



# **Responding to and Prevention Strategies for Sexual Assault, Dating Violence, Domestic Violence and Stalking as required by the Violence Against Women Act (VAWA)**

# Training Goals



- A statement that the institution prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
- Overview of information contained in the Annual Security Report, in compliance with the Clery Act;
- The definition of those offenses in the applicable jurisdiction;
- The definition of consent, with reference to sexual offenses, in the applicable jurisdiction;

# Training Goals



- “Safe and positive” options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations;
- Recognition of signs of abusive behavior;

# Training Goals



- Practical information about how to identify and report sexual harassment and sexual violence, including same-sex violence; and sexual harassment;
- Risk reduction strategies to potentially prevent victimization;
- Attitudes of bystanders that may allow conduct to continue;
- Potential for revictimization by responders and its effect on students;

# Training Goals



- Appropriate methods for responding to a student who may have experienced sexual violence, or sexual harassment, including the use of nonjudgmental language;
- As applicable, the person(s) to whom such conduct must be reported;

# Training Goals




- Reporting obligation including what should be included in a report and any consequences for the failure to report;
- The procedure for responding to students' requests for confidentiality; and
- Need to provide the Title IX Coordinator's contact information.



Welcome - Client Site 1 x

https://dsa-online.dialogedu.com/client-site-1




Welcome to DSA Online 4 Dec, 2014

**Getting Started:**

Welcome to the D.Stafford and Associates Online Training Site!

To get started, select your course from the Course menu.

**Reporting Structure**




**Reporting Structure for CSAs**  
4 Dec, 2014

The Reporting Structure for Campus Security Authorities is Test Department and they can be contacted at phone (General Phone Number): 555-555-5555  
....

[View more](#)


**Campus Administrative Contact Person**



**Campus Administrative Contact Person**  
4 Dec, 2014

The Campus Administrative Contact Person for Your Campus who is responsible for managing the online training program for


**Title IX Coordinator**




**Title IX Coordinator**  
4 Dec, 2014

The Title IX Coordinator is Test Department and they can be contacted at phone 555-555-5555 or email testperson@school.com

**Forms & Policies**



**Test School Content II**  
9 Dec, 2014



**Test School Content**  
9 Dec, 2014

Adrienne

12:41 PM  
12/12/2014

# Prohibition on Offenses



Your institution prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking—See Front page of this Learning Center for More Information



# Information contained in the Annual Security Report, in compliance with the Clery Act

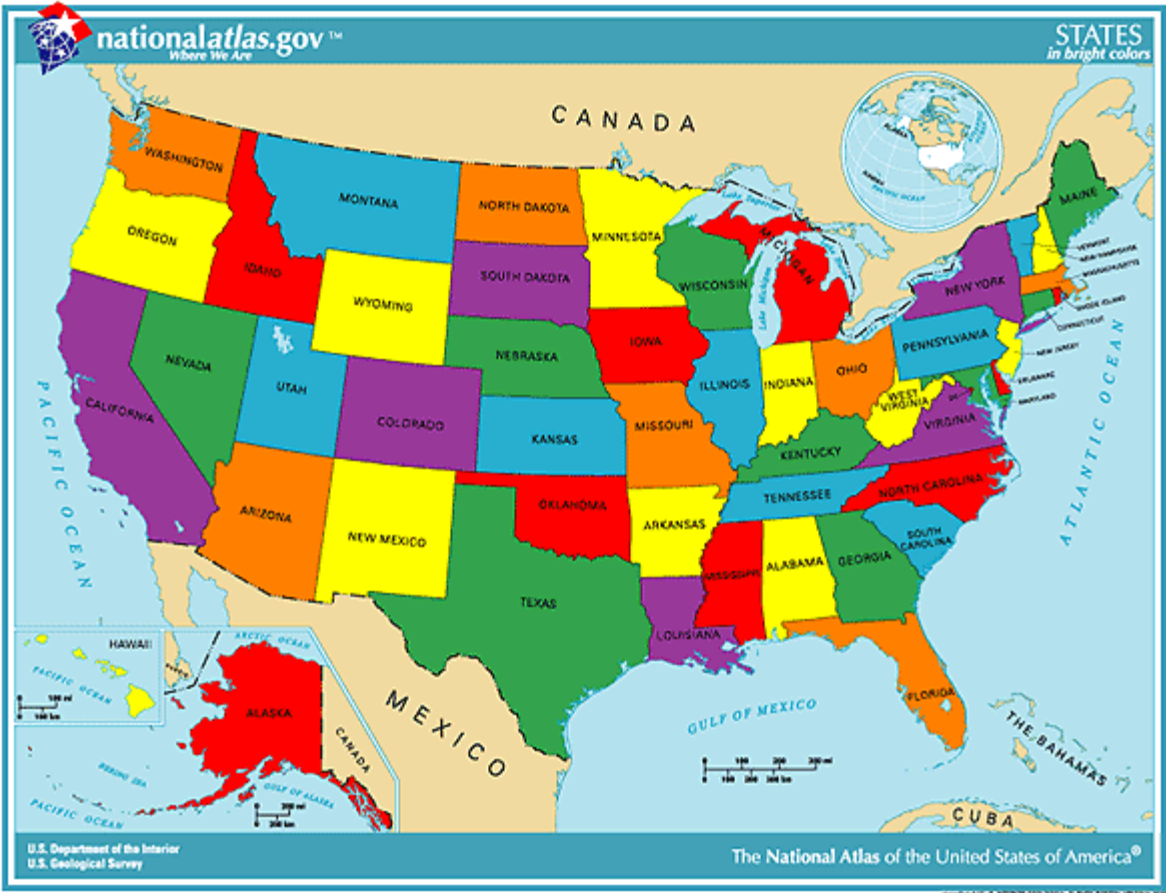


- The Annual Security Report (ASR) contains crime statistics for the previous three years; information with regard to the institution's emergency management and evacuation procedures; information on the institution's policy and procedures for responding to sexual assault; and information on what to do if you become the victim of a crime. If your institution has residential facilities, information with regard to what your institution will do if a residential student is reported missing will also be noted as well as fire statistics for residential facilities for the previous three years.





# Definition of dating violence, domestic violence, sexual assault and stalking in your applicable jurisdiction



# Reporting incidents of sexual assault to the appropriate University/College and law enforcement authorities



## Report to:

- Title IX Coordinator
- Campus Public Safety or Police Department
- Local Police



# Definition of consent, with reference to sexual offenses, in the applicable jurisdiction



- Common elements of consent include:
  - ❑ consent is a voluntary agreement to engage in sexual activity;
  - ❑ someone who is incapacitated cannot consent;
  - ❑ past consent does not imply future consent;
  - ❑ silence or an absence of resistance does not imply consent;
  - ❑ consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
  - ❑ consent can be withdrawn at any time; and
  - ❑ coercion, force, or threat of either invalidates consent.

# How to identify and report sexual harassment and sexual violence, including same-sex violence; and sexual harassment



Sexual  
Harassment

Sexual  
Violence

**Non-verbal**

**Verbal**

**Physical**

**conduct of a sexual nature that is unwelcome**

# How to identify and report sexual harassment and sexual violence, including same-sex violence; and sexual harassment



- Unwanted sexual statements or spreading rumors about or rating someone's sexual activity or performance;
- Unwanted personal attention, like pressure for personal interaction, a date or some over form of intimate involvement; and/or
- Unwanted physical touching of a sexual nature.

# How to identify and report sexual harassment and sexual violence, including same-sex violence; and sexual harassment



- Sexual harassment occurs between persons of the same sex, regardless of their sexual orientation.
- Persons who identify as lesbian, gay, bisexual, transgender, queer or are unsure of their sexual orientation face additional challenges to reporting.

# Recognition of signs of abusive behavior



- Controlling a person
- Attempting to isolate
- Anger, rage, or threats of violence or abuse
- Breaking things
- Cruelty to animals
- “Playful” use of force during sex



# How to Avoid Potential Attacks-Sexual Assault



- Watch alcohol consumption
- Control your drink
- Don't get separated from friends
- Don't accept drinks from anyone

# How to Avoid Potential Attacks-IPV



- Trust your gut
- Ask for help—disclose what's been happening
- Seek out support
- Make a plan
- Enlist the help of others
- Get counseling and medical treatment
- Recognize it isn't your fault

# “Safe and positive” options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations



- Risky Situations Require Immediate Intervention
- Call 9-1-1 or your local non-emergency first responder telephone number
- Enlist the help of other bystanders
- Remove the potential victim from the situation
- Interject, change the subject, say the behavior is not ok

# Attitudes of Bystanders that May Allow Conduct to Continue



- It's not my problem.
- I don't know her.
- She probably does it all the time.
- She should have known better.
- Getting drunk means your "asking for it."
- I may become unpopular.



# Potential for Revictimization by Responders and its Effect on Students



- Women lie all the time about this
- Engaged in high-risk behavior
- Should have known better
- Where is the personal responsibility?
- They won't believe me
- It's my fault
- I deserved what happened to me
- If only I hadn't:
  - Worn this skirt
  - Drank so much
  - Went to this place
- I won't cooperate

# Responding to Disclosure



## What are the appropriate methods for responding to a student who may have experienced sexual violence, or sexual harassment?

1. If they are about to disclose, tell them if you are required to report to the Title IX Coordinator.
2. Give them information with regard to confidential resources.

### **If they share information, DO:**

- ✓ Believe them.
- ✓ Listen actively.
- ✓ Use open posture and make eye contact.
- ✓ Allow them to tell their story in their own way.
- ✓ Show empathy.
- ✓ Don't make promises you cannot keep.



# The procedure for responding to Students' Requests for Confidentiality



Check your institution's policy that prohibits sexual harassment, to include sexual assault.

- Confidential Reporting-Cannot disclose to the school unless special circumstances are met.
- Private Reporting-Must disclose to the school.

# Reporting obligation including what should be included in a report and any consequences for the failure to report



- Name of complainant
- Name of accused party, if known
- Location where misconduct occurred
- Type of misconduct being reported
- Information with regard to what was reported

\*Failure to report can result in investigation by U.S. Department of Education



# Title IX Coordinator's Contact Information



- Report all incidents of sexual assault, stalking, dating violence and domestic violence to the Title IX Coordinator.
  - See the front page of this Learning Center for the contact information for your institution's Title IX Coordinator.
- If you are a CSA, you must also report the statistic to the reporting structure of your institution.



Thanks for your time and  
attention.



**D. STAFFORD**  
& ASSOCIATES



# Designated Sexual Harassment Reporters

# Categories of Reporting Responsibilities



## **Federal Law**

Clery  
Title IX



## **State Laws**

Child Abuse  
Other Abuse



## **Policies**

School policy  
NCAA

# Clergy Reporting Obligations



## ■ Primary Crimes

- Rape
- Fondling
- Statutory Rape
- Incest

## ■ VAWA Crimes

- Dating Violence
- Domestic Violence
- Stalking

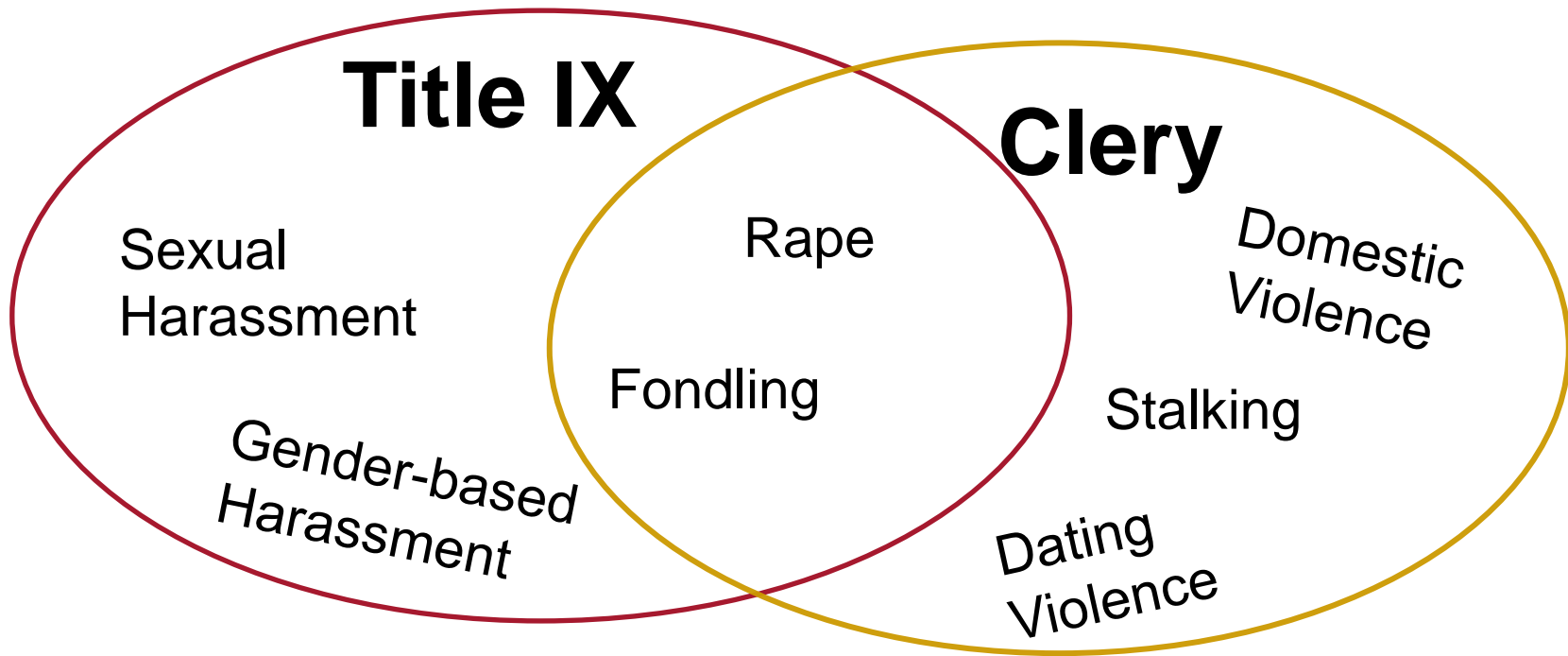
## ■ Hate Crimes

# CSA Reporting

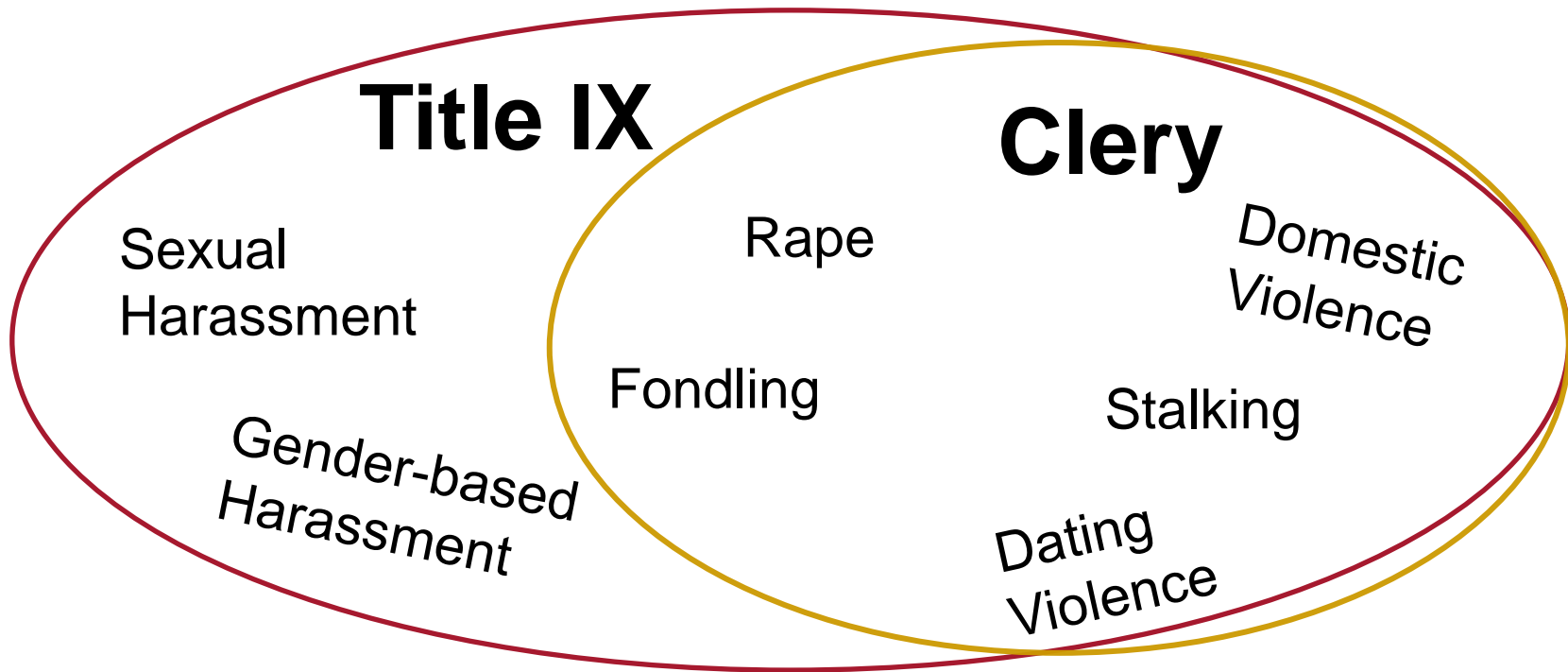


- Official
  - Clergy Compliance Officer
  - Other designated personnel
- Office
  - Police Department/Public Safety
  - Other designated office

# Clery and Title IX Intersections - OLD



# Clery and Title IX Intersections - NEW





# Title IX - New Definitions



## Old Definitions

- Sexual Harassment including sexual violence

## New Definitions

- **Prong 1:** Quid Pro Quo Sexual Harassment
- **Prong 2:** Hostile Environment Sexual Harassment
- **Prong 3:** Sexual Assault, Dating Violence, Domestic Violence and Stalking

# Title IX - New Reporting Rules



## Old Language

- Responsible Employee
- Knew or should have known

## New Language

- Actual Knowledge (notice)
- Title IX Coordinator or
- Official with authority to institute corrective measures

# What is Reported to the Title IX Coordinator?



- Who
- What
- When
- Where
- Why

All relevant information

# Title IX Reporting



## Title IX Coordinator

“The Title IX Coordinator must promptly contact the complainant . . . .”



# Title IX Reporting Best Practices



Policy  
Considerations



Training  
Considerations

# State Laws



- Education
  - Codified 2011 Title IX guidance into law
  - May apply to public and private
  - Some states go beyond old Title IX guidance

# Other “Mandated Reporters”



**Elderly**

**Disability**

**Children**

# State Child Abuse Laws



Reporting  
Obligation

Legal  
Definitions

Where to  
Report



# Child Abuse Law Comparisons



## Alabama

- All employees in public and private higher education
- Must report child abuse regardless of the perpetrator

## North Carolina

- All persons or institutions
- Must report child abuse by a parent or caregiver

# Reporting Abuse



- “Child Protective Services”
- Local law enforcement
- County health department

# Policy Implications



- Sexual Misconduct Policy
- Reporting General Student Misconduct
- Employee Misconduct Reporting Structure
- Minors on Campus Policy



2014  
Resolution

2017 Policy on  
Campus  
Sexual  
Violence

2019 Update  
to Policy

# Mandatory Reporting Intersections



Who Must/May  
Report?



What is Reported?



Thanks for your time and  
attention.