

The Violence Against Women Act

The Violence Against Women Act (VAWA) is a landmark piece of federal legislation that sought to improve the criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States. The passage of VAWA in 1994, and its reauthorization in 2000, 2005, and again in 2013 has changed the landscape for victims of domestic violence, dating violence, sexual assault and stalking.

Chipola College is committed to maintaining a safe and secure work and academic environment free of any form of sexual misconduct including domestic violence, dating violence, sexual assault, stalking, and sexual harassment. A violation of the Violence Against Women's Act shall constitute grounds for disciplinary action, up to and including, dismissal from the College.

Definitions

“Rape” is now inclusive of sexual assault, sexual assault with an object, and forcible sodomy and can be perpetrated against both women and men. **Consent** is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment.

In Florida, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim under 16; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated— (victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

Sexual Assault: Means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation. In Florida Criminal Sexual Assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent.

Rape: The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any 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 Florida Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

Dating Violence: Means 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 will 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. In Florida Dating Violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

Stalking: Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

In Florida Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Sexual Assault Education and Prevention Programs

Effective October 1, 2014, the College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Florida;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize

- warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The College has developed an annual education campaign consisting of presentations that include distribution of educational materials to new students at orientation sessions (fall and spring). In addition, employees and faculty receive information and materials during new employee orientation programs (fall and spring), and Campus Safety offers educational programs to all faculty, staff and students throughout the year.

Bystander Intervention

What is a Bystander?

Bystanders play a critical role in the prevention of sexual and relationship violence. They are often the largest group of people involved -outnumbering both the perpetrators and the victims. Bystanders can have a range of involvement in assaults. A person or persons may be aware that a specific assault is happening or will happen, they may see an assault or potential assault in progress, or they may have knowledge that an assault has already occurred. Regardless of how close to the incident they are, bystanders have the power stop assaults and to get help for people who have been victimized.

Each of us has been or will be in situations where we are bystanders. While we may be aware that certain behaviors are inappropriate and potentially illegal, we may not always know what we can do to make a difference. It is a matter of individual and collective choice whether we are going to be active bystanders who speak up and say something, or whether we will opt to be passive bystanders who stand by and say nothing.

Being an active bystander does not require that we risk their own safety or the well being of others. Our goal is to aid in the prevention of violence without causing further threat, harm, or damage. Remember, there is a range of actions that are appropriate, depending on the situation. If you or someone else is in immediate danger, calling 911 is the best action a bystander can take.

We want to promote a culture of community accountability at Chipola College where bystanders are actively engaged in the prevention of violence, realizing that we are all responsible for each other in addition to ourselves.

“No one has to do it all. Nobody should feel they are doing it alone. But **EVERYONE** has to **DO SOMETHING.**”

Power of bystanders

Have you ever stopped a friend from going home with someone when the friend was drunk or high? Do you know anyone who has tried to stop a friend/teammate/peer from taking advantage of someone or doing something else inappropriate? Both of these actions are examples of bystanders using their power to stop violence.

- ✓ Watch out for your friends and fellow community members– if you see someone who looks like they are in trouble, ask if they are okay. If you see a friend doing something shady, say something;
- ✓ Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated;
- ✓ Speak up when someone discusses plans to take sexual advantage of another person;
- ✓ Call police when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt;
- ✓ Interject yourself into a conversation where another person seems unsafe to cause a distraction;
- ✓ Refuse to leave the area (or call police) if a person is trying to get you to leave so they can take

- advantage of another;
- ✓ Speak up if someone says something offensive, derogatory, or abusive, let them know that the behavior is wrong and you don't want to be around it. Don't laugh at racist, sexist, homophobic jokes.
 - ✓ Challenge your peers to be respectful. Offer to drive an incapacitated friend home from a party;
 - ✓ Ensure that friends who are incapacitated do not leave the party or go to secluded places with others.
 - ✓ Believe someone who discloses a sexual assault, abusive relationship, or experience with stalking or cyber stalking.
 - ✓ Be respectful of yourself and others. Make sure any sexual act is OK with your partner if you initiate.
 - ✓ Refer people who need help to the Vice President of Student Affairs, a faculty member, advisor, or utilize other resources on or off campus
 - ✓ Get involved – volunteer with other campus departments and student activities that are working to eliminate sexual and relationship violence.

Other Bystander Intervention Strategies

We all encounter situations everyday where people act in ways or express demeaning attitudes that make dating violence more possible. We can make the world safer by speaking out and challenging these attitudes and actions. Having a strategy or two on hand for intervening makes speaking up easier. Here are some non-violent intervention strategies you can use.

SILENT STARE

Remember, you don't have to speak to communicate.
Sometimes a disapproving look can be far more powerful than words.

HUMOR

Reduces the tension of an intervention and makes it easier for the person to hear you. Do not undermine what you say with too much humor. Funny doesn't mean unimportant.

GROUP INTERVENTION

There is safety and power in numbers. Best used with someone who has a clear pattern of inappropriate behavior where many examples can be presented as evidence of his problem.

"BRING IT HOME"

Prevents someone from distancing himself from the impact of his actions. EXAMPLE: "I hope no one ever talks about you like that." Prevents him from dehumanizing his targets as well. EXAMPLE: "What if someone said your girlfriend deserved to be raped, or called your mother a whore?"

"WE'RE FRIENDS, RIGHT..."

Reframes the intervention as caring and non-critical.
EXAMPLE: "Hey, Roger. As your friend, I've gotta tell you that the centerfolds hanging in your locker are killing your rep with the ladies. Do yourself a favor and take them down."

DISTRACTION

Most effective for street harassment. Snaps someone out of their "sexist comfort zone." EXAMPLE: Ask a man harassing women on the street for directions or the time.

Remember:

Approach everyone as a friend. Do not be antagonistic. Avoid using violence. Be honest and direct whenever possible. Recruit help if necessary. Keep yourself safe. If things get out of hand or become too serious, contact the police.

Violence Against Women Act: Procedures Victims Should Follow If Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred

- ❖ **Immediate Safety and Support/Importance of Preserving Evidence**
 - Go to a safe place – a friend’s house or anywhere you will feel safe
 - Call someone you trust. No matter how late it is, you shouldn’t be alone.
 - If safety is an immediate concern - call 911.

- ❖ **Pursue medical treatment.** Any individual who may be experiencing or has experienced sexual misconduct, domestic violence, dating violence, stalking or related retaliation is encouraged to immediately seek any necessary medical care and to seek help from law enforcement and/or medical personnel, even if the individual is uncertain about whether to ultimately pursue a complaint or criminal charges, or to seek a protective order. Local emergency rooms can perform post-assault medical care. Most hospitals have specialized examiners who complete exams for victims of sexual violence. These exams can help victims receive appropriate medical assessment and treatment, and can preserve evidence for possible future action.

- ❖ **Preserve evidence.** It is important for individuals to preserve all possible evidence in case they decide at some point to make a criminal complaint or to seek a protective order. Therefore, if at all possible, refrain from changing clothes, showering or otherwise changing the physical state after an incident, until after consulting with medical personnel about how to best preserve evidence. Also keep copies of emails, text messages, and voice messages that may have some bearing on the incident(s).

Making a Report On Campus

Any College faculty member or staff member who has reasonable cause to believe that sexual misconduct, domestic violence, dating violence, stalking and/or related retaliation has occurred or is occurring should report this information to the immediate attention of the Associate Vice President of Human Resources or the Vice President of Student Affairs. Reports also may be made to Campus Security – the Jackson County Sheriff Department. Chipola College will coordinate its response to the report with other officials, as appropriate and, if necessary, law enforcement, to intervene at the earliest practical point to stop the behavior and coordinate services to the complainant.

Services and Accommodations

These may include but are not limited to:

- *No Contact Orders* restricting encounters and communications between the parties;
- Academic accommodations, including but not limited to deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- Changing working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, academic support, counseling, disability, or mental health services,
- Informing the individual of the right to report a crime to local law enforcement

Chipola College personnel will identify appropriate options and work with complainants to determine whether these services or accommodations are reasonably available and necessary in a particular case. Chipola College encourages individuals to report incidents of sexual misconduct, domestic violence, dating violence, stalking and related retaliation so that they can get the support they need, and so that Chipola College can respond appropriately. Although strict confidentiality may therefore not be guaranteed for

non-confidential employees, in all cases Chipola College will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct, domestic violence, dating violence, stalking and/or related retaliation.

Reporting to Law Enforcement

In addition, any student, employee or covered third party may and should also pursue criminal charges with local, state, or federal law enforcement agencies. Chipola College will offer and upon request provide assistance to students, employees and covered third parties in contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Chipola College. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police.

Chipola College prohibits retaliation against individuals who file a complaint or who participate in the complaint process. Retaliation is regarded as a basis for a separate complaint and can lead to further review and disciplinary action.

Contact	Phone
Jackson County Sheriff Dept.	850-482-9624
HR/Title IX Office	850-718-2205
Vice President of Student Services	850-718-2209
Campus Safety	850-718-2222