

# Responding to Reports of Sexual Violence While Abroad

## Information for Faculty and Staff

Oklahoma State University has policies and procedures in place to appropriately respond to reports or disclosures of sexual violence (sexual misconduct, dating violence, domestic violence, stalking and sexual harassment). Outlined below are the required procedures. In addition to following required procedures, it is also important to demonstrate a high degree of caring and calm when responding to an individual who discloses sexual violence. We want our response to be competent and to do no further harm.

### Policies

#### Title IX of the Education Amendment of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

#### University Policies

The Student Code of Conduct (<https://studentconduct.okstate.edu/code>) outlines the policy definitions for sexual misconduct, dating violence, domestic violence, stalking and sexual harassment.

**Sexual Misconduct:** Engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

- a. **Unwelcome sexual touching:** Touching an unwilling or non-consensual person’s intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one’s own intimate parts; or forcing an unwilling person to touch another’s intimate parts.
- b. **Exposure:** Engaging in indecent exposure, sexual acts in a public place, voyeurism, or non-consensual sharing of sexually explicit images.
- c. **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- d. **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another’s mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

**Effective consent** is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability or incapacitation due to use of drugs or alcohol.

**Dating Violence:** Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

**Domestic Violence:** Domestic violence is a crime of violence committed by a:

- a. current or former spouse or intimate partner of the victim;
- b. person with whom the victim shares a child in common;
- c. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- d. person similarly situated to a spouse of the victim.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions, or threat of actions that influence another person.

**Stalking:** Stalking refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Sexual Harassment:** Making unwelcomed sexual advances, requests for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

- a. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations or other academic opportunities;
- b. Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual; or
- c. Such conduct is sufficiently severe, pervasive or persistent, and both subjectively and objectively offensive, that it has the effect of creating an intimidating, hostile or offensive environment which negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the university's educational mission.

The following are examples of types of conduct that are prohibited.

- Inappropriate touching, patting, or pinching.
- Physical assault or coerced sexual activity.
- Demands or subtle pressure for sexual favors.
- Obscene phone calls, texts, email, or gestures.

Please see <https://1is2many.okstate.edu> for further examples.

Study abroad trips are not immune to this behavior occurring. Due to the nature of the trips and the increase of risky behavior, students can still be harmed and the university still has a responsibility to address concerns appropriately. To encompass all possible undesired behavior, throughout this document the above definitions will be referred to as sexual violence. Below are four steps for faculty, staff, and students to remember when addressing risky behavior and sexual violence.

- RECOGNIZE that non-consensual sex is sexual assault
- IDENTIFY situations in which sexual assault may occur
- INTERVENE in situation where consent has not or can't be given
- CREATE an environment in which sexual assault is unacceptable and survivors are supported

## Response

Disclosures about sexual violence might be made in person or could possibly be disclosed to a campus advisor from a distance by phone/email or video conference. Regardless, communication about traumatic events can be more difficult for both the reporting individual and/or the individual receiving the information when they are away from familiar surroundings. Many people, if unprepared, might be shocked into being relatively silent or have some other unexpected reaction to hearing that a student has been raped, assaulted, or has experienced some other form of violence or harassment. The following offers guidelines for working with students who are victims of sexual violence.

Please note that this document is intended to give you tools for communicating with students if this disclosure occurs. It is not possible to address every possible scenario that could occur, especially if the action occurs between two students that are a part of the trip. Please consult with the Deputy Title IX Coordinator (405-744-5470) if you need information about how to proceed with accommodations, as you are not to investigate the situation.

## Recognizing Undesired Behavior

Familiarize yourself with campus policies for responding to sexual violence. Review the employee guidelines found at <http://1is2many.okstate.edu/employeeguidelines>. Reportable behaviors include the previously defined policies of sexual misconduct, dating violence, domestic violence, stalking and sexual harassment. The location of the behavior does not matter.

These policies apply to all members of the campus community – students, employees, individuals who do business with the campus, visitors, volunteers on campus, and in any location connected with university programs. These incidents might occur in another country with study abroad programs or campus-related travel.

## **Communicating with a Victim**

It will help the reporting individual if you are calm and measured. Assure the student that you will try to help them and will share some resources and discuss their options.

Learn about and employ active listening (<http://psychcentral.com/lib/become-a-better-listener-active-listening/0001299>). Display calm, confident, quiet competence. Let them talk at a rate that is comfortable for them. Details might be out of order, and let them decide what and when to share information. Show interest. If in person or via video conference, nodding your head and eye contact can convey a lot. Electronically, saying “I am here for you,” can be very reassuring. Statements of concern rather than shock are key.

Resist the urge to make decisions for the student. Don’t panic or display high levels of emotion. It is normal to want to fix something and to feel angry or upset, but those reactions are not going to help the reporting person.

It is important to start by believing the individual (<http://www.startbybelieving.org/what-to-say>). It helpful to express concern and to say that you are very sorry that they have experienced this situation. You walk a fine line between not minimizing the individual’s feelings or emotions and not exacerbating their negative emotions with your reaction.

It is helpful to say things like:

- “I am sorry this happened to you.”
- “I am here to help you. Let’s explore some options.”
- “What happened wasn’t your fault.”
- “That must have been scary.”

Likewise, there are things that are unhelpful and to avoid:

- “Why” questions
- Questions about what a person was wearing or how much they had to drink
- Any statement that begins with “at least…” or “if only you hadn’t…”
- Any question that asks if they are sure it was sexual assault
- Any statements that normalize sexual assault (“it happens,” “it’s just sex,”)
- Any statement that you cannot be sure of (“I know it will be ok,” “I promise you everything will work out,” “Everything happens for a reason”)
- and more! (Any statement that can be victim blaming, or displaying anger or desire for more violence, can be very harmful to a survivor.)

Know that you do not have to ask the person a lot of questions. We want to give the victim choices and options and let them be in control of letting us know what is most important to them at this moment. In fact, it is recommended that victims not have to repeat what happened over

and over and over again, so let the person tell you what they wish to tell you and try not to ask too many questions or assure them of what will definitely happen.

Avoid these communication “roadblocks”:

- “Why” questions —tend to make people defensive.
- Quick reassurance — “Don’t worry about that.”
- Advising — “I think the best thing for you is to...”
- Digging for information and forcing someone to talk about something they would rather not talk about.
- Patronizing — “You poor thing, I know just how you feel.”
- Preaching — “You should...” Or, “You shouldn’t...”
- Interrupting — implies you aren’t interested in what someone is saying.

Try to be comfortable with pauses and some silence as needed by the person speaking to you (whether in person, over the phone, or via video-conference). Know that many victims blame themselves. Responses to sexual violence are physiological (fight, flight, or freeze) and may be dictated by specific situations. After an attack, victims often question what their response was and wonder if they could have done something differently to prevent the situation. If you hear self-blaming, it is appropriate to reassure a victim that sexual violence is never the fault of the person who was attacked.

It can be especially helpful and important to validate the person’s feeling and acknowledge the individual’s concerns. Listen openly and with empathy, and respond in a genuine way — for example, “I appreciate your willingness to talk about such a difficult issue...”

- Be a non-judgmental listener.
- Avoid statements or questions that might do harm to the victim (e.g. avoid any suggestion that the individual is at fault, or that they should have acted in a different manner).
- Reinforce that you can help the individual take steps to help them.
- Assure the individual that they will be treated with respect and given privacy.
- Know that there is an amnesty policy for alcohol and drug use in sexual violence cases.
- Recognize the limits of your expertise and don’t try to get all the details.

## **Mandated Reporting**

Those who report sexual violence may not always immediately tell someone in authority exactly what occurred. They may dance around the topic uncomfortably.

Faculty and staff working with study abroad programs are considered to be “responsible employees.” Responsible employees are required to report sexual violence or harassment to the appropriate university official. As a responsible employee there are four steps to follow to ensure that you have fulfilled your obligations.

### **1. Inform the individual you must report the incident**

Please ensure that you tell the person reporting the incident to you that you must report what happened. An example of what to say:

“I need to let you know that I am required to report what you have shared with me to the OSU police department for the purpose of crime statistics. I will not be reporting your

name to OSU PD unless you provide consent for me to do so. However, OSU policy and federal laws require that I report all of what you have shared with me to the appropriate university officials.”

When reporting to the Title IX Coordinator or Student Conduct, you are required to provide both the victim and alleged individual’s names and details of what you know. The university is required to take immediate and appropriate steps to investigate what occurred and take prompt and effective action to:

- End the harassment,
- Prevent any recurrence, and
- Remedy the effects.

The university will not be able to fulfill its federal requirements and maintain a safe living and learning environment if you do not share all the information.

## 2. Get the Facts.

Assuming that there is not an ongoing emergency, you must first get the facts of the incident.

Key facts include:

- the date and time the incident occurred,
- where the incident occurred,
- the details of what occurred, and
- the date it was reported to you.

This information is critically important to determine if this incident has been previously reported by others.

**DO NOT INVESTIGATE.** You do not have to prove what happened or who was at fault, the appropriate and appointed individuals will investigate. In addition, do not try to apprehend the alleged individual of a crime.

## 3. Provide Resources.

There are a number of campus and community resources available to victims of crimes. Please inform the individual about their option to report directly to law enforcement themselves; however, you do not need to convince the person reporting the incident to you to speak to the police if they are unwilling to do so. Please review information provided at <http://1is2many.okstate.edu> with the individual. Information to cover could include victim advocates, interim measures, reporting and resources.

Due to being abroad, you might need to offer assistance in setting up an international calls or skype with counseling services, victim advocates, or Student Conduct.

Depending on the victim’s wishes, you may need to engage with local law enforcement, the U.S. Embassy, a partner institution, local health care providers, or others. You may also need to help make emergency arrangements for the person to travel home.

#### 4. Report the incident to the appropriate individuals.

After the facts have been collected and the individual has been informed of the report and provided resources, you now must report the incident to the appropriate officials.

<b>Who to Report to about Sexual Violence or Sexual Harassment</b>	
Student Involved	Student Conduct: 405-744-5470, student.conduct@okstate.edu
Faculty/Staff Involved	Title IX Coordinator: 405-744-9153

What can I expect when I make a report?

- The student who disclosed the incident(s) will be treated with respect, care and dignity, and disclosures will be treated seriously.
- The victim's privacy is carefully maintained. The individual will be asked to describe the incident to as few individuals as practicable and will not be required to unnecessarily repeat a description of the incident.
- The victim can decide whether or not to participate in the conduct or criminal justice process free from pressures from college officials.
- The Student Conduct staff member will communicate with the student via phone, email or Skype and will provide information on available resources,
- explain all options for reporting and offer interim safety measures.,

In cases where the accused perpetrator is another student, or faculty or staff member additional conversation will take place when you report about addressing any additional issues, The alleged perpetrator may need to be dismissed from a program to return home as an interim measure. You should not make these decisions it should be in consultation with the appropriate university officials.

### **Confidential Reporting**

If the student would prefer to report to a source that does not have to report to the university, you should advise the individual of options for confidential disclosure.

OSU Victim Advocates: Oklahoma State University has victim advocates on call Monday – Friday 8:00 a.m. to 5:00 p.m. They can be reached at 405-564-2129. The advocates' information is provided online at <http://1is2many.okstate.edu/advocate> if students need to contact them via email.

Wings of Hope: A 24 hour help line is available through Wings of Hope, Stillwater's domestic violence center, at 405-624-3020.

Sexual Assault Support and Help for American Abroad: This website offers live chat capabilities to support victims of sexual violence. <https://sashaa.org/>

National Sexual Assault Hotline: The National Sexual Assault Hotline offers an online chat feature or a 24 hour phone hotline. <https://hotline.rainn.org/online/terms-of-service.jsp> or 1-800-656-4673.