

# Prevention and Response

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To Harm, Violence, and Sexual Assault



# PRESENTERS

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Marketing Manager



Isela Pena-Rager

International Student/Scholar Advisor  
& Active Bystander Facilitator



Ben Weinberg

FIDM International Student  
Director/Articulation  
Officer/Title IX Investigator



# AGENDA

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- Campus Climate
- Harm, Violence & Being an Active Bystander
- Sexual Assault
- Title IX Protections & Legal Overview
- Case Studies & Open Discussion

# Group Agreements

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- Use “I” statements
- Take the learnings, leave the names



# CAMPUS CLIMATE

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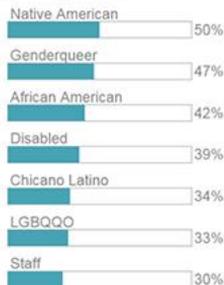
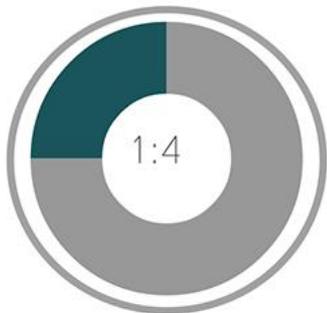
*“[...] the current attitudes, behaviors and standards of faculty, staff, administrators, and students concerning the level of respect for individual needs, abilities and potential.”*

*-Susan Rankin, UC-wide Campus Climate Study Team*

# 2013 Survey Results

## UC Berkeley Campus Climate Survey Highlights

1 in 4 experience exclusion



Historically marginalized and underrepresented groups report more exclusion

Peers are the largest source of exclusion



Exclusion occurs most often in classrooms, public spaces, meetings, offices



Top issues of concern

-  Not having channels to report discrimination
-  Students feel faculty pre-judge based on perceived identities
-  Top administrators and faculty aren't committed to promoting respect and understanding

Peer to Peer phenomena

13,000+ respondents.  
Faculty, staff, students,  
postdocs, and trainees

# HARM & VIOLENCE

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*Have you ever been in a situation where something just did not feel right, but you were not exactly sure how to respond?*

# HARM & VIOLENCE

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## **Harm**

*Physical, mental, or emotional damage*

## **Violence**

*Behavior that creates an unsafe or intimidating environment, causing unintentional or intentional harm to others or oneself*

## **Active Bystander**

*An individual who witnesses (RECOGNIZES) an incident or behavior and decides to take action and INTERVENE to reduce the chance of someone being harmed*

# BE AN ACTIVE BYSTANDER

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## BTC: Take Action

Building a Community of Care



UC Berkeley's Bears That Care

# BE AN ACTIVE BYSTANDER

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## Bystander Intervention Basics

1. Recognize the situation



2. Decide to take action



3. Intervene effectively  
and follow up as appropriate



**C**onfront the Situation

**A**lert Others

**R**edirect Attention

**E**ngage Peers

# COGNITIVE & OTHER BARRIERS TO ACTION

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*Diffusion of Responsibility (The Bystander effect)*

*Evaluation Apprehension*

*Cause of Misfortune (Victim blaming)*

*Pluralistic Ignorance*

*Cultural Values*

*Contextual Dynamics*

# HARM & VIOLENCE ON CAMPUS: A LOOK AT SEXUAL ASSAULT

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# SEXUAL ASSAULT AROUND THE WORLD

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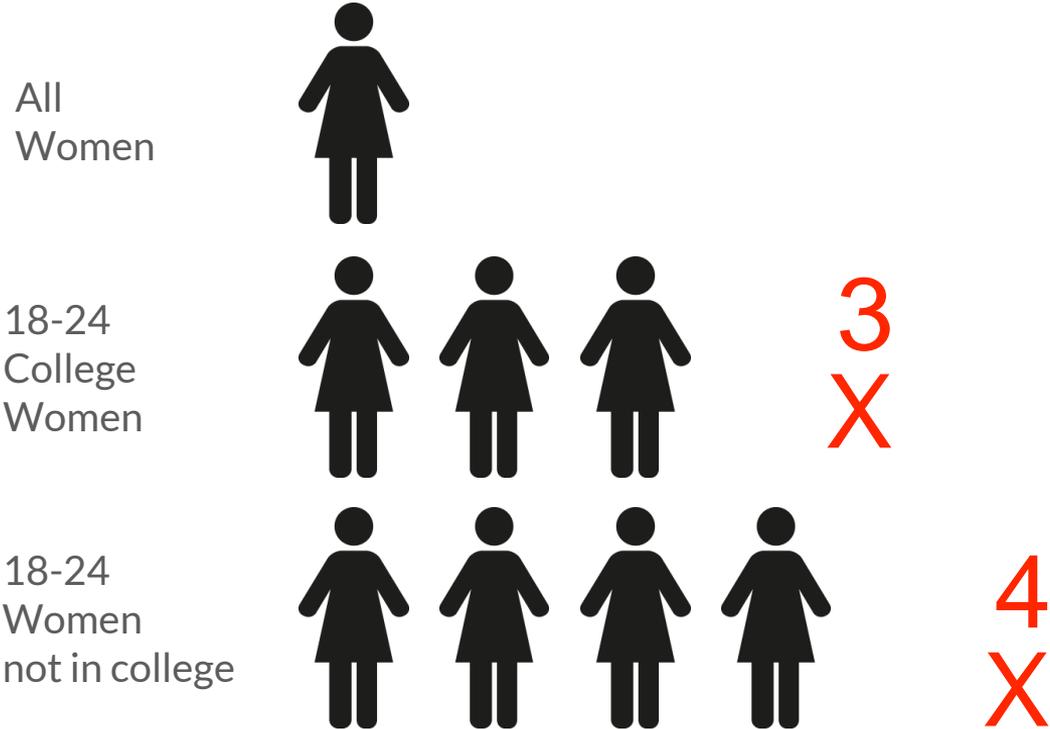
## Combined Scale of the Prevalence and Sanction of Rape and Sexual Assault of Women

Scaled 2011



# COLLEGE-AGE WOMEN AT RISK

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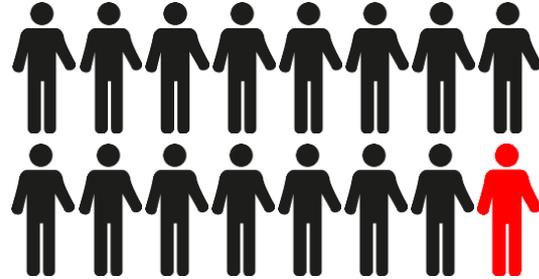
# SEXUAL ASSAULT ON CAMPUS

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- 1 in 5 women are sexually assaulted in college



- 1 in 16 men are sexually assaulted in college



- 1 in 4 TGQN (transgender, genderqueer, questioning or not listed) students are sexually assaulted in college

# INTERNATIONAL STUDENTS & SEXUAL ASSAULT

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*Data is limited on international students who have been involved in a sexual assault, but there are additional hurdles including:*

- *Language*
- *Cultural barriers*
- *Lack of a support network*
- *Lack of financial resources*
- *High academic pressures*

# EXPLORING SEXUAL ASSAULT

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- *Sexual assault can be physical, verbal or visual*
  - *Rape*
  - *Touching*
  - *Harassment*
  - *Exhibitionism*
  - *Forced to pose for photos*
  - *Voyeurism*
- *Most sexual assaults are committed by someone the victim knows*

# UNDERSTANDING CONSENT

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*“If she doesn’t consent – or can’t consent – it’s a crime.”  
(White House PSA, 2015)*

*Consent is when sexual activity is clearly agreed upon by both parties the whole time.*

- *No threats, intimidation or coercion*
- *Not impaired by drugs or alcohol*
- *Not unconscious or asleep*
- *Not under the legal age of consent*
- *The lack of “no” does not mean “yes”*
- *Consent is an ongoing process*

# PREVENTION: INFORM AND ENCOURAGE

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- Talk about it. Create an environment that establishes positive norms about gender and sexuality
  - Encourage multiple educational and prevention programs
  - Bring outside experts to campus
  - Collaborate with relevant on-campus offices
  - Dabble at orientation, but dive in later



# ENCOURAGING STUDENTS THROUGH SUPPORT

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- **Listen** to the student's disclosure
  - . Communicate without judgment
  - . Empathetic listening (i.e. follow their lead, "that must have been really scary")
  - . Avoid "why" questions (instead, "tell me how...")
  - . Believe and don't "blame the victim"
  - . Silence is okay: "It's okay, take your time"
- Consider whether any immediate medical attention is wanted or needed

# ENCOURAGING STUDENTS THROUGH SUPPORT

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- Policy, procedures and reporting options
  - . Options to withdraw and return home from an academic program or a temporary reduced course load
- Do not pressure - make it clear that the decision to report is ultimately up to the student
- Offer to accompany the student in taking any action (crisis center, therapist, Dean's office, etc)
- Provide continued support
  - . Check in periodically
  - . Avoid judgment

# PROTECTIONS & LEGAL OVERVIEW

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# CLERY ACT AND AMENDMENT

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## Clery Act - Schools must:

- Report crimes in various categories annually: Murder, Rape, Dating Violence, Robbery, Arrests, Hate Crimes and disciplinary actions
- Keep a crime log
- Provide timely warnings to students

## Campus Sexual Assault Victims' Bill of Rights.

- Survivors shall be notified of their options to notify law enforcement
- Accuser and accused must have the same opportunity to have others present
- Both parties shall be informed of the outcome of any disciplinary proceeding
- Survivors shall be notified of counseling services
- Survivors shall be notified of options for changing academic and living situations.

# FEDERAL LAWS RELATING TO SEXUAL ASSAULT

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- Student Right-to-Know and Campus Security Act of 1990 (the “Clery Act.”) Since 1990, schools that receive Title IV federal student aid must report crime statistics, keep a crime log and have a warning system.
  - Campus Sexual Assault Victims’ Bill of Rights of 1992. An amendment to the Clery Act requiring schools to develop prevention policies and provide certain assurances to victims. Amended again in 1998 to expand requirements.
- Title IX. Title IX prohibits discrimination on the basis of sex for any school receiving Title IV federal student aid. Implementing regulations and guidance documents clarify obligations on schools regarding sexual assault.

# TITLE IX IN A NUTSHELL

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*“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 education program or activity receiving Federal financial assistance.”*

# TITLE IX GUIDANCE

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- Title IX: Part of the Education Amendments of 1972,
  - Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681–1688
- Implementing regulations
- 2001 Guidance
- 2011 Dear Colleague Letter (Noting compliance regulations)
- 2013 VAWA signed adds Relationship violence and Stalking (Highest % of cases involving international students)
- 2014 Q&A Guidance. Enforced by the Office for Civil Rights, Department of Education
- 2016 Gender Identity included

# MAJOR TITLE IX REQUIREMENTS

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Schools that receive federal funding must:

1. Make efforts to prevent sexual violence and harassment.
2. Have policies in place to investigate complaints and protect victims.
3. Have a Title IX Coordinator who manages complaints and train employees to properly handle sexual violence reports.
4. Notify victims that they have the right to report their attack to the police. Notify individual who is the alleged perpetrator. Ensure their rights and equal access.
5. Must independently investigate claims and have disciplinary procedures regardless of whether the crime was reported (60 days recommended).
6. Use the correct standard of proof “preponderance of the evidence” not “beyond a reasonable doubt”
7. Not discourage victims from continuing their education (i.e., “take time off,” quit a club/team/class, etc.).
8. Make reasonable changes to make sure student is free of discrimination, harassment or violence.
9. Equitable process and equal rights for attacker and victim

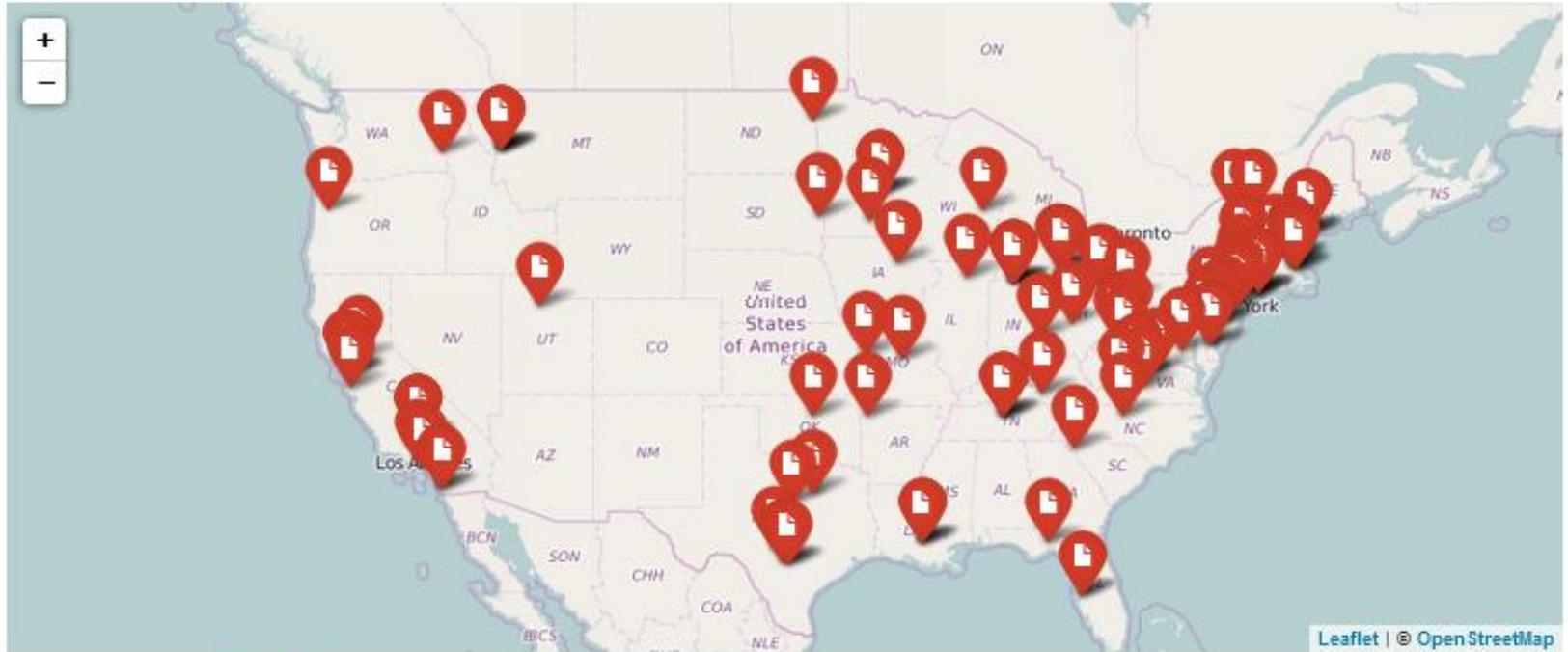
# TITLE IX AND INTERNATIONAL STUDENTS

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- April 29, 2014 Guidance from OCR addresses international students directly
- Protects all students regardless of national origin, immigration status or citizenship status
- Ensure that reporting forms, information or training about sexual violence be provided in a manner accessible to English learners
- Be aware of the unique issues - like reduced course load: counseling center or employee handling sexual assault complaints to approach DSO
- Threatening deporting or invoking immigration status to deter a Title IX complaint is retaliation

# SCHOOL NAMES ARE NOW BEING RELEASED FOR MISHANDLING CASES

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Map Data Courtesy [Shannon Turner](#)

# RESOURCES

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# RESOURCES ON YOUR CAMPUS

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- Pamphlets Around Campus
- Training Programs (BTC, Green Dot, Step Up!)
- Information On Your Site
- Hotline Numbers and Helpful Sites

Division of Student Affairs

ACCESS · SERVICE · ENGAGEMENT

Associate Vice Chancellor & Dean of Students

Violence  
Prevention &  
Bystander  
Intervention  
Initiatives

Bears That Care

- [Bears That Care Model](#)
- [BETC Workshop Request](#)
- [Violence](#)

Violence Prevention and  
Bystander Intervention



Bears That Care

# SEXUAL ASSAULT AWARENESS VIDEOS

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International Sexual Assault Awareness Video:



<http://www.internationalstudentinsurance.com/explained/sexual-assault-awareness-video.php>

What if Bears Killed One In Five People?



<https://www.youtube.com/watch?v=LNVFPkmZTQ4>



[http://www.ted.com/talks/tony\\_porter\\_a\\_call\\_to\\_men](http://www.ted.com/talks/tony_porter_a_call_to_men)

CONSENT  
IT'S SIMPLE AS TEA

<https://www.youtube.com/watch?v=eS5wYFtfaeU>



<https://www.youtube.com/watch?v=TD2EooMhqRI>

# TABLE DISCUSSION

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**C**onfront the Situation

**A**lert Others

**R**edirect Attention

**E**ngage Peers

QUESTIONS?

