

# SAFVIC ON THE SCENE

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## Title IX Conflicts: The Role of Law Enforcement

By: Gary J. Margolis & Steven J. Healy

According to the National Institute of Justice, female college students have a greater risk of sexual assault than women in the general population: about 20 percent become victims while in school, and 90 percent of perpetrators are known to the victim. For colleges and universities, the crime of sexual assault is not only an act of violence against a student, faculty, or staff, but is categorized by Title IX of the Education Amendments of 1972 as discrimination by sex, and as such is prohibited by law. As Title IX is interpreted, colleges are mandated to respond to all reported sexual and gender violence in service to the greater good of the campus population, even if the victim doesn't want to press charges or participate in the campus judicial process and/or prosecutors refuse to get involved.

***“female college students have a greater risk of sexual assault than women in the general population”***

Title IX reframes the discussion of sexual assault on campus to one about the right to an education. Victims not only experience physical and psychological trauma, but their ability to learn is adversely affected by the crime. That crime is defined broad-

ly as sexual harassment, a term that includes “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol.” These acts include “sexual violence, rape, sexual assault, sexual battery, and sexual coercion.”

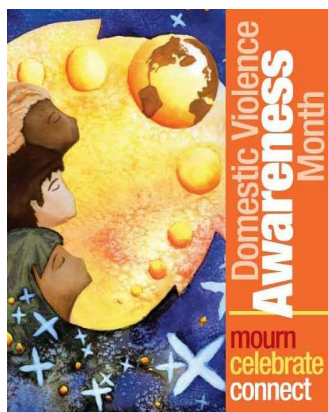
The recent statistics on one form of sexual and gender violence, student-on-student sexual assault, have been called “deeply troubling” and a “call to action” by the Department of Education. In a 19-page letter sent to educators last year, the DOE re-emphasized schools’ responsibility to respond to complaints of sexual misconduct, and outlines a three-fold requirement:

1. take immediate action to eliminate the harassment
2. prevent its occurrence
3. address its effects

In light of these requirements and the mandate to respond even when the victim does not want to press charges or participate in campus judicial proceedings, what are the responsibilities of

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## DOMESTIC VIOLENCE AWARENESS MONTH



### October is National Domestic Violence Awareness Month

This year, the National Resource Center on Domestic Violence has launched a newly designed [Domestic Violence Awareness Project](#) in partnership with the [NO More Campaign](#) to increase national awareness of domestic violence and sexual assault and to end gender-based violence.

The work doesn't end with the effort of these movements, there are also ways for YOU to get involved. Learn more about the efforts of both movements and ways you can get involved. Visit [www.nrcdv.org](http://www.nrcdv.org) for more information.

### What is Title IX<sup>1</sup>?

Title IX of the Educational Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. Title IX discrimination includes both sexual harassment and sexual violence. The act qualifies as discrimination if it is "so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit." Courts have found that even a single instance of rape or sexual assault by another student meets this standard for discrimination. Title IX protects students from sexual harassment and sexual violence in school activities and programs and includes academic, extracurricular, athletic and other programs of the school, including harassment on non-school property.

More information about Title IX and sexual assault reporting on college campuses is available through the 24-hour SAFVIC. Visit the SAFVIC website for upcoming course near you.

<sup>1</sup>Ali, Russlynn. "Dear Colleague." Web. 23 Feb. 2012. <[http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)>.

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campus and/or local law enforcement in helping schools comply with federal law? What must campus public safety/law enforcement and/or local law enforcement do in terms of helping to take "immediate action" and preventing its occurrence?

### The Role of Law Enforcement

Any discussion of law enforcement's responsibilities in response to reports of sexual and gender violence must begin with the victims, or complainants as they are referred to by Title IX. How we initially respond to crimes, and how we investigate and report these crimes, have a direct impact on our efforts to prevent future crimes and, in the DOE's term "eliminate the harassment." Our goal must be to become as compassionate, objective, and thorough as possible. Through our actions and the language we use, we can assure students, faculty, and staff that in our efforts to uncover the truth, we respect complainants and hold guilty respondents accountable while ensuring a fair and impartial fact finding process for respondents. As that message spreads to the wider community, we can gain greater trust and improve our efforts in preventing future crimes.

At the core of our responsibility is how we investigate incidents of sexual and gender violence. Compassionate, objective, and thorough investigations empower and provide support for the complainant, ensure a fair process, and see that justice is served. For these reasons, this discussion will focus on law enforcement's obligation to become informed and effective investigators.

There are many myths, stereotypes, and misconceptions about sexual and gender violence (e.g., she was "asking for it," "she should have known better," date rape isn't "real rape"), all of which can be used to blame the victim, and convey the message that we don't take the crime seriously or seek justice for the victim. If we perpetuate these myths, we not only effectively re-victimize the complainant, but our message tells future victims it isn't worth it to report the crime. Careful use of

***"we must refrain from inadvertently blaming the victim"***

language can therefore have a profound effect on our goals.

Consider the most common reasons victims of sexual and gender violence don't report the crime: self-blame, minimization, fear of not being believed, fear of the response of others (especially in marginalized communities such as LGBTQ), and fear of the offender. If the larger community knew that law enforcement would respond compassionately, objectively, and thoroughly, perhaps more victims would be willing to report. But to create that response, we must refrain from inadvertently blaming the victim, ignoring or minimizing violence, and/or implying consent.

Specifically, we must avoid using terms such as story (replace with *account*), consented (replace with *submitted*), reluctant (replace with *uncooperative*), accuser (replace with *victim*, or use Title IX language: victim = complainant,

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## SAFVIC STATEWIDE CONFERENCE

The 2012 SAFVIC Statewide Conference on Violence Against Women was conducted on July 23-25, 2012 at the El Tropicano Riverwalk Hotel in San Antonio, Texas. This year there were 183 Telecommunicator and Law Enforcement professionals from both rural and urban agencies in attendance. All attendees were selected to attend based on the population of the county or if a fatality occurred due to domestic violence in the county which they served.

We would like to thank all of our attendees for being a part of another unique and beneficial conference. Thank you for all the hard work you do every day in keeping all the women of Texas safe and holding offenders accountable for their actions. We would also like to thank our wonderful staff and volunteers for assisting us to make this year's conference a success. Our goal is to strive for continued future funding to help not only the women of Texas but to provide expert training and information on crimes related to violence against women. Our staff would also like to thank Senator Leticia Van de Putte from District 26 for taking time out of her busy schedule to stop by and welcome all of our attendees to the conference. Senator Van de Putte is a major proponent in the fight of human trafficking in the state of Texas with holding offenders accountable and helping victims.

Lastly, we would like to give **special thanks** to all our speakers: Claudia Bayliff, Lt. Kelly Devoll, Sergeant Liz Donegan, Detective Deidri Fishel, Penny Hamilton, R.N., Patt Hollingsworth, Julie Jespersion, Chris Mallios, Erica Olsen, Michelle Y. Richter, Lindsey Roberts, Detective Thomas Stack, Russell Strand, Dr. Thomas Tiefenwerth, David Thomas, M.S., Carol Tompkins, and Senator Leticia Van de Putte from District 26.

## 2012 SAFVIC INSTRUCTOR OF THE YEAR AWARDS!



Teresa Moneyhun

This year the SAFVIC Program celebrated its 10<sup>th</sup> Annual SAFVIC Summit at the JW Marriott Hill Country Resort and Spa. In recognition of the extraordinary service, dedication, and commitment to the SAFVIC Program, we honor two instructors with the 2012 SAFVIC Instructor of the Year Award.

Our recipient of the 2012 SAFVIC Instructor of the Year Award is Teresa Money. Teresa has over 17 years' experience as a Texas Peace Officer and is currently assigned to the Special Victims Unit of the Harris County Sheriff's Office as the VAWA Instructor. She participates on the Harris County Domestic Violence Coordinating Council and the Domestic Violence Death Review Team. She is also the Region 8 Director for Rape Aggression Defense Systems. In 2010, she became an adjunct Domestic Violence Instructor for Homeland Security's Federal Law Enforcement Training Center. Teresa has been a SAFVIC Instructor for over 3 years and has taught the SAFVIC course to over 580 Texas Peace Officers.



Sara Wright

Our first recipient of the SAFVI for TCPs Instructor of the Year Award is Sara Wright. Sara has over 16 years of experience as a certified telecommunicator and is currently the Communications and Records Staff Manager at the Cedar Park Police Department. She has presented at National and State conferences on the subjects of Dispatchers and Mental Health and Emotional Intelligence in Emergency Communications; she has also had articles published on both topics in national magazines in the public safety communications industry. She has been a SAFVIC for TCPs Instructor since the inception of the 8-hour TCP course and has taught over 300 students.

**Congratulations to this year's SAFVIC Instructor of the Year Award recipient's!**

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suspect = respondent), peeping tom (replace with voyeur or stalker), violent rape (replace with rape), innocent victim (replace with victim), alleged victim/alleged sexual assault (replace with victim/sexual assault).

When writing a report, investigators should: detail all of the evidence uncovered during the investigation; recreate the reality of the incident from the perspective of the victim; use descriptive words/terms (but avoid language that implies consent or mutual participation); describe the parts of the body and the things the victims was forced to do with those parts of the body; and/or describe the tools, objects, or weapons that were used and how they were used.

Reports should not include: opinions, hunches, or gut feelings; vague quantitative words (lots, many, some); victim-blaming statements; consensual language (terms used to describe consensual acts such as sexual intercourse, oral sex, fellatio, and cunnilingus); subjective non-descriptive terms (acted strange, seemed upset); terms of affection/eroticized words (fondling, caressing, kissing, hugging); and terms that imply mutual participation (performed, engaged in, fighting, violent relationship, disagreement). It is critically important for a fair and impartial process that the investigation

and resulting report document facts that inform an evidence-based outcome.

By adopting the goal of compassionate, thorough, and objective investigation of sexual and gender violence, law enforcement and investigators can help colleges and universities meet the mandatory requirements of Title IX. The messages we send about the serious nature of these crimes and our intentions to support victims while focusing on a fair process for respondents can help create communities in which victims are more willing to report and prevention efforts are strengthened. It is our obligation to investigate and report incidents of sexual and gender violence to help ensure an environment in which all students, faculty, and staff are provided equal access to an education.

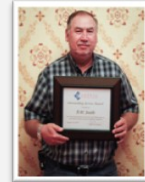
### About Margolis Healy:

Margolis Healy & Associates, LLC, is a higher education consulting firm specializing in campus safety, security and regulatory compliance. Dr. Gary J. Margolis, Mr. Steven J. Healy and their team are specialists with decades of real-world experience serving the federal government and colleges and universities, large and small, public and private, around the world.

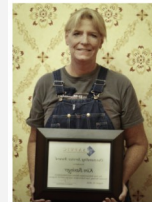
For more information, please visit

[www.margolishealy.com](http://www.margolishealy.com)

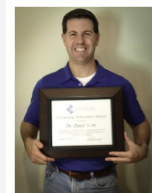
### 2012 SAFVIC Outstanding Service Award Recipient's



**B.W. Smith**, Dallas District Attorney's Office, for his extraordinary service and dedication to law enforcement and the SAFVIC Program.

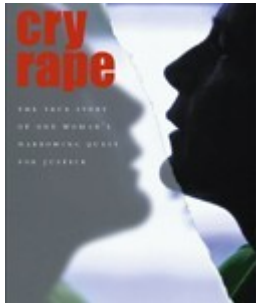


**Kim Basinger**, Franklin County Sheriff's Office and SANE Nurse, for her extraordinary service and dedication to forensic nursing, law enforcement, and the SAFVIC Program.



**Dr. David Scott**, Longview PD, in recognition of his academic accomplishments and dedicated service to law enforcement and the SAFVIC Program.

## FEATURED BOOK



### *Cry Rape: The True Story of One Woman's Harrowing Quest for Justice* By Bill Lueders

Cry Rape dramatically exposes the criminal justice system's capacity for error as it recounts one woman's courageous battle in the face of adversity.

Other books have dealt with how police and prosecutors bend and break the law in their zeal to prevail. This one focuses instead on how the gravest injustice can be committed with the best of intentions, and how one woman's bravery and persistence finally triumphed.

This video is available in the [SAFVIC Library](#) for SAFVIC Instructors only.

## Featured Agency

### UT's Voices Against Violence

By Jane M. Bost, Ph.D., Associate Director,  
UT Counseling and Mental Health Center

In the spring of 2001, Voices Against Violence (VAV) was born at the UT-Austin campus through a grant proposal written by Dr. Jane M. Bost and funded by the U.S. Department of Justice VAWO Campus Grants program. Prior to VAV, no comprehensive program specifically addressing issues of sexual and relationship violence and stalking had existed at UT. Two more DOJ grants were subsequently awarded and today, VAV is fully funded by the university. VAV is an integral part of the UT Counseling and Mental Health Center while providing a national leadership role in developing and implementing cutting-edge approaches to interpersonal violence prevention as well as support to survivors. Over the past 11 years, hundreds of survivors have been assisted through specialized advocacy, individual and group counseling services and crisis intervention. In addition, students have raised thousands of dollars to establish a Survivors Emergency Fund which assists survivors who are in need of urgent financial assistance as a result of interpersonal violence. Thousands have also been educated about interpersonal violence issues through trainings, workshops, social media, publicity campaigns and highly visible campus events such as Take Back the Night.

A particularly innovative program, VAV's Theatre for Dialogue (TFD), trains student to become peer theatre educators who then present realistic scenarios demonstrating situations of relationship violence, sexual violence and stalking to campus groups. These interactive performances unfold over 1-2 hours with a facilitator who guides the interaction with the audience. Over the years, many students have testified to the powerful impact this programming has made on their lives, both as participants and as peer educators. Many such students have pursued careers that are related to interpersonal violence prevention or intervention. In addition to TFD, a brand new pro-

gram, Get Sexy. Get Consent., is a highly interactive one-hour program that examines how students negotiate sex and consent, boundaries and safety. VAV is also currently in the process of developing a peer education bystander intervention program.

A crucial component of VAV has been the strong, positive collaborations among many campus and community partners. Such community partners include the Austin Police Department, SafePlace and Saheli; campus partners include the UT Police Department (UTPD), Dean of Students, University Health Services, International Services for Students, Gender and Sexuality Center, Services for Students with Disabilities, Intercollegiate Athletics, student organizations and others. Campus committees composed of such partners have been meeting for years and have provided a forum for communication, discussion and training around interpersonal violence as well as a way to establish and maintain these important relationships. In particular, UTPD and VAV have worked closely together---whether that be interfacing around training on interpersonal violence, providing consultation in working with student survivors, participating in interpersonal violence data collection and/or providing support at various campus events and programs. Through grant money, VAV also funded the equipment and training for UTPD to start and build a self defense program (RAD). It is clear that one big reason for the resounding success of VAV has been these kinds of collaborations: a "take away" for law enforcement who is working with college students would be to establish and nurture linkages and collaborations with such campus and community partners.

In sum, VAV has made a tremendous impact on the UT-Austin campus by creating a network of invested stakeholders, by creating many safe avenues for survivors to receive help, and by engaging in innovative prevention approaches which ultimately lead to a safer campus for all.



## SAVE THE DATE



EVAWI Presents an  
**2013 International Conference on Sexual Assault,  
Domestic Violence and Stalking**

When:

April 3 - 5, 2013

Where:

Hilton Baltimore  
Baltimore, MD

For more information visit [www.evawi.org](http://www.evawi.org).

## UPCOMING SAFVIC TRAINING



# SAFVIC

Sexual Assault Family Violence Investigator Course

## HUMAN TRAFFICKING

**Now Accepting Applications!**

**SAFVIC - HUMAN TRAFFICKING INSTRUCTOR COURSE**  
**24-HOUR TCLEOSE CREDIT**  
 TMPA STATE OFFICE TRAINING FACILITY  
 LOCATION: AUSTIN, TX  
 DATE: **TBD**

The SAFVIC-Human Trafficking Instructor Course is for those who want to become an instructor of the SAFVIC-Human Trafficking 8-hour course. The training for the instructors will be 3days/24hours of classroom study, including a presentation.

Having the right group of instructors is absolutely crucial to the program. A SAFVIC-Human Trafficking Instructor must have an exhaustive knowledge of the program and the available resources. They must be effective communicators and teachers and must show a true dedication to improving law enforcement's response to human trafficking. A list of the instructor qualifications follows. All applicants must be commissioned peace officers in the State of Texas.

**Each applicant will be chosen by the following criteria:**

- Level of TCLEOSE license certification
- Instructors certificate
- Sensitivity to sexual exploitation, domestic violence, and other gender-related issues
- Passion and commitment to human trafficking investigations
- Proven public speaking ability
- Positive role model within the department and the community
- Geographical location
- Commissioned by a Texas agency
- Letter of recommendation from supervisor
- Must have taken and passed the 3-day SAFVIC

### SAFVIC Instructor Compensation

Grant funding allows for the instructors to be compensated on a contractual basis for administering the program and coordinating the coalition effort. Upon successful completion of the SAFVIC-Human Trafficking Instructor Course, instructors will be eligible to recover the cost of lodging, meals, and travel during the course. Instructors will receive \$250 for the 8-hour class (minimum of 10 students). For additional students, instructors will be compensated at a rate of \$7 per student, not to exceed 35 students. Potentially instructors could receive \$425 per class.

For more information and to complete an instructor application, please visit our website at [www.safvic.org](http://www.safvic.org).



*"Piecing together the tools needed to effectively investigate and prevent sexual assault, family violence, stalking, & human trafficking."*

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