



C. Getting Started

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

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

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

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

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

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

[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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