

HOW DO I TALK ABOUT THE VIOLENCE I EXPERIENCED?

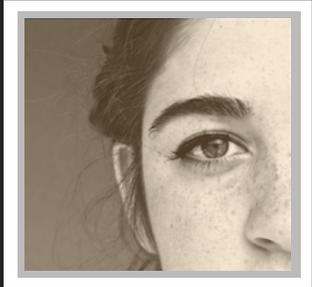
A GUIDE FOR K-12 STUDENTS
AND THEIR CARETAKERS



Victim Rights Law Center
www.victimrights.org

surviving
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HOW DO I TALK ABOUT THE VIOLENCE I EXPERIENCED?



Sexual violence, dating violence, domestic violence, and stalking are a different experience for every survivor. Much of what we know about violence we learn from depictions in the media or from textbooks in school. The violence you experienced may look different than what you've seen in those examples, and you may not know what to call your experience. Because no act of violence looks the same and we all experience it differently, we have provided definitions to help you navigate your experience. Many survivors of violence, especially young survivors, may not know whether to report the violence they experienced, to whom they can report, or what their options are if they do choose to report. Young survivors may also have unique concerns relating to their privacy, safety, school, and more. Each survivor may have a different response to what they experience, and your response is a normal response to something that should not have happened to you. Names in this document represent all genders and gender identities because sexual violence, unwanted touching, and other experiences in this document can happen to anyone.

Who This Document is For: Many young people experience violence, but lack the terminology and information to know what to call it, and are often unaware of what resources they have available to them. This project is a guide for young people and their parents or guardians to be able to identify situations such as sexual violence, dating violence, stalking, or sexual harassment, and to learn about the general legal remedies they could access. The foundation of this project is based in helping a reader identify what happened to them; if someone has not known what to call their experience or their child's experience, they may not even be aware that they have legal remedies available.

You Are Not Alone: If you've experienced sexual violence, dating violence, domestic violence, and/or stalking, it is important that you know you are not alone. Almost half of the survivors of these crimes are under the age of 18 (RAINN).

You Have Rights: While this document cannot capture all of your potential rights as a survivor, it is meant to give you a starting place so you can decide which options are best for you.

Definitions Disclaimer: Please note that exact definitions will depend on your state's laws and school's definitions; the following are some of the more commonly used definitions. Examples are provided to help explain what can be complicated concepts.

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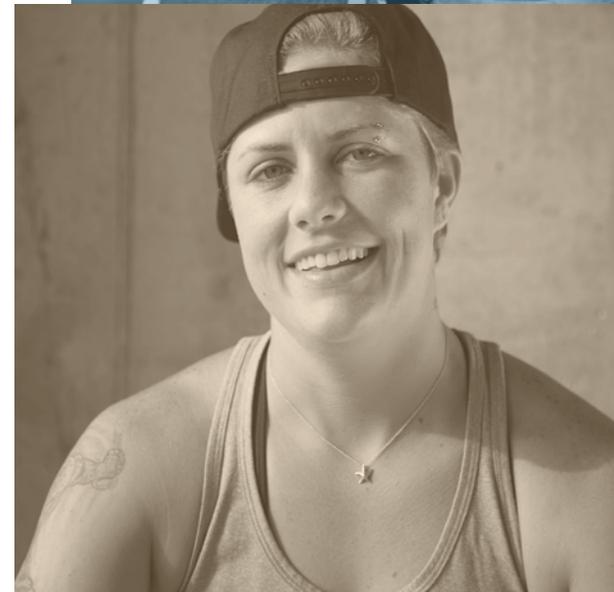
MANDATORY REPORTING

While mandatory reporting laws vary by state, please be aware that some of the people you may want to discuss your experiences with could be mandated reporters. Mandated reporters are people required by law to report abuse to your state's Department of Children and Family Services or other similar agency, and/or to law enforcement in order to keep a variety of people, including minors, safe. Almost anyone who works with minors (generally defined as someone who is under the age of 18) may be a mandatory reporter (e.g. doctors and teachers). **This doesn't mean you can't or shouldn't talk to any of these people about your experiences** – they are there to help you.

If you are worried about mandatory reporting, or what happens if a report is made, you can contact your state coalition for more information on your state's mandatory reporting laws. **You can call without giving any identifying information.** You can also ask your coalition for a referral to an anonymous hotline, or any other services available to minors in your area.

Every state and territory has an organization that understands the laws and resources available in your state for sexual violence and domestic violence victims.

For a full listing of coalitions by state or territory, visit www.nsvrc.org/organizations.



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DEFINITIONS OF COMMONLY USED TERMS

CONSENT: A clear agreement between two or more people, expressed in words or actions everyone can understand, to engage in an activity (sexual or otherwise). Any person involved can stop consenting at any time. Consent must be voluntarily given – if a person is being subjected to actions or behaviors that make them feel pressure, intimidation, or fear - consent is not present. Consent is needed every time someone wants to initiate sexual activity: having consent to engage in one sexual activity does not mean someone has consented to engage in a different sexual activity; having agreed in the past to engage in a particular sexual activity is not consent to engage again in that sexual activity. Consent cannot be given by a person who is incapacitated by drugs or alcohol. Both parties are responsible for ensuring consent.

For example: Martina and Lilly are kissing. Martina asks if it's okay for her and Lilly to do more than kiss. Lilly does not say no, but seems hesitant, and says, "I don't know...maybe."

That is not consensual and is not okay – even though Lilly didn't say "no," she did not say "yes" or clearly indicate she wanted to go further than kissing. She hesitated, so Martina should not do anything more than kiss Lilly because she does not have consent to do anything more than that.

For example: Blair and Carmen have been hooking up regularly for a few months. They have not had sex, even though Blair often brings up sex; Carmen has previously said she does not want to have sex until she is a few years older. While hooking up, Blair tries to start having sex; Carmen shakes her head no, but does not say anything. Blair insists, and says, "Come on, you'll do this if you really like me."

That is not consensual and not okay – By continuing to pressure Carmen to have sex, Blair is intimidating and coercing Carmen. Trying to get Carmen to give in and say yes is not Carmen giving consent – she's feeling pressured to do something she does not want to do.

SEXUAL VIOLENCE: Any type of sexual contact or behavior that occurs without consent, or against someone's will. This term covers a range of experiences, such as unwanted touching, rape, and sexual assault.

UNWANTED SEXUAL TOUCHING: Touching someone in a sexual way on a body part usually considered to be sexual, such as one's breast, butt, or genitals, without consent.

For example: Marco meets Aidan online, and they begin a friendship that sometimes

includes consensual sexual messaging. Aidan pushes Marco to have sex, and Marco feels scared to reject him, but knows he does not want to have sex. When they talk online, Marco often tells Aidan he is not ready to have sex. Aidan continues to pressure Marco until he eventually says yes when they meet up, even though he does not want to, because he is worried about saying no.

That is not consensual and not okay. Marco, afraid to say no, felt pressured to give in.

For example: Laura arrives at a party that Jared is hosting. Jared and Laura start talking, and they drink together. Jared gives Laura a few shots of vodka. Laura has had alcohol before and generally knows how she feels after drinking, but feels especially drunk this time. After finishing her shots, Laura feels unusually confused, woozy, and the room feels blurry. She soon passes out, and wakes up later to find Jared kissing and touching her under her clothes.

That is not consensual and not okay. Laura was unable to give consent to sexual activity, as she had passed out due to alcohol.

For example: Jasmine and Tyler take the bus to school each day. They know each other, but are not really friends. While

Jasmine is listening to music one day on the bus, Tyler grabs her breasts.

That is not consensual. Jasmine did not welcome Tyler touching her.

For example: A freshman, Su Jin, has cerebral palsy and uses two arm crutches, and is part of her school's specialized learning program. Joe, the school's football quarterback who also volunteers as a student helper in the program, is alone with Su Jin during a tutoring session when he rapes Su Jin.

That is not consensual and is not okay.

DATING VIOLENCE: Dating is defined differently by each individual. Generally, dating violence is defined as violence committed by one person against another person with whom they are or have been in some type of a romantic or intimate relationship. Young people may be involved with someone and not consider it dating, but the law might define it as such. Additionally, young people may also consider themselves to be dating someone, but the law does not (e.g. extended online communications). Dating violence can take many different forms, including physical, emotional (isolation, manipulation), sexual, verbal (name-calling, threats), financial (stealing, breaking property), or spiritual abuse (preventing you from practicing your faith).

For example: Alex and Sean are friends, but have been regularly hooking up for a year. While their relationship is close, they do not define it as dating. Sometimes, when Alex and Sean are hooking up, Sean initiates oral sex and other new sexual activities without making sure Alex is okay with that or whether she wants to do those things. Sean does not always stop if Alex asks him to.

This is not consensual and is a type of dating violence – Sean is not getting consent from Alex when he initiates oral sex or other sexual activities, and is not stopping even if Alex asks him to. Given the length of time they've been hooking up, and the frequency of their hook ups, their relationship would probably be considered dating under the law, and this situation considered dating violence.

For example: Krissy and Jon have been dating for most of the school year. Krissy often puts Jon down, insults him, and comments on how stupid he is in front of their friends. Jon has let Krissy know he's upset by this, and Krissy often responds with, "Relax, I didn't mean it," but continues her behavior. Despite how Krissy makes him feel, Jon still loves Krissy and has not broken off their relationship.

That is not okay and is a type of dating violence – Krissy is putting Jon down and publicly insulting him. Her behavior is emotionally abusive.

STALKING: Although it's sometimes talked about in a joking manner, stalking is scary and dangerous. A simple definition of stalking is: a repeated pattern of behavior that would cause a person to feel afraid. Stalking is usually directed at a specific person (but can impact other people close to that person), and causes that person to fear for their safety or the safety of another person, or cause that person to suffer emotional distress.

Stalking laws vary by state. While we may typically think of stalking as someone being followed home or followed around, stalking can include such behaviors as:

- Someone repeatedly texting, emailing, using social media to contact you (Facebook, Instagram, Snapchat, etc.), or calling you many times a day in a manner that makes you feel afraid for your safety or the safety of those you care about
- Someone showing up uninvited at your classes, your house, your place of work and intimidating you
- Someone installing applications on your phone/device to track your location

We are often told we are supposed to enjoy it or feel flattered when someone gives us lots of attention. We're told that is romantic, or that it means the person just really likes us. You have the right to define your own boundaries and decide what is comfortable for you. If someone's behavior makes you feel uncomfortable, trust that instinct.

DEFINITIONS OF COMMONLY USED TERMS

Stalking behaviors often start during a relationship or friendship and can intensify post-breakup or post-separation.

For example: Brad and Leila are friendly at school. They work on a class project together. Though Leila has never given Brad her address or told him where she works, Brad begins showing up on her street and at her after-school job. He also often stands outside her classroom and stares at her. Leila feels confused and scared.

That is not okay and is a form of stalking
– Brad’s behavior is intimidating Leila and causing her to fear for her safety.

For example: Derek and Jamie are dating and go to school together. Derek starts following Jamie home after soccer practice, texting them multiple times a day asking where they are, and calling their phone repeatedly until they answer. Derek installs apps on Jamie’s phone so he can see their location from his phone. Jamie, feeling uncomfortable with these behaviors, breaks off the relationship. Derek then starts to call and text them more each day, making Jamie feel even more uncomfortable.

That is not okay and is a form of stalking.

Sexual harassment: Harassment includes any unwelcome or unwanted sexual advances. These can be physical or verbal acts, including but not limited to: joking about sex, repeatedly asking you to date or hook up, repeatedly asking you for sexual activity you’ve said no to, making sexual comments about you or your looks, whistling at or cat-calling you.

Sexual harassment can be verbal, can occur online, via text message or phone, or by other means. It can make you feel unsafe in your environment, whether that is at school, work, a religious group, camp, or other space. Harassment can include:

- Threats of physical touching
- Posting sexual information about you online that you didn’t want up there
- Unwanted physical or sexual behavior
- Verbal harassment (insults, jokes, taunts, sexual jokes)
- Sexually objectifying behaviors (comments, whistling, honking from a car as you pass by, etc.)

For example: Jerome and Carly are dating. Sometimes, Jerome and Carly send sexual pictures to each other via text or Snapchat. Carly sends Jerome a picture via Snapchat and Jerome saves the photo, then shares it with his friends without

Carly knowing. The friends Jerome shares the photo with then start consistently joking about Carly’s picture to her and others at school, and also Tweeting about Carly, calling her names.

That is not okay - Jerome saved the photo without Carly’s consent, and shared it without her consent. Jerome’s friends are also sexually harassing Carly.

For example: Xavier plays basketball for his school’s team. His coach has sometimes made comments about Xavier’s body that make him uncomfortable. Unrelatedly, Xavier injures his foot during the season and has to miss a few games. His coach begins calling him at home to harass him about returning to the team. Soon, his coach starts making comments about Xavier’s body in a sexual way when he calls him at home. His coach also begins sending him sexual messages online.

That is not okay - Xavier’s coach’s behavior is unwelcome and harassing. His comments about Xavier’s body and sexual messages online are unwelcome and inappropriate.

Gender-based harassment: Can include any of the above, as well as comments or actions specifically directed at someone because of one’s gender or perceived gender.

For example: Marla identifies as female. Many of her classmates have known her since before she publicly identified that way, and often tauntingly refer to her as Mark, the name she went by before identifying as female. When Marla tries to use the girls' bathroom at school, other girls sometimes glare at her or tell Marla she's "not supposed to be there."

That is not okay – Marla is being harassed on the basis of her gender identity.



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COMMON FEELINGS AFTER YOU HAVE AN EXPERIENCE YOU IDENTIFY AS VIOLENCE

There is no “typical” reaction to any of the situations outlined here. Whatever feelings you may be experiencing, it is likely someone else has felt those, too. You are not alone. Many young people experience trauma symptoms, such as heightened anxiety, flashbacks to the event, feeling scared or on high alert all the time, feeling as though they see the person who hurt them everywhere or that suddenly everyone looks like them, feeling unable to sleep, unable to focus on school, or feel isolated.

It is also common to want to stay in contact with the person who hurt you. Many people do this to try to maintain a sense of normalcy and out of fear of retaliation.

COMMON WORRIES ABOUT REPORTING

If you are assaulted, stalked, abused, hurt, or if you experience any of the above but don't refer to it in any of these terms, **you have rights!** If you choose, you also can access a number of services for help, such as a local rape crisis center, therapist, school counselor, police, and more.

Many survivors worry about reporting for a number of reasons:

1. Will my parents find out?
2. Will people at school find out?
3. Will I be believed?
4. Was it my fault?
5. I don't want to get him/her in trouble.
6. Will he/she retaliate against me for speaking out?
7. If I DO want the person to get in trouble, and want everyone to know about it, will I get in trouble for that?

It is perfectly normal to worry about any or all of these. It's also normal to want to keep having a relationship with the person who hurt you: maybe they were your friend, boyfriend/girlfriend, partner, acquaintance, or someone you cared about. None of what you've experienced is your fault in any way. **You can't control someone else's behavior, but you can control what steps you take next to protect your safety and privacy.**

CONCERNS YOU MIGHT HAVE ABOUT REPORTING OR TELLING SOMEONE

No matter what your gender identity is, you are entitled to the same rights, accommodations and services as anyone else your age. Some survivors who identify as Lesbian, Bisexual, Gay, Transgender, Queer, or Questioning individuals; as a male survivor; a person of color; an immigrant; a person with a disability, etc. may have additional concerns about coming forward to tell someone or report the violence they have experienced. These are normal feelings, and your experience is absolutely valid and real.

RETALIATION

Many young people worry that if they speak about their experience or if others find out about what they've experienced, they will be retaliated against by other classmates, by the person who hurt them or their friends/family, or by their teachers or administrators. Retaliation can take the form of bullying, harassment (including threats), rumor spreading, etc.

There may be instances where your school can help protect you from retaliation. Should you decide to report, be sure to discuss the retaliation you are facing.

Example: Chris is a teen who is questioning their gender identity. At a party one weekend, Chris' friend/teammate from the school tennis team, Jay, approaches them and begins touching their body in ways that make them uncomfortable. Chris turns away but feels uncomfortable asking Jay to stop, and he continues. Chris worries that telling their friends about this experience will draw attention to the fact that they are questioning their gender identity.

Example: Rani is a teen from a family of undocumented immigrants. After school one day, while waiting for the bus, his classmate, Jesse, touches him sexually in ways he is not comfortable with. Rani asks Jesse to stop, and she tells him, "If you tell, no one will believe you because I'm a girl. Plus, if you tell the police, your family will be deported." Rani is worried about his family finding out and fears they will be deported to their home country where his mother fled domestic abuse, so he decides not to tell anyone.



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SCHOOL'S LEGAL RESPONSIBILITY TO HELP SURVIVORS WHO REPORT VIOLENCE

While a school may tell a survivor of violence to go to the police to report an incident instead of seeking help through the school, schools that receive federal funding are legally required to respond to reports about sexual violence, sexual harassment, dating violence, and stalking. Instead of forcing survivors to seek help elsewhere, schools must recognize and act on their legal responsibility to help a survivor in ways law enforcement can't.

Your school is required to help you with academic accommodations if you report struggling with sexual assault, stalking, dating violence, or any of the above situations to your counselor, teacher, or other school administrator.

While police can help survivors get orders of protection against a person who hurt them, or investigate the matter and potentially pursue a criminal case against them, police are not intended to provide help with specific actions where schools CAN, such as:



- Help a survivor feel safe in their classes
- Help a survivor get academic assistance (i.e. extra time on assignments or tests, rescheduling assignments, etc.)
- Help a survivor get counseling sessions with a school guidance counselor
- Change bus schedules
- Have a friend or designated person walk them to class
- Prevent the person who hurt them from going to the same extracurricular activities
- Prevent the person who hurt them from eating lunch in the cafeteria at the same time
- Hall pass to seek help from an adult (i.e. guidance counselor, coach, teacher) when experiencing trauma symptoms
- Help with excusing absences from school
- Help with access to locker rooms or bathrooms based on gender identity
- Safety plans to reduce contact or interaction with the person who hurt them

BE SURE TO CONSIDER WHO THE MANDATORY REPORTERS ARE IN YOUR STATE.

LEGAL REMEDIES

TITLE IX:

Title IX is a federal law that provides you the right to access the benefits of your education without gender-based or sexual discrimination. Gender-based or sexual discrimination includes sexual violence, domestic violence, dating violence, and stalking.

- You have the right to choose whether or not to report or disclose gender-based violence.
- You have the right to report what happened, whether it occurred on or off campus, by a fellow student or campus employee.
- You have the right to be notified of existing counseling, mental health or other student services for victims of sexual violence, regardless of whether or not you file a disciplinary complaint.
- You have the right to ask for safety measures to be put in place by your school. You and your school can determine what steps to take to protect you, including avoiding contact with the person who hurt you or their friends, or allowing you to change your academic circumstances, etc.
- You have the right to receive school protection from any retaliation that occurs after you report. This may include retaliation by the person who hurt you or their friends, club members, teammates, or more.
- You have the right to an adequate, reliable, and impartial investigation of your complaint by the school.

SECTION 504:

Section 504 of the Rehabilitation Act (Section 504) is part of a federal law that prohibits a school that receives federal funding (which includes almost all schools in the country) from discriminating against students with disabilities and ensures that schools provide necessary accommodations for students with disabilities to allow them equal access to their education. A student is eligible for 504 accommodations if they have a physical or mental disability that substantially limits a life activity or activities. A school must have an established policy and procedures related to 504 determinations. Sometimes experiencing sex discrimination such as sexual violence, sexual harassment, gender-based harassment, dating violence, and stalking can cause health problems that can be defined as either short-term or long-term disabilities.

- Entitles eligible children to a free and appropriate education (FAPE)
- An appropriate education is one that is designed to meet the disabled student's needs as adequately as the needs of non-disabled students are met
- Preference that children be placed in regular classroom setting
- Applies to academic and non-academic programs

IDEA

The Individuals with Disabilities Education Act (IDEA) is a federal law that ensures that eligible students with disabilities receive appropriate services. A student between the ages of 3 and 21 is entitled to special education services if they meet the following criteria: (1) the student has a disability, (2) the student is not making effective progress in school, (3) the ineffective progress is a result of the student's disability, and (4) the student requires specially designed instruction or related services in order to make effective progress in school. There is an eligibility determination process, and if determined eligible, the student will receive a written individualized education plan (IEP).

- Entitles eligible students to a free and appropriate education (FAPE)
- Preference that students be placed in regular classroom setting

These laws are your federal rights. You have the right to feel and be safe at school. If you have experienced any of what has been outlined in this document, you can also choose to access any of the remedies outlined.

EVERY STUDENT SUCCEEDS ACT (FORMERLY NO CHILD LEFT BEHIND):

The Every Student Succeeds Act (ESSA, formerly No Child Left Behind) is a federal law that requires that a victim of a violent crime in or on public school grounds must be allowed to transfer to another public school.

- If there is another public school within the same district, the school must offer the student a transfer, but the student may opt not to take it.
- If there is no other public school within the same district, the school is encouraged to work with neighboring districts.
- A student cannot choose a specific alternative school.
- A school is not required to pay transportation costs that result from this transfer.
- The person who hurt you doesn't have to be convicted of a crime for the survivor to have these rights.



RESOURCES

If you want more information, there are many organizations who can help.

1. Victim Rights Law Center's "Know Your Rights" booklet: <https://victimrights.org/sites/default/files/Know%20Your%20Rights.pdf>
 - a. If you are in Massachusetts or Oregon and want to speak to a lawyer, you can call the Victim Rights Law Center:
 - i. Massachusetts: 617-399-6720 (extension 19)
 - ii. Oregon: 503-274-5477 (extension 6)
2. Break the Cycle: www.breakthecycle.org
3. Stalking Resource Center: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>
4. National Sexual Violence Resource Center: www.nsvrc.org
5. Your state coalition: <http://nsvrc.org/organizations>
6. National Suicide Lifeline: <http://www.suicidepreventionlifeline.org> or 1-800-273-8255

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CONTACT US FOR MORE INFO

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