



# CLARENDON COLLEGE

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## Sexual Violence

At Clarendon College, we believe that every individual has the right to be treated with respect and dignity and we support the creation and maintenance of a safe and positive living and learning environment. This information was created to educate Clarendon College members regarding issues of sexual violence through awareness and prevention.

Harassment based on race, sex, religion, disability or sexual orientation affects students on college campuses as well as employees in many workplaces. Unwanted advancements, sexually explicit conduct, or offensive jokes can damage a student's self-esteem and can injure his or her confidence when enrolled in a course, participating in an internship, and when seeking employment after graduation.

### Reporting Sexual Violence

If an act of sexual misconduct has been committed against you, especially an act of sexual violence, we strongly urge you to consider filing a complaint against the person(s) responsible. There are no guarantees about the outcome of criminal and even disciplinary hearings, but most survivors end up feeling empowered by the process itself – demanding accountability can be a very powerful experience. Also, sexual aggression is rarely an isolated incident; by taking action, you may prevent others from being harmed.

If you do choose to file a complaint, you have a few different options. Depending upon your own goals and concerns, you may choose to take one or more of these forms of action.

- Filing a criminal complaint with the **Donley County Sheriff's Office**: 806-874-3533
- Filing a complaint with a **Title IX Coordinator, Tex Buckhaults**: 806-874-4807
- Filing a complaint with the **Clarendon College Director of Housing**: 806-874-4861

## Talk To Someone

The offices below can help you weigh your options, but the final decision is yours. If you want to consider your options, or just talk to someone, each one of these resources will assist you.

- **Associate Dean of Enrollment Services/Counselor:** Becky Green 806-874-4837
- Texas Panhandle Centers Behavioral & Developmental Health Clarendon 806-874-3504

## Preventing Sexual Violence

**The best way to prevent sexual violence is to be sure you have consent for any sex act. Each individual is responsible for ensuring they have affirmative consent that has been freely given.**

## Strategies for Avoiding and Resisting Sexual Coercion

- **Communicate well.** It won't stop someone from being coercive, but it will help you identify coercion faster and more confidently.
- **If you encounter pressure, act swiftly.** Don't get pulled into a debate, or a long effort to clarify your limits. These are tactics by which sexually coercive people try to wear you down. Disengage; get help if necessary. Ithaca is a supportive place—let people know you need help.
- **Build a strong network of friends.** Go to social events with those friends. Talk in advance about what you do and don't want; check in if someone seems to be changing his/her mind. Don't disappear; don't abandon each other.
- **Be able to leave, wherever, whenever.** Know where you are and how to get back to your room; don't go far without money and a phone.
- **Avoid isolation.** You're much more vulnerable if there's nobody around to intervene. Be wary of anyone who seems in a hurry to get you alone. You can find privacy without isolation, too.
- **Trust your feelings.** Many people learn to set aside their discomfort in sexual situations; don't. If you're getting a bad vibe, walk away.
- **Stand with survivors when they speak out.** There is a lot of pressure on survivors to stay silent. Many only ever tell a friend; very few speak in public. Do what you can to listen and offer support.
- **Respond when you see someone in need of help.** There's a lot you can do: help an intoxicated classmate get home; challenge a friend over his pressure tactics; support a roommate who wants to end an increasingly controlling relationship; speak up against disrespectful language. You might even call the police from a party, or alert your dean to a potential predator. It's your community—do what's necessary to make it safe.

## Definitions and Terms

**Affirmative Consent:** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

**A person is incapable of consent when:**

- (1) less than seventeen years of age,
- (2) mentally disabled,
- (3) mentally incapacitated,
- (4) physically helpless, or
- (5) physically unable to give 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 who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or 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.

**Dating (Intimate Partner) Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and, where the existence of such a relationship shall be determined based on the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**Stalking:** Unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include following the victim in person or monitoring him or her, including use of social media or other technology.

**Sexual Violence:** Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (for example, due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, fellow students, students from other schools, or third parties. Sexual violence is a form of sexual harassment.

**Sexual Misconduct:** A range of offensive behavior of a sexual nature that is unwelcome. Types of Sexual Misconduct include:

**Rape:** When, without consent, there is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or use of a person's mouth on another person's genitalia.

**Sexual Abuse:** Touching of the sexual or other private parts of another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent. Sexual abuse is a type of sexual assault.

**Sexual Assault:** A broad category that includes, but is not limited to, public lewdness, rape, sexual battery, and sexual abuse.

**Sexual Battery:** Touching of a sexual nature of a person by another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.

### **New Definition of Rape vs. Historical Definition of Rape**

In 2012, the U.S. Department of Justice expanded the definition of rape used for the collection of national Uniform Crime Reporting (UCR) statistics. The historical definition of rape, established in 1929 included only female victims penetrated vaginally by a male. The new definition includes male and female victims, all anal and vaginal sex acts, and any oral sex act that involves another person's sexual organs. This expanded definition of rape affords a more accurate representation of the volume and scope of rape and sexual assaults.

**Bystander Intervention:** is an approach to sexual violence prevention. A bystander (or witness) is someone who sees a situation but may or may not know what to do, may think others will act, or may be afraid to take action. Bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence. This approach provides individuals with specific strategies (before, during and after a sexual assault) that can potentially prevent sexual violence before it happens, or thwart sexual violence as it is occurring. Research shows that bystander intervention is an effective strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence.

## **Safety and Security Options**

### **Order of Protection**

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts and Criminal Courts can both issue orders of protection.

An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. It may also include other restrictions as designated by the court. It is a crime to violate a temporary or final order of protection. The individual does not have to hit or harm you to violate the order.

The Donley County Sheriff's Office can respond to questions regarding protective options available to you, including Orders of Protection, and will provide guidance and assistance in securing an Order of Protection if/when the situation warrants. However, should an Order of Protection be obtained without the assistance of campus authorities, notification should be made to ensure the information is on file with the Title IX Coordinator. This will ensure that necessary information is readily available to campus officials should the offender violate the Order.

### **Campus Restriction**

The College, through the judicial process, can issue a restriction notice that limits certain forms of communication or contact between parties. Campus Security may issue a restriction notice at the onset or preliminary investigation of a criminal or judicial violation, to include facilitating other safety and security precautions, depending on the situation, and typically in collaboration with other campus offices or officials. However, the Title IX Coordinator determines when and how long a restriction notice remains in place, depending on the circumstances. Restriction notices may be administered along with other conditions, as determined by the College, with consideration for the safety and security of the victim, the offender, and the campus community, as a whole. Criminal charges are not necessary for a restriction notice to be administered or enforced by way of the College judicial process. The complete student discipline process is outlined in the Clarendon College Student Handbook, Student Conduct Code.

### **Non- Disclosure**

The Registrar's Office can be a resource for other privacy considerations and options available to students, such as removal of public access to directory information. In order to remove a student's information, they must fill out a Nondisclosure Form which is available in the Registrar's Office.

## Sexual Rights and Responsibilities

### Sexual Violence and Harassment

Clarendon College is committed to ensuring that sexual harassment and sexual assault does not occur in any area or activity of the college. Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. Sec. 1681, et seq., prohibits discrimination on the basis of sex. Title IX requirements specifically address the responsibilities of schools to take immediate and effective steps to respond to sexual violence. The U.S. Department of Education defines sexual violence as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

### Sexual Rights and Responsibilities

- Every person’s wishes and decisions need to be respected. Accept the fact that **“no” means no**. When someone says no, he or she means it. Don’t read other meanings into the answer. Don’t coerce a person to change his or her mind. If the person you are with agrees to have sex and then changes his or her mind at any time, you must respect that decision.
- Don’t assume that someone wants to have sexual activity or intercourse based on his or her nonverbal cues, such as style of dress, flirtatious acts, mannerisms, or silence. People have the right to dress and act the way they want without having to worry about being sexually assaulted.
- Communicate your intentions as well as your sexual limits clearly. Ask your partner whether physical contact is okay. Don’t interpret passivity or silence as permission.
- Don’t assume that previous permission for intimate contact applies to the current situation. If you have had sex with someone before, don’t assume that he or she has agreed to have sex in the future.
- If someone starts to offend you, firmly tell him or her to stop. Be assertive.
- Avoid excessive use of alcohol and drugs as they can interfere with clear thinking and effective communication.
- Trust your feelings. If you sense that you are being pressured into unwanted sex, make your feelings clear and, if possible, take steps to ensure your safety including leaving the situation, if necessary.

## Helping a Friend

When someone has been sexually victimized, he or she almost always turns first to a friend for support and help. When these conversations go well, they are tremendously powerful; when they go poorly, they can compound the emotional damage. The emotional impact of abuse, harassment, or assault can be both immediate and long-lasting. A friend may confide in you 10 minutes or 10 years later—whenever it happens, it will be a difficult, important conversation. Listen well. Your friend may be experiencing any of a wide range of responses, including sadness, anger, shame, fear, self-blame, anxiety, shock, or feelings of helplessness. Often, people have trouble concentrating, eating, and/or sleeping; they may be plagued by intrusive thoughts and memories, even though they try to focus on other things.

The acceptance and support of friends are often vital steps in the healing process. Sexual violence is almost always a violation of trust; it often leaves survivors doubting their own judgment. By being understanding and supportive, you can help your friend begin to regain some of that trust and confidence.

Strategies for helping:

- **Listen and demonstrate that you believe him or her.** Be sure your friend knows you will be supportive. It is important for your friend to know they are believed and not judged. If you find yourself doubting your friend's story or experience, don't express it. That is not helpful and is often re-traumatizing.
- **Let your friend lead the conversation.** Allow your friend to determine the pace and focus of the conversation. Sexual victimization is almost always a profoundly disempowering experience. An essential part of support is allowing the survivor to maintain control over what happens next.
- **Inform yourself about resources.** Spend some time on this site learning what options your friend might have, and offer information as appropriate. But be sure to let your friend be the one to make the decisions about who to talk to, what services to access, and what actions to take next. You may disagree with some decisions but the important step is to listen and not judge. Help your friend understand the available options, but they should be the one to decide how to proceed.
- **Be reassuring.** Your friend is not at fault. No one asks to be sexually victimized. Avoid judgmental questions and statements. Remember that your friend may be blaming themselves.
- **Take care of yourself.** Remember, you too can call others for support.

If you are supporting your friend, be sure to take care of yourself:

- **Be aware of your own feelings.** You may feel hurt, angry, guilty, anxious, or frightened. Such feelings are understandable but your reactions may feel surprising, confusing, or overwhelming.

- **Know and respect your own limits.** There is only so much you can do to help your friend. You can provide support and compassion. Try not to offer more than you can give, and encourage your friend to seek additional support.
- **Remember that it was not your fault.** You may feel guilty, thinking that you could have done something to prevent your friend from being hurt. Remind yourself that the blame lies only with the person(s) who committed the acts of sexual misconduct.
- **Do not be afraid to ask for help.** Find someone other than the survivor to talk with about your feelings. Talking with someone else can help you understand your own emotions and give you a clearer perspective on the situation.
- **Keep the rest of your life on track.** Do not forget to take care of yourself. This will help both you and your friend.

## **Title IX Information and Coordinators**

All educational institutions in the United States receiving federal funding are required to comply with Title IX of the Education Amendments of 1972, which mandates that: "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." Complaints should be lodged with the appropriate coordinator listed on page 1.

## **Confidentiality**

Confidentiality: Many survivors of sexual assault need someone to talk to in confidence and are not always ready to press forward with a formal complaint right away, if at all.

Sometimes having a confidential place to go can mean the difference between staying silent and getting help. On-campus professional counselors, and housing staff, can talk to a survivor in confidence which greatly supports their coming forward to get the immediate or long term help they may need, to include making a formal report if they choose to. Even victims who make a formal report may still request that the information be held in confidence and that the College not investigate or take action against the perpetrator(s). However, the College also has an obligation to keep the larger community safe and therefore cannot and does not guarantee that confidentiality will be maintained in every instance, since non-disclosure may pose a serious or ongoing risk to the greater community. In these instances, limited information may need to be shared to protect against continued violence, while also protecting the rights of a victim by not disclosing personally identifiable information such as the victim's name/identity.

Confidentiality does not mean that the details of the complaint will be withheld from the accused. College policy and local, state, and federal laws prohibit any form of retaliation against a person who files or bears witness to a prohibited discrimination or protected-status harassment complaint. Violation of this prohibition may result in criminal and/or judicial action. At the same time, complaints brought forward in bad faith (e.g., malicious or knowingly false) may also result in criminal and/or judicial action against the party that brings forth such a complaint.