



# C. Responding to Disclosures

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## INTRODUCTION

While participating in interpersonal violence prevention programming, there is a good chance that students will disclose victimization. It is critical that you know what to do in these situations. **Your main role is to ensure that the student is provided with a supportive and informative response and is connected to campus and community resources based on their needs and concerns.** It is recommended that you **partner with the local rape crisis center and domestic violence program** so that victim advocates who are experienced in dealing with disclosures are available during/after your programming. However, you should also know what to say if a student discloses victimization to you and advocates are not available.

This section reviews elements important to an effective response—knowledge of related laws, understanding of victims’ needs, awareness of steps in an immediate response, issues when working with specific populations, and resources available to students who are victimized.

**A first responder’s words and actions can have a tremendous impact on a victim of interpersonal violence.** 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. Reacting to a disclosure with judgment and blame may lead a victim to think that the violence was her fault and lead her to suffer in silence. Conversely, responding with support, compassion and accurate information about the violence, traumatic reactions and resources can empower the victim to begin the process of healing.



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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.

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## C1. EXPLANATION OF KEY TERMS

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

**Anonymous Reporting:** When a victim or friend of a victim reports a crime without revealing the victim’s identification (National Organization for Women, 2008). Anonymous reporting may also be referred to as blind or third party reporting. It allows victims and/or third party reporters to share critical information about an incident with authorities without compromising confidentiality and filing a formal complaint. It also provides law enforcement with 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.

**First or Immediate Responder:** A professional or paraprofessional who initially responds to a disclosure of interpersonal violence, typically following institution/agency-specific policies. Those who traditionally have been responsible for a community's immediate response include victim advocates, 911 dispatchers, law enforcement officers and health care providers. Others also may be involved, such as emergency medical technicians, public safety officials, protective service workers, mental health providers, social service workers, school personnel, employers, corrections staff, religious/spiritual counselors, etc. (Office on Violence Against Women, 2004). On college campuses, first responders can vary but likely include those who coordinate immediate services, provide emotional support and health care, offer protection, take reports and collect evidence, conduct preliminary investigations, and provide information and referrals.

**Forensic Medical Examination:** Following an assault and particularly a sexual assault, a victim may require medical attention for injuries and related health concerns. There may be bodily evidence to collect and information to be gathered about the assault, if the victim is considering or undecided about reporting to law enforcement. The purpose of a forensic medical exam is to assess a victim's health care needs and collect evidence when appropriate for potential use during case investigation and prosecution (Office on Violence Against Women, 2004).

**Mandatory Reporting:** West Virginia law identifies (1) 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*. Requirements vary slightly for children and adults, but both can initially be verbally reported to the local Department of Health and Human Resources or the 24-hour hotline (800-352-6513). If a crime is suspected, a report should be made to law enforcement.

**Protective Order:** A court order issued in a jurisdiction to protect 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 of actions, strategies, and resources to address the safety of a person who fears having violence committed against her/him.

**Sexual Assault Nurse Examiner (SANE):** A registered nurse who completes specialized education to perform a forensic medical examination with sexual assault victims. Common duties of a SANE: providing comprehensive victim care, identifying physical trauma, documenting injuries, collecting evidence and maintaining the chain of custody, offering referrals for medical/psychological care and support, and being an expert witness during court proceedings (West Virginia Foundation for Rape Information Services—WV FRIS, 2008).

**Sexual Assault Response Team (SART):** 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 coordinated 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. SART members typically include emergency medical personnel, prosecution, law enforcement and a sexual assault victim advocate (WV FRIS, 2008). Colleges may have their own SARTs and/or

participate on a community SART.

## C2. POLICIES GUIDING RESPONSE TO DISCLOSURES

It is important that you are aware of your duties to report interpersonal violence in specific circumstances, whether it be a state, federal or college-specific requirement.

### State Requirements

#### MANDATORY REPORTING

In West Virginia, an individual can decide whether or not to report interpersonal violence to law enforcement unless the situation meets the criteria for mandatory reporting. It is possible you will come across such situations. If a mandatory report is required, encourage the victim to initiate the report and offer assistance in reporting. You must fulfill your mandatory reporting responsibilities.



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Note that in West Virginia, **sexual assault victims in non-mandatory reporting situations can have a forensic medical exam conducted without reporting the incident to law enforcement.** (The exam process will be discussed in the next section.)

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#### What are mandatory reporting requirements in West Virginia?

In West Virginia, state law (*WVC§9-6-9*) identifies individuals who must report suspected abuse or neglect of **adults who are incapacitated or of emergency situations where adults who are incapacitated are at imminent risk of serious harm.** Reporters include: medical, dental and mental health professionals, Christian Science practitioners, religious healers, social service workers, law enforcement officers, humane officers, state or regional ombudsmen (an advocate for residents of nursing homes, board and care homes, and assisted living facilities), and employees of nursing homes or other residential facilities.



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An **adult who is considered “incapacitated,”** according to state law, is **someone who cannot independently conduct daily life sustaining activities due to a physical, mental or other infirmity.** Note the incapacity can be temporary.

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#### Reporting procedures for suspected mistreatment of an incapacitated adult:

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

**Mandatory reporters of suspected mistreatment of a *minor* in West Virginia** include: religious healers and clergy members, Christian Science practitioners, social service workers, school teachers and other school personnel, child care or foster care workers, humane officers, emergency medical services personnel, peace officers or law enforcement officials, circuit court and family court judges, employees of the Division of Juvenile Services and magistrates, youth camp administrators or counselors, employees, coaches or volunteers of an entity that provides organized activities for children, and commercial film or photographic print processors.

### **Reporting procedures for suspected mistreatment of a minor:**

- ✓ Reports should be made immediately to DHHR, Child Protective Services (CPS) or 800-352-6513 (same as above number).
- ✓ If it is believed that a child suffered serious physical abuse, sexual abuse or sexual assault, the reporter shall *also* immediately report, or cause a report to be made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint.
- ✓ If the mandatory reporter is a staff member or a volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency, the reporter should immediately notify the person in charge of that institution school, entity, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.
- ✓ The oral report to DHHR should be followed with a written report within 48 hours if so requested.



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

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## **INFORMED CONSENT AND GUARDIANSHIP/CONSERVATORSHIP**

### **Why is a victim's informed consent important?**

**It is critical to respect the right of victims of interpersonal violence to make their own decisions about reporting**, unless the situation meets the criteria for mandatory reporting. It is also **up to victims to decide what services to utilize, if any**, following a disclosure.

**You can help ensure that victims' decisions are informed by offering them, as early as possible in your interaction with them, information about the college's requirements related to reporting, their options for assistance and the potential impact of their decisions about reporting and seeking assistance.** For example, you can briefly explain to students during prevention programming your reporting requirements to the school and the state if they tell you about victimization and the rationale for such reports. If a student approaches you after a program and tells you about a sexual assault, even if the student does not wish to make an official report but just wants emotional support, you should review who you are required to tell, if anyone (e.g., the dean of students, the Title IX coordinator, local law enforcement if a

minor or incapacitated adult is involved, etc.), why and what will happen after a report is made. You should let the student know that if the assault was recent, there are health issues to consider (e.g., risk of pregnancy, sexually transmitted infections including HIV) and a limited window of time for the collection of potential forensic evidence. Of course, you also should offer to connect the student with the services upon request. Note that **having an advocate from the local rape crisis center present during/after prevention programming allows you to shift this role of explaining options and limitations and connecting victims with services to the advocate**. The advocate also can likely offer disclosing students a greater degree of confidentiality.

## **What do I need to know about guardianship/conservatorship?**

**A West Virginia resident over the age of 18 is presumed to be competent to make her/his own decisions unless a court determines otherwise.** However, if a person is declared to be legally incompetent, the circuit court may determine she/he is a “protected person” and appoint a guardian/conservator to make decisions on her/his behalf. A **guardian** is responsible for the personal affairs of a protected person. A **conservator** is responsible for managing the estate and financial affairs of a protected person. The terms and conditions of a court appointment indicate the scope of the guardianship or conservatorship. There likely are students attending your college who have guardians and/or conservators.

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

## **CONFIDENTIALITY**

**Maintaining confidentiality is a key to developing trust with victims.** Victims are asked to share very personal information about their experiences of being violated in order to receive medical, emotional and legal support. They may be traumatized and embarrassed by having to recount what happened. They frequently have grave concerns related to disclosing their victimization, reporting to law enforcement and seeking services. Given such difficulties and concerns, it is critical for victims to be able to trust that the communications they have with violence prevention personnel will be kept in confidence as appropriate and allowable by law and campus policies. Information should not be released about victims without their informed, written consent, except in cases mandating reporting. As noted earlier, it is important to convey related reporting requirements to individuals before they disclose, to the extent possible. Campus personnel should follow policy guidelines and maintain privacy.

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

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

Note that **release of information forms should be time-limited (e.g., 15 days) and specific (what will be released to whom)**.




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As mentioned earlier, it is likely that **advocates from the local rape crisis center and domestic violence program can offer students disclosing interpersonal victimization a greater degree of confidentiality than college personnel**. It is recommended that colleges publicize students' option for reaching out to these off-campus programs as a way to preserve students' ability to make their own decisions about reporting, increase their privacy, and increase their understanding of the full scope of available resources and how to access them. Of course, community-based advocates need to be familiar with and able to explain to college students their options for help on-campus.

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## Key Federal Legislation Influencing Campus Response

### THE CLERY ACT

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** (otherwise known as the **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 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**. It has been amended multiple times to expand the parameters of the legislation, including through the 2013 Campus Sexual Violence Elimination Act or Campus SaVE Act. (Paragraph partly drawn from [The Clery Center for Security on Campus](#).)

**Basic components of the Clery 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 as well as campus security policies**. (Note that the Campus SaVE Act includes sexual assault, domestic and dating violence, and stalking in the crimes to be included and also requires colleges to describe their response and prevention policies related to these crimes. See the upcoming section on Campus SaVE Act.)
- ✓ If a college has a campus law enforcement or security department, a **public daily crime log** must be kept.

- ✓ **Crimes** that pose a serious or continuing threat to the campus community **must be reported to the community** in a **timely manner**.

## **Under the Clery Act, which college employees have a responsibility to report interpersonal violence that is disclosed to them by students?**

A crime is considered reported under the Clery Act when it is brought to the attention of a “campus security authority” (CSA) by a victim, witness or other third party or even the offender. CSAs must report allegations of crimes to campus or local law enforcement as per campus policy, even if the victim does not file a report. **The Clery Act defines a CSA as any person or body with significant responsibility for student and campus activities** (e.g., a dean, coach, student affairs staff or campus law enforcement or security staff). CSAs do not include faculty who do not have responsibility for student or campus activities beyond the classroom or clerical, cafeteria or facility/maintenance staff (Center for Public Integrity, 2010).

**However, it is imperative that colleges clearly outline and publicize their policies and procedures** related to who among their employees are CSAs; what interpersonal violence information needs to be shared (identifying versus non-identifying data) and to whom; and what the reporting process entails. The policies and procedures must go beyond Clery Act stipulations to also incorporate other relevant federal, state and college requirements.



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The [Clery Center for Security on Campus](#) provides a clearinghouse of information and resources regarding Clery Act compliance and changes as per the Campus SaVE Act. 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).

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## **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.

The Campus SaVE Act expanded upon several of these rights for sexual assault victims as well as broadened them to apply to victims of interpersonal violence (see below). Title IX also



supports the provision of victim rights (see below).

## CAMPUS SAVE ACT REQUIREMENTS

The 2013 **reauthorized Violence Against Women Act** included the **Campus Sexual Violence Elimination Act (Campus SaVE Act)**, which amends the **Clery Act** and affords additional rights to campus victims of sexual violence, dating violence, domestic violence and stalking. It requires every post-secondary institution participating in Title IV financial aid programs to **compile statistics** of incidents of sexual assault, domestic violence, dating violence and stalking that occur within its Clery geography and are reported to campus security authorities. It also requires these institutions to include **a statement of policy in their annual security report** regarding:

### Procedures for Victims

- ✓ **Procedures victims should follow** if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred, including information in writing about: importance of preserving evidence; to whom the alleged offense should be reported; and options regarding law enforcement and campus authorities (including notification of the victim's option to notify on-campus and local law enforcement, be assisted by campus authorities in notifying law enforcement if the victim so chooses, the option to decline to notify such authorities, and, where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court).
- ✓ **Written notification to students about services available for victims** on campus and in the community.
- ✓ **Written notification for 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.
- ✓ **Written explanation of the student's or employee's rights and options to a** student or employee who reports to the institution that they have been a victim of one of the aforementioned crimes.
- ✓ Information about **how the institution will protect the confidentiality of victims**.

### Procedures: School Response to a Report

- ✓ **Procedures when an incident has been reported**, including a statement of the standard of evidence that will be used during institutional conduct proceeding arising from the report.
- ✓ **Procedures for institutional disciplinary action** in cases of alleged domestic violence, dating violence, sexual assault and stalking, which shall include statements that proceedings shall provide a prompt, fair and impartial investigation and resolution; **be conducted by officials who receive annual training** on issues related to domestic violence, dating violence, sexual assault and stalking, and how to conduct an investigation and hearing process **that protects the safety of victims and promotes accountability**. 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 meeting or proceeding by an advisor of their choice.** Both the accuser and the accused shall be simultaneously informed, in writing, 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.

- ✓ **Possible sanctions on protective measures** the institution may impose following a final determination of an institutional disciplinary procedure regarding sexual assault, domestic violence, dating violence or stalking.



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**The Campus SaVE Act also includes requirements for prevention and awareness programming** for incoming students and new employees, as well as ongoing programs for students and faculty. See *D. Getting Started Promoting Prevention*.

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## TITLE IX

(This section is 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.)

**Title IX of the Education Amendments Act 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.

**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.

To remind schools of their **Title IX responsibilities to take immediate and effective steps to respond to sexual violence**, the U.S. Department of Education, Office for Civil Rights (OCR) issued a [Dear Colleague Letter](#) (DCL) in 2011. The DCL provided guidance on addressing concerns that arise in these cases and on Title IX. It discusses (1) proactive efforts that schools can take to prevent sexual violence, (2) the interplay between various pieces of federal legislation relating to a victim's right to know the outcome of her/his complaint, and (3) examples of remedies and enforcement strategies that schools and the OCR may use.

The DCL noted that Title IX requires schools to do the following:

- ✓ Once the school knows of possible sexual violence, it must **take immediate and appropriate action to investigate or otherwise determine what occurred.**
- ✓ If sexual violence has occurred, the school must **take prompt and effective steps to end it, prevent its recurrence and address its effects**, whether or not the sex discrimination is the subject of a criminal investigation.
- ✓ The school must **take steps to protect the victim as necessary**, including interim steps taken **prior** to the final outcome of the investigation.
- ✓ The school must **provide a grievance procedure for students to file complaints of sexual violence.** These procedures must include an **equal opportunity for both parties** to present witnesses and other evidence and the same appeal rights.
- ✓ The school's grievance procedures must **use the preponderance of the evidence standard to resolve complaints** of sexual violence. (This procedure is usually the college's disciplinary process for violations of the student code of conduct.)
- ✓ The school must notify **both parties of the outcome of the complaint.**

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



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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](mailto:ocr@ed.gov). Also see the resources of the [National Center for Higher Education Risk Management](#) (NCHERM) and resources made available by the White House at [www.notalone.gov](http://www.notalone.gov).

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## **Which college employees have a responsibility to report under Title IX?**

The Association of Title IX Administrators (Sokolow, 2013) noted that “some campus officials have seized on language in the DCL to imply a duty to fully investigate and remedy all complaints regardless of the wishes of a victim, which is an overreaction to OCR's clarification of its expectations for Title IX compliance.” OCR's intention was to encourage a victim-centered response by schools to disclosure of victimization, not drive victims away from reporting (Sokolow, 2013). Part of the issue here is that there is some confusion about who among college faculty and staff are required to report to college administration when a student discloses sexual violence to them, what is the extent of information each must provide, and how they should handle situations where the student does not wish to report to the campus. There is also ambiguity about how the college investigates a case if the victim requests confidentiality or does not want the complaint pursued (which is discussed in the next question).

The definition of “responsible employee” under Title IX would allow a college to treat only some faculty and staff as mandated reporters. As was discussed in the previous section on the Clery Act, **college policies and procedures need to clearly spell out who among their**

**employees are mandatory reporters, what sexual assault and harassment information needs to be reported (identifying versus non-identifying data) and to whom, why, what the reporting process entails, and what happens once a report is made.**



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The Association of Title IX Administrators offers a model (access through Sokolow's 2013 *Chronicle of Higher Education* article, [Mandatory Reporting of Title IX: Keep it Simple](#)) that recommends that all campus employees be mandatory reporters, but different employees have different mandates in the information they are required to share (identifying versus non-identifying). Specifically, the model suggests that all employees report to the Title IX coordinator or other designated campus personnel, who would then pass the crime information on to the public safety office as per the Clery Act. Supervisors would be required to report all incidents in full detail. Nonsupervisory employees such as resident assistants and some faculty members and staff would also be required to report, but should be empowered to make anonymous reports, at least initially, that include the details of an incident except for anything that would personally identify those who were involved. If an employee is talking with a student who appears to be about to disclose victimization, the employee can explain their confidentiality limitations and offer to connect them with a campus counselor or advocate, with whom they may have more confidentiality.

Although not indicated in this model, keep in mind that connecting such students with an advocate from the local rape crisis center would afford them even more confidentiality, as these centers are not obligated to report to campus authorities.

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### **How should a college proceed with an investigation if the victim requests confidentiality or does not want a complaint pursued?**

**The college should respect the wishes of the victim to the extent possible and explain any limitations.** The DCL indicates that a college should inform and obtain consent from the victim before beginning an investigation. If the victim requests confidentiality or asks that the complaint not be pursued, the school should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or not to pursue an investigation. If a victim insists that identifiable information not be disclosed to the alleged perpetrator, the school should inform the victim that its ability to respond may be limited.

Again, there is merit in **connecting students with the local rape crisis center** as soon as possible so the full range of options can be discussed and then determinations made if students wish to report to college personnel, knowing that the college must initiate a school-based investigation.

### **FEDERAL GUIDELINES TO ADVISE CAMPUSES ABOUT SEX OFFENDERS**

(This section was drawn from the U.S. Department of Education's *The Handbook for Campus Safety and Security Reporting*, pages 146-8.)

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 how information about registered sex offenders on campus can be obtained** (e.g., the campus law enforcement department, a local law enforcement agency with jurisdiction of the campus, or a computer network address). The intention 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 these Guidelines

**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.

## C3. UNDERSTANDING VICTIMS’ NEEDS

(Note that local rape crisis centers and domestic violence programs are a resource to assist the college prevention staff and students in further understanding these needs.)

### Unique Needs

**Whoever is at the receiving end of a disclosure of interpersonal violence victimization** must recognize that victims’ circumstances and needs vary considerably. While acknowledging the courage it took to share victimization and that you are sorry they experienced it, don’t jump to conclusions about their situation, state of mind or needs.

For example, a student might approach you at the end of a prevention activity and disclose sexual victimization that occurred years ago. She may only tell you because she wishes to share the impact it has had on her and express her interest in becoming a peer prevention educator. In addition to thanking her for her willingness to become active in prevention work, it might be useful to provide her with resource information if she ever wants emotional support. This scenario is different from one in which a student discloses a very recent sexual assault, is clearly distraught and has immediate medical issues. It is also different from one in which a student discloses a recent assault, but does not appear in crisis nor wishes to take further action.

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

- ✓ When the violence occurred (hours, days, weeks, months, years ago)

- ✓ Whether physical injuries were sustained, the severity of the injuries, and whether they were treated
- ✓ Level of emotional trauma experienced, capacity to cope with it, and support received
- ✓ Whether the victim fears continued threats and violence
- ✓ History of prior victimization
- ✓ Age and developmental level
- ✓ Gender and/or gender identity
- ✓ Sexual orientation
- ✓ Existence of a disability
- ✓ Language and communication needs
- ✓ Ethnic and cultural beliefs and practices
- ✓ Economic status
- ✓ Immigration and refugee status
- ✓ Past experiences with responding systems (medical, criminal justice, victim advocacy, etc.)
- ✓ Whether the victim was involved in activities prior to the violence that generate victim blaming
- ✓ Whether the violence involved alcohol and/or drugs
- ✓ Whether the victim engaged in illegal activities at the time of the violence or has outstanding criminal charges
- ✓ Prior relationship with the offender, if any



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

## Needs Specific to College Students who are Victims

As mentioned above, each victim is different. However, victims who are college students may face some similar challenges due to their association with campus life.

**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, particularly 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 perpetrator may be able to easily stalk the victim if he/she knows the victim's class and extracurricular schedule. The victim may be harassed by 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.)

Due to emotional trauma from interpersonal violence—past, present and/or threat of future violence—**victims may experience academic difficulties as well as problems with extracurricular activities**, to the point that they drop out of classes and activities, lose a sports or academic scholarship, feel that they can no longer live in the same residence, isolate themselves from their former social groups, etc. If they are employed, they may not be able to perform adequately, may lose work time and/or may be in financial jeopardy.

**It is essential that colleges provide their students who experience interpersonal violence**

**with access to accommodations to help them stay in school** in a healthy and safe manner as they recover from trauma associated with the violence and deal with any ongoing threats. Key federal legislation discussed earlier includes requirements for some accommodations. For example, the Campus SaVE Act requires that colleges notify victims about their options for 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. Similarly, the Campus Sexual Assault Victims' Bill of Rights of the Clery Act requires notifying victims of counseling services and their option to change classes or dormitory assignments to avoid contact with perpetrators. Title IX mandates colleges protect victims as necessary, including prior to the outcome of an investigation.

## Key Victim Issues

(Note that WV FRIS offers online training courses on most of the topics addressed in this section. See the [Sexual Assault Services Training Academy at www.fris.org](http://www.fris.org).)

It is important to generally be prepared to help victims understand:

- ✓ The full extent of the problem (especially in the case of ongoing violence);
- ✓ Common victim reactions as well as others' reactions to their victimization;
- ✓ Common medical needs and concerns;
- ✓ Emotional trauma that may result from their victimization;
- ✓ Common safety needs;
- ✓ Related financial concerns; and
- ✓ Remedies and resources available to them.

*B. What You Need to Know* discussed the different types of interpersonal violence and initial victim reactions, as well as society's tendency to blame victims. The issues of emotional trauma, physical health consequences, safety and financial concerns are examined briefly below. Immediate intervention strategies, legal and non-legal remedies, and resources are the focus of the remaining sections of *C. Responding to Disclosures*.

## EMOTIONAL TRAUMA

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

- ✓ **Physical:** changes in eating patterns, sleep disturbances, sexual dysfunction, low energy and chronic, unexplained pain.
- ✓ **Emotional:** depression; spontaneous crying; feelings of despair and hopelessness; anxiety and panic attacks; fearfulness; compulsive and obsessive behaviors; feelings of being out of

control, irritable, angry and resentful; emotional numbness; and withdrawal from normal routines and relationships.

- ✓ **Cognitive:** memory lapses (especially about the violence), difficulty in making decisions, decreased ability to concentrate, hyperactivity and impulsivity.

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

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

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

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

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

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

## PHYSICAL HEALTH CONCERNS



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

## **SAFETY**

(Section adapted in part from Victim Rights Law Center, 2009)

**Interpersonal violence can shatter many victims' feelings of safety.** They may not feel safe for months or years after an incident(s), and have a variety of safety concerns. For example:

- ✓ Victims may fear continued and escalating **physical harm, intimidation and retaliation by their perpetrator(s)** against themselves and their family, friends, pets and service animals. If they have or worry about ongoing contact with their perpetrators, their fears and hyper-vigilance may be especially acute.
- ✓ Victims may be concerned their **perpetrators will target other individuals**.
- ✓ Victims may develop **elevated fears of persons, places and things they associate with the violence** (e.g., fear of men, being out at night, etc.). Their existing fears may also be exacerbated by the violence (e.g., of being alone or in crowds).
- ✓ Victims may face or fear **threats to their health**, such as contracting a sexually transmitted infection (STI), including HIV.
- ✓ The emotional distress that victims experience can increase their **risk of self-inflicted harm and other self-destructive behaviors**.

Unfortunately, **some victims may not seek help to enhance their safety because they are too afraid of further harm or humiliation or immobilized by their reaction to the violence**. Some victims with disabilities may have trouble accessing help due to challenges presented by their individual circumstances (e.g., a victim may be physically dependent on an abusive caregiver and unable to seek help because the caregiver isolates her from others and she lacks the social support, financial means or transportation needed to escape).

## **FINANCIAL CONCERNS**

**Interpersonal violence can result in out-of-pocket expenses** (e.g., for medical treatment, counseling, legal fees, change of residence, etc.) **and loss of income for victims**. For some victims, **worry about money causes considerable stress and may even prevent them from reaching out for assistance**. College students who are financially dependent on parents may worry about their parents finding out about the violence if they are charged for services. Students with disabilities may be concerned that their independence could be restricted if their parents found out about the violence and became concerned about their ability to take care of themselves.

As mentioned earlier, college students who are victims may **face the potential of losing financial aid and scholarships** if they are not performing adequately as per scholarship/aid requirements. **Loss of income from jobs may also jeopardize their ability to pay their college tuition and other fees.**

## C4. YOUR ROLE AS AN IMMEDIATE RESPONDER

Some general **strategies you can use to mitigate victims' emotional trauma:**

- ✓ **Establish working relationships with local victim advocates and medical responders** so that they can be connected with victims at the earliest point possible to help quickly address their needs;
- ✓ **Listen to the victim and be supportive;**
- ✓ **Let the victim know that no one deserves to be a victim of interpersonal violence;**
- ✓ **Dispel untruths and misconceptions;**
- ✓ **Normalize common reactions** to the violence (e.g., “what you’re feeling is normal”);
- ✓ **Create a safe environment** for the victim;
- ✓ **Be aware of the victim’s non-verbal cues;**
- ✓ **Offer the victim information and options rather than advice;** and
- ✓ **Allow the victim to make her/his own choices.**

### Encourage Victims to Access a Victim Advocate

Having the support of a victim advocate as soon as possible after a disclosure of victimization can not only help victims with their healing, but also may allow them to tap into a wider range of useful services and increase their willingness to participate in justice processes.

Some colleges may have campus-based victim advocates—they are an excellent resource for victims. However, do not forget that students who are victimized should be aware of the availability of victim advocates from the local rape crisis center or domestic violence program. Not only can they offer victims their expertise and advocacy, they also are typically able to offer confidential communications with no requirements around reporting to the campus or local law enforcement (except as per state mandatory reporting mandates). In addition to providing 24-hour support and information, rape crisis center/community-based advocates are typically available to accompany and advocate for victims during the forensic medical examination, investigative interviews, court processes and school hearings. Domestic violence victim advocates offer similar services to domestic violence victims. (More on advocacy services in C6. *Resource for Victims on College Campuses.*)

### Endorse a Coordinated Team Approach

The **coordination of interventions among those involved in the immediate response to disclosures of interpersonal violence is critical to helping victims and facilitating timely criminal and school investigations.** College personnel doing violence prevention work should

identify other campus offices and community agencies to which victims can be referred and/or directly linked for help (See *C6. Resources for Victims on College Campuses*). At a minimum, core community responders include (depending upon the circumstances):

- ✓ Advocates from the local rape crisis center;
- ✓ Advocates from the local domestic violence program;
- ✓ Hospital emergency department medical staff (in sexual assault cases, often sexual assault nurse examiners);
- ✓ Local law enforcement (including campus law enforcement); and
- ✓ Prosecutors (may/may not be involved in an advisory capacity in immediate response).



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**A sexual assault response team (SART) may exist in your community to promote a coordinated response in sexual assault cases.** See [WV FRIS](#) for more information on local rape crisis centers and SARTs. A resource for colleges is Barry and Cell's 2009 [\*Campus Sexual Assault Teams—Program Development and Operation Management\*](#).

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## Be Prepared to Intervene in a Crisis

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

**Crisis intervention attempts to stabilize a person's reactions to an immediate problem.** Crisis intervention is sometimes referred to as “emotional first aid” designed to “stop the emotional bleeding.” Crisis management rather than resolution is the goal.



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

- ✓ Helping to calm the victim to facilitate rational, informed decisions;
  - ✓ Helping the victim planning for short-term safety;
  - ✓ Addressing medical concerns and encouraging the victim to seek needed care;
  - ✓ Discussing reporting options and encouraging evidence collection, if appropriate;
  - ✓ Addressing additional specific concerns and helping to prioritize urgency;
  - ✓ Providing contact information for the local rape crisis center or domestic violence program, explaining services and connecting the victim, with her permission, with an advocate; and
  - ✓ Providing additional information and referrals as needed.
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## Be Ready to Provide Information and Referrals

Information and referrals may include:

- reporting options, mental health counseling options and resources for family and friends,
- information on the justice process, medical care and sexual assault forensic evidence collection,
- the West Virginia Crime Victims' Compensation Fund,
- school investigations of code of conduct violations,
- civil remedies and victim rights, and
- potential school accommodations for victims.

**They will also need contact information for relevant college and community resources—** be sure to include the local rape crisis center and domestic violence program on this list.



Consider bringing along to prevention programming a stack of brochures with this information to offer to individuals who disclose victimization. If you don't want to create such a booklet yourself, find out if a similar brochure is already available through another college or community entity.

## Encourage Medical Care

It is important to **encourage victims to seek medical care as soon as possible after physical or sexual violence**. They can be examined for **acute and non-acute injuries**. Victims of sexual assault may also need antibiotics to prevent STIs; female victims can receive medication to protect against pregnancy. Sexual assault forensic medical examinations encompass both non-acute medical care related to the assault and forensic evidence collection. (See below.)

## Be Prepared to Explain Reporting Options

**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. 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. Victims may choose not to participate in the criminal justice process.
- ✓ 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 is helpful for victims to 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.** An advocate from the local rape crisis center or domestic violence program who has knowledge of both jurisdictional and college issues may be best positioned to provide such information. Victims should understand:

- ✓ **They have the choice of whether or not to report to law enforcement authorities**, unless the incident meets state mandatory reporting requirements and they disclose to a mandatory reporter.
- ✓ **Not reporting, or delaying a report, can lead to the 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 be informed of the preservation 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** (see below). The victim is responsible for medical costs for 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 underage 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 victims**. It is helpful if victims are aware of strategies they can use to cope with such consequences.
- ✓ If they **do not report the victimization to law enforcement within 72 hours, they will not be eligible for compensation** of their related out-of-pocket expense **through the West Virginia Crime Victims Compensation Fund. However, there may be some exceptions for a delayed report.**
- ✓ **Other administrative support remedies may be available** if a student does not wish to formally report interpersonal violence to the college, or go through a formal school investigation. 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.
- ✓ 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.



### **Criminal Justice Response vs. Civil Legal Remedies**

(Drawn from International Association of Forensic Nurses, 2010; Brandl et al., 2007.)

With **criminal offenses**, the **county prosecutor makes the decision whether or not to prosecute the case and what level of offense is charged**. Once a crime is reported to law enforcement, a criminal investigation may begin. Law enforcement makes the initial determination of what charges to file against a suspect. However, at the time an indictment is sought, the prosecutor makes the decision as to what charge(s) should be brought in connection with a case. To charge a suspect with a crime, sufficient evidence that the crime occurred is needed. **Law enforcement seeks to reconstruct details about the crime during an investigation**. Bodily evidence on victims can be collected, as applicable. There may be crime scene evidence as well as evidence on suspects' bodies/clothes and at other locations. Statements from victims, suspects and witnesses may support evidentiary findings.

**Under criminal law**, when a person is a victim of another person's criminal act, the crime is considered to be committed against the State, not the individual victim. Thus, prosecution represents the state rather than victims in criminal cases. Certain restrictions are placed on prosecutors in order to protect the rights of the accused. For example, the accused has the right to have an attorney, to not be subjected to unlawful search or seizure, to confront witnesses,

and to not be forced to testify against oneself. Prosecutors are required to share any information with the defense that might prove that the accused is not guilty or less culpable of a criminal act.

**Whether or not there are criminal charges filed, civil legal remedies may be available to victims of interpersonal violence. A civil protective order** is one remedy available to victims of domestic violence, dating violence, sexual assault and stalking in West Virginia.

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

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## Encourage Evidence Preservation in Sexual Assault Cases

Evidence preservation is key if the victims are considering reporting the crime to law enforcement or considering having a forensic medical exam. Once victims of sexual assault are safe and have their acute medical and emotional needs addressed, it is important to preserve potential evidence that may help in the investigation and prosecution.

**To preserve potential forensic evidence, victims are generally advised:**

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

Let victims know that **a victim advocate from the local rape crisis center can accompany them through the forensic medical examination.** (If an advocate is not already involved, the hospital should contact the rape crisis center to send an advocate to support the patient during the exam.)



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

**Licensed medical facilities in West Virginia can provide medical care and collect evidence without reporting the assault to law enforcement, if the victim wishes** (except in mandatory reporting cases). The evidence will be collected and stored for up to 24 months. With no statute of limitations on felony sexual assaults, the victim can later decide to report the crime to law enforcement and the evidence can then be retrieved. If the victim does not want a forensic medical exam to collect the evidence, medical care is still important to treat physical injuries and address possible exposure to sexually transmitted infections and pregnancy.

- ✓ The **West Virginia State Police Forensic Lab indicates that 96 hours post-assault** is the outside limit for conducting a forensic medical examination using the state Sex Crime Evidence Collection Kit, **unless circumstances exist where evidence may be present**. If there is any question about the appropriateness of forensic medical care in a particular case, err on the side of caution and encourage the victim to go to the hospital.
- ✓ **Because so many sexual assaults are committed by offenders who are known to the victim, the collection of biological identifying evidence may not always be the most vital component of the forensic medical exam**. Forensic examiners can collect an assault history and document any pain, soreness or injury whether or not they collect physical evidence. This information and documentation can corroborate force and/or the assault history provided by the victim and is therefore critically important to the investigation and prosecution of the case.
- ✓ **If drug or alcohol facilitated sexual assault is suspected** based on the statement of the victim's activity or the victim's physical symptoms, **act quickly to expedite the collection of blood and/or urine analysis**. Preferably urine should be collected at the hospital. The likelihood of detecting the drugs used to commit the sexual assault lessens each time the person urinates. If victims cannot wait to urinate until their arrival at the hospital, first responders should ask them to provide a sample in a clean container and bring it to the hospital, documenting the chain of custody. They should be asked if there are other materials that might provide evidence of a drug facilitated assault (e.g., a glass that held the drink).

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## Be Prepared to Help with Safety Planning

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

**Victims' feelings of security and control in their lives can be enhanced** when they identify their safety concerns and concretely plan how to reduce their risk of further harm. An increased sense of safety can contribute to healing from the effects of sexual violence. Recognizing that victims' situations and safety concerns may change over time, **planning for safety often needs to be an ongoing process rather than a one-time event**.



### Safety Planning with Victims in Crisis



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

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

(4) For longer-term safety planning, encourage victims to seek the assistance of the rape crisis center or domestic violence program (depending on the circumstances). The college may be able to help victims identify and/or implement longer-term safety strategies specific to the college environment.

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## PROTECTIVE ORDERS

**A victim of sexual assault, dating violence, domestic violence and stalking in West Virginia can request a protective order through their [county magistrate court](#)—a [Personal Safety Order](#) (PSO) for victims in non-domestic relationships or a [Domestic Violence Protective Order](#) (DVPO).**

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

## Encourage Documentation of Ongoing Interpersonal Violence

It can be helpful for victims of ongoing interpersonal violence to document their offender’s harassing and abusive behaviors. Below is an example of how to document incidents (from the Stalking Resource Center’s [stalking incident/behavior log](#)). Such a log encourages victims to be specific and thorough in their documentation. In addition, they can note the negative consequences resulting from the incident on themselves and their family and friends. This information can be kept in a notebook or binder created specifically for this purpose. It may be helpful when seeking a protective order or reporting the violence to law enforcement.

Date of Incident	Time of Incident	Description of Incident (attach any photos or evidence, e.g., e-mail/phone messages, texts, video-recordings, gifts)	Location of Incident	Witness Names (Attach Address & Phone #)	Law Enforcement called (Date, time, report #)	Officer Name (Badge #)
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## If Victims have Financial Concerns

Some victims are reluctant to seek critical medical care, mental health counseling and other services due to concerns about money. Some may receive services but then find themselves beset with financial problems. **West Virginia has a Crime Victims Compensation Fund to reimburse eligible victims for eligible expenses related to crime victimization if the crime is reported to law enforcement within 72 hours.** Advocates at local rape crisis centers and domestic violence programs are trained to assist victims in accessing this fund. These advocates can also help victims consider other financial resources and options. **Colleges should review their policies to ensure that they are supporting student victims of interpersonal violence in their recovery and return to full school activities** (e.g., by temporarily waiving requirements to maintain a certain grade-point average for a scholarship or allowing them to change residences with no financial repercussions).

## Inform Victims of Sexual Harassment of their Options

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.

**It is important for students to be familiar with the sexual harassment policies and grievance procedures of the college** (they should be posted for easy student access).

Depending on the severity of the harassment and the campus policy, a formal report may not always be needed. For example, if a student is made uncomfortable due to a hostile class environment created by other students, she/he may inform the professor or the dean of the department to allow the issue to be resolved without involving the campus judicial system. Students should be informed if their college requires that a report be made within a certain

amount of time after an incident. Students should also know who among college personnel are required to report student disclosures of sexual harassment to the college Title IX coordinator and what level of information they must provide.

**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 college 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.

<a href="#">U.S. Department of Education, Office of Civil Rights</a> (for schools receiving federal funding): Complaints must be filed within 180 days from the date of the sexual harassment. 800-421-3481
<a href="#">West Virginia Human Rights Commission</a> (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
<a href="#">West Virginia Equal Employment Opportunity Office</a> (for state employees): 304-558-0400
<a href="#">U.S. Equal Employment Opportunity Commission (EEOC)</a> (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 (by the agency who received the complaint) 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.



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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.

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## Discuss Potential Accommodations with Victims

As noted earlier, **it is essential that colleges provide students who experience or are threatened with interpersonal violence with access to accommodations to help them stay in school.** Examples of accommodations include: changing academic, living, transportation and working situations; loosening requirements for maintaining financial aid and scholarships; providing protection to victims such as escorting them to their classes and cars; increased security around their residence; etc. Students and college personnel should know which campus office(s) can assist victims with identifying needed accommodations and implementing them. Colleges should listen to victims’ concerns and be willing to “think out of the box” to create an accommodations “package” that speak to each victim’s unique circumstances.

## C5. WORKING WITH SPECIFIC POPULATIONS

### Victims with Disabilities

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

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

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

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

**Potential barriers for persons with disabilities to seeking help** include:

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

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

- ✓ Keep in mind that **a disability may influence the person's ability to communicate**
- ✓ Remember that **a person with a disability is entitled to the dignity, consideration, respect and rights** you expect for yourself
- ✓ Use **terminology that places the person before the disability** (e.g., "a person with epilepsy" rather than "an epileptic")
- ✓ Take the time **to listen and understand the situation**
- ✓ **Be honest** if you do not understand the message a person is trying to communicate and **ask for suggestions** to improve the interaction
- ✓ If someone with a disability is accompanied by another individual, address the person with the disability directly—**don't speak through the other person**

- ✓ When interacting with a person who uses a wheelchair, **sit at her/his level and do not touch the wheelchair** (if you inadvertently bump into the wheelchair, excuse yourself)
- ✓ If you offer assistance and the person declines, **do not insist**
- ✓ Help the person to **make her/his own choices**, to the extent possible



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If a victim discloses having a disability, **it is helpful to identify concerns related to if and how the disability may affect the person’s safety options, ability to access services, needed accommodations, and reactions to the assault/abusive incident.**

An accommodation for a disability is a modification to goods, services and structures that allows for inclusion and participation by a person with a disability.

**Campus disability services programs might be helpful in assisting students in identifying useful accommodations for disabilities** in these situations.

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## International Students

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



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**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 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).

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**Note that international students 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?**

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 2013. (Drawn 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](http://www.womenslaw.org) or [U Visa for Immigrants who are Victims of Crimes](#) 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 interpersonal violence issues, confidentiality and cultural concerns. 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.**



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### **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. Also keep in mind that local rape crisis center and domestic violence program advocates often have access to interpreter services for victims they serve. With the victim's permission, facilitate a referral to access those services.

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## 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 regarding gay, lesbian and bisexual victims:

### **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 violence or harassment that is motivated by hate and homophobia.** For example, a lesbian might be targeted because of a masculine appearance and be sexually 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 increase the intensity of the violence (Funk, 2006).

Along with the trauma that victims face after interpersonal violence occurs, **LGBTQ victims may find that the violence complicates the 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. They may decline a physical or forensic medical exam for this reason. To help make LGBTQ victims feel more comfortable, mimic the language they use to describe themselves and their partners.



#### **Identify if there are campus and/or community support resources for LGBTQ**



students in the event that they experience interpersonal violence. Connect them with these resources, if they so desire.



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

## C6. RESOURCES FOR STUDENTS WHO ARE VICTIMS

### 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.**

<p><b>Are there campus policies/procedures for responding to sexual assault, domestic and dating violence, and stalking?</b></p> <ul style="list-style-type: none"> <li>✓ If such policies/procedures exist, how is the campus community informed of them (student and staff orientations, student/personnel handbooks, the school's website, etc.)?</li> <li>✓ Do policies/procedures differ if students are victimized on-campus versus off-campus? If so, how?</li> <li>✓ 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.?</li> </ul>
<p><b>Does the college identify the campus office(s) and/or staff person(s) responsible for the immediate response to victims of sexual assault, domestic and dating violence, and stalking?</b></p> <ul style="list-style-type: none"> <li>✓ What help does each entity provide (service coordination, emotional support, advocacy, protection, report taking, evidence collection, investigation, health care, information and referral, etc.)?</li> <li>✓ 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?</li> <li>✓ 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?</li> </ul>
<p><b>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 incident?</b></p> <ul style="list-style-type: none"> <li>✓ They should be able to assist victims with: safety; accessing support from advocates; explaining reporting options; reporting an incident to the school and the local criminal justice system; explaining the importance of getting medical care, emotional support and preserving evidence; and arranging safe transportation to a nearby hospital for medical care and/or forensic evidence collection.</li> <li>✓ In the case of ongoing threats of violence, do campus law enforcement or 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?</li> </ul>
<p><b>Is there an entity on your campus that provides support and information to victims of sexual assault, domestic and dating violence, and stalking?</b> (Sometimes support is available through the campus women's center.)</p> <ul style="list-style-type: none"> <li>✓ If so, what is the extent of services they provide to each type of victim?</li> <li>✓ Can they provide confidential support to victims?</li> <li>✓ Does a permanent physical location exist to ensure that students know where to find such support?</li> <li>✓ What hours is assistance available? What happens if assistance is sought outside of these hours?</li> <li>✓ Does this entity coordinate services with the local rape crisis center and domestic violence program?</li> <li>✓ Is the support offered widely publicized on campus?</li> </ul>

<ul style="list-style-type: none"> <li>✓ Are campus faculty, staff and paraprofessionals aware of the support available and how to access it?</li> </ul>
<p><b>Is there a campus student health/counseling center? What specific assistance is offered to victims of sexual assault, domestic and dating violence, and stalking?</b></p> <ul style="list-style-type: none"> <li>✓ Are counseling staff trained to provide crisis intervention and counseling to these victims?</li> <li>✓ What hours is assistance available? What happens if assistance is sought outside of these hours?</li> <li>✓ 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?</li> <li>✓ 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 nearest hospital emergency department for medical care.</li> </ul>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>✓ What incidents violate the school's student code of conduct and/or personnel policies?</li> <li>✓ How is an administrative report made?</li> <li>✓ 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?</li> <li>✓ What measures of protection is the school able to offer students experiencing interpersonal violence (recognizing that each circumstance is unique)? Is there any difference in measures available if the perpetrator is student versus a school employee versus a non-student or non-college employee?</li> <li>✓ Are victims kept apprised of the outcomes of their cases? How?</li> <li>✓ How are related violations of personnel policies dealt with by the college?</li> </ul>
<p><b>Is there a designated Title IX Coordinator on campus?</b></p> <ul style="list-style-type: none"> <li>✓ Is this person easily identified by campus personnel so they can direct victims to this office?</li> <li>✓ Is the coordinator's name and contact information made widely available to students?</li> <li>✓ Is the coordinator aware of Title IX provisions regarding interpersonal violence on campus?</li> </ul>
<p><b>Does the college have its own SART and/or participate on the local SART, if one exists? A community SART helps first responders act in a coordinated manner to provide victims with emotional support, forensic medical care and legal assistance, and to address issues arising in specific cases.</b></p> <ul style="list-style-type: none"> <li>✓ If the college has a SART, who is involved and what are each of their roles? How can it be accessed?</li> <li>✓ Who participates from the college on the community SART? What are their roles? How can it be accessed?</li> <li>✓ Does the college participate in any collaboration to respond to domestic and dating violence or stalking? If yes, explain.</li> </ul>

## Community Resources

It is helpful for campuses 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 areas can be found through the [West Virginia Foundation for Rape Information Services](#) (WV FRIS). 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 through the [West Virginia Coalition Against Domestic Violence](#) (WVCADV - 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. **Find out which hospitals in your area to send students to for general medical care and for a 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 interpersonal violence 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 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). [WV FRIS](#) offers information about how to apply.
- ✓ **Community 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 [WVCADV](#) offers state-specific information on domestic violence. The national domestic violence hotline is 800-799-SAFE.
- ✓ The [WV FRIS](#) provides general and state-specific information and resources on sexual assault and stalking. The national sexual assault hotline is 800-656-HOPE.

<b>West Virginia's Regional Rape Crisis Centers</b> (* Indicates center is also a domestic violence program)	
<b>CONTACT Huntington</b> P.O. Box 2963 Huntington, WV 25729 304-399-1111 <a href="http://www.contacthuntington.com">www.contacthuntington.com</a>	<b>RDVIC- Rape and Domestic Violence Information Center*</b> P.O. Box 4228 Morgantown, WV 26505 304-292-5100 <a href="http://www.rdvic.org">www.rdvic.org</a>

<p><b>Family Refuge Center*</b>  P.O. Box 249  Lewisburg, WV 24901  304-645-6334  <a href="http://www.familyrefugecenter.org">www.familyrefugecenter.org</a></p>	<p><b>SAHC-Upper Ohio Valley Sexual Assault Help Center, Inc.</b>  P.O. Box 6764  Wheeling, WV 26003  304-234-8519</p>
<p><b>HOPE, Inc. Task Force on Domestic Violence*</b>  P.O. Box 626  Fairmont, WV 26555  304-367-1100</p>	<p><b>Shenandoah Women's Center*</b>  236 West Martin St.  Martinsburg, WV 25401  304-263-8292  <a href="http://www.swcinc.org">www.swcinc.org</a></p>
<p><b>REACH/The Counseling Connection</b>  1021 Quarrier St., Suite 414  Charleston, WV 25301  304-340-3676  <a href="http://www.tccwv.org">www.tccwv.org</a></p>	<p><b>Women's Aid in Crisis*</b>  P.O. Box 2062  Elkins, WV 26241  304-636-8433  <a href="http://www.waicwv.com">www.waicwv.com</a></p>
	<p><b>Women's Resource Center*</b>  P.O. Box 1476  Beckley, WV 25802-1476  304-255-2559  1-888-825-7835 (TTY)  <a href="http://www.wrcwv.org">www.wrcwv.org</a></p>

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

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

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

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

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

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

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

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

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

## 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. The hotline is confidential and anonymous (no personal information including phone number will be recorded).
- ✓ [National Sexual Violence Resource Center](#) is an excellent source for additional information.

### Stalking

- ✓ [Stalking Resource Center](#) (202-467-8700 or [src@ncvc.org](mailto: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

- ✓ A 24-hour [National Domestic Violence Hotline](#) is available at 800-799-SAFE (7233) or 800-787-3224 TTY.
- ✓ A 24-hour [National Teen Dating Abuse Helpline](#) 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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