

# Violence Against Women Act (VAWA) Training



# Welcome

- **Violence Against Women Reauthorization Act of 2013 or VAWA**
- **Intended to provide and promote the awareness of:**
  - Domestic Violence
  - Dating Violence
  - Sexual Assault
  - Stalking
  - Consent
- **UC incoming students and new employees:**
  - Faculty, academics, and staff



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# Overview

## **Violence Against Women Reauthorization Act of 2013 or VAWA:**

- President Obama signed into law on March 7, 2013
- Improve and expand how institutions, such as the University of California, address sexual offenses and sexual violence

## **VAWA was first enacted in 1994:**

- Violent Crime Control and Law Enforcement Act of 1994, 2000, 2005

## **VAWA 2013 reauthorized and improved upon services for all victims:**

- Sexual offenses or acts of sexual violence, including domestic violence, dating violence, sexual assault, and stalking
- Regardless of the victims' gender, sexual orientation, gender identity, or gender expression



# Overview

## **VAWA 2013 also incorporates provisions of an earlier bill:**

- Campus Sexual Violence Elimination Act or Campus SaVE Act
- Dear Colleague Letter issued by the Office of Civil Rights at the Department of Education

## **SaVE Act made significant revisions to the Clery Act provisions:**

- Higher Education Act of 1965 regarding how institutions report campus crime

## **Under VAWA, effective March 7, 2014, UC is required:**

- Adopt policy to address and prevent sexual offenses or acts of sexual violence,
- Report campus crime statistics beyond the crime categories the Clery Act already mandates
- Offer training to incoming students and new employees promoting the awareness of domestic violence, dating violence, sexual assault, stalking, and consent
- Offer ongoing prevention and awareness campaigns to the University community on these issues

# UC Commitment



## Principles of Community:

- The University of California is committed to fostering an environment where all persons affiliated with UC can work and learn together in an atmosphere that is inclusive, safe, rewarding, and free of all forms of harassment, exploitation or intimidation.

## UC's Sexual Harassment and Sexual Violence policy:

- All campus-related sexual harassment, sexual offenses, or acts of sexual violence including domestic violence, dating violence, sexual assault, and stalking are strictly prohibited.
- We each have a role in preventing sexual harassment, sexual offenses, or acts of sexual violence.

# Definitions and Examples

**The University of California's Sexual Harassment and Sexual Violence policy, in accordance with VAWA, has very specific definitions that relate to sexual offenses or acts of sexual violence.**

**The definitions included here are:**

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking
- Consent

# Domestic Violence





# Domestic Violence

**The term “domestic violence” is defined as:**

- Abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child or is having a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

# Domestic Violence

## The term “domestic violence” also includes:

- Felony or misdemeanor crimes of violence committed by:
  - Current or former spouse or intimate partner of the victim
  - Person with whom the victim shares a child in common
  - Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
  - Person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
  - Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction

# Domestic Violence

## Example:

Trisha, a student, just separated from her boyfriend John two days ago. He just kicked her apartment door and yelled that he is going to punch her if she doesn't open the door immediately. John has been physically abusive with Trisha in the past, but she never told anyone. John is getting very angry and Trisha hears him repeatedly calling her a "slut." John demands that she open the door. Trisha is very frightened. John says, "I'm not leaving until you open this door."

# Dating Violence



# Dating Violence

## The term “dating violence” is defined as:

- Violence committed by a person:
  - A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
  - B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship
    - ii. The type of relationship
    - iii. The frequency of interaction between the persons involved in the relationship

# Dating Violence

## Example #1:

Sam and Alex have been dating for a few months. One day Sam and Alex are sitting on the couch together. Sam wants to watch TV and Alex wants to talk. Sam raises his arm and clenches his fist and yells at Alex, “I don’t want to talk, and if you don’t shut up, I’m going to make you shut up!” Sam then stands up and kicks the coffee table.

# Dating Violence

## Example #2:

Sidney has started dating Casey. Sidney is constantly on-edge about remembering to “check in” with Casey. The relationship has now become sexual and Casey has demanded they stay exclusive and only date each other. Sidney can only see and talk to people Casey approves of. Sidney wants out of the relationship, but is afraid to approach Casey in fear their talk will become physical.

# Sexual Assault





# Sexual Assault

## The term “sexual assault” is defined as:

- Engaging in physical sexual activity without the consent of the other person
- An act of sexual assault may involve:
  - Physical force, violence, threat, or intimidation
  - Ignoring the objections of the other person
  - Causing the other person’s intoxication or incapacitation through the use of drugs or alcohol
  - Taking advantage of the other person’s incapacitation, including his or her voluntary intoxication, his or her state of intimidation, or other inability to consent

# Sexual Assault

## Example #1:

Sonia and Chris are at a party and both are drinking heavily. Sonia is having trouble standing, so Chris leads Sonia over to a couch where Sonia can lie down. Sonia passes out and wakes up to find Chris on top of her, engaging in sexual intercourse.

# Sexual Assault

## Example #2:

Pat is working late on an experiment at the campus research lab with Sandy. Pat thinks Sandy is being nice when Sandy offers to walk Pat home. Pat invites Sandy inside the house so they can continue their conversation. Sandy starts to kiss Pat, and Pat readily kisses Sandy back. Sandy starts touching Pat's genitals. Pat pushes Sandy's hand away and says, "No, I don't want to." Sandy becomes more forceful, and continues to fondle Pat's genitals despite Pat saying, "No!"

# Stalking



# Stalking

**The term “stalking” is defined as:**

- Behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

# Stalking

## Example #1:

Allison meets Trevor through a class group project. The group members exchange telephone numbers and Trevor calls Allison for help with the project. As the quarter goes on, Trevor repeatedly asks her out on a date and he refuses to take no for an answer. Allison is in fear of her safety and tells him that she is not interested in dating him, but Trevor continues with this behavior that is unwanted and unwelcome by Allison. He repeatedly texts her throughout the day despite her requests that he stop texting her. Before each group meeting, Trevor waits outside the classroom to greet her, “What took you so long? I’ve been waiting for you for almost an hour, but I don’t mind.”

# Stalking

## Example #2:

Dana, a student, has been sending a professor multiple emails during the week that are unrelated to class work. Dana has also been hanging around outside the professor's office, which has made the professor very uncomfortable. The professor has told Dana this behavior is inappropriate and that the attention is unwanted, but Dana's behavior has persisted. The professor is now fearful, having noticed Dana on numerous occasions following the professor around campus and watching the professor walk to the parking lot after class.

# Stalking

## Example #3:

Kelly recently met Danni, who works on campus. They've gone out a few times, always meeting at a public place, never at either person's home. Kelly thinks these dates have been fun, but knows there isn't a serious future with Danni and has told Danni so. The next day, when Kelly arrived at home, there were several notes left on the door from Danni. The same thing happened again four times that week, with the same message asking if Danni can have just one more chance. Kelly, now in fear of her safety, arrives at home and sees Danni sitting in a parked car staring directly at Kelly's house.



# Definitions and Examples

**Remember, VAWA protects the rights of ALL victims of sexual offenses or acts of sexual violence, regardless of the victims' gender, sexual orientation, gender identity, or gender expression.**

# Consent



# Consent

## Consent is:

- Informed:
  - Consisting of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.
- Voluntary:
  - Given without coercion, force, threats, or intimidation
  - Positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
- Revocable:
  - Consent to some form of sexual activity does not imply consent to other forms of sexual activity.
  - Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent has been revoked, sexual activity must stop immediately.

# Consent

## Consent is given when a person is not:

- Incapacitated:
  - Physical and/or mental inability to make informed, rational judgments
  - States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts
  - Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed impacts a person's:
    - decision-making capacity
    - awareness of consequences
    - ability to make fully informed judgments

## A person cannot give consent if he or she is:

- Unconscious or coming in and out of consciousness
- Under the threat of violence, bodily injury, or other forms of coercion, or if his/her understanding of the act is affected by a physical or mental impairment

# Consent

## Other considerations with regard to consent include:

- Silence does not equal consent
- Lack of verbal resistance does not constitute consent
- Lack of physical resistance does not constitute consent
- Consent is not indefinite; consent may be withdrawn at any time, and at that time all sexual activity must cease unless or until additional consent is given
- Minors and incapacitated persons cannot give consent
- Whether the accused knew, or a reasonable person should have known, that the complainant was incapacitated

# Taking Action

- **Bystander Intervention**
- **Identifying Warning Signs**
- **Avoiding Potential Harm**
- **Reporting an Offense**
- **Investigation and Disciplinary Proceedings**
- **Disciplinary Actions and Sanctions**
- **Campus Resources**

# Bystander Intervention



# Bystander Intervention

- Most people want to help in difficult situations
- Incorrectly assume that someone else will take action
- Phenomenon known as **Diffusion of Responsibility**:
  - Each bystander's sense of responsibility to help **decreases** as the number of witnesses **increases**
  - End result is that nobody speaks up, comes forward, or helps
- This is not bystander apathy:
  - People may be truly concerned about the welfare of the victim
  - Sincerely believe that someone else will help
  - Other person is either more likely or more qualified or more capable



# Bystander Intervention

## What should you do?

Specific interventions can be divided into four main types:

- **Engage:** say or do something that directly engages one or more of the parties involved
- **Distract:** say or do something to interrupt the interaction
- **Enlist:** ask for the help of someone else who may be better able to intervene
- **Delay:** say or do something after the difficult moment or incident has passed

# Bystander Intervention

## How do you decide what to do?

Things to consider before you act:

1. Is the situation an emergency or non-emergency?
2. Should intervention be direct, indirect or both?

# Bystander Intervention

## Emergency

## Non-Emergency

**Direct**

- Take someone's keys away, drive the person home
- Remove the person from the situation
- Administer CPR

- Talk to the person directly about the situation

**Indirect**

- Call 911
- Seek assistance from a professional
- Distract the people involved
- Enlist help from others

- Speak to and get help from someone with more expertise and/or authority: your campus Title IX Officer, a campus administrator, or other professional

# Bystander Intervention

## Example:

You are at a party. During the past hour you noticed one of your male friends talking to a woman. They seem to be having a good time, but it is clear that the woman has had too much to drink. At one point your friend walks by you and you hear him say he is just going to get her “one more” and “that should be enough.” A few minutes later, you see him put his arm around the woman and start to lead her upstairs. What could you do?

# Bystander Intervention

**After reading the “bystander” example:**

Is this an emergency or non-emergency?

- While not life-threatening, there’s a certain urgency to the situation, especially after your friend starts leading the woman upstairs.

Should intervention be direct, indirect or both?

- You have the opportunity to intervene in different ways and at different times in this situation.

# Bystander Intervention

## “Bystander” example – continued:

“At one point your friend walks by you and you hear him say he is just going to get her ‘one more’ and ‘that should be enough.’”

This is an early opportunity to intervene:

- You can be direct by telling your friend to stop
- You can tell him that you’re concerned he may be getting into a bad situation
- Remind him that consent cannot be given when someone’s incapacitated

# Bystander Intervention

## “Bystander” example – continued:

“A few minutes later you see him put his arm around the woman and starts to lead her upstairs.”

- **Engage:** Tell your friend to stop. Offer to help the woman come back downstairs to the party.
- **Distract:** Tell your friend someone’s asking to talk to him. Invite the woman to go outside for some fresh air.
- **Enlist:** Ask the host to tell them that upstairs is off-limits, and/or, try to locate the woman’s friends and enlist their help.

# Bystander Intervention

## “Bystander” example – continued:

Even if you didn't intervene immediately, you can still act after the fact; perhaps the next day.

Sometimes delayed intervention in non-emergencies can be just as effective.

The next day, you could:

- Talk to your friend directly about the situation, your feelings about it, and other choices he could have made
- Call the woman to check on her and offer support. Even if you don't know her, suggest this to a mutual friend who does
- Strategize with other friends about how you might be able to intervene the next time something similar happens



# Bystander Intervention

## S.E.E.

### Safe Responding:

- Choose a course of action, direct or indirect, that best ensures the safety of those involved, including yourself

### Early Intervention:

- Take action before the problem becomes worse

### Effective Helping:

- Implement specific helping skills depending on the situation

# Identifying Warning Signs

- Identifying some of the warning signs that may lead to a sexual offense or an act of sexual violence
- These behavioral warning signs may include, but are not limited to:
  - **Jealousy** – excessive questions about who a partner spends time with
  - **Controlling Behavior** – not allowing a partner to make personal decisions
  - **Isolation** – curtailing a partner's social interaction
  - **Verbal Abuse** – saying things about or to a partner that are meant to be cruel
  - **Blame-shifting for feelings and problems** – blaming a partner, family, or the University for one's own inabilities or lack of responsibility
  - **Making threats of violence** – saying things like “If you talk to him/her again, I'll kill you.” Or “If you leave me, I will kill myself.”

# Identifying Warning Signs

## What to say:

- If you suspect someone you know is a victim of a sexual offense or an act of sexual violence, talking with them about it can be difficult.
- The most important thing you can do is to let them know that they have support and that they do have options.

## Some guidance on what to say and do can include:

- Offer your support without judgment or criticism
- Tell him or her that you're concerned for his or her safety
- Encourage him or her to get help
- Try to avoid a confrontation while doing so

# Avoiding Potential Harm

**It's important to remember that while we can take steps to minimize risk, the only person to blame when a sexual offense or an act of sexual violence happens, is the perpetrator.**

**Strategies you can use for placing yourself in the best position to avoid harm and to minimize the risk of a sexual offense or an act of sexual violence. Some of these strategies include:**

- Trust your gut instincts. If a situation doesn't feel right, don't worry about offending people, just leave
- Notice when someone doesn't respect your boundaries, and not being afraid to assert your right to have your boundaries respected
- Understand that most perpetrators of sexual violence look for someone in a vulnerable position. This understanding can help guide your actions and choices

# Avoiding Potential Harm

## **Other strategies for placing yourself in the best possible position to avoid harm and minimize risk may include:**

- Control access to your home or dorm room and your car by locking your doors and not leaving windows wide open if they provide easy access
- Use “situational awareness” by noticing where you are and who’s around
- Don’t be afraid to ask for help in situations that feel unsafe, such as asking for an escort to your parked car or asking people to walk with you
- Travel in groups when possible and appropriate

# Reporting an Offense



# Reporting an Offense

**A sexual offense or an act of sexual violence can be very frightening and disorienting.**

**Often, victims do not know where to turn or how to reach out for assistance and help.**

**If you've been involved in a sexual offense or an act of sexual violence, you are encouraged to:**

- Find a safe place
- Seek medical attention
- Get support
- Preserve evidence
- Report the crime

# Reporting an Offense

**In addition, as the victim of a sexual offense or an act of sexual violence, you are also encouraged to report this to your campus:**

- Title IX Officer or Sexual Harassment Officer
- Human Resources office
- Any manager, supervisor, Department Chair, or other designated employee responsible for responding to reports of sexual violence

**Even if you are a bystander witnessing, or received a report of, a sexual offense or an act of sexual violence, you are encouraged to reach out to any of these resources for guidance and assistance.**



# Investigation and Disciplinary Proceedings

**Campus proceedings to investigate and institute disciplinary action for sexual offenses or acts of sexual violence will:**

- Provide a prompt, fair, and impartial investigation and resolution
- Be conducted by trained officials
- Use the standard of evidence set forth in the applicable policy

**Both the accuser and the accused will have the same rights to have others present during an investigation and disciplinary proceedings, including an advisor of their choosing.**

# Investigation and Disciplinary Proceedings

**All parties involved will be informed simultaneously in writing of:**

- Initial outcome of the proceeding
- Appeal rights
- Subsequent changes to the result, resulting from an appeal

**To the extent permitted by law, the University of California will protect the confidentiality of victims by omitting victim identifying information from publicly available documentation.**

# Disciplinary Actions and Sanctions

**The following disciplinary actions and sanctions may be imposed, as appropriate, if a person is found to have committed a sexual offense or an act of sexual violence:**

- Suspension
- Expulsion
- Termination of employment

**Perpetrators of crimes may also be subject to criminal prosecution.**

# Campus Resources

**The following campus resources are available:**

- Title IX Officer or Sexual Harassment Officer
- Human Resources
- Manager, Supervisor, or Department Chair
- Counseling Services
- Health or Medical Services
- Legal Services
- Victim Advocacy Services



# Campus Resources

**Depending on the circumstances and if reasonably available, victims may also request assistance with changing their:**

- Academic situation
- Living situation
- Transportation situation
- Employment situation

**Regardless of whether he or she chooses to report the sexual offense or act of sexual violence to campus or local law enforcement.**

# Campus Resources

- [Clery Act](#)
- [Campus Save Act](#)
- [Office on Violence Against Women](#)
- [UC Principles of Community](#)
- [UC Sexual Harassment and Sexual Violence Policy](#)
- [UC Whistleblower Policies](#)

# Campus Resources

- [UC Student Conduct and Discipline Policy](#)
- [UC Personnel Policies for Staff Members](#)
- [UC Academic Personnel Policy](#)
- [UC Faculty Code of Conduct](#)
- [UC Campus Counseling Centers](#)
- [UC Location/Campus Resources](#)

# Thank You



**At the University of California, we want our faculty, staff and students to feel not only safe and secure but welcomed and supported. Thank you for completing the VAWA training and for your support in fostering an environment that is inclusive, safe, rewarding, and free of all forms of sexual violence, harassment, exploitation, or intimidation.**

**President Janet Napolitano**