouraging change in the behaviors of men through a re-education and training process that challenges sexism. "Breaking Out of the Man Box" DVD is one resource offered by the group and is the basis for the group's resource toolkit. <i>(Note from the toolkit work group: We suggest using this resource in conjunction with other resources for a more comprehensive discussion on the causes of sexual violence.)</i>	DVD is available for \$29.99, a workbook for \$12, and complete toolkit available for \$45 through http://www.acalltomen.org
<i>Consensual Sex or Rape? Mock Rape Trial Guide and Video</i> By Pennsylvania Coalition Against Rape (PCAR), copyrighted	College students	10-minute DVD and curriculum manual with discussions	Offers a tool for presenting drug facilitated sexual assault information to college students. Includes a mock trial video along with a guide for discussion after the viewing.	\$35 through www.pcar.org/catalog
<i>Engaging Bystanders in Sexual Violence Prevention</i> By National Sexual Violence Resource Center, copyrighted (2008)	Variety of audiences Can be adapted to diverse audiences and persons with disabilities	Three, 20 minute small group activities and four role playing scenarios lasting 45 minutes Can be adapted for different time allotments	Can be used for educating audiences about bystander prevention. Should be used as a primary prevention resource that can target a variety of populations. Contains role playing scenarios and small group activities along with reading materials.	No cost through http://www.nsvrc.org/sites/default/files/Publications_NS_VRC_Booklets_Engaging-Bystanders-in-Sexual-Violence-Prevention.pdf

Curricula/Manuals/Toolkits Continued

Resource	Audience	Time/ Sessions	Description	Cost/How to Purchase or Access
<i>Love is Not Abuse</i> By Liz Claiborne, Inc., 2011	College students	72-page curriculum	Aims to increase college students' understanding of dating violence (which includes sexual violence) and challenges their misconceptions and beliefs that 'support' dating violence.	Request a free electronic copy through http://loveisnotabuse.com/web/quest/home
<i>The Men's and Women's Programs: Ending Rape Through Peer Education</i> By John Foubert, updated 2010, copyrighted	College staff setting up sexual assault prevention programs using peer educators Peer educators Can be adapted to diverse target student populations	1-hour workshops for both male and female peer educators Over 20 hours of basic and advanced training exercises	Easy-to-use manual for people who work with college students and seek a step-by-step guide for building a sexual assault peer education program from start to finish. Stand-alone topics can include alcohol and sexual assault, bystander intervention, and consent. The included exercises can also double as adapted stand-alone programs for peer educators to use when presenting to students. Peer education can be used as a primary prevention tool for campuses.	\$39.95 Paperback, access through www.taylorandfrancis.com/books/
<i>The Men's Program: Peer Educator's Manual</i> By John Foubert, updated 2010, copyrighted	College staff setting up sexual assault prevention program targeted at men using peer educators	102-page paperback guide	Geared to facilitate a men's program through the use of peer educators. The guide is a self-contained manual that includes program scripts and handouts, along with advice for running the program. After watching video clips about rape, participants are asked to participate in a discussion that puts them in the shoes of the victim and perpetrator. Prevention techniques are covered including bystander intervention.	Can be purchased in quantities of 10 for \$100 through www.taylorandfrancis.com/books/
<i>Reconstructing Norms: Preventing Alcohol Related Sexual Assault on College Campuses</i> By Pennsylvania Coalition Against Rape (PCAR), adapted by West Virginia Foundation for Rape Information and Services (FRIS) in 2012, not copyrighted	West Virginia college students and staff Materials can be used with diverse audiences and contains suggestions for adapting to the Greek population and athletes	334-page curriculum/manual 2-hour session for males, 2-hour session for female students, 1-hour sessions for select campus staff	Gives facilitators a tool for educating the campus community about sexual assault. Includes general education about the connection between alcohol and sexual assault along with lesson plans for several campus groups, including male and female students, campus police, administrators and judicial officers, and healthcare staff. The male program focuses on primary prevention and includes several role-playing scenarios and seven activities for the male group to work through together. The women's program is more focused on secondary and tertiary prevention, since the activities include information about risk reduction and what to do after a sexual assault has occurred. There are also general education sessions and activities that are centered around campus police, judicial officers and healthcare staff.	FRIS' West Virginia specific version can be accessed at no cost through www.fris.org/resources/campus sexual violence prevention link PCAR's version can be accessed at no cost through www.pcar.org/sites/default/files/file/TA/Reconstructing Norms.pdf
<i>PACT Program: Promoting Awareness of the College Transition</i> By Pennsylvania Coalition Against Rape (PCAR), adapted by West Virginia Foundation for Rape Information and Services (FRIS) in 2011	High school seniors in West Virginia Freshman college students in West Virginia	20-page curriculum	Provides an introduction to sexual violence. Covers topics such as consent, drugs and alcohol, risk reduction, healthy relationships, and stalking.	FRIS' West Virginia specific version can be accessed at no cost through www.fris.org/resources/campus sexual violence prevention link PCAR's version can be accessed at no cost through http://www.pcar.org/sites/default/files/file/TA/PACT Booklet.pdf

Curricula/Manuals/Toolkits Continued

Resource	Audience	Time/Sessions	Description	Cost/How to Purchase or Access
<p><i>Shifting the Paradigm: Primary Prevention of Sexual Violence Toolkit</i></p> <p>By American College Health Association, updated 2008</p>	Anyone on campus who cares about sexual violence prevention	24-page document	Provides facts, ideas, strategies, conversation starters and resources on the prevention of sexual violence on college campuses.	No cost through www.acha.org/sexualviolence/
<p><i>Toolkit Training Curriculum: A Toolkit Curriculum to Promote Male Involvement in Ending Sexual Violence</i></p> <p>By Men Against Sexual Violence (MASV), a program of the Pennsylvania Coalition Against Rape (PCAR), 2001, not copyrighted</p>	Male college students	123-page curriculum	Designed to provide a starting point for agencies who wish to reach out to men in the community and get them involved in preventing sexual violence. Includes a basic framework for education and involvement, as well as a few of the strategies that have proven successful for MASV participants in Pennsylvania.	No cost through www.menagainstsexualviolence.org/toolkit/toolkit.pdf
<p><i>Take Action Against Sexual Assault: A Toolkit for Preventing and Fighting Sexual Assault in Your Community and on Your Campus</i></p> <p>By National Organization for Women, 2008</p>	Anyone interested in designing a campaign for awareness and prevention of violence against women on their college campus	28-page document	Offers guidance on identifying resources and programs essential for a prevention program, how to evaluate a campus program to determine its effectiveness, and how to raise awareness. Includes an awareness and campus resource quiz.	No cost through www.now.org/issues/violence/NOV_Sexual_Assault_Toolkit.pdf
<p><i>Thirty Days of Strength Toolkit</i></p> <p>By Men Can Stop Rape, not copyrighted</p>	Male college students Females can also benefit	30-page toolkit	Provides guidance for those interested in facilitating a 30 Days of Strength campaign to prevent sexual violence. Offers ideas, posters, handouts and informational sessions. Adaptations could include components for persons with disabilities and other diverse audiences.	No cost, available on Draft Campus Toolkit CD
<p><i>Programming Module—Men and Boys</i></p> <p>By Virtual Knowledge Centre to End Violence Against Women and Girls, updated 2011</p>	Anyone wishing to engage men and boys in efforts to end violence against women and girls	170-page online module	Working with boys and men is essential for ending violence against women and girls, so this module provides guidance on how to engage this target audience. The module draws on knowledge from experts and existing programs that have been proven effective. By completing the entire module, you will learn about the entire process of creating a program for this population.	No cost through www.endvawnow.org/?men-boys
<p><i>Resident Assistant/Adviser Training Module</i></p> <p>By West Virginia Foundation for Rape Information and Services (FRIS)</p>	Resident assistants/advisers on college campuses	Approximately one hour to complete	This online module is designed to provide information and resources on the issues of stalking and sexual misconduct for resident assistants/resident advisers on college campuses.	No cost through www.fris.org , resources/RA training module link

Other Resources

Resource	Author(s)/ Pub., Date	Audience/Time/ Sessions	Description	Cost/How to Purchase or Access
<i>Alcohol and Sexual Violence Perpetration</i>	Antonia Abbey, VAWnet, National Online Resource Center on Violence Against Women, 2008	16-page applied research paper for a variety of audiences	Summarizes the research literature that examines alcohol's role in sexual violence perpetration. Rich in statistics about alcohol use prior to sexual violence and statistics about perpetrators and their alcohol use.	No cost through www.vawnet.org , search VAWnet This Applied Research Paper and In Brief may be reprinted in its entirety or excerpted with proper acknowledgement to the author and VAWnet, but may not be altered or sold for profit.
<i>Culturally Competent Service Provision to Lesbian, Gay, Bisexual, and Transgender Survivors of Sexual Violence</i>	Sabrina Gentle-warrior with Kim Fountain, VAWnet, National Online Resource Center on Violence Against Women, 2009, not copyrighted	19-page applied research paper for individuals who work with LBGTQ communities	Provides a review of the research focusing on LGBTQ survivors of sexual trauma and offers recommendations on how to be culturally sensitive when addressing sexual violence issues with LBGTQ communities. There are several good studies included in the survey that examine the effects of victimization of the LBGTQ community on college campuses.	No cost through www.vawnet.org , search VAWnet This Applied Research paper and In Brief may be reprinted in its entirety or excerpted with proper acknowledgement to the author and VAWnet, but may not be altered or sold for profit.
<i>Drug-facilitated Sexual Assault PowerPoint Presentation</i>	West Virginia Foundation for Rape Information and Services (FRIS), 2012	Varies depending on audience and amount of material and supplemental resources/videos used	This powerpoint is intended to assist in providing training and/or awareness programs on the issue of drug-facilitated sexual assault. Initially developed to train first responders, particularly law enforcement on college campuses, it can be adapted for other audiences.	No cost through www.fris.org .
<i>The Relationship Between Alcohol Consumption and Sexual Victimization</i>	Jeanette Norris, VAWnet, National Online Resource Center on Violence Against Women, 2008	14-page educational article targeting anyone interested in learning about alcohol and its influence on sexual victimization	Reviews and critiques research examining the relationship between alcohol consumption and sexual victimization. This resource can serve as a good tool for campus prevention and intervention staff.	No cost through www.vawnet.org This Applied Research paper and In Brief may be reprinted in its entirety or excerpted with proper acknowledgment to the author and VAWnet, but may not be altered or sold for profit.
<i>Substance Use and Sexual Violence: Building Prevention and Intervention Responses</i>	Sarah Dawgert, Pennsylvania Coalition Against Rape, 2009, copyrighted	110-page guide for counselors and advocates	Source for information on drug and alcohol related sexual assault. Discusses addiction and how it relates to sexual violence, particularly with young women. Resource can be used as secondary prevention to reduce the risk of sexual assault among populations that are at higher risk due to alcohol or drug use/abuse.	No cost through www.pcar.org/sites/default/files/file/TA/SubstanceUseandSexualViolenceBuildin gPreventionandInterventio nResponses.pdf
<i>Understanding the Transgendered Community: A Technical Assistance Bulletin for Sexual Assault Counselors and Advocates</i>	Pennsylvania Coalition Against Rape, 2007	3-page document	Provides information on violence in the lives of the transgender community and guidelines for outreach.	No cost through www.nsvrc.org/publications/understanding-transgendered-community-technical-assistance-bulletin-sexual-assault-coun

Other Resources *Continued*

Resource	Author(s)/ Pub., Date	Audience/Time/ Sessions	Description	Cost/How to Purchase or Access
<i>Making a Difference: Your Role in Preventing Sexual Violence on Campus</i>	National Sexual Violence Resource Center, 2010, not copyrighted	1-hour slide presentation for college students and a guide for facilitators with talking points for the presentation	Introduces the bystander intervention theory to college students. Can also be easily adapted to various college populations. Aimed at taking audiences through definitions of sexual violence, how bystanders can be engaged in sexual violence prevention, and one sexual assault scenario for discussion and response practice.	No cost through www.nsvrc.org/saam/campus-workshop
<i>The Red Flag Campaign</i>	Virginia Sexual and Domestic Violence Action Alliance	Planning guide, red flags and posters targeting college students	A public awareness campaign that addresses dating violence on college campuses. The campaign is based on the bystander intervention strategy, which encourages the action of friends and campus employees after seeing warning signs of an unhealthy relationship. The red flag is a bold symbol used to draw students' attention and entice them to learn more. Diverse population including ethnic minorities and same-sex partners is depicted on the campaign's posters.	\$850 through www.theredflagcampaign.org/index.php/ The purchase comes with 160 posters, The Red Flag Campaign Campus Planning Guide (CD), and 200 red flags with the campaign's website.
<i>Take Back the Night Campaign</i>	Take Back the Night Foundation	60-page guidebook, updated 2009, copyrighted	Sexual violence is sometimes referred to as the silent crime because it often goes unmentioned. This campaign promotes awareness through events in the community which will let survivors know that they are not alone and draw attention to the issue for others. The title of the campaign was chosen because women are often afraid to walk alone at night and the campaign is aimed at empowering survivors and women in general. The campaign offers a free online guidebook for campuses to use when planning an awareness event on campus.	Guidebook at no cost through www.takebackthenight.org/

Posters

Note: Consider using focus groups of students to determine which posters would best suit your campus.

Resource	Author(s)	Audience	Description	Cost/How to Purchase or Access
Date Safe Project Posters	Date Safe Project	Young adults	Offers 17 posters that address dating violence, healthy relationships, consent, respecting boundaries, and safer dating for young adults.	\$7.50 each (1-19 posters), \$5.25 (20-49 posters) and \$4.12 (50 or more posters) through www.datesafeproject.org/ , educational resources and products link
<i>Love is Poster</i>	West Virginia Foundation for Rape Information and Services (FRIS)	Variety	Shows a compelling image of a heart that is split in half, with one side describing signs of a healthy relationship and the other half describing an unhealthy relationship. Can be used as a media source of primary prevention on a campus.	PDF can be accessed at no cost through www.fris.org , resources link
Idaho Coalition Against Sexual and Domestic Violence Posters English, Spanish	Idaho Coalition Against Sexual and Domestic Violence	Variety	Can be used as primary prevention materials on a campus to highlight the importance of consent. There are several posters that emphasize the point that consent must be shown in forms other than by silence or intoxication, a poster that addresses the myth that most rapes are committed by strangers, and a poster on intimate partner violence using rainbow colors for the LGBTQ community.	No cost through idvsa.org/ , go to resource/publication link. Fees may apply if shipping is over \$50.
<i>This is Not an Invitation to Rape Me Poster Series</i>	Guerrilla Girls	Variety	Six posters depicting varying circumstances that sexual assault might occur with text across each saying "This is not an invitation to rape me." Some of these posters may be more relevant to a campus population than others.	Access poster PDFs at no cost through www.guerrillagirlsontour.com/sexualassaultposters.htm

Videos

Resource	Audience	Time/ Sessions	Description	Cost/How to Purchase or Access
<i>Culture of Silence: Stalking Education and Awareness</i> By Security on Campus and Rowan University film students, 2009	College students	20 minutes	Can be used as a primary prevention resource on college campuses. Explores stalking on campuses, uncovering common misconceptions and ways to respond to the crime.	\$55 DVD through www.securityoncampus.org/ , get informed link
<i>DNA Initiative: Critical Issues for Those Who Work with Victims</i> By Office for Victims of Crime (2007)	First responders	24 minutes	This DVD (NCJ 211970) raises awareness for victim advocates, criminal justice practitioners, and others who work with crime victims about the issues involved for those whose cases involve DNA evidence. The video highlights issues such as collection and preservation of evidence, the crime's impact on the victim, victim notification at points along the process, and victim involvement and participation in the process.	No cost through www.ovc.org
<i>No Zebras: No Excuses</i> <i>New Student Orientation Program</i> By Sexual Aggression Peer Advocates, Central Michigan University	New college students	7 sections, vary from 3 to 10 minutes each	First program to focus on bystander mentality, addressing the impact of intervention on situations of sexual aggression. Stresses that sexual aggression can no longer be ignored and empowers students to speak up, take a stand and help keep others safe.	\$199.99 Program materials and DVD through www.cmich.edu/SAPA.htm programs link.

Videos Continued

Resource	Audience	Time/ Sessions	Description	Cost/How to Purchase or Access
<p><i>Speak Out and Stand Up: Raising Awareness About Sexual Assault</i></p> <p>By Security on Campus, 2009</p>	College students	25 minutes	Actress Kristen Stewart narrates this docudrama, which can be used as a primary prevention tool to raise awareness about sexual assault. Included is a scene involving sexual assault on a college campus and testimonies from survivors and experts in the field.	\$65 DVD through www.securityoncampus.org/ , get informed link
<p><i>Spin the Bottle: Sex, Lies, and Alcohol</i></p> <p>By Ronit Ridberg, 2004</p> <p>Subtitles in English, Spanish</p>	College students High school seniors	45 minutes	Featuring Jackson Katz and Jean Kilbourne to address issues of sexual violence and alcohol use. Emphasizes the power that the media has to distort the popular culture to glamorize heavy drinking and high-risk behaviors. College personnel could use the tool as a primary prevention technique to challenge students to make conscious and informed decisions about the college party scene.	\$275 DVD through www.mediaed.org/
<p><i>Stalking: Real Fear, Real Crime</i></p>	First Responders	17 minutes	Produced by the Stalking Resource Center and Lifetime Television, this training video for law enforcement was created in response the murder of stalking victim Peggy Klinke by a former partner.	Order at no cost through http://www.victimsofcrime.org/our-programs/stalking-resource-center
<p><i>The Undetected Rapist</i></p> <p>By David Lisak, National Judicial Education Program, 2000</p>	Variety	6 minutes	Reenacts part of an interview conducted by Dr. David Lisak, Director of Men's Sexual Trauma Research Center, UMass at Boston, with fraternity members during one of his studies of sexually predatory male behavior. Features a college male explaining how unsuspecting women are targeted for rape, using terms such as "target" and "prey" to refer to the women. Closes with an analysis of the interview. Includes classroom discussion. *	\$15 DVD/VHS through www.legalmomentum.org/our-work/vaw/njep-resources-sexual-assault-the-undetected-rapist.html
<p><i>The Use of Technology to Stalk</i></p>	First Responders	15 minutes	This video is designed to enhance awareness among professionals working with stalking victims of how stalkers use a vast array of technologies available today.*	Order at no cost through http://www.victimsofcrime.org/our-programs/stalking-resource-center
<p><i>Welcome to the Party</i></p> <p>By Tom Nicholson, Deb Beazley and Jerry McGonigle, Reel Insight LLC, 2008</p> <p>Film made at West Virginia University</p>	College Students High school seniors	30-minute film, with an accompanying 30-page teaching curriculum built around the film. Includes 8 classroom activities, lecture materials, supplemental student handouts, background information, and resources and reference guides	A powerful tool for rape and sexual assault prevention education for college students and high-school seniors. It was created by college students and realistically depicts a connection between alcohol and sexual assault. This resource was developed with input from West Virginia's sexual assault coalition, rape crisis centers, and other state campuses. *	\$200 for curriculum and film www.reelinsight.org
<p>Public Service Announcements (PSAs)</p> <p>By Idaho Department of Health and Welfare</p>	College students. One targets the African American community.	Public service announcements approximately 1-minute each	Five PSAs on rape prevention as excellent primary prevention tools on campuses. Introduce bystander intervention and show how men can be involved in prevention efforts. The five PSAs are entitled <i>Last Night, Game Show, King of Idiots, The Bystander, and Somebody's Sister</i> .	View at no cost through www.healthandwelfare.idaho.gov/Health/SexualViolencePrevention/tabid/200/Default.aspx
<p>Public Service Announcements (PSAs)</p> <p>By SafeandRespectful.org</p>	College students High school students	Public service announcements all under 1-minute	Features seven PSAs for educators involved with college and high school students. All were created and performed by students. They can be used to teach students about consent and the warning signs of an unhealthy relationship. They are entitled <i>That Girl, Just Spray It, See No Evil, Space Robots, Text Messaging, Courageous Bystander</i> and <i>Pictures</i> .	View at cost through www.safeandrespectful.org/media/psa.html

Websites/Online Programs

Resource	Audience	Description	Cost/How to Purchase or Access
Sexual Assault Resources; College of William and Mary	College students	The College of William and Mary has several copyrighted primary prevention tools available at no charge on the school's website. There are 5 PSAs which use student actors to model strategies that can help students understand how to have healthy relationships with others. These videos use humor to keep students involved in the learning process. To accompany the PSAs, there are quizzes that reinforce what was learned during the PSA. Topics addressed include alcohol and drug facilitated assault, campus assault myths, and warning signs of unhealthy relationships.	No cost through web.wm.edu/sexualassault/
Consent Campaign: Columbia University	College students	Columbia University has a consent campaign coordinated by students that reaches their student population through the use of brochures and posters (available in English and Spanish). The primary prevention campaign focuses on changing the way students think and communicate about intimacy. Provocative posters and creative promotional materials enforce what students learn about communication through various workshops on campus. The campaign strives to make consent a healthier and safer way to communicate about intimacy. More information about using the campaign is available by joining the campaign's mailing list.	Campaign poster and brochures are available free of charge through http://health.columbia.edu/services/svpr/p/advocacy-outreach#Consent_Campaign
Outside the Classroom/Everfi	Variety	Outside the Classroom's online sexual assault training modules can be purchased through this website. Modules can be customized by adding campus specific sexual assault information and services.	Price and the length of the modules can be obtained through http://www.outsidetheclassroom.com/solutions/higher-education.aspx
STEP UP! Be a Leader, Make a Difference; University of Arizona	Students athletes College students	The University of Arizona C.A.T.S. Life Skills Program, along with the National Collegiate Athletic Association (NCAA) and national leading experts, developed this online program. STEP UP! is a pro-social behavior and bystander intervention program that encourages students, especially college athletes, to be proactive in helping others. Teaching people about the determinants of pro-social behavior makes them more aware of why they sometimes don't help and increases the likelihood they will help in the future. Facilitator and student guides are available at no cost along with an hour-long Power Point presentation. These materials were published in 2008.	All materials can be accessed free of charge through www.stepupprogram.org
Student Success-Sexual Assault Online Program	Variety	This online program is designed to help reduce sexual assault on college campuses by raising student awareness of the issue and by verifying student learning and participation. The company can be contacted for program pricing.	Cost is based on the number of students utilizing the service and can be obtained through www.studentsuccess.org/web/programs
Bringing in the Bystander/ Know Your Power Campaign; University of New Hampshire	College students	This prevention program emphasizes a bystander intervention approach and assumes that everyone has a role to play in ending violence against women. In addition to the prevention goal, the program has a research component which seeks to measure the effectiveness of the prevention program with different constituencies. Curriculum and other campaign items are available for a fee upon contacting the campaign. For more information about purchasing the curriculum or materials, see the UNH website. There is also a series of posters that can be purchased about bystander intervention entitled <i>Know Your Power</i> .	Information about purchasing the curriculum or materials (including campaign posters) can be purchased through www.unh.edu/preventioninnovations/index.cfm?ID=BCCEA40C-A3AC-0FFD-47D118DA9EFDF176

**Indicates resources were purchased for OVV Campus Grant partners of the WV Intercollegiate Council Against Sexual Violence in 2013.*



E. Sample Policies and Procedures

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INTRODUCTION

In order for your college campus to have a comprehensive interpersonal violence intervention and prevention program, it is critical to have policies and procedures in place that support both the intended training and conduct outcomes and prevention goals and activities. For example, if a college says it has zero tolerance for sexual violence, it must back up such a claim with policies and procedures that makes zero tolerance a standard (screening questions for potential employees, new staff orientation information on what is expected, information for students explaining what they can expect and what is expected of them, etc.) and consistent and fair response to noncompliance to the policies and procedures. This section offers sample policies and procedures related to issues that can impact interpersonal violence prevention:

- ✓ Alcohol and drugs;
- ✓ Hazing;
- ✓ Judicial affairs;
- ✓ Sexual misconduct policy introduction for college campuses;
- ✓ Reporting;
- ✓ Rights of victims and offenders;
- ✓ Safety;
- ✓ Sexual harassment, sexual exploitation, nonconsensual intercourse/contact, and consensual relationships;
- ✓ Sex offender registration;
- ✓ Stalking and harassment; and
- ✓ Student education/prevention.

Schools vary on how they title their campus documents that pertain to student behavior (e.g., policies, protocols, codes of conduct). Regardless of the title, schools will need to integrate these codes into existing frameworks and policies as they adopt and adapt the suggestions from this toolkit to fit their specific needs. The main purpose of the “Sample Policies and Procedures” section is to provide policy templates that outline the seriousness of sexual violence and an appropriate campus response to it.

Review these sample policies and procedures carefully and make adaptations as appropriate to your program’s mission or services and your target audience. Check with the entity from which a sample policy or procedure originated regarding their permission to use its material. Explore if the material is copyrighted, if permission is needed to use and/or adapt, and if so, what is entailed in this process. Some entities are more than happy to share their materials, with certain restrictions, while others may have concerns about liability or adaptability and may decline to share or require you to sign a waiver of release before you can use the policy or procedure. In many cases, you will only need to check an entity’s website to see what its policy is on the use of its material. If that information is not on its website or does not answer your questions, or there is no agency website, you may need to follow up with a call to the agency. Permission was received to include the policies in this toolkit. All adaptations made to the sample policies and procedures were primarily for the purposes of adhering to West Virginia’s laws and maintaining consistency in format and language with the rest of this toolkit.



As a component of each policy, the issue of jurisdiction should be addressed as appropriate so that the users know who is covered under that policy. One method would be to include the following: This protocol applies equally to all [select all that apply: students, faculty, and/or staff] at [insert name of your institution].

E1. ALCOHOL/DRUGS

The following samples are included in this section:

- ✓ Sample Policy on Alcoholic Beverages; and
- ✓ Sample Policy on Illegal Drugs.

Alcohol and drug use are major problems on most college campuses and are known cofactors in sexual violence on campus. Campuses must address these issues in a complex and multifaceted way. This not only includes the adoption of policies to specify acceptable and unacceptable behavior but should also include prevention education, adequate enforcement of laws and policies, and ensuring access to counseling and mental health services.

Sample Policy on Alcoholic Beverages

(Adapted from the U.S. Department of Education, *The Handbook for Campus Crime Reporting*)
The possession, sale or the furnishing of alcohol on the [insert name of college] campus is governed by [insert name of college] Alcohol Policy and West Virginia state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the West Virginia Department of Alcohol and Beverage Control (ABC). However, the enforcement of alcohol laws on campus is the primary responsibility of the [insert name of campus security/police department]. The [insert name of college] campus has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the [insert name of campus security/police department]. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the [insert name of college] Alcohol Policy for anyone to consume or possess alcohol in any unauthorized public or private area on campus without prior [insert name of college] approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by [insert name of college]. Violators are subject to campus disciplinary action, criminal prosecution, fine and/or imprisonment.

Sample Policy on Illegal Drugs

(U.S. Department of Education, *The Handbook for Campus Crime Reporting*)

The [insert name of college] campus has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the [insert name of campus security/police department]. Violators are subject to campus disciplinary action, criminal prosecution, fine and imprisonment.

E2. HAZING

The following sample is included in this section:

- ✓ Sample Policy Regarding Hazing.

Hazing is a dangerous practice on college campuses. The adoption of policies that outline what is considered hazing and what will be done when unacceptable behavior occurs is one component of a comprehensive effort to end hazing. In addition to adopting effective policies, schools should make a multiple efforts to educate students about acceptable behavior and ensure that there are designated members of the campus faculty/staff trained to field complaints about hazing. Students should know who to contact to report hazing and that the confidentiality of these complaints will be maintained in accordance with standard reporting procedures. As with all campus policies, the scope and jurisdiction of anti-hazing policies is not determined by the location of the crime (e.g. on campus vs. an off-campus function of a college recognized student organization or program) but rather by the relationship of those committing the offense to the college. In other words, a campus policy, such as an anti-hazing policy, would apply to all members of a college recognized student organization, regardless of where the hazing takes place. Finally, these policies apply to any campus-affiliated individual or group, no matter how informal the recognition of that group is. This would include, but is not limited to, athletic programs, bands, Greek organizations, clubs, or informal student groups. It is important to communicate this to all members of the student body in order to provide clear standards of acceptable behavior.

Sample Policy Regarding Hazing

(Adapted from Trinity University, www.nchem.org)

[Insert name of college] is concerned about the emotional, psychological and physical health and well-being of its students. Any form of hazing is unacceptable and is in direct conflict with institutional values related to the rights and dignity of students, all of whom have the right to belong to groups without risk of danger or humiliation. Consent to hazing is never a defense to a violation of this policy.

***[Insert name of college]* prohibits hazing by individuals or groups and defines it as follows:** Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental or emotional pain, discomfort, humiliation, embarrassment or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group or organization. Hazing includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. Prohibited acts of hazing include those covered under West Virginia State law.

Though it would be impossible to list all behaviors that could be deemed to be hazing, the following are some typical examples of hazing and are prohibited:

- ✓ Any physical act of violence expected of, or inflicted upon another;
- ✓ Any physical activity expected of, or inflicted upon another, including calisthenics;

- ✓ Pressure or coercion of another to consume any legal or illegal substance;
- ✓ Making available unlawful substances;
- ✓ Excessive fatigue or sleep deprivation as a result of any activities;
- ✓ Forced exposure to the weather;
- ✓ Kidnapping, forced road trips and abandonment;
- ✓ Required carrying of or possessing of a specific item or items;
- ✓ Servitude (expecting a new member to do the tasks of an experienced member);
- ✓ Costuming and alteration of appearance;
- ✓ Line-ups and berating;
- ✓ Coerced lewd conduct;
- ✓ Degrading games, activities or public stunts;
- ✓ Interference with academic pursuits;
- ✓ Violation of *[insert name of college]* policies; and
- ✓ Assignment of illegal and unlawful activities.

Reported violations of this policy will result in campus judicial action and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, or is involved with or cooperates with the adjudication of hazing is strictly prohibited.

There are two primary conditions that create a hazing dynamic.

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, consent to be hazed does not excuse hazing. Students have died or been seriously injured as a result of participating in activities to which they have “consented.” The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make the need to prohibit hazing conduct, to any degree, undeniably clear.
2. Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any organization may expect to be trained, oriented or indoctrinated, but membership in any group that puts a new member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.

New members of groups and teams can expect to participate in educational and fun activities that build teamwork and camaraderie among all members of the group. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. Students should check with appropriate staff, advisors, sponsors and coaches if there is any question about whether an activity constitutes hazing.

E3. JUDICIAL AFFAIRS

The following sample is included in this section:

- ✓ Sample Disciplinary Process.

Each campus should have a clear and well publicized procedure for addressing complaints of sexual misconduct. The Clery Act and Title IX dictate specific requirements for campuses to investigate and respond to allegations of sexual misconduct. **The sample procedures that follow are not meant to replace those procedures.** Rather, these sample policies address student misconduct through campus judicial boards which enforce campus codes of conduct and are an additional route of remediation for such allegations. Given the differences in resources from campus to campus, the composition and procedures of campus judicial boards will vary. However, there are several topics that are necessary to address in order to ensure that campus judicial boards function effectively.

- ✓ A school should have a clear policy establishing the composition of the campus judicial board (e.g., How many faculty/staff/students? How will these board positions be filled? Will the filling of these positions have representation of the faculty or student communities?).
- ✓ These procedures should be well publicized and easily accessible to those on campus.
- ✓ Schools should also establish a consistent system for convening a campus judicial board. Will these boards meet monthly to hear all pending cases or review them as they arise? Will all members of the board hear every case or will a few members be appointed from the larger pool? How will this be done? Again, these procedures should be widely available to all on campus.
- ✓ Finally, those who serve on campus judicial boards should be specifically trained on issues pertaining to sexual misconduct on campus and should not be allowed to hear such cases without completing training. **These trainings must be conducted regularly and attendance should be mandated.** This is essential as the dynamics of sexual violence are often unique and misunderstood. Those serving more than one school year should be retrained annually to maintain awareness.

The U.S. Department of Justice, Office on Violence Against Women, recommends that when designing and implementing training programs, campuses should consider (but not be limited to addressing) the following issues:

- ✓ The differences between the processes of the criminal justice system and the academic judicial/disciplinary system;
- ✓ Ensuring that the training is ongoing so that all new members of the judicial/disciplinary board receive information, especially if the board is appointed on a rotating basis;
- ✓ Maintaining retention of “trained” board members given the complexities and difficulties of such cases;
- ✓ Creating training that is effective and does not “promote bias” for either victims or offenders;
- ✓ Ensuring that all judicial/disciplinary cases are pursued in the same manner, regardless of “who” the victim and/or offender may be;
- ✓ Confidentiality issues: open or closed hearings;
- ✓ Relevant state and federal laws;
- ✓ Working with law enforcement officials from the local jurisdiction; and
- ✓ The “preponderance of evidence standard” as the appropriate judicial standard for deciding cases of sexual assault.

Specific Considerations

When developing trainings for disciplinary or judicial boards, campuses should also address the following specific topics:

- ✓ Reasons why victims may or may not choose (and/or wait) to report;
- ✓ Ways that the disciplinary system can “re-traumatize” victims;
- ✓ The importance of avoiding victim blaming;
- ✓ Viewing all information without bias;
- ✓ Review of general sexual violence information, including issues of power and control;
- ✓ Dating violence as a form of sexual violence, including relevant laws;
- ✓ Stalking in a “closed” campus environment;
- ✓ Dynamics of both victimization and perpetration;
- ✓ What constitutes consent; and
- ✓ Socio-cultural issues (e.g. race/ethnicity, sexual orientation and gender dynamics).

Effective training on sexual violence requires a presenter with extensive knowledge and experience. We suggest that colleges partner with the local rape crisis center to train campus judicial board members or to develop training materials and protocols.

Sample Disciplinary Process

(Adapted from Lewis and Clark College, Campus Outreach Services, *Sample Sexual Misconduct Policy Manual 7.9*)

[*Insert name of college*]'s disciplinary procedures should be viewed as a resource to the victim of sexual assault, rape and sexual harassment. Sexual assault and rape are criminal violations and violations of [*insert name of college*] policy. A student charged with sexual misconduct can be prosecuted under West Virginia law if the victim chooses, and separately disciplined by [*insert name of college*]. Even if the criminal justice authorities choose not to prosecute, a student charged with any type of sexual misconduct will be subject to [*insert name of college*]'s disciplinary process. If the Sexual Misconduct Review Board finds that the reported misconduct occurred, disciplinary action includes the strong possibility of suspension or dismissal from [*insert name of college*]. Hearing procedures and disciplinary sanctions are outlined below.

Initial Steps

1. It is possible for a victim to make a first report to a number of different contact points throughout the [*insert name of college*] community [*insert contacts such as sexual assault response advocate, health center, counseling center, Dean of Students, or campus security officer*]. If, after meeting with any of these contact points, the victim determines that he or she would like to pursue a college disciplinary hearing, the contact point will direct the student to meet with the Dean of Students.
2. Once a meeting is arranged, the Dean will outline the options available, including how a conduct hearing will work, along with its possible outcomes. If the victim decides to make a charge, the Dean will take a written (or tape-recorded) statement of the victim's account of the incident. The accused student will also be given the opportunity to provide the Dean with a written statement after the charge has been made by the victim. It should be noted that if [*insert name of campus security office*] has already taken a written statement from the victim and/or the accused, the Dean may use these statements in lieu of the statements mentioned above.

3. The Dean will then present the accused student with a written statement of the victim's charges against him or her. The Dean will also provide the victim with copies of any written response to the charge that the accused provides. The Dean will notify the accused student that the hearing board members are being chosen and provide him or her with the date of the hearing. The hearing will be held within five working days of the victim's initiation of charges. If this condition cannot be met, both the victim and the accused will be notified regarding the status of the case. Both the victim and the accused will be informed in writing of the hearing format and specific charges.
4. If the Dean determines that it is in the best interest of either student for safety or other reasons, the accused and/or the victim will be provided different accommodations (e.g., housing, class schedule, cafeteria schedule). The Dean will also make decisions regarding no-contact orders and may implement a skewed no contact orders if it is deemed appropriate. (i.e., Sanctions against the offender if the no contact order is violated but no sanctions automatically imposed against the victim if, for example, the victim chose to attend a campus activity that the offender attends – such as an athletic event at which the offender is a member of the team).
5. If these instructions are not heeded, disciplinary action will be taken, including the possibility of immediate suspension from *[insert name of college]* and removal from campus. Additionally, assistance is available for changing academic and living situations after a report of sexual misconduct is filed, if so requested by the victim and if such changes are reasonably available.

Note: In the context of *[insert name of college]* conduct process, the victim is initiating formal allegations of misconduct. The charges of misconduct remain allegations until a decision is reached by the Sexual Misconduct Review Board.

Sexual Misconduct Review Board Composition and Training

The Sexual Misconduct Review Board is composed of administrators, staff, and students as members. Board members are appointed by the Dean of Students.

When selected, all members of the board receive comprehensive training. It is essential that these trainings occur regularly and are mandated for all board members since the characteristics of sexual assault are unique and often misunderstood.

The U.S. Department of Justice, Office on Violence Against Women, recommends that when designing and implementing training programs, campuses should consider (but not be limited to) the following issues:

- ✓ The differences between the processes of the criminal justice system and the academic judicial/disciplinary system;
- ✓ Ensuring that the training is ongoing so that all new members of the judicial/disciplinary board receive information, especially if the board is appointed on a rotating basis;
- ✓ Maintaining retention of “trained” board members given the complexities and difficulties of such cases;
- ✓ Creating training that is effective and does not “promote bias” for either victims or offenders;
- ✓ Ensuring that all judicial/disciplinary cases are pursued in the same manner, regardless of “who” the victim and/or offender may be;
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- ✓ Relevant state and federal laws;
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- ✓ The “preponderance of evidence standard” as the appropriate judicial standard for deciding cases of sexual assault.

Specific Considerations

When developing trainings for disciplinary or judicial boards, campuses should also address the following specific topics:

- ✓ Reasons why victims may or may not choose (and/or wait) to report;
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- ✓ The importance of avoiding victim blaming;
- ✓ Viewing all information without bias;
- ✓ Review of general sexual violence information, including issues of power and control;
- ✓ Dating violence as a form of sexual violence, including relevant laws;
- ✓ Stalking in a “closed” campus environment;
- ✓ Dynamics of both victimization and perpetration;
- ✓ What constitutes consent; and
- ✓ Sociocultural issues (e.g. race/ethnicity, sexual orientation, gender dynamics).

The board will be composed of a pool of administrators, staff, and students, three of whom will be selected to hear any given case. Both men and women will comprise the pool and each convened board. The Dean will chair the board during the hearing and provide administrative support and clarifications as needed.

The students involved may challenge the composition of the board. The accused and victim will be notified of the names of those who will serve on the board at the time the hearing is scheduled. If either objects to any member/members of the board, he or she must commit the reasons for the objection to writing. The Dean will review the objection and decide whether the hearing board member(s) should or should not be replaced. Removal from the hearing board will occur only if the Dean is convinced that absence of impartiality or other extenuating circumstances would result from allowing the hearing board member to adjudicate the incident. Any member who personally knows the accused or the victim will be excused from the case.

Elements of the Hearing

The hearing will be convened in a private room where there will be no disturbances from other members of the campus community. The hearing will not be open to the public. A record of the hearing (audio tape recording and/or written) will be maintained and made available to the accused and victim if requested. There will be separate waiting rooms for the witnesses of the accused and for the victim’s witnesses. A list of witnesses for each side must be submitted to the Dean of Students at least 48 hours prior to the hearing.

The victim and the accused do not need to be present in the hearing room at the same time. Both the victim and the accused may be present throughout the hearing. Both may present evidence on their own behalf through the presentation of witnesses.

Both may choose a person to accompany them during judicial proceedings. Both may have advisory participation from counsel (counsel may not serve in an advocacy role in the hearing).

The victim will present his or her case first, and be able to call witnesses. There are some situations in which the victim cannot or will not present his or her own case. In these situations, the Dean may appoint an administrator to present the case for *[insert name of college]* in the victim's stead. If the victim elects to let *[insert name of college]* present the case, the victim still may be present throughout the entire proceeding.

Next, the accused student may present his or her case, at which point the accused can call witnesses. The hearing board may recall any witnesses at any point to clarify or challenge statements made during the hearing. The hearing board members are allowed to ask questions at any point throughout the hearing. Neither the accused nor the victim may directly question each other during the hearing. Questions and clarifications must be directed to the board.

Prior sexual behavior/sexual history of the victim is not relevant and will not be allowed to be presented during the hearing. Hearing board members are obligated to prevent such information from being admitted.

The Decision Making Process

Once the hearing is concluded, the board members will, after meeting in closed session, render a decision within 48 hours. However, if they cannot reach a decision in that time, witnesses may be recalled for further questioning. The members of the hearing board have to decide if the accused student's actions meet *[insert name of college]*'s definition of sexual misconduct.

To establish responsibility, the hearing board must decide that the accused's behavior satisfies the definition of the misconduct to the extent required by the standard of proof in sexual misconduct cases—“more likely than not.” Once a decision is made, the Dean of Students will inform the accused student first, then the victim, in the form of a letter which will include an explanation of the Board's deliberations. They will be informed separately and at different times so that they do not encounter each other.

Appeal Process

The decision of the hearing board may be appealed by both the victim and the accused. The Provost or designate is the appellate for decisions reached by the Sexual Misconduct Review Board. Either party is entitled to an appeal if he or she can show that the adjudication was in any way biased or unfair, or that the process and/or sanctions violated college policy. Appeals must be submitted in writing to the provost or designate within five days of the decision of the board.

E4. SEXUAL MISCONDUCT POLICY INTRODUCTION FOR COLLEGE CAMPUSES

The following samples are included in this section:

- ✓ Sample Introduction to Sexual Misconduct Policy;
- ✓ Sample Policy Introduction;
- ✓ Sample Statement of Institutional Philosophy; and
- ✓ Sample Statement of Intent.

Sample Introduction to Sexual Misconduct Policy

(National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

[*Insert name of college*] believes in a zero tolerance policy for sexual misconduct. Members of the [*insert name of college*] community, guests and visitors have the right to be free from sexual violence. When an allegation of sexual misconduct is brought to the administration, and a respondent is found to have violated this policy, serious sanctions will be used to ensure that such actions are never repeated. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The [*insert name of college*] Sexual Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy has dual purposes. It serves as a measure for us to determine, after the fact, if behaviors trespass on community values. It also should serve as a guide for you on the expectations we have, preventatively, for sexual communication, sexual responsibility and sexual respect.

Sample Policy Introduction

(Adapted from SUNY Albany, Antioch College, and Norwich University, Inter-Campus Sexual Assault Task Force of Campus Action)

[*Insert name of college*] is committed to creating and maintaining a community in which all persons who participate in [*insert name of college*]’s programs and activities can work together in an atmosphere free of all forms of sexual assault, sexual harassment, exploitation, intimidation and violence.

Every member of the [*insert name of college*] community should be aware that all sexual contact and conduct on the campus and/or occurring with a member of the [*insert name of college*] community must be consensual. [*Insert name of college*] will not tolerate sexual assault, sexual harassment and any other form of nonconsensual behavior. Such behavior is prohibited both by State and Federal law and by [*insert name of college*] policy.

It is the intention of [*insert name of college*] to take whatever action may be needed to prevent, correct and, if necessary, sanction individuals who act in violation of this policy.

It is essential that students who are sexually assaulted receive proper medical treatment, legal advocacy and counseling support as soon as possible – if they so desire.

[*Insert name of college*] will also provide and maintain educational programs for all members of its community, some aspects of which are required. The educational aspects of this policy are intended to heighten community awareness and ultimately to prevent sexual offenses.

The implementation of this policy utilizes established [*insert name of college*] governance structures and adheres to contractual obligations. This document will outline the procedures that will allow all members of the [*insert name of college*] community to be effective in providing victims of assault medical, psychological, educational and legal resources.

Sample Statement of Institutional Philosophy

(Adapted from Pennsylvania Coalition Against Rape, *Reconstructing Norms: Preventing Alcohol Related Sexual Assault on College Campuses*)

[*Insert name of college*] is committed to creating and maintaining a community in which all persons who participate in [*insert name of college*] programs and activities can work together in an atmosphere free of all forms of harassment, assault, exploitation, or intimidation, including that which is sexual in nature. Every member of the campus community should be aware that [*insert name of college*] does not tolerate sexual assault or sexual misconduct. Sexual assault is also prohibited both by state and federal law. It is the intention of [*insert name of college*] to take prompt and equitable action to prevent the reoccurrence of behaviors that violate this policy.

Sample Statement of Intent

(National Education for Higher Education Risk Management, *Creating a Proactive Campus Sexual Misconduct Policy*)

[*Insert name of college*] is a community of trust whose very existence depends on strict adherence to standards of conduct set by its members. Sexual misconduct is a crime punishable by both civil and criminal legal action and a serious violation of the [*insert name of college*] Standards Of Conduct. It will not be tolerated within our community. Students at [*insert name of college*] are charged with the responsibility of being familiar with and abiding by the standards of conduct set forth herein.

E5. REPORTING

The following samples are included in this section:

- ✓ Sample Policy Addressing Voluntary Confidential Reporting;
- ✓ Sample Policy on Confidentiality and Reporting;
- ✓ Sample Policy on Immediate Response to Sexual Misconduct;
- ✓ Sample Reporting Policy Including Confidential Reporting; and
- ✓ Sample Policy for Reporting Abuse of Minors.

If a campus has a policy on confidentiality and reporting, it is imperative that the definition of 'confidentiality' and any limitations be disclosed in that policy. For example, having a policy that states that strict confidentiality will be maintained when a sexual assault is reported while having a protocol that requires that staff report the victim's name and the incident to campus security may appear to be disparate practices. Clear definitions enable victims to make informed choices regarding reporting.

Sample Policy Addressing Voluntary Confidential Reporting

(Adapted from U.S. Department of Education, *The Handbook for Campus Crime Reporting*)

If you are the victim of a crime and do not want to pursue action within the [*insert name of college*] system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Chief or a designee of [*insert name of campus security/police department*] can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter

confidential, while taking steps to ensure the future safety of yourself and others. With such information, *[insert name of college]* can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. Your identifying information will not be disclosed and you will not be asked, expected, or pressured to continue reporting to any other agencies.

Sample Policy on Confidentiality and Reporting

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

Different people on campus have different reporting responsibilities, and different abilities to maintain your confidentiality, depending on their roles at the college.

When consulting campus resources, victims should be aware of confidentiality and mandatory reporting, in order to make informed choices. On campus, some resources may maintain your complete confidentiality, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are expressly there for you to report crimes and policy violations, and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the college nor the law requires them to divulge private information that you share with them, except in extremely rare circumstances, described below. You may seek assistance from them without starting a chain of events that takes things out of your control, or violates your privacy.

To Report Confidentially

If you desire that details of the incident be kept confidential, you may speak with on-campus counselors, campus health service providers or off-campus rape crisis resources, who will maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential.

Quasi-Confidential Reporting

You can seek advice from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as RAs, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, local rape crisis centers, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they do not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community such as cases where possibilities of homicide or suicide exist. If your personally identifiable information is shared, it will be shared with as few people as possible, and all efforts will be made to protect your confidentiality to the greatest extent. For more clarification on reporting options and confidentiality, you should contact your local rape crisis center at *[insert contact for local rape*

crisis center] or the National Sexual Assault Hotline at 1-800-656-HOPE.

Non-Confidential Reporting Options

You are encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security and human resources). You have the right and can expect to have incidents of sexual misconduct to be taken seriously by *[insert name of college]* when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting does not mean that your report won't be confidential, but it does mean that people who need to know will be told, and information will be shared as necessary with investigators, witnesses, and the accused. The circle of people will be kept as tight as possible, to preserve your rights and privacy.

Sample Policy on Immediate Responses to Sexual Misconduct

(Adapted from Pennsylvania Coalition Against Rape, *Reconstructing Norms: Preventing Alcohol Related Sexual Assault on College Campuses*)

The *[insert name of college]* recognizes that any decision to report a sexual assault and/or sexual misconduct to the police is the right of the victim/complainant. However, once an incident or complaint of sexual assault and/or sexual misconduct is reported to the *[insert title of appropriate person]*, he or she will inform the victim/complainant of the options of criminal prosecution, medical assistance, and use of this policy to file a complaint or report a sexual assault and/or sexual misconduct. The *[position responsible for handling sexual assault/misconduct reports]* will assist the victim/complainant with these contacts if requested. In addition, confidential counseling, support services, academic assistance, future security and alternative housing (for students) can be coordinated as appropriate.

Whether or not a victim chooses to initiate criminal charges, he/she retains the right to file a complaint through the student judicial system or employee grievance process. Once a report is made, the victim may not have the ability to withdraw the report or petition to stop the investigation. More information on reporting options and confidentiality can be obtained by contacting the local rape crisis center at *[insert contact information for the local rape crisis center]* or by calling the National Sexual Assault Hotline at 1-800-656-HOPE.

Sample Reporting Policy Including Confidential Reporting

(Adapted from College of Saint Rose, SUNY Albany, and Lawrence University)

All reports of sexual assault to *[insert name of college]* faculty, staff, advocates, support services, as well as to the local rape crisis center will be kept strictly confidential. At no point will the name of the victim be made public without the victim's consent. No details about the sexual assault, attempted sexual assault, or sexual harassment will be reported without the victim's consent.

If the crime is reported to the police, the name of the perpetrator and details of the crime may become public. However, the victim has a right not to make a report. The decision must be made by the victim.

1. The victim is may obtain immediate assistance from a local rape crisis center. Rape crisis center staff and volunteers are trained to help a victim review all of her/his options.
2. Sexual assault is a crime and the victim may report the incident to the community police.
3. The victim may also report all incidents of sexual assault to the *[insert name of appropriate college office]*, in order to receive help in accessing support services and in prosecuting the sex offender. However, there are many reasons that a person may choose not to report. The victim has a right not to make a report. The decision whether or not to report must be made by the victim. The victim's, decision will be respected by all members of *[insert name of college]*.

On campus, the victim can initiate *[insert name of college]*'s reporting process by contacting: *[insert name of appropriate offices, staff and organizations]*.

[Insert name of college] personnel, informed of a sexual assault, will seek the victim's consent to notify *[insert name of appropriate location]*.

The victim will be asked to fill out only one *[insert name of college]* intake form, detailing the incident. This is to relieve the burden of having to constantly repeat the incident to each new *[insert name of college]* office or service. Should the victim remember information related to the assault, this may be added to the original intake form at a later time. This form also will be kept confidential. Information could be used from the form in the process of reporting to the police, or at a judicial hearing; but will not be so used without the victim's consent.

[Insert title of appropriate person] will collect information from Campus Security, the Health Services, and the Counseling Services to compile the annual report to the campus showing how many students sought campus sexual assault related services.

Sample Policy for Reporting the Abuse of a Minor

(Adapted from NCHERM Model Policy on Reporting the Abuse of Minors on Campus)

In addition to state reporting mandates, all employees who become aware of or suspect child abuse, sexual abuse of minors, and/or criminal acts against minors will report that information to Campus Security and *[insert name/position on campus designated to report suspected cases of child abuse to Child Protective Services]* immediately, and within not more than 48 hours. Clery Act reporting of offenses for statistical purposes occurs whether victims are minors or adults.

Alternate language for campuses without sworn law enforcement:

In compliance to state reporting mandates, all employees who become aware of or suspect child abuse, sexual abuse of minors, and/or criminal acts against minors will report that information to *[insert name/position on campus designated to report suspected cases of child abuse to Child Protective Services]* and a law enforcement agency immediately, and within not more than 48 hours. Clery Act reporting of offenses for statistical purposes occurs whether victims are minors or adults.

E6. RIGHTS OF VICTIMS AND OFFENDERS

The following sample policies and procedures are included in this section:

- ✓ Sample Rights of the Complainant;
 - ✓ Sample Rights of the Respondent;
 - ✓ Sample Statement of the Rights of the Accused; and
 - ✓ Sample Statement of the Rights of the Victim of the Reported Sexual Assault.
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Sample Rights of the Complainant

(Adapted from Pennsylvania Coalition Against Rape, *Reconstructing Norms: Preventing Alcohol Related Sexual Assault on College Campuses*)

Individuals pursuing a complaint of sexual assault and/or sexual misconduct who report their experience to *[insert name of college]* officials can anticipate that:

- ✓ All reports of sexual assault and/or sexual misconduct will be treated seriously. Complainants will be treated with confidentiality, sensitivity, dignity and respect and in a non-judgmental manner.
- ✓ Complainants may invite a support person to accompany them through all parts of *[insert name of college]* complaint resolution procedures.
- ✓ Complainants will be afforded the opportunity to request immediate on-campus housing relocation (for students), transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to a respondent when possible.

The unrelated sexual history of the complainant is not considered relevant to the truth of the allegation; therefore, information regarding sexual history external to the relationship between the complainant and the respondent will not be considered in complaint resolution procedures.

Complainants may make a “victim impact statement” and suggest appropriate sanctions if the respondent is found in violation of the policy.

Sample Rights of Respondent

(Adapted from Pennsylvania Coalition Against Rape, *Reconstructing Norms: Preventing Alcohol Related Sexual Assault on College Campuses*)

An individual accused of sexual assault and/or sexual misconduct that is reported to *[insert name of college]* officials can anticipate that:

- ✓ All reports of sexual assault and/or sexual misconduct will be treated seriously.
- ✓ The respondent will be treated with confidentiality, sensitivity, dignity, respect, and in a nonjudgmental manner.
- ✓ The respondent may invite a support person to accompany him or her through all parts of *[insert name of college]* complaint resolution procedures.
- ✓ The unrelated sexual history of the respondent is not considered relevant to the truth of the allegation; therefore, information regarding sexual history external to the relationship between the complainant and the respondent will not be considered in complaint resolution procedures.

Statement of the Rights of the Accused

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

An individual accused of sexual assault and/or sexual misconduct that is reported to *[insert name of college]* officials will have:

- ✓ The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to *[insert name of college]* administrators against the accused student;
- ✓ The right to be treated with respect by *[insert name of college]* officials;
- ✓ The right to be informed of and have access to campus resources for medical, counseling and advisory services;
- ✓ The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all reported violations within the complaint, including the nature of the violation and possible sanctions;
- ✓ The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- ✓ The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- ✓ The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- ✓ The right to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- ✓ The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- ✓ The right to a hearing closed to the public;
- ✓ The right to petition that any member of the conduct body be removed on the basis of bias;
- ✓ The right to have *[insert name of college]* compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses, and the right to challenge documentary evidence;
- ✓ The right to have complaints heard by conduct officers who have received annual sexual misconduct adjudication training;
- ✓ The right to have *[insert name of college]* policies and procedures followed without material deviation;
- ✓ The right to have an advisor or advocate to accompany and assist in the campus hearing process—this advisor can be anyone, *[optional: including an attorney, provided at the accused student's own cost]*, but the advisor may not take part directly in the hearing itself, though they may communicate with the accused student as necessary;
- ✓ The right to a fundamentally fair hearing;
- ✓ The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- ✓ The right to written notice of the outcome and sanction of the hearing;

- ✓ The right to a conduct panel comprised of representatives of both genders; and
- ✓ The right to be informed in advance, when possible, of any public release of information regarding the complaint.

Sample Statement of the Rights of the Victim of the Reported Sexual Assault

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

A victim of sexual assault and/or sexual misconduct that is reported to *[insert name of college]* officials will have:

- ✓ The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to *[insert name of college]* administrators;
- ✓ The right to be treated with respect by *[insert name of college]* officials;
- ✓ The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus disciplinary hearing;
- ✓ The right not to be discouraged by *[insert name of college]* officials from reporting an assault to both on-campus and off-campus authorities;
- ✓ The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within 24 hours of the end of the conduct hearing;
- ✓ The right to be informed by *[insert name of college]* officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- ✓ The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on-campus and in the community;
- ✓ The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- ✓ The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- ✓ The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- ✓ The right to a campus restraining order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
- ✓ The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement.
- ✓ The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- ✓ The right to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- ✓ The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- ✓ The right to preservation of confidentiality, to the extent possible and allowed by law;

- ✓ The right to a hearing closed to the public;
- ✓ The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
- ✓ The right to bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding;
- ✓ The right to give testimony in a campus hearing by means other than being in the same room with the accused student (closed circuit live audio/video is the recommended method);
- ✓ The right to present relevant witnesses to the campus conduct body, including expert witnesses;
- ✓ The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- ✓ The right to have *[insert name of college]* compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses (including the accused), and the right to challenge documentary evidence;
- ✓ The right to be present for all testimony given and evidence presented before the conduct body;
- ✓ The right to have complaints heard by conduct officers who have received annual sexual misconduct adjudication training;
- ✓ The right to a conduct panel comprised of representatives of both genders;
- ✓ the right to have *[insert name of college]* policies and procedures followed without material deviation;
- ✓ The right to be informed in advance of any public release of information regarding the complaint;
- ✓ The right not to have released to the public any personal information about the complainant, without his or her consent; and
- ✓ The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal campus or criminal complaint or investigation need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from *[insert name of college]* support staff in completing the relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal; and
 - Alternative course completion options such as free tutoring, exam flexibility and other assistance to make it as easy as possible for the complainant to keep attending classes.

E7. SAFETY

The following sample is included in this section:

- ✓ Sample Policy on Safety Measures.

Every campus should have a clearly defined process for training campus security personnel on issues related to sexual assault, stalking and harassment. Training content should be clearly

defined with a training schedule to ensure that each campus security worker receives initial training and ongoing continuing education. Given the differences in capacity and structure of security on each campus, the U.S. Department of Justice, Office on Violence Against Women (OVW) (http://www.ovw.usdoj.gov/campus_desc.htm) recommends that campus training incorporate as many of the following general topics as possible:

- ✓ Relevant federal and state laws;
 - ✓ Jurisdictional issues;
 - ✓ Confidentially issues;
 - ✓ Risk assessment for victims;
 - ✓ Understanding threat assessment;
 - ✓ Crime scene preservation and evidence collection;
 - ✓ Interviewing techniques for working with victims and avoiding “victim blaming;”
 - ✓ Probable cause as it relates to violence against women cases;
 - ✓ Review of the student code of conduct and judicial/disciplinary process on campus;
 - ✓ Enforcing protection orders;
 - ✓ Arrest protocols;
 - ✓ Availability of local rape crisis center; including clarification of roles and responsibilities;
 - ✓ Departmental decisions on how appropriately to handle victims who are facing issues of other violations in connection with their assault – such as underage consumption or marijuana and other illegal substance possession;
 - ✓ Coordination between campus security personnel and campus health units or local hospitals working with Sexual Assault Forensic Examiner or Sexual Assault Nurse Examiner protocols;
 - ✓ Issues surrounding cyberstalking as the misuse of campus computers/property – officers should be encouraged to be familiar with campus policies on computer use and what constitutes violations of the student conduct code;
 - ✓ How to document stalking violations by keeping notes, tracking phone calls, and collecting evidence to support the victim’s account of the incidences; and
 - ✓ Title IX compliance requirements.
-

Sample Policy on Safety Measures

(Adapted from the Campus Action Inter-Campus Sexual Assault Taskforce Conference)

1. All students, faculty and staff will be given a listing of on- and off-campus support services with names and numbers to contact. Such numbers will include the area rape crisis center, campus support groups, faculty members trained to assist in this situation and *[insert name of counseling center]*.
2. *[Insert name of college]* will maintain a blue light system on the campus. At each light, a phone will be directly connected to the campus security. Anytime the phone is picked up, a security guard will immediately respond. These phones will be accessible to those with disabilities, including a system for those with vision disabilities to be able to locate them. Phones will be widely placed throughout the entire campus, especially in areas that are not well lit. A map of the blue light phones will be distributed to all members of the college community. The phones and lights will have regular weekly checks to make sure they are in full working order.
3. There will be a campus police escort group available every night for any person requesting

their services. The group members must be trained in self-defense and travel in pairs when escorting someone.

4. Escort services need to be provided for off-campus students as well. It will be the responsibility of two members of the group to ride the school buses to provide students an escort to their home for those who request such a service.
5. The campus will be lit at night, including paths in wooded and secluded areas. Lights will receive regular maintenance.
6. The campus security will provide regular patrolling, by foot and car to provide security for the campus community.
7. For the victim of a sexual assault, or a reported sexual assault, the following measures will be taken:
 - ✓ Moving the accused perpetrator to another dorm if the two reside in the same hall.
 - ✓ Providing protection, such as a bodyguard, or watch person, if the victim feels she/he is being stalked or harassed.

E8. SEXUAL HARASSMENT, SEXUAL EXPLOITATION, AND NONCONSENSUAL INTERCOURSE/CONTACT AND CONSENSUAL RELATIONSHIPS

The following samples are included in this section:

- ✓ Sample Policy Expectations with Respect to Consensual Relationships;
 - ✓ Sample Policy on Nonconsensual Sexual Intercourse and Contact;
 - ✓ Policy on Effective Consent; and
 - ✓ Sample Policy on Sexual Harassment and Sexual Exploitation.
-

Sample Policy Expectations with Respect to Consensual Relationships

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

[Insert name of college] does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of *[insert name of college]*. For the personal protection of members of this community, faculty-student relationships are discouraged, generally. However, consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities. This includes resident assistants (RAs) and students over whom they have direct responsibility.

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for a charge of a violation of applicable parts of the faculty/staff handbooks.

Sample Policy on Nonconsensual Sexual Intercourse and Contact

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

- ✓ Nonconsensual sexual intercourse means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.
- ✓ Nonconsensual sexual contact means any intentional touching, either directly or through clothing, of the breasts, buttocks, anus or any part of the sex organs of another person, or intentional touching of any part of another person's body by the actor's sex organs, and the touching is done for the purpose of gratifying the sexual desire of either party.
- ✓ Nonconsensual sexual intrusion means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party.

*Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.

Previous relationships or consent cannot imply consent to future sexual acts.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or other forms of coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

In order to give effective consent, one must be of legal age.

If you have sexual activity with someone you know to be (or should know to be) mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of

their sexual interaction.

- ✓ This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint or from the taking of a drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.fris.org>.
- ✓ Use of alcohol or other drugs will never excuse behavior that violates this policy.

Sexual activity includes:

- ✓ Intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- ✓ Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation.

Sanction Statement

Any student found responsible for violating the policy on Nonconsensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations. Any student found responsible for violating the policy on Nonconsensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion*.

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the complaint of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Policy on Effective Consent

(Adapted from Wake Forest University Sexual Misconduct Policy)

The college's definition of sexual misconduct mandates that each participant obtains and gives effective consent in each instance of sexual activity (including but not limited to oral, anal, or vaginal sexual contact). Effective consent is informed, freely and actively given, mutually understandable words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. In the absence of mutually understandable words or actions it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their sexual partner(s). Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same act, in the same way, at the same time, with each other. **Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, the initiator should stop and verbally clarify the other individual's willingness to continue.**

- ✓ Consent may not be inferred from silence, passivity or lack of active resistance alone.
- ✓ A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else) may not, in itself, be taken to imply consent.
- ✓ Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.
- ✓ Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act.
- ✓ Consent expires. Consent lasts for a reasonable time, depending on the circumstances.
- ✓ Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.
- ✓ Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.
- ✓ Consent may never be given by:
 - Minors (under the age of 16 in West Virginia)
 - Persons with certain intellectual disabilities
 - Persons who are incapacitated as a result of alcohol or other drugs or who are unconscious or otherwise physically helpless. Incapacitation means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance.
- ✓ One may not engage in sexual activity with another who one knows, or should reasonably have known, is incapacitated as a result of alcohol or other drugs.
- ✓ The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.

Sample Policy on Sexual Harassment and Sexual Exploitation

(Adapted from National Education for Higher Education Risk Management (NCHERM), *NCHERM Model Sexual Misconduct Policy*)

Sexual Harassment

Gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities.

Three Types of Sexual Harassment

1. Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is hostile must be based on all of the circumstances. These circumstances could include:

- ✓ The frequency of the conduct;
- ✓ The nature and severity of the conduct;
- ✓ Whether the conduct was physically threatening;
- ✓ Whether the conduct was humiliating;
- ✓ The effect of the conduct on the alleged victim's mental or emotional state;
- ✓ Whether the conduct was directed at more than one person;
- ✓ Whether the conduct arose in the context of other discriminatory conduct;
- ✓ Whether the conduct unreasonably interfered with the alleged victim's educational or work performance; or
- ✓ Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness: and
- ✓ Whether the speech or conduct deserves the protections of academic freedom.

2. Quid pro quo sexual harassment exists when there are:

- ✓ Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- ✓ Submission to or rejection of such conduct results in adverse educational or employment action.

3. Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Sexual Exploitation

Sexual exploitation occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- ✓ Prostituting another student;
- ✓ Nonconsensual video- or audio-taping of sexual activity;
- ✓ Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- ✓ Engaging in peeping or voyeuristic behaviors;
- ✓ Knowingly transmitting a sexually transmitted disease (STD) or HIV to another student.

The requirements of this policy are blind to the sexual orientation or preference of individuals engaging in sexual activity.

Sanction Statement

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations*.

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the complaint of serious mitigating circumstances or egregiously offensive

behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

E9. SEX OFFENDER REGISTRATION

The following sample is included in this section:

- ✓ Sample Sexual Offender Registration.
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Sample Sexual Offender Registration Policy

(U.S. Department of Education, *The Handbook for Campus Crime Reporting*)

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, [insert name of college] is providing a link to the West Virginia State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In West Virginia, convicted sex offenders must register with the Sex Offender Registry maintained by the West Virginia State Police

The West Virginia Sex Offender Registry is available via Internet pursuant to Section 15-12-2, (h), of the West Virginia Code. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. **Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.**

The West Virginia State Polices is responsible for maintaining this registry. Follow the link below to access the West Virginia State Police website.

<https://apps.wv.gov/StatePolice/SexOffender/Forms/>

E10. STALKING AND HARASSMENT

The following samples are included in this section:

- ✓ Sample Statement of Purpose;
- ✓ Sample Policy on Reporting Stalking;
- ✓ Sample Statement on Safety for Victims of Stalking; and
- ✓ Sample Statement on Cyberstalking and Cyberbullying.

In addition to strong policies against stalking and harassment, campuses should consider multiple options for remediation and employ a multifaceted approach. In addition to penalties like suspension or probation, campuses should also consider subsequently requiring violators of campus stalking policy to undergo counseling and behavior change intervention as these

approaches have been shown effective in changing stalking behavior. More detailed information on stalking, harassment, cybercrimes, and West Virginia state law can be found in Section B. What You Need to Know. If you would like more detailed information on these issues, please refer to www.fris.org.

Sample Statement of Purpose

(Adapted from CALCASA/The National Center for Victims of Crime/Stalking Resource Center, *Model Campus Stalking Policy*)

[*Insert name of college*] is determined to provide a campus environment free of violence for all members of the campus community. For this reason, [*insert name of college*] does not tolerate stalking or harassment, and will sanction those found guilty to the fullest extent possible.

[*Insert name of college*] is also committed to supporting victims of stalking or harassment through the appropriate provision of safety and support services. This policy applies to all students, employees, faculty and staff of [*insert name of college*].

Incidents of stalking and harassment are occurring at an alarming rate on the nation's college campuses. They are crimes that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identities. These crimes can affect every aspect of a victim's life. Harassment often begins with phone calls, emails, social networking posts and/or letters, and can escalate to stalking and even violence.

National and local data include the following statistics:

- ✓ Fill in national data; and
- ✓ Fill in any local data on stalking and harassment (if college data is not available, consider using any local or state data).

Stalking and harassment are crimes in West Virginia and are subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action through the [*insert name of college*] Office of Judicial Affairs (or appropriate division office). This can include expulsion from [*insert name of college*] and/or criminal prosecution simultaneously.

Sample Policy on Reporting Stalking or Harassment

(Adapted from CALCASA/The National Center for Victims of Crime/Stalking Resource Center, *Model Campus Stalking Policy*)

[*Insert your campus procedure for reporting stalking and harassment here*]

[*Insert name of college*] encourages reporting of all incidents of stalking or harassment to law enforcement authorities, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates at your local rape crisis center are available at [*insert name/contact information for local center*]. Additionally [*insert campus services*] can provide assistance if you are being stalked or harassed. These resources can also inform you of your legal options.

In certain instances, [*insert name of college*] may need to report an incident to [*insert*

appropriate person/agency here], Such circumstances may include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or *insert appropriate person/agency here*, to ensure the safety of the victim. *Insert name of campus counseling/mental health center* is the only fully confidential reporting site on campus.

Safety for Victims of Stalking or Harassment

Insert name of college is committed to supporting victims of stalking and harassment by providing the necessary safety and support services. Student victims of stalking or harassment may be entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following:

- ✓ No-contact order;
- ✓ Services of a victim advocate;
- ✓ Witness impact statement;
- ✓ Change in an academic schedule;
- ✓ Provision of alternative housing opportunities;
- ✓ The imposition of an interim suspension on the accused; and
- ✓ The provision of resources for medical and/or psychological support.

For assistance obtaining these safety accommodations, please contact *insert appropriate office/ person here*.

If safety is an immediate concern, victims are encouraged to call 911 or campus law enforcement at *contact information* for assistance.

Sample Statement on Cyberstalking and Cyberharassment

(Adapted from Clarion University Statement on Social Media)

Insert name of college addresses cyberstalking and cyberbullying as forms of harassment and/or discrimination. It is important that students report being harassed so investigations can occur, talk about options and students' rights, as well as be provided with on or off campus resources as needed.

Reducing Your Risk

Although no prevention strategy is 100% effective, following basic safety measures can help reduce your risk of being a victim of cyberstalking or cyberharassment. For example:

- ✓ Never post or share your personal information online (this includes your full name, address, telephone number, school name, credit card number, or Social Security number) or your friends' personal information.
- ✓ Never share your Internet passwords.
- ✓ Never meet alone with anyone face-to-face whom you only know online or provide your home address for that initial meeting. Practice caution when meeting for the first time someone whom you only know online. Meet in a public place, rely on your own

transportation, and meet in a group. Recognize that trust needs to be established over time.

E11. STUDENT EDUCATION/PREVENTION

The following samples are included in this section:

- Sample Policy Addressing Security Awareness Programs
- Sample Policy on Sexual Misconduct Education

In addition to ensuring full compliance with Title IX, schools should take proactive measures to prevent sexual harassment and violence. OCR recommends that all schools implement preventive education programs and make victim resources, including comprehensive victim services, available. Schools may want to include these education programs in their (1) orientation programs for new students, faculty, staff, and employees; (2) training for students who serve as advisors in residence halls; (3) training for student athletes and coaches; and (4) school assemblies and “back to school nights.” These programs should include a discussion of what constitutes sexual harassment and sexual violence, the school’s policies and disciplinary procedures, and the consequences of violating these policies.

The education programs also should include information aimed at encouraging students to report incidents of sexual violence to the appropriate school and law enforcement authorities. Schools should be aware that victims or third parties may be deterred from reporting incidents in alcohol, drugs, or other violations of school or campus rules were involved. As a result, schools should consider whether their disciplinary policies have a chilling effect on victims’ or other students’ of sexual violence offenses. For example, OCR recommends that schools inform students that the schools’ primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that use of alcohol or drugs never makes the victim at fault for sexual violence.

OCR also recommends that schools develop sexual violence materials that include the schools’ policies, rules, and resources for students, faculty, coaches, and administrators. Schools also should include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials should include where and to whom students should go if they are victims of sexual violence. These materials also should tell students and school employees what to do if they learn of an incident of sexual violence. Schools also should assess student activities regularly to ensure that the practices and behavior of students do not violate the schools’ policies against sexual harassment and sexual violence.

Note: *Reconstructing Norms* is a resource that provides specific training curricula for male students, female students, faculty, staff, campus security and healthcare staff with up to date information specific to West Virginia. *Reconstructing Norms* may be accessed at www.fris.org.

Promoting Awareness of the College Transition (PACT) is a resource that is designed to address the dangers of sexual and relationship violence, particularly for students transitioning from high school to college. *PACT* may be accessed at www.fris.org.

Sample Policy Addressing Security Awareness Programs

(Adapted from U.S. Department of Education, *The Handbook for Campus Crime Reporting*)

All new incoming students, regardless of their time of enrollment, will receive an orientation during which they will be informed of services offered by the *[insert name of police/security department]*. Orientation staff will utilize a variety of presentation materials that outline ways to maintain personal safety and residence hall security. Students will be informed about crime on campus and in surrounding areas. Similar information is presented to all new faculty and staff as well as for any groups (such as youth camps) that are residential. Crime prevention programs and sexual assault prevention programs are offered on a continual basis.

Periodically during the academic year the *[insert name of police/security department]*, in cooperation with other campus-wide organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape) drug-facilitated sexual assault, theft and vandalism, as well as educational sessions on personal safety and residence hall security.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their own safety and the safety of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos and articles and advertisements in college and student newspapers.

When time is of the essence, information is released to the campus community through security alerts posted prominently throughout campus, through computer memos sent over the campus electronic mail system and a voice mail broadcasting system.

Sample Policy on Sexual Misconduct Education

(Adapted from The College of St. Rose, Oberlin College and Antioch College, Campus Action Inter-Campus Sexual Assault Taskforce)

1. *[Insert title of position]* will be responsible for campus-wide education programs regarding sexual offenses, including orientation for incoming students, mandatory workshops for all students, faculty and staff training, the training of the Peer Advocacy Group, and training of Sexual Offense Hearing panels. Potential topics could include:

- ✓ Sexual assault and sexual abuse;
- ✓ Relationship/dating violence;
- ✓ Sexual harassment;
- ✓ Stalking;
- ✓ Alcohol, drugs and sexual assault; including information on drugs used to facilitate rape; and
- ✓ Bystander intervention.

2. All faculty, staff, campus security personnel, health services personnel, and campus residence staff will receive training on sexual assault and relationship violence prevention including, but not limited to *[insert name of college]* policies, responding to and reporting sexual assault and sexual harassment, victim resources, responding to victim's emotional needs and

appropriate responses to disclosures of victimization. Training will be conducted, when possible, in conjunction with representatives from the local rape crisis center. Faculty will also be provided with up to date print resources on these topics annually.

3. An information packet will be distributed to each student at the beginning of each year. It will include:

- ✓ An overview of sexual assault, sexual violence, and sexual harassment;
- ✓ A copy of the campus policy on sexual misconduct;
- ✓ A description of campus and off-campus sexual assault support services; a description of campus safety measures;
- ✓ Risk reduction tips;
- ✓ Information on how to report sexual harassment and assault; and
- ✓ Campus Title IX responsibilities and Title IX coordinator information

4. Sexual assault prevention education will be provided at orientation for all incoming students.

5. Also, supplemental risk reduction workshops will be held in each dorm, each semester. Workshops for students on sexual offenses will be offered by the *[insert name of office]*. Participation in these workshops will be required for graduation. These workshops will be offered each semester, and attendance will be taken during each session to ensure proper credit. Students will need to take at least one workshop each year at *[insert name of college]*, in order to graduate.

Topics for these workshops will include, but not be limited to:

- ✓ Role plays addressing consent;
- ✓ Dispelling the myths of sexual assault;
- ✓ Risk reduction; and
- ✓ Bystander intervention.