

# Sexual Misconduct Basics - Police

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## Agenda

1. Misconceptions & Bias
2. Responsible Employee Reporting Requirements
3. Victim's Rights & Options
4. Trauma-Informed Interview Approach Resources
5. Threat Assessment & Behavior Intervention Teams (BIT's)

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# What are **Misconceptions** & **Bias** Relating to Sexual Assault?

## What is Bias?

### Assumptions

Thoughts,  
Generalizations

Limited or inaccurate  
perception of others

### Stereotypes

Overly simplified  
Ideas

Limited or inaccurate  
perception of others

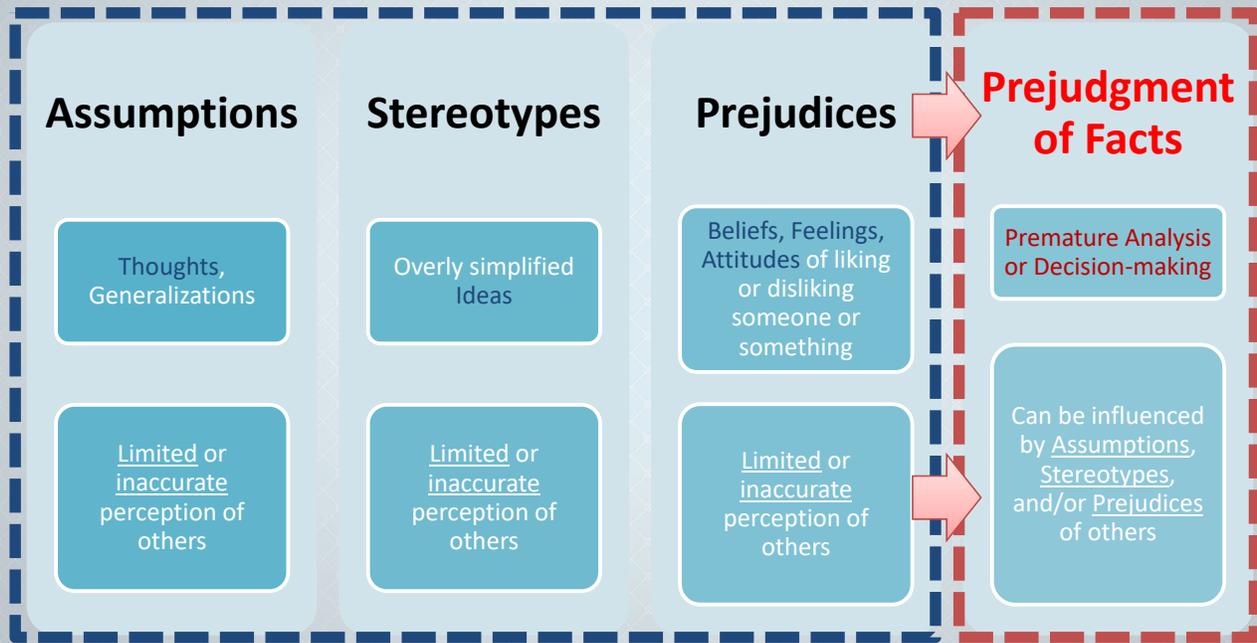
### Prejudices

Beliefs, Feelings,  
Attitudes of liking or  
disliking someone or  
something

Limited or inaccurate  
perception of others

## Implications of Bias

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## Misconceptions & Realities of Sexual Assault

Misconceptions About Sexual Assault	Realities About Sexual Assault
Only women are victims of sexual assault.	<b>Victims can be male, female or transgender</b> In Texas, 1 in 5 men experience sexual assault in their lifetime. <sup>25</sup> Nationally, male victims range from 1 in 10 to 1 in 20 victims. <sup>26</sup>
The perpetrators are mostly strangers.	<b>Perpetrators are most often known to the victim</b> In Texas, 77% of victims knew their offenders. <sup>27</sup> Nationally about 3 in 4 victims of sexual violence knew the offender. <sup>28</sup>
The "normal" response to being assaulted is hysteria and crying.	<b>Emotional responses vary;</b> victims are often in shock and passive, quiet, and unemotional. <sup>29</sup>
Sexual assault usually involves a weapon.	<b>Often no weapon is used, but perpetrators use strategies and tools like alcohol intoxication to commit sexual assaults.</b> In Texas, weapons were used in only 3% of sexual assaults. <sup>30</sup> Nationally, only 1 in 10 rape or sexual assault victimizations involve a weapon. <sup>31</sup> Perpetrators also use manipulation, deceit, premeditation, planning, victim selection, and betrayal of trust to commit sexual assaults. <sup>32</sup>

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## Misconceptions & Realities of Sexual Assault (Cont.)

Misconceptions About Sexual Assault	Realities About Sexual Assault
Most 'real' victims do not delay reporting to law enforcement.	<b>Victims often don't report or delay for a number of reasons.</b> This should not be seen as a cause for suspicion. <sup>33</sup> In Texas, only 9.2% of sexual assaults are reported to police. <sup>34</sup>
Men are usually sexually assaulted by men.	<b>In Texas, men report being just as likely to be victimized by women as they are by men.</b> <sup>35</sup>
The victim will have physical evidence of violence on the body such as bruises and cuts.	<b>Often there are no visible physical injuries</b> and this lack of visible injury should never be seen as a cause for suspicion. In Texas, only 10.4% of victims reported being physically injured. <sup>36</sup> Nationally, only 1 in 3 female sexual violence survivors sought some type of treatment for their injuries. <sup>37</sup> However, some injuries like strangulation might not be as visible early on so check for raspy voice, loss of consciousness, and undergoing the four stages of strangulation: denial, realization, primal, and resignation. <sup>38</sup>
Victims will physically resist to the utmost to deter the rape.	<b>One study found only 1 in 4 women used forceful physical resistance.</b> <sup>39</sup> Another study found women were more likely to: reason, plead, turn cold, physically struggle, or cry. <sup>40</sup> Women often do not resist because they are taken by surprise, scared, confused, fear injury or are too incapacitated. Also, due to the neurobiology of trauma, victims may suffer from a rape-induced paralysis called tonic immobility. <sup>41</sup>



Source: *Research and Citations in Blueprint for Campus Police (2016)*

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## Examples of Sex/Gender-based Biases

1. **"Real men" cannot be victims** of sexual assault.
2. If a **woman doesn't physically resist rape**, then it cannot constitute sexual assault.
3. If a **man is intoxicated**, it might be **unintentional sexual contact** (e.g. getting carried away), but it's not sexual assault.
4. If a **woman engages in alcohol consumption willingly**, then she is at least **somewhat responsible** for later allowing sexual contact or engaging in any other sexual activity.
5. If a **woman initiates kissing** or other forms of sexual contact, then she is **consenting to all** of the sexual activity.
6. If a **woman has had multiple past sexual partners**, then the incident in question likely isn't a "real sexual assault". She's just **promiscuous, regretful** and/or **lying**.
7. If a **man is accused of sexual assault**, he likely did it because men **always** desire sex.



Source: *Research and Citations in Blueprint for Campus Police (2016)*

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## Prevalence of College Sexual Violence



**26.4%**  
of undergraduate  
women



**6.8%**  
of undergraduate  
men

*Experience rape or sexual assault through  
physical assault, violence, or incapacitation*



**23.1%**  
of TGQN college  
students

*Transgender, gender-queer, nonconforming  
college students (TGQN) reported having  
been sexually assaulted*



Source: [www.rainn.org](http://www.rainn.org) (2023)

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## More Targeted Populations or Risk Factors

1. Women
2. LGBTQ+ populations
3. College students in their 1<sup>st</sup> or 2<sup>nd</sup> years
4. A prior abusive dating relationship
5. Frequent attendance at Greek-related parties
6. Individuals with disabilities
7. Victimization prior to college

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## DOJ's Principles to Preventing Gender Bias in Policing

1. Recognize and address **biases, assumptions**, and **stereotypes** about victims.
2. Treat all victims with **respect** and employ interviewing tactics that encourage the victim to **participate** and provide facts about the incident.
3. Investigate sexual assault and domestic violence complaints **thoroughly** and **effectively**.
4. Appropriately **classify** reports of sexual assault or domestic violence.
5. Refer victims to appropriate **services**.
6. Properly identify the **assailant** in domestic violence incidents.

Source: Dept. of Justice,  
December 2015, Updated  
May 2022

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## What to Do? Responsible Employee Reporting Requirements

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## Campus Police: What to Do?



- What if I see or hear something that might be prohibited conduct of some nature (such as the University's Sexual Misconduct Policy)?
- What if a student, employee or fellow coworker **discloses** that they are a victim/survivor of some type of **sexual misconduct**, with or without filing a report?
- What if the person asks that I keep the information or situation **confidential**?

### Responsible Employee Reporting Requirements

Under the institution's Sexual Misconduct Policy, **Responsible Employees** have a duty to report incidents and information reasonably believed to be sexual misconduct (prohibited conduct defined) under the Policy.

All employees are Responsible Employees (except Confidential Employees or police officers when a victim uses a **pseudonym form**). Responsible Employees include **all** administrators, faculty, and staff.

Responsible Employees must report all known information concerning an alleged incident of sexual misconduct to the **Title IX Coordinator**.

Source: UT System Model Policy for Sexual Misconduct;  
UT Institution's Sexual Misconduct Policy

Report  
Immediately

UT Institution's Title IX Coordinator  
<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>



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Definition of  
“Failure to  
Report”  
for Responsible  
Employees

**Under Texas law:** If a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

**University Policy:** Requires Responsible Employees to report all acts reasonably believed to be any type of Sexual Misconduct, as defined in the institution's Sexual Misconduct Policy.



Sources: *UT System Model Policy for Sexual Misconduct; UT Institution's ; Tex. Edu. Code Section 51.252-51.259*

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# Support



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## Supportive Statements (Police Examples)

- *“Thank you for sharing this with me.”*
- *“This sounds upsetting/difficult/hard.”*
- *“I hear you.”*
- *“I see that you’re feeling X, Y, Z”*
- *“I care about you and your experience.”*
- *“You can file a report with police if/when you are ready.”*
- *You have the right to have an Advocate with you in any interviews or meetings with police officers.*

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## Title IX - Supportive Measures for Students & Employees

**Non-Disciplinary & Non-Punitive Measures...** that do not unreasonably burden the other party; available with or without filing a formal complaint with the University

Housing Reassignment	Counseling Services	Class Extensions or Adjustments
Work or Class Modifications	Class Withdrawal or Retake (w/o penalty)	Leave of Absence
Mutual No-Contact Btwn Parties	Campus Escort Services	Increased Campus Security

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## Parallel Processes

University's Grievance Process

Law Enforcement & Criminal Process

Civil Process



The University of Texas System

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## Temporary Delays

### Concurrent Criminal or Civil Proceedings

Allows the University to **temporarily delay** their investigation or grievance process for a brief period due to concurrent criminal or civil proceedings.

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## Victim's Rights & Options Relating to Law Enforcement

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## Jeanne Clery Act (1990) & Violence Against Women Act (2013) - Amendments to the Clery Act



VAWA applies to **sexual assaults, dating violence, domestic violence, and stalking.**

Among the many provisions, Clery and VAWA provide **victim rights**, and **victim assistance options**, such as:

- Right to receive information on
  - a) The importance of **preservation of evidence** and how to do so; and
  - b) **Orders of protection** or similar orders
- Right to **report or decline reporting to law enforcement**
- Right to have **assistance in reporting to law enforcement**
- Right to **protective measures** regardless of choosing to report a crime to law enforcement



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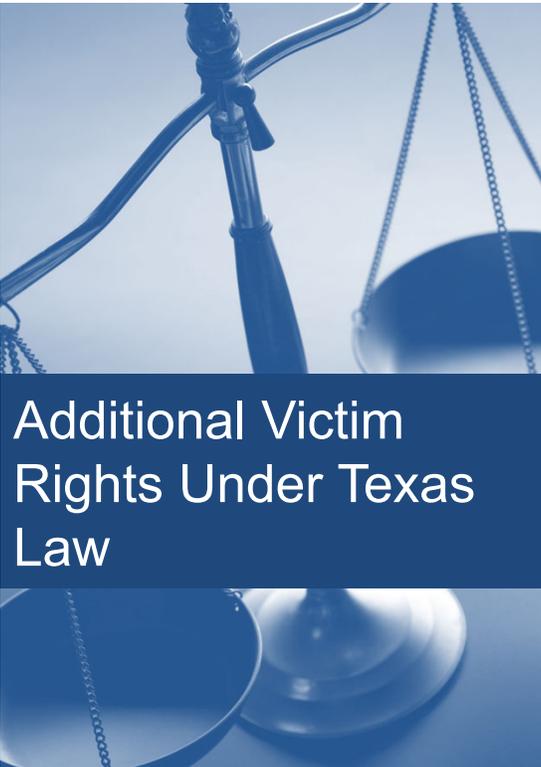
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### Additional Victim Rights Under Texas Law

- Right to a **Rape Kit - Sexual Assault Forensic Exam** within five days of the sexual assault, with or without a police report, and at no cost to the victim.
- Right to be informed of and have access to a **victim advocate** before any police interviews or meetings.
- Right to **Victim Assistance Program, Victim Compensation Program** and other types of **victim services** provided by state and local agencies.

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## Additional Victim Rights Under Texas Law

- Right to use a **pseudonym form**, to protect the victim's identity in public records:
  - If the victim goes forward with a pseudonym, the **name** of the victim must be **redacted** from the report submitted to the Title IX Coordinator.

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## Trauma-Informed Interview Approaches

### ***Tex. Edu. Code § 51.288***

*Training on trauma-informed investigations is required of peace officers employed by IHE, regarding allegations of sexual harassment, sexual assault, dating violence, or stalking.*

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**UT System's ODOP Policy #421**  
Sexual Assault Response and  
Investigation



**Blueprint for  
Campus Police**

Toolkit for Investigators p. 61-73  
Toolkit for Patrol Officers p. 75-82

THE BLUEPRINT FOR  
Campus Police:  
Responding to Sexual Assault



## Neurological Effect of Trauma

- A. Traumatic events can affect a person's brain chemistry and functioning, which can impact memory recall, information processing, and communication
- B. Possible effects on memory recall:
  - Flashbacks
  - Delayed recollection
  - Difficulty concentrating
  - Non-linear recollection
  - Self-blame

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## Basis for a “Trauma-Informed” Approach

- A. *Encourages participants to share what they are able to recall about their experience without demanding chronological recall; and*
- B. *Facilitates the gathering of information in a balanced manner*

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## Funneling Technique

1. Open Phase

2. Clarification Phase

3. Pinning Down Phase

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## FETI Interview Approach



Acknowledge the person's trauma, pain, emotions, and that this is a difficult situation. Show empathy and concern.

Ask questions, such as:

- **What are you able to tell me about your experience?**
- **Tell me more about that**” or **“Help me understand ...”**
- **“What did you mean by [blank]...?**
- **“Help me understand your thought process for [insert the clarifying part]...**
- **What were your reactions to this experience? Emotionally? Physically?**
- **What, if anything, are you able to remember about...[insert sensory recall prompts]...**
- **What was the most difficult part of this experience?**
- **What, if anything, can't you forget about your experience?**

**Avoid 'Why/why not' questions, or chronological questions.**

Source: Forensic Experimental Trauma Interview (FETI)

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## Interview Documentation

Document the **psychological & physical responses** of the experience (if applicable):

Nausea

Flashbacks

Trembling

Muscle Rigidity

Terror

Memory Gaps

Sensory Recall

Injuries

## Interview Documentation (Cont.)

Document these **control elements** (if applicable):

Force

Threats

Coercion

Intimidation

Fear

**Note:** *These elements may not be based on weapon use or actual physical threat for it to be perceived as real*

## Interview Documentation (Cont.)

Document any **defensive strategies** (if applicable):

Forceful Physical Resistance (Fight)

Verbal Resistance

Attempt to Get Away (Flight)

Bargain (Appease)

Tonic Immobility (Freeze)

## Consent: Evidence Examples

- Does the victim **know** the suspect, and if yes, for how long?
- How did they first **meet**?
- Did the suspect **initiate** sexual activity? Evidence of consent? If yes, how did the suspect **ask for** and **know** that they had received consent?
- Evidence of **physical or verbal resistance** by the victim? Any other **defensive strategies** used by the victim?
- Evidence of genital or non-genital **injuries**?
- Evidence of factors that heightened the victim's **vulnerability**?
- Detailed account of the **victim's thoughts** and **feelings** during the assault?
- Information regarding the **suspect's size** and **strength** in comparison with the victim's?
- Information regarding the **environment** in which the assault took place? Evidence of **isolation**?

- Information regarding the **victim's post-assault behavior**? Symptoms of PTSD, changes in eating/sleeping patterns, social behavior, drug or alcohol use, depression or anxiety?
- Description from **family** and **friends** of victim before and after the assault?
- Evidence of **premeditation**, planning, victim selection, emotional manipulation, deceit, grooming, use of alcohol or drugs?
- Determine **age**, **cognitive status**, and/or **incapacitation** of the victim?
- How did the victim **know**, if at all, where they were going, how they got there, what they were doing (actions/words), and/or what was going on around them (understanding the environment)?
- Position of **authority** or **trust** held by the suspect over the victim?
- **Reconstructive** or **corroborative evidence** to demonstrate **consistency** of victim's or suspect's account (e.g. photographs of the crime scene, detailed account of victim's thoughts)?



Source: *Research and Citations in Blueprint for Campus Police (2016)*

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## Threat Assessment & Behavior Intervention Teams (BIT's)



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## Determining Predominant Aggressors

### Common Considerations:

- Indicators of **power & control**
- Presence or threat of a **weapon**
- **History** of dating or domestic violence
- Aggressive or hostile **body language**
- Pre-existing **protective orders** or “**no contact**” directives
- Comparative extent of **injury** (if both are injured)
- **Property** damage
- Elements of **fear**



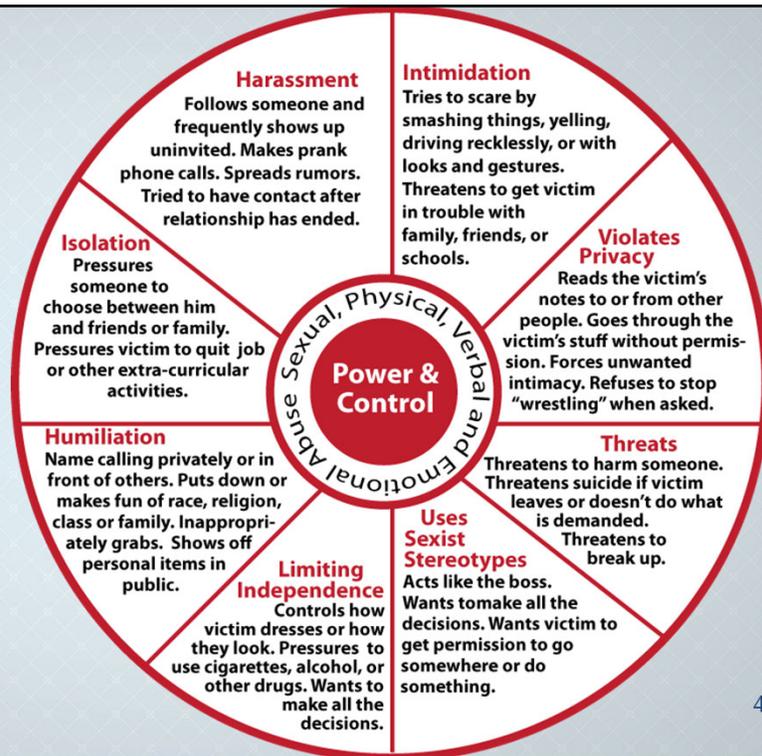
Source:

*The National Center for Campus Public Safety*

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## Power & Control Wheel (Examples)



Source: [www.alteristic.org](http://www.alteristic.org)



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## Has the person of concern:

- Prevented you from talking to others such as family or friends?
- Listened to your private phone calls or read your email?
- Acted jealous?
- Humiliated you at home or in public?
- Broken your personal belongings or damaged your property?
- Prevented you from leaving or held you against your will?
- Behaved violently or aggressively at home or in public?
- Assaulted your friends or family?
- Been arrested in the past for violence?

## Assessing Danger

Example Questions  
for the Person  
Targeted



Sources: National Center for Campus Public Safety;  
*Stalkingawareness.org*

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## Has the person of concern:

- Have access to a weapon, and/or threatened to use a weapon?
- Threatened to harm or kidnap your children?
- Threatened to kill you, themselves, or others?
- Harmed your pet(s)?
- Been abusing alcohol or drugs?
- Stalked or followed you? Showing up unannounced?
- Forced confrontation(s) with you?
- Forced you or your children to flee in the past?

## Assessing Lethality

Example Questions  
for the Person  
Targeted



Sources: National Center for Campus Public Safety;  
*Stalkingawareness.org*

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## BIT Example Interventions

- **Outreach** to the person of concern
  - **Wellness meeting** w/ person of concern
  - **Warm referrals** to resources or support services
  - Coordinate **resources & support services**
  - **Data mining & collaboration** with w/ **key campus stakeholders** (advisors, faculty, supervisors, Dean of Students, etc.)
  - Refer to **Title IX** (TIX reportable information known)
  - Collaborate with **Title IX**
  - Refer for **Disciplinary Review/Action** (including **Interim Action** considerations)
  - Contact **emergency contact(s)** listed
  - Call **police** for **emergency welfare check, close patrol, or back-up**
  - Refer for a **No Trespass Directive** (non-affiliated visitors)
- Mitigate risk by engaging directly with the person of concern
- Elevated or High Risk Levels

## Q & A

# UT System's Contact Information

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