Striving for Justice: A Toolkit for Judicial Resolution Officers on College Campuses

Responding to Sexual Assault and Dating and Domestic Violence

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Executive Summary

Although great strides have been made to address sexual assault and dating and domestic violence on college campuses, the rates of violence remain quite high and many barriers still exist for survivors in seeking services. At the University of Michigan, the Sexual Assault Prevention and Awareness Center (SAPAC) is one place that provides assistance for survivors. We provide educational and supportive services for the campus community related to sexual assault, dating and domestic violence, stalking, and sexual harassment. SAPAC is committed to fulfilling this mission in a culturally-sensitive, empowering, and empathic way to University of Michigan students, staff, and faculty. We offer a number of services including education and training, advocacy, information and referral, crisis intervention, and special events.

SafeHouse Center is the non-profit agency that provides services for survivors of domestic and sexual violence in Washtenaw County. SafeHouse provides free and confidential services for any person victimized that lives or works in Washtenaw County. Their programs include counseling, court accompaniment, information and referrals, emergency shelter and personal advocacy.

One way in which SAPAC advocates for survivors is by assisting them through the process offered by the Office of Student Conflict Resolution (OSCR). This office administers the Statement of Student Rights and Responsibilities and is based upon the following principles:

- Building trust by conducting an operation this is educationally focused, student-driven, and community-owned.
- Promoting justice by facilitating conflict resolution for the Michigan community and creating a just and safe campus climate.
- Teaching peace by serving as a campus resource for conflict management. (www.oscr.umich.edu)

Any University of Michigan student survivor of dating, domestic, and/or sexual violence may file a complaint against her or his assailant through OSCR if the perpetrator/assailant is also a University of Michigan student. He or she may also concurrently press formal charges through the criminal justice system. If the survivor chooses to file a complaint with OSCR, then she or he would
then potentially participate in a hearing process where student panelists or a
faculty or staff resolution officer would hear the case, determine responsibility,
and implement sanctions for the accused student. OSCR is available to provide
a more educationally-focused, alternate dispute resolution process while helping
to ensure the safety of the University community.

SAPAC and OSCR began collaborating during the summer of 2006 in
order to recognize our mutual goals of creating a safe campus climate and to
determine ways of creating the most effective process possible. This process of
collaborating and planning resulted in the following:

- An in-depth questionnaire designed by OSCR to gauge SAPAC’s
  perceptions of ways in which the two offices have worked well together
  in the past, as well as areas for improvement.
- A chart created by SAPAC that summarized suggestions for areas of
growth within OSCR for dealing with issues related to dating, domestic,
and sexual violence. These four areas included language use, sanctions,
OSCR processes, and training.
- A 4-hour sexual assault training conducted by SAPAC with the
  incoming OSCR student panelists in January of 2007. This was
  extended from the 2-hour training conducted previously.
- In-depth research by SAPAC and SafeHouse Center on the scope of
  the issues of dating, domestic, and sexual violence on college campuses,
  recidivism, Title IX, consent constructs, reporting rates, best practices
  within judicial affairs units, perpetrators, and effective sanctioning for
  students found responsible for dating, domestic, and sexual violence.
- Continuous brainstorming and planning sessions between OSCR and
  SAPAC and SAPAC and SafeHouse Center.
- A commitment between SAPAC and OSCR to form a debriefing
  process following hearings related to dating, domestic, and/or sexual
  violence.
- The development of this toolkit, which is meant as a resource to OSCR
  student panelists and staff, as well as other campus units, in regards to
dating, domestic, and sexual violence cases. This toolkit provides an
overview of sexual assault, dating and domestic violence on college
campuses and offers sanction recommendations for those found
responsible for these offenses.

SAPAC would like to thank SafeHouse Center and the Office of
Student Conflict Resolution for their collaboration on this effort!
Defining Sexual Assault

The purpose of this section is to familiarize the reader with how both SAPAC and the state of Michigan define sexual assault. In addition, it is designed to provide an overview of consent and coercion, two issues that lie at the center of sexual assault. Also, examples of rape myths versus facts are provided. It is imperative that panelists have a complete understanding of definitions, consent, coercion, and rape myths before hearing a sexual violence-related case.

SAPAC Definition:

SAPAC defines sexual assault as any form of unwanted sexual contact obtained without consent and/or obtained through the use of force, threat of force, intimidation, or coercion.

State of Michigan Definition:

There are four degrees of Criminal Sexual Conduct (CSC) under Michigan law and they cover a range of sexual contact and levels of force or intimidation. Survivor resistance is not a factor in assessing CSC and the law is gender neutral. Marital rape has also been illegal in Michigan since 1988.

First Degree Criminal Sexual Conduct

1. Sexual Penetration (sexual intercourse, cunnilingus, fellatio, anal intercourse, any other intrusion of a body part or an object into genital or anal openings); and
2. One of the following circumstances:
   a. Victim under 13
   b. Victim 14, 15, or 16 and one of the following:
      i. member of the same household
      ii. related by blood or affinity
      iii. assailant in position of authority over victim
   c. Occurs during commission of another felony
   d. Assailant is aided by another person, and one of the following:
      i. victim incapacity * (victim is mentally incapable, mentally incapacitated, and/or physically helpless – see definitions of these below)
ii. assailant uses force or coercion

e. Weapon involved

f. Force or coercion and personal injury (bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ)

g. Personal injury and victim incapacity

h. Victim incapacity and one of the following:
   i. related by blood or marriage
   ii. assailant in position of authority over victim

Punishable by up to life imprisonment.

**Second Degree Criminal Sexual Conduct**

1. Sexual Contact (intentional touching of intimate parts or clothing covering intimate parts, for the purpose of sexual arousal or gratification) and

2. Any of the circumstances listed for 1st degree CSC

Punishable by up to 15 year’s imprisonment.

**Third Degree Criminal Sexual Conduct**

1. Penetration (see definition under CSC 1), and

2. One of the following circumstances:
   a. Victim 13, 14, or 15
   b. Force or coercion
   c. Victim incapacity

Punishable by up to 15 year’s imprisonment.

**Fourth Degree Criminal Sexual Conduct**

1. Sexual Contact (see definition under CSC 2), and

2. One of the following circumstances:
   a. Force or coercion
   b. Victim incapacity
   c. Assailant is employed by department of corrections in which victim is incarcerated

Punishable by up to 2 year’s imprisonment and/or fine of $500.00.
* Mentally incapable – a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct.

* Mentally incapacitated – victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.

* Physically helpless – victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.

(http://www.umich.edu/~sapac/info/assault-csc.html)

**Consent:**

The following consent and coercion definitions and descriptions were taken from:


In terms of the law, a majority of states now have adopted consent-based definitions of sexual assault. Force may be an aggravating factor, or may serve as additional proof, but it is increasingly being abandoned as the *sine qua non* of rape. Where codes previously provided that sex against one’s will constituted rape, modern revision now holds that rape is sexual intercourse without one’s consent.

This shift represents a subtle yet all-important change. The onus of giving consent is taken away from the object of the sexual initiator, instead requiring that the initiator gain that consent from the object of the sexual attention before any permissible sexual activity may take place.

This re-emergence of consent-based doctrine recognizes and ratifies a simple principle of the common law – our personal sovereignty. We have the right not to be acted upon by someone else unless we wish to be acted upon, and communicate that to the actor. Our silence is not our permission. You may not take my wallet simply because I have not said that you cannot have it. Moreover, this restoration of the common law principles of consent aids in the uniform application of the laws. A murder victim need not resist an attacker in
order to prove it was murder. A mugging victim need not resist a thief in order for the theft to occur. So, this reformulation restores a sense of symmetry to sex crime codes where anomaly has heretofore reigned.

Everything you need to know about consent:

- Consent IS when someone agrees, gives permission or says yes to sexual activity with someone else. It is always freely given and both people in a sexual situation must feel that s/he is able to say “yes” or “no” at any point during sexual activity.

- At the heart of the idea of consent is the idea that every person, man or woman, has a right to personal sovereignty – not to be acted upon by someone else in a sexual manner unless he or she gives clear permission to do so.

- Consent to one form of sexual activity does not automatically imply consent to other forms of sexual activity.

- Consent means you can’t make assumptions about what your partner does or does not want. Absence of clear signals means that you CAN’T touch someone else, not that you CAN.

- Consent means two people (or more) deciding together to do the same thing, at the same time, in the same way, with each other.

- The idea of consent completely rules out any need to show the use of force, or any type of resistance.

- Consent requires that the person initiating the sexual activity get permission to do so, and that permission does not exist in the absence of resistance.

- There are circumstances, as well, where even when consent is given, it is not valid. Consent would be invalid when forced, threatened, intimidated, coerced, when given by a mentally or physically incapacitated person, or when given by a minor.

- We can’t play the game of, “If she doesn’t want it, she’ll stop me.” That’s based on antiquated resistance requirements. It’s not her job to
resist, but yours to respect her boundaries, and to find out what they are if they are unclear.

- No means no, but nothing also means no. Silence and passivity do not equal permission.

- Consent can be withdrawn any time.

- Where you see assumptions being made by someone in a sexual context, this is an alarm. Look at those assumptions and see if they are reasonable. Unreasonable assumptions are usually policy violations.

- If you get a “no” and keep right on pressuring and continuing to interact sexually, you run the risk that your behaviors are a coercive influence on the other party.

- Respect for another member of the community is an expectation that all members are expected to uphold at all times, including in the context of sexual interaction. Respect means paying heed to verbal and non-verbal cues, desires, boundaries, and behaviors of others.

**Coercion:**

- Coercion is a tactic used by perpetrators to intimidate, trick or force someone to have sex with him/her *without* physical force.

- Coercion is an issue of power and control.

- A perpetrator who uses coercive tactics knows that his or her victim neither wants nor enjoys this sexual interaction.

- Assailants use many forms of coercion, threats, and manipulation to rape including alcohol and drugs. Alcohol, Rohypnol, and other drugs are often used to incapacitate victims.

- Men who have committed sexual assault also frequently report getting their victim drunk as a way of making it easier to talk or force him or her into having sex (Abbey, McAuslan, and Ross, 1998).
Although the media has labeled drugs such as Rohypnol and GHB as the date-rape drugs of the present, these are only two of the many drugs used to incapacitate a victim. Of the 22 substances used in drug-facilitated rapes, alcohol is the most common. (LeBeau, M., 1999).

Examples of coercive statements:

“If you really loved me, you’d have sex with me.”

“I didn’t think you were such a prude.”

“But we’ve had sex before.”

“If you don’t have sex with me, I’ll find someone who will.”

“I’ll tell everyone that you’re gay if you don’t have sex with me.”

“I’ll spread rumors about you if you don’t have sex with me.”

“But you’ve been flirting with me the whole night.”

The following are some sample scenarios dealing with consent and coercion (Sokolow, 2004):

1. Todd meets up with Amy at a party at 11:00pm and brings her at least 10 drinks over the course of three hours. Then, at 2:00am, just after Amy throws up, he walks her back to her room and the two of them engage in sexual intercourse. Does Todd have consent?

No. He fed Amy 10 drinks over three hours, knew she threw up just before sex, and should not have engaged in sexual activity with someone in that condition. Todd had enough information that he should have known that Amy was not in great condition because he gave her the drinks and knew that she was physically ill just before sex. Todd should be found responsible for sexual assault.

2. Sarah and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Sarah to come up to his room. For the next three hours, Bill uses every line he can think of to convince Sarah to have sex with him, but she refuses. Finally, it seems to Bill that her resolve is weakening. He convinces her to give him a “hand job.” Sarah would never have done it if Bill hadn’t been so pushy.
He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? Did Bill have consent?

No. Bill coerced Sarah into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not effective when forced. Sex without consent is sexual assault. Bill should be found responsible for sexual assault.

3. When Luke and David first met, their relationship was tumultuous. At first, David didn’t want to have sex with Luke because he felt like their friends might find out. Luke kept trying to convince him. He implied that if David didn’t sleep with him, he would break up with him. David finally gave in, and had sex with Luke. Did Luke have consent?

No. David did not consent to Luke of his own free will. Whenever a threat is used to make someone consent, it is an invalid consent because it is forced. David consented not because he wanted to have sex with Luke, but because he feared that he would break up with him. Luke should be found responsible for sexual assault.

4. Theo is a junior and Tameka is a sophomore. Theo comes to Tameka’s dorm room with some mutual friends to watch a movie. After the movie, everyone leaves and Theo and Tameka are alone. They hit it off and begin to make out. Theo verbally expresses his desire to have sex with Tameka. Tameka, who was abused by a babysitter when she was five and has not had any sexual relations since, is shocked at how quickly things are progressing. As Theo takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Tameka has a severe flashback to her childhood trauma. She wants to tell Theo to stop, but cannot. Tameka is stiff and unresponsive during the intercourse. Does Theo have consent?

No. It is the duty of the sexual initiator, Theo, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Theo had no verbal or non-verbal mutually understandable indication from Tameka that she consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of alcohol or drug use, your partner may not be in a position to provide as clear an indication as possible. Theo should be found responsible for sexual assault.
Evidence:

We know that a decision that is biased, arbitrary, or capricious will not meet the test of fundamental fairness. We know that procedures and decisions must be reasonable. What is too often left unsaid is that there will be instances in which the admission and consideration of irrelevant evidence, hearsay evidence, illegally obtained evidence, or evidence lacking in credibility will violate fundamental fairness. There are two basic rules of evidence that should be observed in the campus hearing: the rule of relevance and the rule of credibility of witnesses/testimony (Sokolow, 2004).

The Rule of Relevance:

Judicial decision-makers should only deliberate upon evidence that is relevant to the issue being tried in the hearing. Otherwise, the hearing could degenerate into a confusing barrage of unrelated facts and character assassination. How do you recognize irrelevance when you hear it? To test for relevance, ask yourself, “Is the fact or information that is being offered likely to prove/disprove an issue in the hearing?” If it is likely to lead to proof/disproof, it is relevant. If it is not likely to do so, it should be inadmissible (Sokolow, 2004). Test your familiarity with this concept in the following examples:

1. Is the fact that a boyfriend failed to heed a campus no-contact order relevant in a later hearing in which he is charged by his girlfriend (who requested the order) with a violent attack?

   Yes. It tends to prove that he had violent inclinations toward her.

2. The complainant wants to testify that on the night of the sexual assault, she observed stacks of pornographic magazines, centerfold posters on the walls, and pornographic DVDs on the bookshelf of the respondent’s room. Is this relevant?

   No. The existence of pornography does not make it more or less likely that there was or was not consensual sex.

Variation: What if the complainant wants to testify that after the assault, the respondent went to the bathroom to take a shower. At that time, she observed stacks of pornographic magazines, centerfold posters on the walls, and pornographic DVDs on the bookshelf and around the
DVD player in the respondent’s dorm room. While the respondent was in the bathroom, the complainant played the DVD that was in the DVD player. The complainant wants to testify that the way the respondent raped her was identical to a rape depicted on that DVD. Is this relevant?

Yes. At this point, pornography becomes relevant. If the respondent re-enacted a scene he had seen on a DVD, it might help to establish that the respondent planned the assault, which is indirectly, but clearly related to the issue of consent.

3. In the same case, the roommate of the complainant wants to testify that since the assault, the complainant has suffered from terrible nocturnal nightmares, often waking up screaming and that complainant never acted this way before the incident in question. Is this relevant?

Yes. The matter at issue in the case is whether the complainant is suffering from rape trauma syndrome. This testimony does not directly prove consent, if that is the matter in issue, but it may help to contribute to evidence to that determination. This information is relevant to whether or not the complainant is suffering from rape trauma syndrome. If she is, this testimony is evidence that the complainant is suffering from a trauma that may have been triggered by an assault. Testimony from a treating counselor or psychologist might be used to confirm this.

4. Is what the complainant was wearing on the night of the alleged assault relevant?

No. What the complainant was wearing has no relevance.

5. Is it relevant who or how many other people the complainant has had sex with in the past?

No. Sexual history of the complainant has nothing to do with the issue of whether the accused had her consent on the date of the incident in question. In addition, whether the victim has ever consensually slept with the accused before is not relevant to whether there was consent on the date of the incident in question.
The Rule of Credibility:

This rule of evidence requires the judicial body to consider only evidence that is credible, and from credible sources. Included under the rubric of credible evidence is the interrelation of credibility with evidence that contains rumor, conjecture, and hearsay. Best practices suggest that such evidence should not be considered by the judicial body because it can prejudice the fairness of the process. Rumors should not be admissible because by definition they lack a factual basis. Conjecture involves guess work by the witness, and the offering of an opinion that the speaker may not be qualified to make. Hearsay is, for the purpose of a campus hearing, testimony of suspect origin because it is not firsthand, or because the speaker lacks personal knowledge of the circumstances of the statement. A judicial body will recognize rumor, conjecture, or hearsay when a witness uses words like, “I heard that,” “It’s my opinion that,” “I guess that,” or “It seems that,” among others (Sokolow, 2004). Test your familiarity with this concept in the following examples:

1. The complainant wants to testify that she has heard that the respondent has raped other women. May she?

   No. This is hearsay/rumor and has no basis for credibility. It casts doubt on the character of the respondent without sufficient evidence to support it.

2. The respondent’s fraternity brother wants to testify that he has heard around that the complainant is “any easy lay.” May he?

   No. This is also based on hearsay/rumor AND is irrelevant.

3. The respondent wants to testify that he heard that the complainant is only pressing charges against him because her parents are upset that she is not a virgin anymore. May he?

   No. There is nothing to convince us of the credibility of this information. Secondhand information should not be considered unless other evidence and circumstances lend credence to the hearsay evidence that persuades you that there is good reason to believe the rumor. Too many times, evidence of this nature finds its way into campus hearings and colors the decision-makers process. Judicial decision-makers must strive to minimize this type of collateral dubious evidence.
Societal Rape Myths:

Many myths exist in our society about sexual assault that serve to justify the offense. Rape myths often involve victim-blaming statements about sexual assault such as, "She wouldn’t have gotten raped if she hadn’t been walking alone at night," or "What did she expect would happen if she went upstairs with him?" These myths help place the blame on the wrong person (the victim or survivor) instead of where it belongs (on the perpetrator).

1. Myth: People rape because they want sex and because they “lose control” or can’t control their sexual desires.

Reality: One of the biggest myths about rape is that it happens out of sexual desire. Sexual assault is highly sexualized in our society due to the link between sex and violence prevalent in our culture. Many people have sexual desires, but not everyone commits sexual assault.

Facts:
- Survivors of rape are not always those we would consider sexually attractive, such as children or the elderly.
- Most rapists have available sexual relationships.
- By making the issue about sex and not about violence, this crime seems more acceptable and less severe.
- The rapist is allowed then to use the excuse that s/he simply desired sex, and just “took it too far.”

This leads us to blame the victim and not hold the rapist accountable for his or her actions. Also, perpetrators of sexual assault often plan their crimes. Sexual assault is not simply a “crime of passion” where the perpetrator “loses control.” Rather, sexual assault is about power and control. The perpetrator exerts his or her power over the victim in such a way to take away any control the victim has in the sexual situation. A rapist knows that his or her victim does not want or enjoy the sexual contact.

2. Myth: Most rapists are strangers to their victims.

Reality: Most rapes are committed by someone that the victim knows: a neighbor, friend, acquaintance, co-worker, classmate, spouse, partner, or ex-partner.
3. **Myth:** People who rape are psychopaths or mentally ill; they are not part of the normal population.

**Reality:** The idea that perpetrators are all psychopaths is not true. Crimes committed by the mentally ill are very different from crimes of sexual violence. Those who perpetrate sexual assault are no more or less likely to exhibit signs of mental illness than is the general population.

4. **Myth:** Women entice men to rape, such as by dressing a certain way or by leading them on.

**Reality:** The idea that women entice men to rape them or that they really want it is also not true. No person deserves to be raped, and no person asks to be raped or wants it. This myth again shows the extent to which sexual assault is sexualized in our society. Women may experience a sexual assault, no matter what they are wearing, and what the victim was wearing in no way makes her/him responsible for the assault.

5. **Myth:** If women would just stop drinking so much, they wouldn’t be sexually assaulted.

**Reality:** Alcohol is a weapon that some rapists use to control their victim and render them helpless. As part of their plan, a rapist will encourage the victim to use alcohol, or identify an individual who is already drunk. Alcohol is not a cause of rape; it is only one of many tools that rapists use.

6. **Myth:** When women say no, they really mean yes.

**Reality:** No means no. When someone says no, s/he means no. It should never be assumed that there is some underlying meaning behind that and that s/he really means yes. If you are ever unclear about your partner’s wishes, ask for clarification. If your partner says no or seems unsure, respect that person and her/his wishes.

7. **Myth:** If someone doesn’t fight off her or his perpetrator, then it is not really rape.

**Reality:** Some studies have shown that women who fought back were more likely to be seriously injured by their attacker. This threat of heightened physical violence may make it safer for someone to not fight back. This does not mean the sex is consensual. Furthermore, Michigan law defines a sexual
assault by the level of force used by the perpetrator, not by the resistance of the victim. This law recognizes that all responsibility for a sexual assault falls on the perpetrator, and victims may or may not choose to fight back physically.

8. **Myth:** If a man ejaculated when he is assaulted, then it is not really sexual assault (this can also go for anyone who has an orgasm when s/he is sexually assaulted).

**Reality:** Orgasm does not mean that someone “enjoyed” the sex, or that they wanted it. Orgasm can be a natural biological reaction that someone can’t control; it does not mean that forced or coerced sexual activity was consensual. Often this is used to silence the survivor.

9. **Myth:** The reason that men get raped is because homosexual men are raping them, and LGB or T individuals rape more or are more likely to be sex offenders than heterosexuals.

**Reality:** There are no statistics that support the idea that LGB or T individuals are more likely to commit sexual assault or be sex offenders than heterosexuals. In fact, sex offenders are disproportionately likely to be heterosexual men.
Summary of important points from this section:

- SAPAC defines sexual assault as any form of unwanted sexual contact obtained without consent and/or obtained through the use of force, threat of force, intimidation, or coercion.
- There are four degrees of Criminal Sexual Conduct (CSC) under Michigan law and they cover a range of sexual contact and levels of force or intimidation.
- Modern revisions of the law assert that the onus of giving consent is taken away from the object of the sexual initiator, instead requiring that the initiator gain that consent from the object of the sexual attention before any permissible sexual activity may take place.
- At the heart of the idea of consent is the idea that every person has a right to personal sovereignty – not to be acted upon by someone else in a sexual manner unless he or she gives clear permission to do so.
- Consent means you can’t make assumptions about what your partner does or does not want. Absence of clear signals means that you CAN’T touch someone else, not that you CAN.
- Where you see assumptions being made by someone in a sexual context, this is an alarm. Unreasonable assumptions are usually policy violations.
- Coercion is a tactic used by perpetrators to intimidate, trick or force someone to have sex with him/her without physical force.
- Alcohol is the most common of the 22 substances used in drug-facilitated rapes.
- There are two basic rules of evidence that should be observed in the campus hearing: the rule of relevance and the rule of credibility.
- What the complainant was wearing on the night of the assault is irrelevant.
- The complainant’s sexual history is irrelevant.
- Best practices suggest that evidence that contains rumor, conjecture, and/or hearsay should not be considered by the judicial body because it can prejudice the fairness of the process.
- It is a myth that most rapists are strangers to the victims. In reality, most rapes are committed by someone that the victim knows.
- It is a myth that women entice men to rape, such as by dressing a certain way or by leading them on. The person who rapes is responsible for the rape.
- It is a myth that people rape because they want sex and because they “lose control” or can’t control their sexual desires.
- It is a myth that if someone doesn’t fight off her or his perpetrator, then it is not really rape.
- It is a myth that people who rape are psychopaths or mentally ill and that they are not part of the normal population. Those who perpetrate sexual assault are no more or less likely to exhibit signs of mental illness than is the general population.
- It is a myth that the reason that men get raped is because homosexual men are raping them. Rapists are disproportionately heterosexual.
The purpose of this section is to provide an overview of the scope of the problem of sexual assault and dating and domestic violence on college campuses. It is designed to dispel myths and provide information about the prevalence of these issues so that panelists will be as informed as possible about the reality of these offenses. This section also provides information about the University of Michigan’s Sexual Assault Policy, which can serve as a tool when hearing sexual violence-related cases.

Scope of the Issue

Sexual Assault:

- Over a five-year stay, a college woman’s risk of experiencing a sexual assault or attempted sexual assault is between one in 5 and one in 4 (Department of Justice, 2000).
- Almost 60% of the completed on-campus rapes took place in the victim’s living quarters, 10.3% took place in fraternities (Department of Justice, 2000).
- Three out of four rape/sexual assault victimizations involved offenders with whom the victim had a prior relationship (Department of Justice, 1997).
- The rate of “false reports” or false allegations of rape is 2 to 3 percent, no different than that for other crimes (Schafran, 1993).
- Only 47% of women who had an experience that was classified as a completed rape actually defined their experience as rape (Department of Justice, 2000).
- Victims reported being injured in about 1 in 5 completed or attempted rapes (Department of Justice, 2000).
- Rape is far more extensive than reported in official statistics, and the large majority of rapists are never apprehended (Carr and VanDeusen, 2004).
- Previous research suggests that college women are at higher risk for rape and other forms of sexual violence than women in the general population or in a comparable age group (DeKeseredy & Schwartz, 1998).
- About 3% of American men, a total of 2.78 million men, have experienced an attempted or completed rape in their lifetime. (Department of Justice, 2000)

Stalking:

- 8% of women and 2% of men in the United States have been stalked at some time in their life (Department of Justice, 1998).
- 78% of stalking victims identified in a survey were women, and 22 percent were men. Thus, four out of five stalking victims are women. By comparison, 94 percent of the stalkers identified by female victims and 60 percent of the stalkers identified by male victims were male. Overall, 87 percent of the stalkers identified by the victims were male (Department of Justice, 1998).
- Stalking prevalence was significantly greater among men who had ever lived with a man as a couple compared with men who had never lived with a man as a couple (Department of Justice, 1998).
- Fifty-two percent of stalking victims are between 18 and 29 years old (Department of Justice, 1998).
- Findings from the 2000 National College Women Sexual Victimization Survey indicate that 13% of the college women had been stalked since the school year began and 80.3% of the victims knew their stalker. 42.4% of stalkers were ex-boyfriends of the victim (Department of Justice, 2000).
- Women tend to be stalked by intimate partners. Thirty-eight percent of female stalking victims were stalked by current or former husbands, 10 percent by current or former cohabiting partners, and 14 percent by current or former dates or boyfriends. Overall, 59 percent of female victims, compared with 30 percent of male victims, were stalked by some type of intimate partner (Department of Justice, 1998).
- Many State anti-stalking laws include in their definition of stalking a requirement that stalkers make an overt threat of violence against their victims. Survey findings suggest that this requirement may be ill-advised. By definition, stalking victims in this survey were either very frightened of their assailant’s behavior or feared their assailant would seriously harm or kill them or someone close to them. Despite the high level of fear required, the survey found that less than half the victims – both male and female – were directly threatened by their stalker. This finding shows that stalkers do not always threaten their victim verbally or in writing; more often they engage in a course of conduct that, taken
in context, causes a reasonable person to feel fearful (Department of Justice, 1998).

Sexual Harassment:

- 34% of LGBT students report having been harassed because of their sexual orientation, and 6% of heterosexual students report having experienced homophobic harassment (Reis, 1997).
- 62% of female college students report having been sexually harassed at their university, with 80% of the reported harassment being peer-to-peer (American Association of University Women, 2006).
- 51% of male college students admit to sexually harassing someone in college, with 22% admitting to harassing someone often or occasionally (American Association of University Women, 2006).
- The 2000 National College Women Sexual Victimization Survey indicates that unwanted or uninvited contacts were widespread, with more than one third of the sample (4,446 participants) reporting these incidents (Department of Justice, 2000).

Summary of important points from this section:

- Over a five-year stay, a college woman’s risk of experiencing a sexual assault or attempted sexual assault is between one in 5 and one in 4.
- The majority of on-campus rapes took place in the victim’s living quarters.
- 3 out of 4 rapes involved offenders that the victim knew.
- The rate of “false reports” or false allegations of rape is 2 to 3 percent, no different than that for other crimes.
- 25% of women said they were raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date in their lifetime.
- From October 2003 to September 2004, domestic violence programs in Michigan received 55,208 crisis calls, an average of 151 crisis calls per day.
- Having a verbally abusive partner was the variable most likely to predict that a woman would be victimized by an intimate partner.
- 8% of women and 2% of men in the U.S. have been stalked in their life.
- 4 out of 5 stalking victims are women and 87 percent of stalkers identified by victims are male.
- Fifty-two percent of stalking victims are between 18 and 29 years old.
- Overall, 59 percent of female victims, compared with 30 percent of male victims, were stalked by some type of intimate partner.
- 62% of female college students report having been sexually harassed at their university, with 80% of the reported harassment being peer-to-peer.
- 51% of male college students admit to sexually harassing someone in college.
Under-Reporting

- Rape or sexual assault is the violent crime **least** often reported to law enforcement (U.S. Department of Justice, 2001).

- A study was completed by the Inter-Association Task Force of the Association for Student Judicial Affairs. It is entitled, “National Baseline Study on Campus Sexual Assault: Adjudication of Sexual Assault Cases.” A survey was distributed to 419 voting delegates of the National Association of Student Personnel Administrators. Of the respondents, 73 percent held the position of Dean, Associate or Assistant Dean and 46 percent were from private institutions, and 51 from public institutions. Averaging the data for the three-year period studied, 1993-1996, showed that for 50 percent of institutions, **no sexual assaults were reported to the judicial affairs officers** (Lowery, Penney, & Tucker, 2000).

- There are several reasons why rapists escape the criminal justice system. To begin with, 60 to 90 percent of sexual assault victims do not report the crime (Remick, 1993). Reasons for not reporting include the following: fear of being disbelieved, lack of faith in the criminal justice system, and fear of the alleged assailant.

- When survivors DO report rape, the most common reason given for reporting the rape or sexual assault is to prevent further crimes by the offender against future victims (Michigan Judicial Institute, 2002).

- 7 out of 10 students on college campuses, asked for their opinions on how their administration handles sexual assault cases, say that they do not have confidence in the process or those who administer it (Sokolow, 2004).

- Campus sexual assault victims rarely make formal reports of their assaults. It is the legal and moral responsibility of the campus community to change that reality. Victims are reticent to report for many reasons, such as lack of awareness that an incident constitutes campus sexual assault or rape, fear that friends and/or family will not support or believe them, fear that they will be blamed by authorities, or fear that they will be put on trial, opening their past and present
behavior to public scrutiny. This last reason is the strongest structural impediment victims cite for not coming forward (Sokolow, 2004).

Summary of important points from this section:

- Rape or sexual assault is the violent crime **LEAST** often reported to law enforcement.
- A study by the Inter-Association Task Force of the Association for Student Judicial Affairs showed that for 50% of institutions, no sexual assaults were reported to judicial affairs officers.
- Reasons for not reporting sexual assault include fear of being disbelieved, lack of faith in the criminal justice system, and fear of the alleged assailant.
- When survivors DO report, the most common reason given is to prevent further crimes by the offender against future victims.
- Most sex crimes are never reported.

University of Michigan Sexual Assault Policy
(http://www.studentpolicies.dsa.umich.edu/assault.htm)

I. Introduction

1. The University of Michigan is committed to creating a community free from violence. Sexual assault, sexual harassment, domestic violence, and stalking as defined by State and Federal laws, will not be tolerated at the University of Michigan.
2. The University recognizes the necessity of a community which is open and intellectually stimulating, where diversity of ideas is valued and every person's safety, dignity, and autonomy is respected whether they are students, faculty, or staff, and regardless of race, ethnicity, age, religion, class, national origin, gender, sexual orientation, or disability.

II. Reporting Operations and Procedures

A. Rights of the Survivor*

1. The Criminal Sexual Conduct Statutes of Michigan define sexual assault as a crime involving forced or coerced *sexual penetration* (first and third degree) or *sexual contact* (second and fourth degree). The University encourages the reporting of sexual assaults to the appropriate University
2. The survivor has the right to have any and all sexual assaults against the person treated seriously and the right to be treated with dignity. Because the University recognizes that a sexual assault is more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the University is committed to insuring that the decision to take action against the accused shall rest solely with the survivor. ** There may be circumstances, however, depending on the status of the alleged assailant and the seriousness of the offense, in which the University must take action to protect the survivor or other members of the University community. The best way for a survivor to retain control over actions is to report the assault in the first instance to a confidential counselor, such as SAPAC, where no action will be taken without the survivor's consent, unless required by law.

3. The University upholds the right of the survivor to be free from undue coercion of any kind from the University's personnel, including but not limited to staff, faculty, and peer or student staff. Such coercion includes but is not limited to pressuring the survivor to report, not to report, or to under-report a sexual assault; suggesting that the survivor is somehow responsible for the sexual assault; suggesting that the survivor was negligent or assumed the risk of being sexually assaulted; or suggesting that the survivor or the University would incur unwanted publicity or humiliation by reporting the sexual assault.

4. Survivors who report the assault to the University will be fully informed in a timely manner of all their rights and options, including the necessary steps and potential consequences of each option. All University personnel are encouraged to immediately refer sexual assault survivors to SAPAC (734-998-9368).
B. University Disciplinary Procedures

1. The survivor has the right to pursue the University judicial process against the accused student assailant through the Statement of Student Rights and Responsibilities and the Residence Hall Judicial Process. The procedures a survivor may follow to pursue University action against a faculty or staff member are dependent upon the accused assailant’s employment status. SAPAC, in consultation with the Personnel Office and/or the General Counsel's Office, can advise a survivor which procedures would be applicable in a given case.

2. The University commits itself in providing judicial and disciplinary processes that are sensitive, supportive, expedient, and respectful of the individual rights of all involved. Both the survivor and the accused have the right to be accompanied by a support person through every phase of the process. Student survivors may choose to change University housing and academic arrangements, if such changes are reasonably available, without academic penalty.

3. Possible sanctions for students resulting from the University's judicial process range from formal reprimands and community service to suspension and expulsion. Possible sanctions for faculty and staff range from reprimands to termination of employment. Both the accuser and the accused shall be informed of the outcome of the campus disciplinary process.

C. Off-Campus Legal Options

1. In addition to the University's judicial process and those disciplinary procedures applicable to faculty and staff, the survivor has the right to pursue criminal prosecution and/or civil litigation. The Department of Public Safety is available to provide assistance and information on criminal prosecution. The University is committed to providing full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the survivor so chooses. The survivor has the right to pursue all legal and disciplinary remedies and counseling services without academic penalty.

2. The Department of Public Safety also can provide information on the rights and remedies accorded to crime victims generally, including information about State and Federal laws regarding mandatory testing of sexual assault suspects for communicable diseases, assistance in pursuing action under these laws, and notification of results of any such tests.
III. Medical Services

A survivor who seeks medical assistance from the University of Michigan Hospital has the right to have the Hospital use equipment and methods commonly used to preserve and maintain the integrity of evidence of sexual assault.

IV. Statistical Reporting

The University will provide statistics of reported sexual assaults as required and defined by the Campus Security Act and the Student-Right-to-Know-Act. All personally identifying information will be removed from statistical reports.

V. University Counseling and Educational Services

The University of Michigan has been in the forefront of addressing sexual assault with the creation and continued support of the Sexual Assault Prevention and Awareness Center (SAPAC). SAPAC is a resource for the Ann Arbor, Dearborn, and Flint campuses that provides education on sexual assault, domestic violence, sexual harassment and stalking, advocacy services, information and referral, and campus-wide outreach services to survivors. SAPAC provides information to students about sexual assault reporting options, available resources and assistance for the survivor, and the survivor's rights. SAPAC personnel are available to accompany survivors and provide support during hospital or medical exams, contact with law enforcement personnel, during campus judicial hearings, and for local court proceedings. SAPAC insures survivors confidentiality as per MICH. COMP. LAWS 600.2157a (1985). All University personnel should refer sexual assault survivors to SAPAC.

VI. Conclusion

All members of the University of Michigan community share a responsibility for upholding this policy as we strive to attain our goal of creating a violence-free community.

* This policy defines survivor as someone who indicates that s/he has been sexually assaulted.

** If a survivor is under the age of 18, reporting requirements of the Child Protection Law [MICH. COMP. LAWS. § 722.621 (West 1989)] may require that a report be made to the Michigan Department of Social Services.
Understanding the Survivor

The purpose of this section is to provide information about survivors and their experiences with sexual violence. This section will cover Rape Trauma Syndrome, common reactions to sexual violence, and sexual violence within underrepresented communities and communities of color. It is designed to help panelists understand unique issues and barriers experienced by survivors, including survivors within underrepresented communities, and why survivors may react in certain ways throughout a hearing process.

Why do we say “survivor?”

We often hear various terms used to describe a person who has experienced sexual assault. Among them are “victim” and “survivor.” We, along with many other experts in the field, use the term “survivor” because it is a more empowering term. Because so much power is taken from a person when she or he is raped, the idea is to restore that sense of power. Thus, the term “survivor” is more empowering and potentially helps in the healing process. Although people who have experienced sexual violence are victims, they are “surviving” the experience. The idea of survival carries within its definition the continual fight to live or “survive” an adverse or traumatizing experience. Survivors of sexual violence are in a battle to survive a multitude of feelings, tread through emotion, and overcome the “aftermath” of betrayal that the act of violence has caused.

The California Coalition Against Sexual Assault (CALCASA) Campus Training and Technical Assistance Institute conducted a training in 2007 entitled, “Building a Campus Community: Critical Challenges in Upholding Judicial and Community Standards.” In this training, Jeffrey T. Burgin, Jr. of the Dean of Students Office at the University of Tennessee at Chattanooga referred to sexual assault in the following way: “Sexual assault is a physically, emotionally, and spiritually traumatic experience, an intimate violation of the worst kind.” (Burgin, 2007). Below is more information about the trauma of sexual assault.
Rape Trauma Syndrome

Many war veterans experience PTSD or Post Traumatic Stress Disorder, after returning from war. They are tormented by images of death and damaged communities, disconnection from home life, and possible physical injuries. The experience of rape is equally as traumatic and rape survivors experience many of these same reactions. In fact, Judith Herman, M.D. discusses many of the similarities between war veterans and rape survivors in her book, Trauma and Recovery. Many survivors experience what is called Rape Trauma Syndrome or RTS. Rape Trauma is characterized by a series of emotions and behaviors that a survivor experiences following rape. The following are three phases of rape trauma:

**Acute phase:** This occurs when the survivor is in crisis. Some survivors experience loss of sleep, changes in appetite, difficulty concentrating, self-blame, shock, numbness, unstable emotions, disorientation, memory gaps, loss of coping skills, fatigue, and other behavior changes (Herman, 1994).

**Stabilization phase:** Over the span of six months to a year following the assault, survivors may feel the following physical effects: loss of appetite, nightmares, stress, fatigue, loss of sexual response, nausea, etc. They may feel the following emotional effects: guilt, fear, anxiety, disbelief, feeling ruined, avoidance of intimate relationships, depression, etc. They may feel the following behavioral effects: socially withdrawn, inability to go outside, self medication, suicidal feelings, inability to talk about the assault, etc. Survivors may also have anxiety or hyper alertness when alone (Herman, 1994). Survivors have often described having this hyper alertness when walking across campus, due to fear of running into their offender in public or private settings.

**Resolution phase:** During this phase, the survivor is engaged in supportive services or counseling to address her or his needs. Survivors are engaged in grieving the result of the assault while also developing coping strategies to move forward in recovery. Although this phase is the last to occur it should be noted that survivors may experience different emotions throughout his/her healing process and that the timeline for one’s healing could be on-going (Herman, 1994). Below is a list of common reactions to sexual violence.

**Common Reactions to Sexual Violence**

- Survivors suffer a great deal of physical and emotional trauma as a result of a sexual assault. Responses to a sexual assault can be immediate or delayed.
- Each survivor of sexual assault responds uniquely, and the recovery process is different for each individual. While there are individual differences to survivors’ experiences of sexual assault, there are common patterns to trauma recovery that are normative and natural.
- The following is a list of reactions to sexual assault. It is not a comprehensive list but rather a sampling of common post-assault symptoms. Survivors can expect to experience some or many of these symptoms in varying degrees during the recovery process.

<table>
<thead>
<tr>
<th>Physical</th>
<th>Emotional</th>
<th>Cognitive</th>
<th>Social</th>
</tr>
</thead>
<tbody>
<tr>
<td>- changes in eating patterns</td>
<td>- anger (both at self and others)</td>
<td>- am I damaged goods?</td>
<td>- changes in lifestyle</td>
</tr>
<tr>
<td>- changes in sleeping patterns</td>
<td>- anxiety</td>
<td>- am I dirty?</td>
<td>- difficulty getting things</td>
</tr>
<tr>
<td>- eating disorders</td>
<td>- denial</td>
<td>- bad things happen to</td>
<td>accomplished</td>
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<tr>
<td>- fatigue</td>
<td>- depression, sadness</td>
<td>bad people, good</td>
<td>- difficulty with intimacy</td>
</tr>
<tr>
<td>- gastrointestinal</td>
<td>- despair</td>
<td>things happen to good</td>
<td>- difficulty/</td>
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<tr>
<td>irritability (nausea, vomiting)</td>
<td>- embarrassment, feeling</td>
<td>people; therefore I</td>
<td>apprehension around</td>
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<td></td>
<td>exposed, humiliated</td>
<td>must be bad</td>
<td>men or apprehension</td>
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<td>- fear</td>
<td>- confusion</td>
<td>around persons having</td>
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<td>- helplessness</td>
<td>- difficulty concentrating</td>
<td>similar attributes to the</td>
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<td></td>
<td>- irritability</td>
<td>- flashbacks</td>
<td>perpetrator’s.</td>
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<td>- loss of control</td>
<td>- I deserved it because...</td>
<td>- discomfort around</td>
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<td>- low self-esteem</td>
<td>- if I forget about it, it</td>
<td>other people</td>
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<td></td>
<td>- mood swings</td>
<td>will go away...</td>
<td>- disruption in sexual</td>
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<tr>
<td></td>
<td>- numbness</td>
<td>- what if I hadn’t</td>
<td>relations</td>
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<td></td>
<td>- obsessions/compulsions</td>
<td>done...?</td>
<td>- fear of being alone</td>
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<td></td>
<td>- phobias</td>
<td>- what will people think?</td>
<td>- fear of leaving house</td>
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<tr>
<td></td>
<td>- sense of disbelief</td>
<td>- why me?</td>
<td>(especially alone)</td>
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<tr>
<td></td>
<td>- sense of unreality</td>
<td>- will others reject me?</td>
<td>- fear/nervousness in crowds</td>
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<td></td>
<td>- shame, guilt, self-blame</td>
<td>- will they blame me?</td>
<td>- hypersensitivity when</td>
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<td></td>
<td>- shock</td>
<td></td>
<td>relating to others</td>
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<td>- vulnerability</td>
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<td>- loss of trust in self and</td>
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<td>others</td>
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<td>- withdrawal from</td>
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<td>people, activities</td>
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Sexual Violence in Multicultural and/or Underrepresented Communities

When considering the needs of survivors and what supports are appropriate, it is important not only to identify the barriers faced with the assault itself, but also to examine the impact of the assault as it relates to the community of which the survivor is a part. In doing so, we recognize and acknowledge the complexity of the experience and also give space to the survivor to create her/his path to recovery.
Communities of Color:

Assumptions about race make women of color vulnerable to sexual assault in a number of ways. Sexual violence committed against women of color is often seen as insignificant and/or acceptable and is justified by stereotypes of women of color that serve to portray these women as “unrapeable.” The sexual assault of women of color demonstrates the intersection of sexism and racism. Sexual assault has traditionally been used by men to disempower and frighten women, just as racism has been used to disempower and frighten people of color. The sexual assault of women of color, therefore, is often a combination of both racist and sexist attitudes. These attitudes, compounded with certain stereotypes, magnify the sexual vulnerability of various groups of women of color.

Myth: Women of color are promiscuous, so if they are sexually assaulted, it is because they were “asking for it.”

Myth: Asian-American women do not get sexually assaulted because they are always willing to have sex.

Myth: African-American and Latino cultures are violent; therefore women in these cultures experience the violence of sexual assault as “normal.”

These myths and stereotypes result in a society that often denies or seeks to minimize the impact of sexual assault on women of color. In order to both prevent the sexual assault of women of color and to better help women of color who are survivors, it is imperative that our society recognize that sexual violence affects not only White women, but women of all races, and that a sexual assault is never the victim’s fault. In order to do this, we must challenge both the racist and sexist beliefs that we hold, and that we see in the society around us.

Institutionalized Racism: Additionally, women of color may have experienced racism in the past, and this may cause them to distrust the institutions that are designed to help survivors. At hospitals or police stations, women of color may be treated with less respect or less priority than White women, and may face even more victim-blaming and disbelief than White women do at the same institutions. If women of color do choose to seek counseling, they risk facing racism within the system of sexual assault counseling, or, at the very least, they face a system whose primary clients and therapists are White women, many of whom may not be educated about the special concerns of women of color.
Barriers to Seeking Help: Women of color, in addition to the barriers that all survivors face when seeking help, may also face barriers that are unique to their community. These obstacles can come either from inside the survivor’s ethnic or racial community, or from the professionals from which the survivor seeks help. It is important to remember that each culture and community has its own set of values that may contribute to a survivor’s willingness or reluctance to seek help about a sexual assault.

For example:

Within traditional Asian families, there may be a value placed on suffering without complaint.

Latina women may be criticized for turning to sources other than the church or their own family for help.

African-American women may feel pressure to fit the stereotype of being strong and this in turn may lead to a denial of their own vulnerability, or a desire to hide that vulnerability from others.

For some survivors, their concepts of their own virginity, availability for marriage, and social worth may be impacted by a sexual assault.

Because most sexual assaults involve a victim and perpetrator of the same race, there may be either internal or external pressure on a survivor to keep quiet about an assault in order to avoid furthering negative stereotypes about the men of that race.

These characteristics are, of course, only generalizations, and individual women of color may face a wide variety of intra-cultural and inter-cultural pressures that prevent them from speaking out about a sexual assault.

Violence in communities of color not only affects the individual, but also the community. Survivors are well aware of this dual affect but the subject is often not discussed. Survivors are often left to choose either to maintain silence around the assault or to voice it, knowing that if and when the assault is disclosed, she/he may face isolation. The survivor may also choose not to disclose the assault to her/his community as part of a sense of loyalty to the community and/or family to preserve family honor. This challenge is further exacerbated when deciding to file a formal complaint. Survivors in this
situation are not only choosing to disclose their own painful experience, but also carrying the pain of adding more negative attention to his/her community or family.

Example: When considering whether to file a sexual assault complaint, a woman of color decided to discuss her challenge with her mother. Her mother responded by blaming her for leaving the safety of her family and expressed that somehow the assault was her fault. In this example, maintaining the family pride was more important to the mother than her daughter’s needs.

▪ Given these challenges often faced by survivors of color, they often seek alternative responses to the assault. Survivors may avoid speaking about the experience altogether and attempt to maintain relationships within her/his community. Survivors may also choose to recover from the incident by seeking out support from non-members of the community that are private or safe. This is often meant to protect anonymity.

▪ The barriers involved with disclosure of sexual assault within communities of color are important to recognize in that they present some evidence as to why a survivor may choose not to disclose the abuse, to stay in an abusive relationship, or to do nothing at all. This is telling in that choices are often limited for survivors in communities of color. Survivors face the threat of losing relationships, shaming from their community, and/or experiencing difficulty with a healthy development of their social identity.

▪ Example: When seeking support services, a survivor asked if she was “strong.” Although she spoke out against her offender, she needed validation that she did not lose her strength or pride as a woman of color. These are important attitudes and beliefs that many survivors encounter in their decision to tell or not to tell their stories.

Lesbian, Gay, Bisexual, and Transgender Community: People who identify as lesbian, gay, bisexual, or transgender, and also as survivors of sexual assault face not only the barriers to seeking help that all survivors face, but also a range of obstacles that are unique to the LGBT community.

▪ LGBT survivors, like all survivors, often feel self-blame, shame, fear, anger, and depression, but LGBT survivors may also be led to question their sexuality, or how it is perceived by others, especially if the assault was perpetrated as a hate crime, directed against the survivor’s sexual orientation or gender identity as perceived by the perpetrator.
• LGBT survivors may feel ostracized from both mainstream society and the LGBT community, or they may feel that their sexual orientation or gender identity is focused on more than the assault itself.

• Transgender people may not want to seek hospital care because it would mean revealing that they are a gender other than the sex they were born to, which in turn might cause discrimination.

• LGBT survivors may also feel that they were punished for not acting in accordance with society’s prescribed gender roles, and this may increase the amount of shame that they feel as a result of an assault.

• LGBT survivors may be reluctant to tell family and friends who do not approve of their lifestyle about a sexual assault or an abusive relationship, fearing that it will only reinforce negative stereotypes.

• A small and tight-knit LGBT community may make a survivor reluctant to tell others about an assault or an abusive relationship, fearing that everyone will know.

• LGBT survivors may lack support not only from the community at large, but also from the LGBT community itself. There may be hesitance to admit that there is sexual assault and domestic violence within the LGBT community, for fear that it will only perpetuate stereotypes about LGBT people.

• LGBT survivors who do choose to come forward face a range of difficulties that heterosexual survivors do not face. Survivors who are not “out” may not want to seek counseling for fear that doing so will mean disclosing their sexual orientations as well. There is often heterosexism and homophobia in the systems that are designed to help survivors. This can mean overt discrimination against LGBT survivors, or it can be the assumption that all survivors are heterosexual. The legal system may also be discriminatory, and may not even recognize same-sex assault.

**Male Survivors:** It is only a myth in our society that men are not sexually assaulted, or that they are only sexually assaulted in prisons. In fact, 9% of all rape victims outside of criminal institutions are male (U.S. Department of Justice, 1994).
Furthermore, the U.S. Department of Justice records an average of greater than 12,000 reported sexual assaults of males annually, and predicts that if unreported assaults are included, the actual number of males who are sexually assaulted in the United States each year is approximately 60,000 (U.S. Department of Justice, 1994).

Additionally, while these numbers include only males over the age of 12, the Department of Justice records that a male’s age of greatest risk of sexual assault is age 4. It is important to note, however, that very few studies have been done to document the sexual abuse or sexual assault of males. Furthermore, it is estimated that male survivors report sexual assault and abuse even less frequently than female survivors, and so it is difficult to make an accurate estimate of the number of men and boys who are being assaulted and abused.

Men have many of the same reactions to sexual assault that women do. For both male and female survivors, anger, anxiety, fear, confusion, self-blame, shame, depression, and even suicidal thoughts are all common reactions for someone who has experienced a sexual assault. Men, however, are more likely than women to initially respond with anger, or to try to minimize the importance or severity of the assault. Additionally, a survivor of a male-on-male rape may question his sexuality, or how others perceive his sexuality.

The physiological reactions of a man during a sexual assault may also make it more difficult for him to recognize that he was sexually assaulted. Some men may have an erection or may ejaculate during a sexual assault, and may later feel confused that perhaps this means that they enjoyed the experience, or that others will not believe that they were sexually assaulted. In reality, erections and ejaculations may be purely physiological responses, sometimes caused by intense fear or pain. In fact, some perpetrators will deliberately manipulate their victim to orgasm, out of a desire to completely control their victims. A physical reaction of an erection or ejaculation during a sexual assault in no way indicates that the man enjoyed the experience or that he did something to cause it or permit it.

Because men in our society are expected to always be ready for sex and to be the aggressors in sexual relationships, it may be difficult for a man to tell people that he has been sexually assaulted, especially if the perpetrator was a woman.

Also, either the survivor himself or those around him may feel that a “real man” would have been able to protect himself. Our society expects men to be in control, and therefore the survivor and others may have difficulty accepting
the image of a man who has been victimized. In the case that the perpetrator is a woman, the survivor may be mocked or feel ashamed that a woman overpowered him. However, it is common for both men and women to “freeze” during a sexual assault, making him or her incapable of physically resisting the perpetrator. Sexual assault is, therefore, no sign of physical weakness in the survivor.

- Despite the evidence of male sexual assault, rape is still predominantly viewed as a “women’s issue.” This may be because stereotypes cause most people to be more comfortable with the image of a woman being deprived of her power in a sexual assault than a man. The degree to which the issue of male sexual assault continues to be swept under the rug is evidenced by the fact that the annual FBI Uniform Crime Report continues to only include female victims under its definition of “forcible rape.” Many hospitals are unused to looking for signs of male sexual assault, and some police departments do not even collect statistics on its frequency.

Survivors with Disabilities: Survivors with disabilities face many of the same barriers to seeking help that survivors without disabilities do, but there are also a range of issues that are unique to survivors with disabilities. Some examples are listed below, but SAPAC recognizes that each individual and each assault is unique. A survivor with a disability may not face all of these barriers, and may also face barriers not listed here.

- Those who perpetrate sexual violence against people with disabilities often socialize their victims to believe that the abuse is normal and acceptable. Victims may grow up not understanding the difference between appropriate and inappropriate sexual behavior. Furthermore, a survivor may be confused by the violence if it is perpetrated by a caregiver or family member who may also do nice, appropriate things for the survivor.

- Because the perpetrators of abuse towards people with disabilities are often caregivers, a survivor may fear being punished by his/her caregiver for speaking out. A survivor may also fear a loss of services if s/he reports the caregiver, or may fear that a new caregiver might do something even worse.

- People with disabilities are often patronized, and are therefore often not taken seriously if they report a sexual assault. Additionally, a survivor may fear disbelief and may therefore choose not to report the assault at all.
- Because people with disabilities are often stereotyped as not being sexual, a survivor may have difficulty having his/her report taken seriously.

- A survivor with a cognitive disability might lack the vocabulary to explain what has happened.

- A survivor with a disability may be isolated, and may therefore not have a strong support network of family and friends to seek help from.

- A survivor with a disability may have counselors who have not been trained in the issues specific to survivors with disabilities, or who are uncomfortable having a client with a disability. Some survivors may also face counseling buildings that are not accessible to survivors with some physical disabilities.

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<tr>
<th>Summary of important points from this section:</th>
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<tr>
<td>- Survivors of sexual violence are in a battle to survive a multitude of feelings, tread through emotion, and overcome the “aftermath” of betrayal.</td>
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<tr>
<td>- Many survivors experience Rape Trauma Syndrome (RTS), with reactions similar to those of war veterans. The three phases of rape trauma are Acute, Stabilization, and Resolution and are characterized by a series of emotions and behaviors.</td>
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<td>- Each survivor of sexual assault responds uniquely, and the recovery process is different for each individual. However, there are common patterns.</td>
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<td>- Survivors in communities of color are often left to choose either to maintain silence around the assault or to voice it, knowing that she/he may face isolation.</td>
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<td>- Survivors in communities of color may also choose not to disclose the assault to her/his community as part of a sense of loyalty to the community and/or family.</td>
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<td>- LGBT survivors may feel ostracized from both mainstream society and the LGBT community, or they may feel that their sexual orientation or gender identity is focused on more than the assault itself.</td>
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<td>- Transgender people may not want to seek hospital care because it would mean revealing that they are a gender other than the sex they were born to, which in turn might cause discrimination.</td>
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<td>- A small, tight-knit LGBT community may make a survivor reluctant to tell others about an assault or an abusive relationship, fearing that everyone will know.</td>
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<td>- It is only a myth in our society that men are not sexually assaulted, or that they are only sexually assaulted in prisons. In fact, 9% of all rape victims outside of criminal institutions are male.</td>
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The purpose of this section is to provide information about perpetrators. This section will address societal myths, contributing factors to why a person commits rape, the role of alcohol, and studies focusing on college male rapists. It is designed to inform panelists about the reality of this offense so that they are as informed as possible when hearing sexual-violence related cases.

**Main Points from the Literature:**

No two sex offenders are exactly alike. In fact, one sexual assault expert said that ‘sex offenders comprise an extremely heterogeneous population that cannot be characterized by single motivational or etiological factors’ (Schwartz, 1995). However, sex offenders often exhibit some similar characteristics:

- **Sex offenders are overwhelmingly white males.** Nearly 99% of sex offenders in single-victim incidents were male and 6 in 10 were white (Greenfeld, 1997).

- **Most sex offenders were not sexually or physically abused as children.** In one study of 114 convicted rapists, 91% denied experiencing childhood sexual abuse; 66% denied experiencing childhood physical abuse; and 50% admitted to having non-violent childhoods. (Scully, 1990).

- **Men are more likely to commit sexual violence in communities where sexual violence goes unpunished.** (National Sexual Violence Resource Center, 2004).

- **Sex offenders minimize their number of victims.** Speaking with 99 male sex offenders, court records showed 136 victims between them, but later during treatment, they eventually confessed to 959 victims between them (Slicner, 2007).

- **Sex offenders are experts in rationalizing their behavior.** (Slicner, 2007)

- **There is no “typical profile” of a rapist.** Many defense attorneys will talk about whether their client, the alleged assailant, either fits the
profile of a rapist or doesn’t. This is an invalid argument because there is no typical profile of a rapist. This is why it is good to focus on that person’s behavior instead of who they are in their community (Maas, 2007).

**Example:** Ted Bundy was an A student, volunteered for his university’s suicide prevention center, and was active in the church. Does this sound like someone who would ‘fit the profile’ of a violent person?


- Surveys have consistently reported that college men acknowledged forced intercourse at a rate of 5-15% and college sexual aggression at a rate of 15-25% (Koss, Gidycz, and Wisniewski, 1987; Malamuth, Sockloskie, Koss, and Tanaka, 1991).

- The national survey of rape conducted by Koss et al. (1987) revealed that 1 in 12 college men committed acts that met the legal definition of rape, and of those men, 84% did not consider their actions to be illegal.

- In a large study of college men, 8.8% admitted rape or attempted rape (Ouimette & Riggs, 1998).

- Cross-cultural studies of rape and studies of rape-prone versus rape-free campus cultures identify the following factors as contributors to sexual violence:
  - sex-role socialization
  - rape myths
  - lack of sanctions for abuse
  - male peer group support
  - pornography
  - all-male membership groups such as fraternities and sports teams

Using anonymous surveys, men admit to sexually aggressive acts with acquaintances or romantic partners (Koss, 1988; Lisak & Roth, 1990; Malamuth et al., 1991).

Malamuth (1981) validated a rape proclivity measure on various samples of college men and found an average of 21-35% of males indicated some likelihood of raping if they could be assured of not being caught.

Pryor (1987) reported that acceptance of rape myths, adversarial sexual beliefs, and lack of empathy were associated with greater proclivities in his sample to engage in sexual exploitation and aggression.

Male Sex Role Socialization:

When men are taught to be dominant and aggressive, this often leads to hyper-masculinity, male peer support for sexual aggression, development of rape myths, and adversarial sexual beliefs (Kilmartin, 2000; Rozee & Koss, 2001). In his classic study of college date rapists, Kanin’s sample (Kanin, 1985) were significantly more sexually active, but also more sexually frustrated than controls, and believed that rape could be justified under certain conditions.

Although the association between rape and pornography remains controversial, a number of studies have linked violent pornography and sexual arousal to rape depictions, violent sexual fantasies, rape callousness, and woman abuse (DeKeseredy & Schwartz, 1998; Malamuth, 1984; Malamuth & Check, 1983). Malamuth and Check (1983) exposed college men to violent pornography and found an increase in their scores on Acceptance of Interpersonal Violence (Burt, 1980).

Alcohol Abuse:

Alcohol abuse has been identified as a strong correlate of college rape (Abby, 1991; Abby et al., 1996; Frintner & Rubinson, 1993; Koss & Gaines, 1993; Muehlenhard & Linton, 1987; Norris & Cubbins, 1992; Prentky & Knight, 1991; Presley et al., 1998).
Although the media has labeled drugs such as Rohypnol and GHB as the date-rape drugs of the present, these are only two of the many drugs used to incapacitate a victim. Of the 22 substances used in drug-facilitated rapes, alcohol is the most common. (LeBeau, M., et al., Recommendations for Toxicological Investigations of Drug Facilitated Sexual Assaults, Journal of Forensic Sciences. 1999.)

The relationship between alcohol and rape is multifaceted, and alcohol may be both a precipitant of and an excuse for sexually aggressive behavior by men (Abbey et al., 2001; Berkowitz, 1992; Larimer et al., 1999; Richardson & Hammock, 1991).

Men who have committed sexual assault also frequently report getting their female companion drunk as a way of making it easier to talk or force her into having sex. (Abbey, McAuslan, & Ross, 1998).

Alcohol was a factor in 61% of Kanin’s sample of college date rapists, and 76% of his sample admitted to attempts to intoxicate a female date (Kanin, 1985).

Muehlenhard and Linton (1987) found that 55% of men in their survey who acknowledged rape on a date were under the influence of alcohol. Similarly, Ouimette (1997) interviewed 47 sexually aggressive college men and reported that 53% were abusing and 30% were dependent upon alcohol or drugs respectively.

Koss (1988) found that 74% of the men who acknowledged raping used alcohol or drugs when they raped. In a later predictive study, Koss and Gaines (1993) reported that college acquaintance rapists admitted to consuming alcohol just prior to 74% of their assaults.

In a study on male sexual coercion, 23% of college men admitted to getting a date drunk or stoned to engage in sexual intercourse, and 23% of women reported a date getting them drunk or stoned and engaging in unwanted sex (Tyler, et al., 1998).

Alcohol can be a disinhibitor and increase sexual impulsivity, as well as lower women’s detection of risk and impair their ability to resist assault (Abbey, 1991).
- Intercourse obviously cannot be consensual when the woman is incapacitated due to intoxication. Men may believe that there are fewer risks associated with coercive sex when they are intoxicated (Tyler et al., 1998).

- Koss and Gaines (1993) concluded from their study that alcohol might be the intervening variable in high rates of fraternity and athletic team rape.

Personality Characteristics:

- Various personality profiles of self-reported college rapists have been reported and include the following:
  - lack of empathy
  - hostile masculinity
  - macho/aggressive and dominant and controlling personalities
  - impulsivity
  - emotional constriction
  - underlying anger and power issues with women

  (Berkowitz, 1992; Check et al., 1985; Lisak & Roth, 1990; Mehrabian & Epstein, 1972; Rapaport and Burkhart, 1984).

A Study on Sexual Assault:

- A study compared complex relationships among sexual attitudes and experiences, substance abuse patterns, and child abuse histories in college men. The comprehensive survey that was implemented measured risk factors found in the literature to be associated with male sexual aggression. In terms of the results, most of the hypothesized risk factors were predictive of sexual aggression, including **negative gender-based attitudes, heavy alcohol use, and pornography consumption**. Few men acknowledged using physical force to obtain sex, whereas more men acknowledged some form of sexual coercion. This included pressuring women and saying things they did not mean to obtain sex, using alcohol to obtain sex, and having sex with a woman even when she wanted to stop. A few men reported some likelihood of raping if they could be sure of not getting caught. (Carr and Van Deusen, 2004).
- **Also, a pattern of alcohol-related sexual coercion emerged.** Fifteen percent of the men acknowledged using some form of alcohol-related sexual coercion. Thirty-five percent of the men reported that their friends approved of getting a woman drunk to have sex with her and 20% acknowledged having friends who have gotten a woman drunk or high to have sex. (Carr and Van Deusen, 2004).

- **Pornography consumption was common** among the men in the sample and may further add to the risk of sexual aggression. Specific violent or rape-theme content of the pornography has been associated with propensity to rape and pro-rape attitudes in laboratory analogues, as well as from self-reports of men who have admitted raping. (Carr and Van Deusen, 2004).

- **The patterns of sexual coercion, aggression, and rape-prone attitudes** found in this study are very similar to patterns reported by other researchers and further strengthens our understanding of factors that may contribute to why a subset of college men rape. (Carr and Van Deusen, 2004).

- **Peer pressure to have sex and alcohol-related sexual coercion emerged** as important factors in the social milieu at the campus surveyed. (Carr and Van Deusen, 2004).

**Methodological challenges in the study of rapists:**

- Most detailed studies of identified rapists have been conducted with either incarcerated rapists (Borduin et al., 1990; Hsu & Starzynski, 1990), or charged sexual offenders who are mainly pedophiles treated at sexual abuse clinics (Maletzky, 1991).

- Identified offenders constitute a very small minority of all sexual aggressors (Koss et al., 1987; Pryor, 1987).

- Incarcerated rapists also tend to be “stranger rapists” who were promptly reported by their victim, who left physical evidence, and who were successfully prosecuted, convicted, and received prison time. (Carr and Van Deusen, 2004).
Summary of important points from this section:

- Sex offenders comprise an extremely heterogeneous population.
- There is no typical profile of a rapist, but they share some common characteristics.
- Sex offenders are overwhelmingly male, typically have access to consensual sex, and were not sexually or physically abused as children.
- Men are more likely to commit sexual violence in communities where sexual violence goes unpunished.
- Sex offenders are experts in rationalizing their behavior.
- Cross-cultural studies of rape identify the following factors as contributors to sexual violence: sex-role socialization, rape myths, lack of sanctions for abuse, male peer group support, pornography, adversarial sexual beliefs, lack of empathy, and all-male membership groups such as fraternities and sports teams.
- Alcohol abuse has been identified as a strong correlate of college rape.
- In a study on male sexual coercion, 23% of college men admitted to getting a date drunk or stoned to engage in sexual intercourse.
- Alcohol can be a disinhibitor and increase sexual impulsivity, as well as lower women’s detection of risk and impair their ability to resist assault.
- Intercourse cannot be consensual when the woman is incapacitated due to intoxication.

Recidivism

Webster’s Dictionary defines recidivism as, “The tendency to relapse into a previous undesirable type of behavior, especially a crime.” One factor that is crucial to consider when making sanctioning decisions is the likelihood that the person will repeat the violation. This section is designed to inform panelists about recidivism and how to assess recidivism likelihood. In addition, this section addresses requirements within Title IX legislation.

Statistics

The strongest predictor of future sexual violence is past sexual violence. (Scott, 2004).

Most sex offenders are recidivists and commit other forms of interpersonal violence. A recent study of undetected rapists, i.e. those rapists
who escaped notice by the criminal justice system, found that a majority of such rapists were recidivists and committed other acts of interpersonal violence, including battery, child sexual abuse, child physical abuse, and sexual assault short of rape or attempted rape (Michigan Judicial Institute, 2002).

Two sexual assault experts reported on 120 of 1,882 men whose self-reported sexual acts met legal definitions of rape or attempted rape but whose actions went undetected by the criminal justice system and found the following:

- **76 or 63.3% were recidivists**, and reported committing additional rapes, either against multiple victims or the same victim, averaging 5.8 rapes per person. (Lisak and Miller, 2002)

- **70 or 58.3% admitted to other acts of interpersonal violence**, including battery, sexual assault short of rape or attempted rape, child physical abuse, and child sexual abuse. (Lisak and Miller, 2002)

- **97 or 80.8% admitted to committing rapes against women who were intoxicated because of alcohol or drugs.** (Lisak and Miller, 2002)

- **21 or 17.5% admitted to using threats of overt force in attempted rapes.** (Lisak and Miller, 2002)

**Assessing Likelihood to Recidivate:**

Some important factors that contribute to recidivism: (Hanson and Morton-Bourgon, 2004).

- Conflicts with intimate partner (must talk to partner to get accurate information about this)
- Tolerant attitudes of sex crimes
- Tolerance of rape myths
- Lack of victim empathy
- Negative social influences/negative peer group
- Hostility, anger, and aggression
- Separation from parents
- Personality disorder
- Sexual preoccupations
- Any deviant sexual preferences
- Any prior criminal history (*However, this is not always the case – think about the student and military population. Most likely these populations will have clean records because that would be a requirement in order to be accepted into a university or the military)
- Childhood criminality
- Any non-contact sexual offenses (voyeurs, exhibitionists)

Factors not strongly related to recidivism – these factors are not related to whether a person will or will not re-commit a sex offense (Hanson and Morton-Bourgon, 2004):

- Denial of the crime
- Low self-esteem
- Lack of motivation for treatment
- General psychological problems such as depression
- Sexually abused as a child

One assessment instrument that has been shown to be useful in measuring the likelihood of recidivism is the Violence Risk Appraisal Guide (VRAG). Read more about the VRAG in the Recommended Sanctions section.

Title IX

Overview (Brake and Williams, 1997):

Title IX is the federal law barring sex bias in education. In June of 1997, the Department of Education took an important step toward increased gender equity: it issued a detailed guidance preventing or eliminating sexual harassment of students at educational institutions. This guidance describes how students must be able to learn in an environment free from all forms of sex discrimination, including sexual harassment. Colleges cannot allow behavior that creates a hostile environment and prevents a student from learning or participating in campus activities. This conclusion is consistent with the workplace standards that protect employees on the job.
Title IX says that in regards to sexual assault and harassment, universities must:

- Stop the misconduct
- Prevent reoccurrence of the misconduct
- Restore the victim to her/his original status

Knowing what we know about the likelihood of sexual assault perpetrators to recidivate, or re-commit this offense, and knowing that under Title IX, universities have a duty to prevent this reoccurrence, this provides a unique challenge for college personnel working to create and maintain a safe campus environment.

Summary of important points from this section:

- Most sex offenders are recidivists and commit other forms of interpersonal violence.
- The strongest predictor of future violence is past violence.
- Two sexual assault experts reported on 120 of 1,882 men whose self-reported sexual acts met legal definitions of rape or attempted rape but whose actions went undetected by the criminal justice system and found that 76 or 63.3% were recidivists.
- Some important factors to consider when attempting to predict recidivism are conflicts with intimate partner, tolerant attitudes of sex crimes, tolerance or rape myths, lack of victim empathy, negative peer group, hostility and aggression, separation from parents, personality disorder, sexual preoccupations, any deviant sexual preferences, any prior criminal history, childhood criminality, any non-contact sex offenses, and/or psychopathy.
- The Violence Risk Appraisal Guide (VRAG) is one assessment tool that has been shown to be useful in predicting the likelihood of recidivism.
- Title IX is the federal law barring sex bias in education.
- Title IX says that in regards to sexual assault and harassment, universities must stop the misconduct, prevent reoccurrence of the misconduct, and restore the victim to her/his original status.
The purpose of this section is to familiarize the reader with how SafeHouse Center of Washtenaw County and the state of Michigan define dating and domestic violence. In addition, it is designed to provide an overview of the various forms of abuse such as emotional, verbal, physical, and sexual abuse. It is imperative that panelists have a complete understanding of definitions and types of abuse before hearing a dating or domestic violence-related case. Please note that there are many overlaps between sexual assault and dating and domestic violence.

SafeHouse Center Overview

SafeHouse Center is a non-profit organization dedicated to ending domestic violence and sexual assault in Washtenaw County, Michigan. SafeHouse provides free and confidential services for any person victimized that lives or works in Washtenaw County. Their programs include counseling, court accompaniment, information and referrals, emergency shelter and personal advocacy.

SafeHouse provides services to all survivors of domestic violence and sexual assault regardless of ethnicity, race, sex, sexual orientation, gender identity, age, relationship status, veteran status, current or former substance use, current or former involvement with the criminal justice system, religious affiliation, immigration status, physical or mental ability, health status, height or weight. (http://www.safehousecenter.org/)

SafeHouse Center Definitions

*Domestic violence* is a pattern of coercive behavior used by people to control their intimate partners. It often involves a physical assault or a threat of physical assault, but an abusive relationship may involve verbal and/or emotional abuse; sometimes it begins with these types of abuse and evolves into physical abuse. A physical assault is almost always accompanied by one or more abusive tactics
SafeHouse Center defines intimate partner relationships as partners who are married, formerly married, living together, formerly living together, engaged, formerly engaged, dating, formerly dating, or having a child in common.

*Dating violence*, like domestic violence, is a pattern of coercive control that one person uses over someone with whom they are in an intimate relationship. The abusive person, or batterer, uses physical violence, sexual violence, verbal abuse, emotional abuse, intimidation, threats, and money to control their partner. People of all ages date and abuse can happen at any age.

(SafeHouse Center Basic Training Manual, sections C2-C8, Revised August 22, 2007).

**State of Michigan Definitions**
(www.legislature.mi.gov)

**Domestic Violence 1st:** A person in a domestic relationship who willfully attempts to inflict injury upon the person of, another coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

Misdemeanor; punishable by up to 93 days in jail and/or $500 fines

**Domestic Violence 2nd:** The individual has a prior misdemeanor or felony assault conviction on a victim and who meets the criteria for a domestic violence relationship.

Misdemeanor; punishable by up to one year in jail and/or $1,000 fines

**Domestic Violence 3rd:** The individual has two prior convictions one victim who meets the relationship criteria for a domestic relationship

Felony; punishable by up to two years in prison and/or $2,500 fines

**Aggravated Domestic Violence:** The individual assaults another resulting in a serious aggravated injury that is without weapon and requires immediate medical attention or disfigurement

Misdemeanor; punishable by up to one year in jail and/or $1,000 fines
Assault With a Dangerous Weapon/Felonious Assault: A person who assaults another with the use of a weapon.

Felony; punishable by up to two years in prison and/or fines

Statistics and Forms of Abuse

Dating/Domestic Violence:

- 25% of women said they were raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date in their lifetime (Department of Justice, 2000).
- 20%, or one in five, Michigan women with a current partner reported sustaining some type of violence in their relationship (Michigan Department of Community Health, 1996).
- From October 2003 to September 2004, domestic violence programs in Michigan received 55,208 crisis calls, an average of 151 crisis calls per day. Michigan domestic violence programs provided residential and non-residential services to 56,924 women and children. During the same year 6,466 victims were denied access to shelter due to lack of space. (Michigan Domestic Violence Prevention and Treatment Board, 2004).
- Violence against women is primarily partner violence. Seventy-six percent of the women who were raped and/or physically assaulted since age 18 were assaulted by a current or former husband, cohabiting partner, or date. (U.S. Department of Justice, 1998)
- Intimate partner homicides account for 33% of the murders of women, compared with only 4% of the murders of men (U.S. Department of Justice, 2000).
- Estimates from the National Crime Victimization Survey indicate that in 1998, about 1 million violent crimes were committed against persons by their current or former spouses, boyfriends, or girlfriends (U.S. Department of Justice, 2000).
- Women whose partners were jealous, controlling, or verbally abusive were significantly more likely to report being raped, physically assaulted, and/or stalked by their partners, even when other socio-demographic and relationship characteristics were controlled. Indeed, having a verbally abusive partner was the variable most likely to predict that a woman would be victimized by an intimate partner. These findings support the theory that violence perpetrated against women by
intimates is often part of a systemic pattern of dominance and control (Department of Justice, 2000).

**Verbal/Emotional Abuse** is anything that the abuser says or does to the victim that causes the victim to be afraid, lower the victim’s self esteem, or manipulates or controls the victim’s feelings or behavior. Verbal and emotional abuse may include, but is not limited to, the following behaviors:

- Name-calling and put-downs
- Yelling and screaming
- Intentionally embarrassing the victim in front of others
- Keeping the victim from seeing or talking with friends and family
- Telling the victim what to do
- Making the victim feel responsible for the violence
- Stalking
- Threatening to commit suicide
- Threats of violence and harm, or to expose the victim’s secrets (such as sexual orientation or immigration status), or to take away the Victim’s children.
- Threats of cutting off resources and/or care giving (especially if the victim is disabled and/or requires medical attention)

(Break the Cycle, Inc., 2007)

**Sexual Abuse** is any sexual behavior that is unwanted or interferes with the victim’s right to say “no” to sexual advances. It includes the following behaviors:

- Rape
- Unwanted kissing or touching
- Forcing the victim to go further than they want (even if they have had sex before)
- Unwanted rough or violent sexual activity
- Not letting the victim use birth control or protection against sexually transmitted diseases

(Break the Cycle, Inc., 2007)

**Physical Abuse** is any intentional unwanted contact with the victim’s body by either the abuser or an object within the abuser’s control. Physical abuse does not have to leave a mark or bruise. It includes the following behaviors:
• Scratching
• Biting
• Punching
• Kicking
• Throwing something at victim
• Pulling hair
• Choking
• Pushing
• Using a weapon
• Slapping
• Shoving

(Break the Cycle, Inc., 2007)

Summary of important points from this section:

• **Domestic (and Dating) Violence** is a pattern of coercive behavior used by people to control their intimate partners. It often involves a physical assault or a threat of physical assault, but an abusive relationship may involve verbal and/or emotional abuse.
• The State of Michigan defines Domestic Violence as an attempt to inflict injury upon the person of, another coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm within a domestic relationship.
• The State of Michigan considers prior convictions, specific circumstances of the act, and/or injuries when charging domestic violence cases.
• 25% of women said they were raped and/or sexually assaulted by a current or former spouse, cohabitating partner, or date in their lifetime.
• Intimate partner homicides account for 33% of the murders of women, compared with only 4% of the murders of men.
• Violence perpetrated against women my intimates is usually part of a systemic pattern of dominance and control.
• Verbal/Emotional Abuse is anything that the abusers says or does that causes their partner to be afraid, lower their self esteem, or manipulates or controls their partner’s feelings or behavior.
• Sexual Abuse (any sexual behavior that is unwanted or interferes with someone’s right to say “no”) is often one of the tactics used in a DV relationship to maintain power and control.
• Physical abuse is any intentional unwanted contact with the victim’s body by either the abuser or an object within the abuser’s control and DOES NOT have to leave a mark or bruise.
The purpose of this section is to provide an overview of the scope of the problem of dating and domestic violence on college campuses, as well as barriers that may exist for students in accessing resources. It is designed to dispel myths and provide information about the prevalence of these issues so that panelists will be as informed as possible about the reality of these offenses.

**Scope of the Problem**

Women aged 16-24 experience the highest per capita rate of intimate partner violence (US Department of Justice, 1997)

The following statistics were taken from the National Coalition Against Domestic Violence, 2007:

53% of victims of domestic violence were abused by a current or former boyfriend or girlfriend.

21% of college students report having experienced dating violence by a current partner. 32% experienced dating violence by a pervious partner.

13% of college women report they were forced to have sex by a dating partner.

Among college students who were sexually assaulted, 35% of attempted rapes occurred on dates, 22% of threatened rapes occurred on dates, and 12% of completed rapes occurred on dates.

60% of acquaintance rapes on college campuses occur in casual or steady dating relationships.

Over 13% of college women report they have been stalked. Of these, 42% were stalked by a boyfriend or ex-boyfriend.

Nearly one third of college students report having physically assaulted a dating partner in the previous 12 months (Break the Cycle, Inc., 2005).
As many as one quarter of female students experience sexual assault over the course of their college career (Break the Cycle, Inc., 2005).

Approximately 90% of victims of sexual assault on college campuses know their attacker (Break the Cycle, Inc., 2005).

Obstacles Facing College Students

College students face a variety of obstacles in accessing services that may assist them in escaping an abusive relationship.

- Sometimes college students feel trapped by the social networks and/or the closed environment of many campuses.
- Students may feel isolated from their personal support networks and resources for help because the student is away from home for the first time. This is especially true if the student is also from a different state or country. (Break the Cycle, Inc. 2005)
- They may have a small or limited social network due to the college campus atmosphere.
- Administrators may not understand the scope of the problem and not reacting appropriately (i.e. if professors and/or teachers are notified about a domestic violent relationship between two students).
- Students may fear their parents finding out and taking the student out of school.
- Some students cannot afford supportive services.
- Some students may not define their experience as abusive.
- Many students may fear the assailant. Often times, due to a somewhat isolated atmosphere of a college campus, it is easier for an assailant to stalk his or her partner.
- Social networking sites provide easy access for perpetrators to control their partners.
Summary of important points from this section:

- Women aged 16-24 experience the highest per capita rate of intimate partner violence.
- 21% of college students report they have experienced dating violence by a current partner and 32% report experiencing dating violence by a previous partner.
- 60% of acquaintance rapes on college campuses occur in casual or steady dating relationships.
- Almost 1/3 of college students report having physically assaulted a dating partner in the last year.
- One quarter of female students experience sexual assault over the course of their college career.
- Approximately 90% of victims of sexual assault on college campuses know their attacker.
- There are many obstacles college students face in accessing services that may help them in escaping an abusive relationship. Some of these obstacles include: feeling trapped by the social network/closed environment of campus; feeling isolated from personal support network; not having a supporting social network due to campus atmosphere; administrators not understanding the problem; not knowing experience is defined as abusive; fear of the assailant.

Understanding the Survivor

Common Responses to Dating and Domestic Violence

The following information was taken from the SafeHouse Center Basic Training Manual, section C18, which was revised February 21, 2007.

As we start to look at survivors responses to domestic violence we need to keep in mind the evolution of the relationship. In our work with survivors we often see that at the beginning of a relationship, the batterer usually starts with the use of verbal and emotional abuse tactics to establish power and control. This is often so subtle the person isn’t always aware anything is going on. There is no formula to predict when the violence will start. Sometimes the person doesn’t experience any violence until they decide to end the relationship and are leaving or have already left. On the other hand, the first physical incident of violence may occur when the person becomes truly committed to
the relationship. This may happen when they become monogamous, move in together, get engaged, married, or have their first child and so forth.

There is no standard response to domestic violence. Often times when the person experiences the first physical incident of violence they are in disbelief and/or denial, and feel responsibility, shame and/or embarrassment. They find themselves concerned about protecting the family image and see this as a one-time only incident. They may believe that if they change their behavior, the violence will stop. They may try to become more pleasing, try to be a better partner, or on the other hand become more determined to end the relationship.

Over time we are apt to see the violence increase in severity and frequency. In turn survivors become more afraid for their own and/or their children’s safety. Many survivors may still deny the seriousness of the attacks and make excuses for the batterer, question what’s going on in the relationship, and look around for answers and turn to others for help. The person tends to internalize anger, guilt and a sense of failure the longer they are in a violent relationship. The person engages in a wide range of behaviors in response to the abuse. They may exhibit feelings of hopelessness or worthlessness, develop physical ailments, have nightmares, become jumpy, tell her story without expressing any emotion, and/or disengage from her feelings around the abuse in her life.

A common response to the trauma of victimization is for the person to turn their feelings inward, i.e., becoming more isolated, experiencing suicidal ideation, making suicide attempts, or using alcohol or other drugs as a means to numb the emotional and/or physical pain of the abuse. In addition to the above, survivors may experience other mental health problems including post-traumatic stress disorder, depression, an array of other health-related complaints including migraines and other headaches, musculoskeletal issues, fatigue, insomnia, anxiety symptoms such as palpitations and hyperventilation, gastrointestinal disorders, eating disorders, and chronic pain.

**Why She Stays**

The following information was taken from the SafeHouse Center Basic Training Manual, section C24-C-25, which was revised February 21, 2007.

“Why does she stay?” This is a frequently asked question, but it is the wrong question. Unfortunately, when people attempt to understand domestic violence, they often start by scrutinizing and evaluating the survivor. This
practice avoids looking at the behavior and intentions of the perpetrator of the violence, and it fails to hold the perpetrator accountable for his actions. It also misses the essential task of examining the ways in which our culture condones, supports, and gives permission for battering. In our victim-blaming society, we assume that it is the victim’s responsibility to not get victimized, rather than the perpetrator’s responsibility to not use violence.

The questions we should be asking are:

- Why do assailants terrorize and torture their partners?
- Why do men beat women? Why do men beat men?
- Why does the community allow battering to continue?
- How do so many women overcome incredible obstacles and achieve safety and nonviolence for themselves and their children?
- Why do women leave?
- When do women leave?
- How can we be helpful to women in the process of leaving?

People believe that if a battered woman REALLY wanted to leave, she could just get up and go, and the violence would end if she left. In reality, a survivor’s decision to leave a relationship increases the danger of severe injury or death for the survivor. Most homicides occur after women have left and assailants realize they are gone for good. Many people overlook the environmental barriers that prevent women from leaving and too often focus on psychological “characteristics” of women instead.

Here are some facts:

- Many battered women do leave. Shelters are usually full.
- Some battered women stay only for a short period. Some battered women leave immediately after the first assault and never return.
- Almost all battered women try to leave at some point
- For battered women who leave, the violence may just be beginning. Batterers escalate their violence when a woman tries to leave, starts to show signs of independence, or has already left.

Barriers to Leaving

The following information was taken from the SafeHouse Center Basic Training Manual, section C25-C36, which was revised February 21, 2007.
There are two broad categories of barriers that battered women face – Personal and Systemic:

1. **Personal:** Personal barriers are the barriers created by the perpetrator in order to maintain power and control. These barriers are usually the tactics shown on the power and control wheel (see the Power and Control Wheel on page 56 and the Equality Wheel on page 57). Each batterer chooses a unique pattern of behavior that most effectively controls the responses of the survivor. However, many of the tactics are commonly used. The threat of physical and sexual violence is the ultimate threat, but it is important to remember that physical violence is only one of the factors restricting survivor’s choices.

**Some Personal Barriers to leaving an abusive relationship:**

**Hope and Love**
Battered women (sometimes) stay for varying lengths of time because they love their partner and very much hope they will change their behavior. All women want the violence to end; many do not want the relationship to end.

This is often one of the hardest phenomena for people who have not been battered to understand. However, many people have been in difficult relationships or jobs that they knew they should leave, but either couldn’t, or needed time to be able to depart.

The assailant usually tells his partner that he will change, that the violence was a one-time event, and this strengthens the hope of the survivor.

Assailants can also be romantic and charming. They may behave very well, and oftentimes do so until they begin to lose control of their partner’s actions. Their ability to mask their abusive behavior at certain times also keeps hope alive for the survivor.

Love is glorified in our culture. Popular songs and movies perpetually reinforce the idea that love is the most important thing in life, and that people should do anything for love. This is particularly reinforced for women.

Women may love their partners, and at the same time hate their violent and abusive actions.
Emotional Abuse
Emotional abuse is present in almost all relationships where physical violence exists. The assailant will use very derogatory, often sexual names. It is also common for the abuser to employ knowledge gained in an intimate relationship to attack their partner’s spirit and sense of value. This constant barrage of verbal abuse can wear down the survivor’s resistance and make it even more difficult to leave.

Sexual Violence
Rape, sexual abuse, and sexual humiliation are all forms of sexual violence that are common in battering relationships. This is another tactic habitually practiced by hostage takers and those who run concentration camps. Because sexuality is such a potentially intimate and sacred experience, sexual abuse and domination are particularly degrading to the spirit and weaken the capacity to resist.

Hurting Pets
Abuse and murder of pets (particularly those special to the survivor) is not unusual. A survivor may not leave because they cannot take her pet, and knows that the pet will be killed if she leaves it alone with the batterer.

Deliberate and Systematic Isolation from Support
People who are in trouble need support. The invaluable resources of friends, family, co-workers, and professionals are most essential to aid in weathering the crises and supporting a survivor in their decisions. Assailants commonly force their partner to account for every minute of their time and will methodically drive friends and family away. Sometimes this is accomplished through overt threats or physical attacks; sometimes they make life thoroughly unpleasant for anyone that comes around them.

Many assailants are extremely jealous and possessive. They constantly accuse their partners of affairs and sexual advances. They demand that their partner speak to no one, which might be enforced by harsh infidelity accusations upon each interaction.

Friends and family members may even believe the myths about battering. Doubts and judgments conveyed by friends and family members may actually contribute to battering situations based on increased isolation and reduced outside support.
Being Held Prisoner in their Own Home
Assailants use psychological terrorism and brainwashing techniques to keep survivors in violent relationships.

Loneliness and Grief
Some women may be troubled about making it on their own, and about being lonely. When they leave, they may endure feelings of grief and loss. Frequently, leaving a batterer means abandoning friends, family, neighborhoods and a community. Some women are forced to assume an alias and disappear from society in order to live without an assailant’s constant harassment. Although the survivor may no longer be in the relationship, survivors are forced to continue to live a life of isolation and fear in order to survive.

Children
Battered women fear that their partner will get custody of the children – and abusive men will often make repeated threats to take the children, through legal and illegal means. It is not uncommon for batterers to go to extremes to keep their children.

Sometimes survivors reason that they will sacrifice themselves for their children-- so that their children can have a father, or so that their children will be able to go to good schools, live in a safe neighborhood and have financial security. Women may not want to see their children have to leave their home, their neighborhood and their schools. Women may not believe they are capable of supporting their children on their own. It is not likely that batterers will provide adequate or consistent financial support for their children, and most women must weight this reality when deciding if it is the right time to leave.

Believing what their Assailant Tells Them
When someone hears the same statements repeated constantly, and when they have been isolated from support that could counteract these statements, they become easy to believe. Assailants will often say things such as:

- “You’re crazy and stupid. No one will believe you.”
- “You’re the one that’s sick. You need help. You’re hysterical.”
- “I know the judge; he won’t put me in jail.”
- “The police will never arrest me.”
- “It’s not serious. You’re not really battered.”
- “If you leave, I’ll get custody because you’ll have abandoned me and the kids.”
• “If you leave me, no one else will ever want you. You will be alone for the rest of your life”
• “If you leave, I’ll find you and kill you. I’ll kill your family, your kids, and your pets. You’ll never escape me. If I can’t have you, no one will.”

Assailants deliberately supply their partners with false information in order to keep them in the relationship. They may sabotage their partner’s attempt to use the civil or criminal justice system by giving false information about the process. At the same time, assailants often play on their partners concern for their well-being. A common ploy is to tell their partner that if they are prosecuted they will spend long years in prison. (In fact, convictions are rare. They are almost always for misdemeanors. Assailants are more likely to be sentenced to counseling than to jail).

When no one believes a battered woman, when her assailant isn’t arrested, when she is criticized and scrutinized, when he gets custody of the children, and when he tracks her down and tries to kill her—she believes what he says. Why? Because his predictions too often turn out to be true.

**Fear of Dying**
Battered women are in real danger. A batterer’s violent behavior can be lethal. This is particularly true when a woman is leaving or has left the relationship; the majority of women killed by their batterers are killed at this time. When the assailant feels he can no longer maintain power and control over her and keep her in the relationship, he is more likely to escalate to murder. Often, a batterer will repeat the threat that if she leaves, he will kill her. He has made good on many of his other threats, so she has every reason to believe he will this time too.

**The Power and Control Wheel** on the next page demonstrates the behaviors that perpetrators display and the barriers that survivors face in abusive relationships. “The Wheel” was created by the Domestic Abuse Intervention Project in Duluth, Minnesota and is used widely.

**The Non-Violence Wheel**, or Equality Wheel, on page 64 represents some of the components of a healthy relationship. The Non-Violence Wheel was also created by the Domestic Abuse Intervention Project in Duluth, Minnesota and is used widely.
POWER AND CONTROL WHEEL

Adapted from:
Domestic Abuse Intervention Project
Duluth, MN 218/722-4134
WHEEL OF EQUALITY

NON VIOLENCE

NEGOTIATION AND FAIRNESS
Seeking mutually satisfying resolutions to conflict
- accepting change
- being willing to compromise

NON-THREATENING BEHAVIOUR
Talking and acting so that she feels safe and comfortable expressing herself and doing things.

RESPECT
Listening to her non-judgmentally
- being emotionally affirming and understanding
- valuing opinions

ECONOMIC PARTNERSHIP
Making money decisions together • making sure both partners benefit from financial arrangements

SHARE RESPONSIBILITY
Mutually agreeing on a fair distribution of work • making family decisions together.

TRUST AND SUPPORT
Supporting her goals in life
- respecting her right to her own feelings, friends, activities and opinions

RESPONSIBLE PARENTING
Sharing parental responsibilities
- being a positive non-violent role model for the children.

HONESTY AND ACCOUNTABILITY
Accepting responsibility for self • acknowledging past use of violence
- admitting being wrong
- communicating openly and truthfully

EQUALITY

NON VIOLENCE

Adapted from:
Domestic Abuse Intervention Project
Duluth, MN 218/722-4134
2. Systemic: Those societal and cultural barriers that minimize a survivor’s options. These are ways that our culture and institutions make it very difficult for a survivor to become independent. Some systems often work to maintain women’s unequal status, which forces women to remain in harmful situations. The perpetuation of victim-blaming practices can pressure women to stay in abusive relationship. Options are limited and non-judgmental support is not always given.

Some Systemic Barriers to leaving the relationship:

Justice is Expensive
It is very difficult to find affordable legal representation. Legal Aid offices may not necessarily handle divorce. Many do not have enough staff to meet the community’s need, or may not have the resources to handle divorce and custody cases when domestic violence is involved.

A woman often cannot afford as skilled an attorney as her spouse. The assailant may have told her that he will hire an attorney who will take her children from her if she leaves him. Too often, this threat becomes reality.

There is No Place for Them to Go
Shelters do not exist everywhere. They are often full. Their funding is in constant danger, and they are vulnerable to attacks from groups that decide they are “destroying the family” or are “anti-male.” Housing is a major roadblock to leaving the relationship.

Most women cannot find or afford safe housing. They become stuck in emergency shelters, unable to find a place to live. Women with children face discrimination in the rental market, whether or not they have been battered. Landlords are often reluctant to rent to formerly battered women, believing that their assailant will show up and cause property damage or physical harm. The assailant often deliberately sabotages his partner’s credit rating (or prevents her from establishing one at all) so as to keep her from independent action.

Some Battered Women Stay Because they Believe What Most People in our Society Think About Battered Women

They may believe inaccurate things such as:

- Alcohol and other drug use causes battering.
• Battered women imagine, exaggerate, deliberately fabricate, or initiate the violence.
• Battered women are co-dependent, or enable the assailant.
• Battered women somehow provoke or are to blame for the violence; if the woman would change the battering would stop.
• It is the woman’s fault if the battering does not stop; if it does not stop, she is not trying hard enough.
• All battered women come from poor, uneducated, or minority backgrounds.
• Their partner just has a problem controlling his anger, or that stress or unemployment problems have caused the battering.

If the people a survivor go to for help (family, friends, or professionals) believe these myths, they might (for example) suggest to the woman that she help her partner reduce his stress or find a job or stop making him angry. If the woman repeatedly hears these things, and believes she is provoking his violence, she will work on pacifying him. These strategies will not work, the violence will continue, the woman will stay in the relationship longer, and it will be harder for her to escape.

**Sexism (Unequal Treatment of Women)**
Economic justice for women is an essential part of deconstructing the dominant paradigm that maintains battering situations. Economic and wage discrimination contribute to the continued unequal socio-economic status of women, which perpetuates economic dependence on men and forces women to remain in harmful situations. When asking why women choose to remain in battering situations, it is important to remember the systematic methods that maintain women’s unequal status in terms of wage, employment and access to affordable childcare.

Often times, batterers prevent survivors from accessing employment all together. Leaving may mean looking for a job with little or now work history behind her. The assailant may have purposefully damaged her employment record through continued harassment, or contributed to excessive tardiness or absences. All of this is assuming that the survivor can communicate in English and is eligible to work in the United States. These issues exemplify the intersection of gender and INS status that increase the barriers to economic justice for survivors.
The quality of employment offered to battered women is another factor contributing to the economic injustice disproportionately faced by women. If employment is available, it is often part-time, in a dangerous or sexist environment and offers little opportunity for attaining positions of leadership. All too often, battered women are forced to take low-wage jobs that offer little to no benefits. If she has children, this wage may not be sufficient to support herself, let alone her children. This means that women are expected to be able to maintain a home for their children while working long hours to receive minimum wage, no health insurance and no childcare.

Institutions that are Sometimes Helpless or Unwilling to Offer Women Protection or Assistance

The Legal System:

In Michigan, police may arrest without a warrant (on misdemeanors) if they have probable cause to believe an assault has occurred. A woman has the right to obtain a court order restraining her abuser from attacking or harassing her. If an assailant is arrested for domestic assault, he must be held in jail until arraignment. Despite these important laws, there is a continued need to work for justice based on the following examples.

- Depending on the county, police routinely do not arrest in misdemeanor assault and battery cases.
- Police have the option of arresting an assailant for violation of a domestic assault personal protection order or bond conditions. Often, they do not.
- Cases where a crime would in other circumstances (stranger assault) be charged as a felony are charged as a misdemeanor (because they are domestics” and not as important). This presents additional barriers to justice because an existing relationship discredits the seriousness of the crime
- Some judges may refuse to issue personal protection orders.
- Obtaining a personal protection order may be a time consuming process with no guaranteed results. One must make sure to use the correct form; get to court; possibly have a hearing; ensure the assailant is served with papers (which takes time and more money); and file the order properly in the police LEIN computer. After all of this, police officers may refuse to enforce the order.
- There is no system in place to ensure that the courts notify battered women of their court date. So when the survivor is not
present in court, the survivor is then blamed when charges are dropped.
• Some courts issue bench warrants and jail threats to women who decide to discontinue participation with the prosecution, ignoring the terrorism her batterer is exercising over her.
• Many prosecutors will drop charges upon request of the survivor. This action ignores the possibility that the woman is being coerced into the phone call (or in some cases that it is not the survivor on the phone at all). Prosecutors need to maintain their responsibility to uphold charges regardless of requests otherwise.
• A battered woman may see the prosecutor for only two or three minutes immediately before her court case, making it very difficult for the prosecutor to gather enough information to proceed in the most effective manner.
• Judges in MI are denying battered women custody of their children even when the children have been abused by the batterer. This blatant act is often based on the false assumption that the woman will return to her abuser or will become involved with another batterer. Often judges are so impressed that a father wants custody of his children that they fail to consider the effects of domestic violence on the children.
• Women are often arrested instead of or in addition to the batterer because they physically defended themselves against their assailant.
• Courts and police often believe that the woman is making up or exaggerating the violence. They often believe the assailant’s story, and go to great lengths to empathize with his problems.

Religious Institutions:

Clergy have tremendous influence in women’s lives, and there are those who have been very helpful to survivors of violence. For example, the Rev. Marie Fortune has written a number of different articles and books for women of faith. Religion and clergy can give a lot of support and comfort. They can be very important aspects of people’s lives. Because of this, they can sometimes provide information that complicates a woman’s circumstances.

Some religions include beliefs such as there is no situation that makes a divorce acceptable, or a woman should honor her husband no matter what he does. Processing all of this information and deciding whether or not leaving is an
option can be extremely difficult for a woman whose faith is very important to her.

If battered women get the message that they are at fault, they will focus their attention on changing their behaviors, and remain in the relationship instead of exploring safer options.

**Psychiatrists, Psychologists, Therapists, Mental Health Workers, Doctors:**

These professionals may not have adequate tools, time and/or training to assess domestic violence. Studies have indicated that up to one quarter of all women entering hospital emergency rooms have been battered, yet most emergency rooms identify only a small fraction of those women. Some professionals do not even ask the question – Is there violence in your relationship? They may not interview the partners separately. Battered women may not identify their experiences as “battering,” or they may not label forced sexual intercourse by a spouse as “rape.”

Some professionals may misdiagnose battered women or batterers as mentally ill. Others may believe that violence is caused by alcohol or other drug use. Some report being afraid of the assailant, and therefore unwilling to counsel the survivor. Professionals may not be aware of or refer to their local domestic violence program for counseling, shelter, and advocacy.

Some see battering as a dysfunctional relationship and recommend couples counseling. Couples counseling can be problematic and even dangerous for the survivor. To work, it requires both parties to be able to openly address and work on problems, which the assailant is not going to do. If the survivor talks honestly, and shares details of the assailant’s behaviors, the assailant is likely to punish her later through further abuse. Traditional counseling may also be suggested for the assailant. When the assailant enters counseling, this bolsters the woman’s hope that the relationship can be salvaged through these methods, and keeps her in the relationship. If he can be cured, she reasons (and her reasoning is supported by the therapist who is doing the counseling, who she sees as the expert), then the violence will end and their relationship can resume. Professionals must be very careful when they refer an assailant to counseling lest they unwittingly help keep a woman in a violent relationship by fostering erroneous beliefs in the positive outcomes of therapy. They must diligently inform both parties of the facts about the effectiveness of counseling for assailants.
These issues prevent battered women from receiving the resources and support they need and deserve to leave their assailants.

**Gender Socialization**

Gender stereotyping and enforced adherence to it play a major role in battering.

Certainly girls are taught to be passive, smile, be nice, accommodating, take care of and be sensitive to other’s needs. Beyond “teaching,” our culture actively punishes girls who violate those rules. Such punishment includes social ostracism, ridicule, poor grades in school, and often times sexual harassment, assault, and physical violence. As a result, girls soon learn the price of speaking out, independence and autonomy. Individual females may have these lessons softened or more strictly enforced by their own particular family members, extended family, neighborhood, school and teachers, but the overall cultural message remains constant.

Usually, (in discussions of gender stereotyping) the issue is raised that men are taught to be tough, not to cry, not to be verbal and not to discuss their emotions. However, this is not the aspect of gender stereotyping that contributes to battering. Batterers express emotions of anger, pain, grief and loss very well. They do cry. Many are highly articulate, persuasive and skilled at identifying and expressing their feelings.

The concept of male entitlement created by gender roles is associated with domestic violence. Men have been taught through social roles modeling and the media that they are entitled to the attention and services of women. Women are required to listen, be supportive, enhance their partners’ status with other men, fulfill the man’s sexual needs, and care for their children. Traditional gender roles maintain the expectation that women are required to cook, clean and maintain the household. Gender roles have created a dynamic within intimate relationships that maintain women as subservient and men as power holders and decision makers, which is ultimately detrimental to the health and survival of women. Often in an abusive relationship, if a woman does not live up to these unrealistic and strict expectations, it is license for the batterer to be violent.

These roles are deeply engrained in many men and women so that it is difficult to uncover the extent to which behavior has been influenced by socialization.
Some men are struggling conscientiously to divest in the benefits offered to them based on their gender. Gender roles are so pervasive and insidious that men (and women) don’t even realize how seriously they affect and inform our behavior. There are men who have chosen non-violence, are actively participating in equal relationships with women and working to challenge male privilege. It is encouraged that all men take a greater role in challenging violence and sexism.

Women are indoctrinated with the notion that they are only valuable if a) they are in or seeking out heterosexual relationships and, b) they have children. In addition, the pressure of maintaining a family is evident upon many women in our culture. The threat of losing a family is a grievous one. Women are taught to believe that they are responsible for their family, and charged with its health and well-being. Again, gender roles suggest that women are to be nurturing, caring, and self-sacrificing.

These beliefs work against women who become trapped by violent men. When women do what they have been taught to do (stand by their man; take care of their kids) and are then blamed for staying. They are labeled masochistic or codependent.

Some battered women stay because in addition to being women and being battered, they are from another historically disenfranchised population.

**Dating and Domestic Violence in Multicultural or Underrepresented Communities**

The following information was taken from the SafeHouse Center Basic Training Manual, Section C38, which was revised February 21, 2007.

Women of color face additional barriers based on the intersections of race and gender. Women of color often face “double jeopardy” in terms of racism and sexism that influences one’s access to resources and safety. As a result, women of color are disproportionately impacted by the intersection of race and gender, which in turn impacts access to housing, employment, adequate wages, housing, safety, interaction with the criminal justice system and other institutions. Moreover, women of color are less likely to be taken seriously by the police upon reporting sexual and domestic violence. Racism continues to influence the experience of women of color if their assailant is white. As a result, it is even less likely that the police will make a report, arrest and
conviction. The combined impact of seeking help from individuals and institutions that may be operating from a racist and sexist perspective can make it exceptionally difficult for women of color to achieve the safety they deserve.

Lesbians and gay men face additional threats from their assailants. If their assailants threaten to expose their sexual orientation, the survivor could lose his or her job, housing, children or family. They may also confront homophobia when seeking help from sources outside the relationship. These facts can make it increasingly difficult for them to leave the relationship.

People with disabilities also have formidable obstacles to overcome. An assailant may be the survivors’ personal care attendant, upon which she is dependent for food, clothing, mobility and medical care. Batterers may threaten to remove one’s telecommunications devices for the hearing impaired, which would disable one’s access to outside intervention. Similar dynamics occur within aging populations with caregivers. Again, people with disabilities may face discrimination from institutions or individuals whom they contact for help. They may have difficulties finding things such as employment and housing which are crucial to their independence from their batterer.
Summary of important points from this section:

- Battering usually begins with the use of verbal and emotional abuse tactics to establish power and control and can be so subtle that the other person doesn’t even recognize this.
- The physical violence may not even begin until the abused partner decides to leave OR there may not be any physical abuse until the person becomes truly committed to the relationship (becoming monogamous, moving in together, engagement, marriage, or having a child).
- It is common for a person who has just experienced the first incident of physical violence to respond with disbelief and/or denial and feel responsibility, shame and/or embarrassment.
- As violence increases in severity and frequency, survivors may become more afraid of their safety, but often times they will internalize the problem feeling guilt and failure the longer they are in the violent relationship.
- Other common responses to the trauma of domestic violence include: feeling hopelessness or worthlessness; nightmares; becoming jumpy; lack of emotion; becoming isolated; suicidal ideation; suicide attempts; using alcohol or other drugs as a means to numb the pain; post-traumatic stress disorder; depression; and other health-related complaints such as headaches or migraines, musculoskeletal issues, fatigue, insomnia, anxiety, gastrointestinal disorders, eating disorders, and chronic pain.
- A survivor’s decision to leave a violent relationship increases the danger of severe injury or death for the survivor. Batterers escalate their violence when a woman tries to leave, starts to show signs of independence, or has already left (because he is then realizes he is losing power and control).
- Almost all battered women try to leave at some point, but face many barriers in doing so.
- Some personal barriers to leaving an abusive relationship include: the presence of hope and love, emotional abuse, fear of sexual violence, the abuser hurting pets, deliberate and systematic isolation from the survivor’s support system, being held prisoner in their home, feelings of loneliness and grief, fear of losing the children, believing their assailant (even when untrue), and fear of dying.
- Some systemic barriers to leaving an abusive relationship include the cost of the justice system, sometimes no place for survivors to go, believing what most people in our society think about battered women, sexism, and institutions that are sometimes helpless or unwilling to offer women protection or assistance, and gender socialization.
- Women of color face additional barriers based on the intersections of race and gender when leaving a domestic violent relationship. Likewise, lesbians and gay men face additional barriers. People with physical and/or mental disabilities also have additional obstacles to overcome when trying to gain their independence from their batterer.
- Instead of asking “Why does she stay?” we should be asking “Why does he/she beat their partner?”
Understanding the Abuser

Societal Beliefs About Abusers

The following information was taken from the SafeHouse Center Basic Training Manual, section F1-3, revised December 6, 2007.

1. Anger causes violence.
2. Women are manipulative.
3. If I don't control her she'll control me.
4. Smashing things isn't abusive, it's venting.
5. Sometimes there is no alternative to violence.
6. Women are just as violent as men.
7. Women want to be dominated by men.
8. Somebody has to be in charge.
10. Violence is a breakdown in communication.
11. Men can't change if women won't.

What is Battering?

Battering is the most sophisticated form of brain washing that exists. The batterer tells his partner that she is the most important person in the world to him and that he can't live without her.

Initially, during the early stages of the relationship he is attentive, loving and demonstrates his concern about his partner's well-being. Gradually, over time the relationship begins to change. Batterers' unrealistic expectations and excessive demands of their partners set the stage for their assaultive behaviors. Batterers use their disappointment with their partner's actions to justify their
assaults. The batterer begins to mount a campaign of terror to exert his control over his partner.

Sometimes, batterers will allow their partners actions to prevent or stop an assault. It is this intermittent reinforcement that gives the victim the false hope that she can do something to prevent the violence from reoccurring.

**Characteristics and Behaviors of Batterers:**

There is no behavioral profile that identifies all batterers. However, a cluster of behaviors appear consistently. These behaviors include:

1. Extreme jealousy
2. Minimization of his actions (violence)
3. Denial
4. Rationalization
5. Extremely controlling of his partner and children
6. Can not empathize with others
7. Unrealistic expectations of his partner
8. Blames others for his feelings
9. Hypersensitivity to others criticisms
10. Dr. Jekyll/ Mr. Hyde personality
11. Background of family violence
12. Can read other people (police, courts, or therapists) well when he needs to protect himself
13. Repetitive pattern of violence
14. When threatened will either respond by acting threatening or submissive
15. Increasing assaultive behavior over time
16. Threats to kill and attempts to kill
17. Will not allow his partner to leave him

Battering is not a single isolated event, it is a lifestyle. For a man to choose to batter his partner he must assume that:

1. He is entitled to control his partner and it is her obligation to obey him;

2. He is a moral person even if he uses violence against his partner;

3. He will get what he wants through the use of violence. There are multiple secondary gains to using violence. These gains include: release of tension; demonstration that he is in total control; and fulfillment of his need for service, including sexual services.

4. He will not suffer adverse physical, legal, economic or personal consequences that outweigh the benefit of the violence.


**Signs of a Battering Personality**

Many women are interested in ways that they can predict whether they are about to become involved with someone who will be physically abusive. Usually battering occurs between a man and a woman, but lesbians and gay men are also survivors of battering. Below is a compilation of behaviors that are seen in batters. The last four signs indicate the initial stages of physical abuse. If the person has several of the other behaviors (say three or more) there is a strong potential for physical violence. As more signs revealed, the more likely the person is a batterer. In some cases, a batterer may exhibit little to no behaviors, but they are very exaggerated (e.g., will try to explain his/her behavior as signs of his/her love and concern) and a woman may be battered at first; as time goes on, the behaviors become more severe and serve to dominate and control the woman.

**1. Jealousy:** At the beginning of a relationship, an abuser may assert that jealousy is a sign of love; jealousy has nothing to do with love, it's a sign of possessiveness and lack of trust. He/she will question the woman about who she talks to, accuse her of flirting, or be jealous of time she spends with family, friends or children. As the jealousy progresses, he/she may call her frequently during the day or drop by unexpectedly. He/she may refuse to let her work for
fear she'll meet someone else, or even do strange behaviors such as checking her car mileage or asking friends to watch her.

2. **Controlling Behavior:** At first, the batterer will say his behavior is due to concern for the survivors’ safety, her need to use her time well, or her need to make good decisions. The batterer will be angry if the survivor is "late" coming back from the store or an appointment, he/she will question her closely about where she went, who she talked to. As this behavior gets worse, he/she may not let the woman make personal decisions about the house, her clothing, going to church; he/she may keep the money or even make her ask permission to leave the house or room.

3. **Quick Involvement:** Many battered women dated or knew their abuser for less than six months before they were married, engaged, or living together. He/she comes on like a whirlwind, claiming "you're the only person I could ever talk to," and, "I've never felt loved like this by anyone." He/she will pressure the woman to commit to the relationship in such a way that later a woman may feel very guilty or that she's "letting him down" if she wants to slow down involvement or break it off.

4. **Unrealistic Expectations:** Abusive people expect their partner to meet all their needs; he/she expects the woman to be the perfect wife, mother, lover, and friend. He/she will say things like “If you love me, I'm all you need - you're all I need.” She is supposed to take care of everything for him/her emotionally and in the home.

5. **Isolation:** The abusive person tries to cut the person off from all resources. If she has male friends, she's a "whore," if she has women friends, she's a lesbian, if she's close to family, she's "tied to the apron strings." The batters accuses people who are the woman's supports of causing trouble, he/she may want to live in the country without a phone, forbid use of the car (or have one that is reliable), or he/she may try to keep the woman from working or going to school.

6. **Blames Others For Problems:** If the batter is chronically unemployed, then someone is always doing them wrong. The batterer may make mistakes and then blame the survivor for upsetting him/her and keeping him/her from concentrating on the work. He/she will tell the woman she is at fault for almost anything that goes wrong.
7. Blames Others for Feelings: He/she will tell the woman "you make me mad," "you're hurting me by not doing what I want you to do," or "I can't help being angry." He/she really makes the decision about what he/she thinks or feels, but will use feelings to manipulate the woman. Harder to catch are claims that "you make me happy," "you control how I feel."

8. Hypersensitivity: An abuser is easily insulted, he/she claims their feelings are "hurt" when really he's/she's very mad or he/she takes the slightest setbacks as personal attacks. He/she will "rant and rave" about the injustice of things that have happened - things that are really just part of living like being asked to work overtime, getting a traffic ticket, being told some behavior is annoying, being asked to help with chores.

9. Cruelty to Animals and/or Children: This is a person who punishes animals brutally or is insensitive to their pain or suffering, he/she may expect children to be capable of doing things beyond their ability (whips a two year old for wetting a diaper) or he/she may tease children or young brothers and sisters until they cry (60% of men who beat the women they are with also beat their children). He/she may not want children to eat at the table or expect to keep them in their room all evening while he/she is home.

10. "Playful" Use of Force During Sex: This kind of person may like to throw the woman down and hold her down during sex. He/she may want to act out fantasies during sex where the woman is helpless. He's/she's letting her know that the idea of rape is exciting. He/she may show little concern about whether the woman wants to have sex and uses sulking or anger to manipulate her into compliance. He/she may start having sex with the woman while she is sleeping, or demand sex when she is ill or tired.

11. Verbal Abuse: In addition to blatant verbal attacks, the abuser will degrade the woman, cursing her, running down any of her accomplishments. The abuser will tell the woman that she's stupid and unable to function without him/her. This may involve waking the woman up to verbally abuse her or not letting her go to sleep.

12. Rigid Sex Roles: The abuser expects a woman to serve them; he/she may say the woman must stay at home, that she must obey in all things - even things that are criminal in nature. The abuser will see women as inferior to men, responsible for menial tasks, stupid, and unable to be a whole person without a relationship.
13. **Dr. Jekyll and Mr. Hyde:** Many women are confused by their abusers "sudden" changes in mood - they may think the abuser has some special mental problem because one minute he's/she's nice and the next he's/she's exploding. Explosiveness and moodiness are typical of people who beat their partners, and these behaviors are related to other characteristics like hypersensitivity.

14. **Past Battering:** This person may say he/she has hit women in the past, but they made him/her do it. The woman may hear from relatives or ex-spouses/girlfriends that the person is abusive. A batterer will beat any woman they're with if the woman is with him/her long enough for the violence to begin; situational circumstances do not make a person an abusive personality.

15. **Threats of Violence:** This could include any threat of physical force meant to control the woman. "I'll slap your mouth off," "I'll kill you," and "I'll break your neck" are some examples. Most people do not threaten their mates, but a batterer will try to excuse threats by saying "everybody talks like that."

16. **Breaking or Striking Objects:** This behavior is used as a punishment (breaking loved possessions), but is mostly used to terrorize the woman into submission. The abuser may beat on the table with his/her fist, throw objects around or near the woman. Again, this is very remarkable behavior - not only is this a sign of extreme emotional immaturity, but there's great danger when someone thinks they have the 'right' to punish or frighten their wife/girlfriend.

17. **Any Force During an Argument:** This may involve a batterer holding a woman down, physically restraining her from leaving the room, any pushing or shoving. They may hold the woman against the wall and say "you're going to listen to me!"

Summary of important points from this section:

• Society as a whole maintains many beliefs about abusers. Some of these societal beliefs include: anger causes violence, sometimes there is no alternative to violence, women want to be dominated by men, somebody has to be in charge, jealousy is natural in men, and violence is a breakdown in communication.

• Battering in an intimate partner relationship is a sophisticated form of brain washing. Initially, the batterer tells his partner that she is the most important person in the world to him. He is attentive, loving, and demonstrates his concern about his concern about his partner’s well-being. Gradually, over time the relationship begins to change and the batterer will set unrealistic expectations and excessive demands of their partners and use their disappointment with their partner’s actions to justify their assaults.

• Some common characteristics and behaviors of batterers include: extreme jealousy, denial, unable to empathize, blames others for feelings, hypersensitivity to criticisms, Dr. Jekyll/Mr. Hyde, repetitive pattern of violence, history of family violence, threats to kill/attempts to kill, will not allow partner to leave.

• Those who choose to batter their partners assume that: they are entitled to control their partner, they are a moral person even if they use violence, they will get what they want through the use of violence, and they will not suffer any consequences that outweigh the benefit of using violence.

• Signs of a “battering personality” include the following:
  o Jealousy  
  o Controlling behavior  
  o Quick involvement  
  o Unrealistic expectations  
  o Isolation  
  o Blames others for problems or feelings  
  o Hypersensitivity  
  o Cruelty to animals and/or children  
  o “Playful” use of force during sex  
  o Verbal abuse  
  o Rigid sex roles  
  o Dr. Jekyll and Mr. Hyde personality  
  o Past battering  
  o Threats of violence  
  o Breaking or striking objects  
  o Any force during an argument
The following was taken from the The National Center for Higher Education Risk Management’s “Creating a Proactive Campus Sexual Misconduct Policy” handbook by Brett A. Sokolow, JD.

“A comprehensive campus policy includes a listing of possible sanctions that can be imposed following a determination that an accused student is responsible for violating the sexual misconduct policy. Such a listing is required by the Clery Act… Most colleges adhere to this requirement by listing that the possible outcomes range from warning of probation to expulsion. Is it any wonder that such a statement could prevent victims from ever coming forward? Let’s see, says the victim, I could make the complaint, endure an investigation, go through a campus hearing, have to face my assailant, place my own actions on trial, and then he might be given probation if I win? Most victims want to know that if they put themselves through all of this, the offender will be dismissed from college or dealt with severely. Otherwise, there is a strong disincentive to reporting. If a student is contemplating an action from a deterrence perspective, is he more likely to be deterred by a policy that allows probation, or by one that usually assures expulsion? The National Center for Higher Education Risk Management suggests the following sanction statements:

“Any student found responsible for a violation of the Non-Consensual Sexual Contact policy will face a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary infractions.”

“Any student found responsible for a violation of the Non-Consensual Sexual Intercourse policy will typically face a sanction of suspension or expulsion, where the recommended sanction is expulsion, depending on the severity of the incident, and taking into account any previous disciplinary infractions.”

The purpose of this section is to provide an overview of current OSCR sanctions and to make recommendations for sanctions in the future. The Sexual Assault Prevention and Awareness Center conducted extensive research on best practices within judicial affairs in order to provide these evidence-based recommendations.
Current OSCR Sanctions:
(http://www.oscr.umich.edu)

**Formal Reprimand:**

This is a formal notice that the Statement has been violated and that future violations will be dealt with more severely.

**Disciplinary Probation:**

This is a designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.

**Restitution:**

This involves compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

**Restriction from Employment at the University:**

This involves prohibition or limitation on University employment.

**Class/Workshop Attendance:**

This entails enrollment and completion of a class or workshop that could help the student understand why his or her behavior was inappropriate.

**Educational Project:**

This involves the completion of a project specifically designed to help the student understand why her or his behavior was inappropriate.

**Service:**

Performance of one or more tasks designed to benefit the community and help the student understand why her or his behavior was inappropriate.
University Housing Transfer or Removal:

This entails placement in another room or housing unit or removal from University housing.

Removal from Specific Courses or Activities:

Suspension or transfer from courses or activities at the University for a specified period of time.

No Contact:

This involves restriction from entering specific University areas and/or all forms of contact with certain person(s).

Suspension:

This involves separation from the University for a specified period of time or until certain conditions are met.

Expulsion:

Permanent separation from the University.

Recommended Sanctions:

The sanctioning of perpetrators of sexual assault and dating and domestic violence is a complex task that must take into account a) the healing of survivors and ensuring their future safety; b) protecting the safety of the community; and c) holding perpetrators accountable for their actions. In order to meet these multiple goals, an appropriate mix of sanctions should be determined for each case. SAPAC recommends implementing OSCR’s existing sanction options such as disciplinary probation, restriction from employment from the university, university housing removal, removal from courses or activities, no contact, suspension, and expulsion, in addition to the following:
A. Assessment, Classification, and Long-Term Treatment by a Local Therapist

Assessment: A standardized, valid and reliable assessment method is the first step to accurately classify the risk a specific assailant poses to the community. The overall goal of the risk assessment is to guide intervention and treatment, protect the safety of the public, and manage liability.

Sound, research-based assessment is essential in the treatment and management of people who commit sex offenses. With the stakes so high - public protection and deprivation of liberty - it is critical to use assessment tools that comport with research on risk of re-offending. (Katsavdakis, Weissman, and Rosenthal, 2004).

The Violence Risk Appraisal Guide (VRAG) and its companion Sex Offender Risk Appraisal Guide (SORAG) are examples of evidence-based sexual offense recidivism assessment tools. The tools give the probability (from zero to 100%) that an offender will commit a new violent offense within a specified period. Two meta-analyses have indicated the VRAG and SORAG achieve the highest accuracies in the prediction of violent recidivism yet reported in the scientific literature. (http://www.mhcresearch.com/vragsum.htm)

Classification: Sexual recidivism rates in the community vary by key factors that must be carefully assessed in order to accurately identify the risk an offender poses to the community, and what steps must be taken to reduce or moderate risk for the community. (Katsavdakis, et. al., 2004).

Treatment: There is evidence that some treatment approaches are effective for some people who commit sex offenses. Researchers are beginning to identify the relevant factors associated with the risk for sexual re-offending, and identify what approaches work for which type of offenders. (Katsavdakis, et. al, 2004). Certain studies support the conclusion that treatment reduces the likelihood of sexual re-offense in the community (Katsavdakis, et. al, 2004). The only meta-analysis of treatment outcome studies to date has found a small, yet significant treatment effect – an 8% reduction in the recidivism rate for offenders who participated in the entire treatment process (Hall, 1995).

Research also demonstrates that sex offenders who fail to complete treatment programs are at increased risk for both sexual and general recidivism (Hanson and Bussiere, 1998).
**Recommendation:** Assessment, classification, and treatment should be conducted by a local therapist. In regards to treatment, research shows that reductions in recidivism rates usually occur only when the participant completes the entire treatment process. Thus, that is SAPAC’s recommendation. In addition, the person found responsible for the offense should be responsible for any treatment costs.

Please contact SAPAC at (734) 998-9368 for assistance in locating a local therapist who specializes in sex offender treatment or refer to the Michigan Mental Health Networker at [www.mhweb.org](http://www.mhweb.org) for a list of local therapists.

**B. Long-term intervention program:**

A long-term intervention program is another sanction option. Intervention treatment programs can contribute to community safety because those who attend and cooperate with program conditions are less likely to re-offend than those who reject intervention. (From the Center of Sex Offender Management: A Project of the Office of Justice Programs, U.S. Department of Justice, [http://www.csom.org/pubs/mythsfacts.html](http://www.csom.org/pubs/mythsfacts.html))

Offense specific treatment modalities generally involve group and/or individual therapy focused on victimization awareness and empathy training, cognitive restructuring, learning about the abuse cycle, relapse prevention planning, anger management and assertiveness training, and social and interpersonal skills development. (Center of Sex Offender Management)

Again, the only meta-analysis of treatment outcome studies to date has found a small, yet significant treatment effect – an 8% reduction in the recidivism rate for offenders who participated in treatment (Hall, 1995). Research also demonstrates that offenders who fail to complete treatment programs are at increased risk for recidivism. (Hanson and Bussiere, 1998)
Recommendation: Several intervention programs that specialize in the treatment of domestic and sexual violence offenders exist in the community. One such program is Alternatives to Domestic Aggression (ADA). Learn more about ADA by logging onto www.csswashtenaw.org/ada/. Again, because research shows that those who attend and cooperate with intervention program conditions are less likely to re-offend than those who reject intervention, SAPAC recommends attendance of the full 52 sessions of an intervention program and that the offender pay for these sessions.

Please contact the SAPAC office at (734) 998-9368 for assistance in finding an appropriate intervention program or call ADA at (734) 971-9781.

C. Temporary suspension pending successful completion of long-term intervention program and/or treatment (or warning of suspension if treatment or intervention is not completed).

Recommendation: Temporary suspension or warning of suspension upon successful completion of either therapist treatment or a long-term intervention program is another recommended sanction option. This makes sense for many reasons. If a person is found responsible for sexual assault, dating or domestic violence, not only has he violated the Statement of Student Rights and Responsibilities, but he also poses a threat to the campus community. Most sex offenders re-commit the crime and the strongest predictor of future violence is past violence. Thus, removal from this community until an expert advises that he is ready to re-enter the campus community is advisable. Also, successful completion of the treatment or intervention program is necessary and crucial. If a person is unsuccessful in completing treatment, he still poses a threat to the campus community and is not ready to return.

D. Removal or non-renewal of scholarships:

Another sanctioning option is the removal or non-renewal of scholarships. Because no one has a right to a scholarship, institutions or those enforcing the conduct code do not have to justify not awarding a scholarship and/or declining to renew a scholarship (Benedict, 1997).
Benedict (1997) discusses scholarship removal for athletes in particular; however, the same standards can apply for non-athletes as well.

A 1994 study of the records of judicial affairs officers at 10 institutions whose football and basketball teams perennially finish in the top 20 in Division 1 of the National Collegiate Athletic Association. Three researchers from the University of Massachusetts at Amherst found that male athletes – who make up only 3 percent of all male students – were accused of 19 percent of the sexual assaults and 35 percent of the cases of domestic violence that were reported to campus officials by female students (Benedict, 1997).

Under N.C.A.A. rules, scholarships can be revoked if athletes are found to have committed serious acts that warrant disciplinary action by college authorities (Benedict, 1997).

Also, any financial payments that have not already been credited to a student’s account may become the student’s responsibility. For example, if tuition covered by the scholarship has already been credited to the student for the semester, room and board payments that typically are paid from the scholarship on a month-to-month basis might become the student’s responsibility (Benedict, 1997).

The scholarship could also be revoked for the next semester. Since scholarships are awarded on a one-year basis, the institution also can decline to renew an award for the following year (Benedict, 1997).

Even if campus authorities cannot prove that an alleged crime, such as rape, took place, they are justified in revoking the athlete’s scholarship altogether if the athlete violated the student conduct code, perhaps by having alcohol in the dormitory at the time of the incident (Benedict, 1997).
Recommendation: Various researchers articulate the fact that no one has a right to a scholarship, and institutions or those enforcing the conduct code do not have to justify not awarding a scholarship and/or declining to renew a scholarship. For athletes in particular, under N.C.A.A. rules, scholarships can be revoked if athletes are found to have committed serious acts that warrant disciplinary action by college authorities.

When a student commits sexual assault, dating or domestic violence, he has violated the Statement, as well as the safety and integrity of the campus community. Therefore, it is SAPAC’s recommendation that scholarships are either revoked or not renewed, or that the person found responsible is accountable for any financial payments that have not already been credited to their account. For example, tuition or room and board costs. The student’s scholarship could also be revoked for the next semester. Since scholarships are awarded on a one-year basis, the institution also can decline to renew an award for the following year.

E. Transcript Entry:

Brown University’s Office of Student Life incorporates transcript entry as one of their sanctions. A transcript entry is a notation on a student’s official University transcript. Brown University’s policy states that a transcript entry may accompany a deferred suspension and will accompany a suspension or expulsion. Following a deferred suspension or a suspension, a student may petition to have a transcript notation removed after one full semester without any additional violations of the Student Code of Conduct. (http://brown.edu/Student_Services/Office_of_Student_Life/randr/nadp/sanctions.html)

Recommendation: SAPAC recommends that a transcript entry be implemented either on its own or in combination with any other sanction. The entry should indicate that this person was found responsible for sexual misconduct or dating or domestic violence. When a person commits sexual assault, he threatens the safety not only of the survivor, but also of the entire campus and greater community. A transcript entry may serve to inform others of the potential risk this person poses to the community or future communities he may become a part of.
When appropriate, a fine may accompany the sanction of any non-academic disciplinary hearing. At Brown University’s Office of Student Life, they specify a range of fines from $25 for conduct violations such as property damage or theft from University property to $1000 for violations such as pulling a false alarm.

(http://brown.edu/Student_Services/Office_of_Student_Life/randr/nadp/sanctions.html)

**Recommendation:** SAPAC recommends that a fine accompany other sanctions. Because it is difficult to place a monetary value on such an offense, SAPAC recommends that a person found responsible for sexual assault pay the survivor for costs incurred by the survivor, such as medical costs, costs for therapy, etc. SAPAC also recommends that OSCR work with the survivor to determine what kind of financial restitution would be appropriate and/or helpful (i.e. medical, loss of wages, moving expenses, court fees, etc).

**G. Upholding and Evaluating Sanctions**

**Recommendation:** A mechanism for upholding sanctions and evaluating their effectiveness should be incorporated into the process. In order to maintain the integrity of the process, do what we can to keep the campus safe, educate students about why their behavior was in violation of the Statement, and hopefully create positive behavior change, we must ensure that sanctions are not only upheld, but also are effective.

Creating a review and assessment committee is very important for the creating, assessing, and updating of sanctions. This committee or task force should include members of every group with a stake, from students to administrators to counselors to campus police to rape education staff. By evaluating the success or failure of the policy in practice, the task force will be able to assess the effectiveness of the sanctions and their intended purposes (National Center for Higher Education Risk Management, 2004).
Many resources exist within the community and throughout the state that can assist you in this process. Please contact us at SAPAC if you have questions or concerns, or if you need support or assistance.

**SAPAC (Sexual Assault Prevention and Awareness Center)**
University of Michigan
715 N. University, Suite 202
Ann Arbor, MI  48104
Business Line: (734) 998-9368
www.umich.edu/~sapac
Contact: Johanna Soet, Ph.D., Director

**SafeHouse Center**
4100 Clark Rd.
Ann Arbor, MI 48105
Business Line: (734) 973-0242
www.safehousecenter.org
Contact: Barbara Niess, M.S.W., Director

**MCADSV (Michigan Coalition Against Domestic and Sexual Violence)**
3893 Okemos Rd., Suite B2
Okemos, MI  48864
Business Line: (517) 347-7000
www.mcadsv.org
Contact: Mary Keefe, M.S.W., Director
References


