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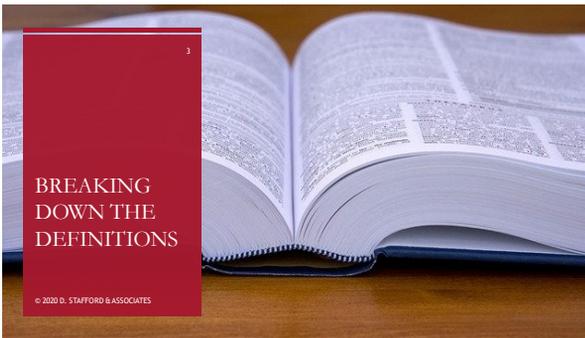
Agenda

- Domestic Violence/Dating Violence
- Stalking

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Sexual Harassment under Title IX

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(1)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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Understanding the Elements



Elements

- Actions
- Conditions



Additional info

- Clarifiers
- Exceptions

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Investigator

- Evidence for each element
- Evidence of any exceptions

Decision-maker

- Weight the evidence provided
- "Reasonable person" standard

Roles in the Process

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The “Elements”



What evidence **MUST** be collected to show the definition was met?



How do we get that evidence?

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PRONG 3: The VAWA Crimes



Sexual Assault

Rape
Sexual Assault
Statutory Rape
Incest



Intimate Partner
Violence

Dating Violence
Domestic Violence



Stalking

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PRONG 3: Intimate Partner Violence

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim. . .

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PRONG 3: Intimate Partner Violence

“dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8)

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Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition -
 - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

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Domestic Violence

- A felony or misdemeanor crime of violence committed by
 - A current or former spouse or intimate partner of the victim
 - By a person with whom the victim shares a child in common
 - By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurredOR
 - By 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 in which the crime of violence occurred

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Important Considerations



Unique



Cycle of violence



Power and control

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Lack of cooperation

Cross-claims

Primary aggressor

Interviews

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Primary Aggressor

Past behaviors?

Self Defense?

Who is afraid?

Body language of each?

Witnesses?

What does the scene look like?

Excited utterances?

What are the extent of the injuries?

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Prong 3: Case Study

Alex reports that she has recently broken up with her partner who was verbally and physically abusive to her. Her partner, Jordan, is alleged to have assaulted Alex by hitting her and damaging her vehicle during an altercation in an on-campus parking lot. Alex and Jordan are both employees who work in the same department on campus and until the recent breakup, lived together in an off-campus apartment. Alex has requested that the College intervene because she feels “unsafe” and “worried about what will happen next.”

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Group Discussion



Breakout groups

Each group will be assigned a breakout room

Identify a reporter who will present back to the larger group



30 minutes of group discussion



Reporting out

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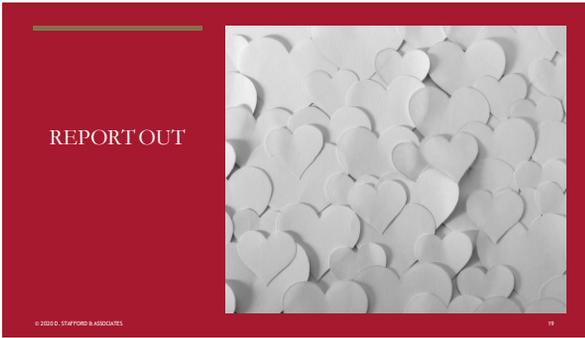
Assignment

1. Discuss the elements that make up the offense of Domestic Violence.
2. The Title IX Coordinator has assigned this complaint to you and another investigator to jointly investigate.
3. Discuss the specifics of the complaint that you are investigating. What will you do first? Second? Third?
4. What evidence could be provided? Who will you be interviewing?

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PRONG 3: Stalking

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- *Fear for the person's safety or the safety of others; or*
- *Suffer substantial emotional distress*

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Defining Stalking

STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

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Breaking Down the Definition



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Defining Stalking

STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to 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.”

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Defining Stalking

STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to 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."
 - Who: stalker or third party
 - How: any action, method device or means
 - What: follows, monitors, observers, surveils, threatens or communicates

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Defining Stalking

STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to 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.
- Specific Person: "to or about a person or interferes with a person's property"

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Defining Stalking

STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress."

- Is the victim:
 - afraid for their safety
 - afraid for the safety of others or
 - suffering substantial emotional distress
- If not, would a reasonable person in the victim's position experience any of these effects?

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SUBSTANTIAL EMOTIONAL DISTRESS

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- Difficulty eating or sleeping
- Anxiety or nervousness
- Nightmares
- Drug or alcohol use
- Headaches/illness
- School/work impacted
- Irritability, anger, shock, or confusion
- Fear response/hypervigilance
- Changing routines
- Depression

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Defining Stalking

STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Reasonable college student ► The complainant’s perspective

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Defining Stalking

STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Totality of the circumstances ► Eggshell/bowling ball complainants

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STALKING - SPECIAL CONSIDERATIONS

Stalking	and Interpersonal Violence
Stalking	and disability considerations
Stalking	under Title IX

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Prong 3: Case Study

Sam reports that a previous lab partner has been repeatedly texting, calling, and showing up after Sam rebuffed her requests to be more than lab partners. Sam says that they have asked repeatedly for the behavior to stop, but the previous lab partner “just won’t stop” and that Sam can’t concentrate and does not want to go to lab any longer.

STALKING: “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or to suffer substantial emotional distress.”

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Group Discussion



Breakout groups

Each group will be assigned a breakout room

Identify a reporter who will present back to the larger group



15 minutes of group discussion



Reporting out

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Assignment

1. Discuss the elements that make up the offense of Stalking.
2. Discuss the specifics of the complaint that you are investigating.
3. What types of evidence will you seek to meet the elements?
4. What evidence could be provided that would demonstrate the elements have not been met?

Questions

You can send questions to the chat while you work, and we will discuss them in the reporting out phase.

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REPORT OUT



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