



# ***Where to Start:***

## ***A Guide to Safety Planning with Victims of Campus Sexual Violence***



*VRLC's "Where to Start" series is a resource for administrators seeking to address sexual violence at higher education institutions across the country. As campus sexual violence has risen to the forefront of our national consciousness, institutions are looking for help to address it adequately. This has led to a desire for quick answers and "one size fits all" solutions. However, in VRLC's experience working with victims as well as institutions nationally, this approach often fails to meet the needs of both victims and campus administrators. Every campus is unique, as is each jurisdiction, Indian tribe, or territory, thus the information in this series serves as a guide. It is intended to begin a conversation on your campus which will help you identify current gaps and decisions you need to make in order to close those gaps. The goal of the series is to create an informed, appropriate, and consistent response to sexual violence on your campus that contemplates the size, culture, resources, and specific needs of your institution. As you begin to utilize this series, please keep in mind that the information provided is not legal advice and that you should always consult with a local attorney, your general counsel, or jurisdiction laws if you have questions.*

***Before you begin...*** This guide is focused specifically on the unique needs of student victims of sexual violence attending colleges and universities. The VRLC delivers trauma-informed legal representation that recognizes the significant impact sexual violence has on college students. Drawing on our experience working with hundreds of campus sexual violence victims and training a diverse range of schools, we have created these materials to provide higher education administrators (e.g. student conduct staff, sexual assault advocates, and public safety officers) the tools they need to understand and address victims' safety needs following a traumatic event. The information herein will help assist administrators and advocates in addressing the safety needs of victims of sexual violence.

### ***What is Safety Planning and why is it important?***

Whether it is a single incident or an ongoing pattern, sexual violence can undermine a victim's physical and emotional safety. Safety is feeling and being protected against physical, social, spiritual, financial, and emotional or psychological harm. A safety plan consists of practical strategies that help a victim assess situations that may be physically or emotionally dangerous and assists victims in developing strategies to respond if they feel unsafe. College and university administrators play an important role in helping victims create a safety plan because they have a specialized knowledge of the campus environment. Unfortunately,

constructing and implementing a safety plan cannot ensure that an individual will not face violence again; its goal is to help victims be as safe as possible given the unique campus environment.

Sexual violence is a deeply traumatizing event that can have a devastating impact on a victim's life. When working with victims of sexual violence, it is important to understand the ways in which trauma can impact a victim's decision-making. Restoring a victim's sense of safety after sexual violence can be challenging. Long after the assault, a victim may continue to experience a fear response triggered by any number of reminders of their sexual violence (e.g., places, situations, and people). Fear and anxiety might be related to the situation, the setting, or circumstances in which the assault took place, such as certain music, their residence hall, or even certain smells. Some victims become so fearful that they greatly restrict their activities, even to the point that they are unable to leave their homes or be left alone. Understanding the impact of trauma on victims' choices, reactions, and decision-making can help you create a better safety plan that meets a victim's needs.

**Note on language:** This document was written as gender neutral to reflect the importance of inclusivity to the movement to end sexual violence. In lieu of a gender neutral pronoun, we use "their" or "they" (although not grammatically correct) to embody the important and conscious effort to respect all individuals and the ways in which they choose to identify their gender.

Creating a safety plan that meets the specific needs of students in a campus environment presents unique challenges and opportunities. Individuals on campus that work or interact with victims play an important role in helping victims create a safety plan because they have a specialized knowledge of the campus environment. Each campus environment is shaped by its culture, academics, location (e.g., small town versus city), the size and layout of the campus, and the overall resources available to students. Students are often entirely dependent on the college or university to create a safe learning environment and address their physical, emotional, and academic safety. They often have limited or no access to money, they may be far from their parents, they may not have a car, they often have assigned housing, as well as rigid class schedules. For commuter campuses, victims still face the danger that an accused person knows their class schedule, where they park, and other study, housing, and work locations. While the campus environment poses safety risks for victims, it also increases the opportunity and responsibility for schools to provide options for victims that help them stay safe.

**Victim-Centered Safety Planning...** Remember, victims know their lives best. Ask victims about their specific safety concerns and what they need to keep themselves safe. Your actions and reactions empower and support victims to make the best choices possible by providing the information they need. Present victims with options and then help them think through the implications of those options. One way to begin is to provide an overview of the topic areas that a typical safety plan may address and let them determine which areas to discuss and in what order.

### **Privacy considerations:**

Before beginning any safety assessment, you must first consider what steps can and should be taken to protect the sensitive information you will be discussing with a campus sexual violence victim. In many cases, sexual assault victims' first priority is safeguarding their privacy, even if doing so means that certain safety measures are not an option. For example, a campus victim may decline to seek a civil protection order or refuse to disclose the assault to residential life, friends, or school officials, even though doing so may make them safer.

**Administrators and school employees:** Upon receiving a disclosure, it is important that you explain whether you are able to respect a victim's request for confidentiality. You should discuss with the victim who you are required to notify and how much information you need to share. This will allow the victim to make appropriate and informed decisions about who else they disclose or report the assault to and how much information they give at that time. Make sure you understand whether you are considered a "responsible employee" for Title IX purposes or a Campus Security Authority for Clery Act purposes, and inform students if you are required to report disclosures and/or reports of sexual assault, and to whom such reports must be made. In addition, your school has specific obligations under Family Educational Rights and Privacy Act (FERPA) and the Clery Act. Familiarize yourself with FERPA and the Clery Act and be prepared to discuss FERPA protections and Clery Act obligations with the victim. You can direct any questions you may have to your general counsel.

**Campus safety tip:** Before safety planning with victims, you should review your own confidentiality policies and practices. Consider whether you are a "responsible employee" for Title IX purposes or a Campus Security Authority for Clery Act purposes and discuss the implications with the victim.

Keep in mind that student records could potentially be used against the victim in court. Notes (as well as personal testimony based on verbal conversations) that are in a victim's education record regarding mental health, contact with the accused person, or other disclosures could be subpoenaed in a civil or criminal case.<sup>1</sup>

Familiarize yourself with Title IX, the April 2011 "Dear Colleague Letter", and the April 2014 Questions and Answers on Title IX guide. These documents delineate specific requirements for schools following a sexual assault and provide guidance on Title IX requirements. Knowledge on protecting a victim's confidentiality in the context of Title IX will assist you in discussing safety options.

**Advocates:** Advocates could include staff from a campus women's or health center or a campus-based sexual assault advocate. While certain jurisdictions protect the privacy of communications between advocates and victims of sexual assault, campus-based advocates may or may not be covered by these jurisdictions' privilege laws. Privilege is jurisdiction-specific, thus advocates should familiarize themselves with their jurisdiction's privilege laws. There is an "absolute" Victim-Advocate Privilege in a few jurisdictions, but, in most jurisdictions, advocates have limited or no privilege. Advocates should understand how jurisdiction's law applies to their work and direct questions to an attorney in their

<sup>1</sup> A subpoena is a court order to compel testimony or the production of evidence, such as a victim's school record.

jurisdiction or the school’s general counsel regarding victims’ privacy rights. Make sure that victims understand whether and to what extent their communications with school advocates are protected and what that means for them.

**Licensed Professionals:** Upon receiving a disclosure, some campus professionals, such as mental health counselors, health center employees, or social workers, are not required to report incidents of sexual violence to the Title IX Coordinator in a way that identifies the student.<sup>2</sup> These campus professionals should look at the confidentiality and disclosure obligations, ethical guidelines, and best practices dictated by their profession. Whether or not your profession has statutory privilege will be specific to your jurisdiction’s laws. Consult with regulatory bodies within your profession or an attorney in your jurisdiction if you have questions specific to your profession’s confidentiality.

### **Safety assessment:**

Each victim’s circumstance is unique and, as such, each safety plan should be tailored to meet the individual’s needs while simultaneously assessing the campus environment. A safety plan for campus victims identifies ways to enhance safety in various situations, including while a victim is in their residence hall, class, the dining hall, in social situations, or in case of an emergency.

*Assess what questions to ask and when to ask them:* Your initial conversation with a victim will likely provide the information you need to begin a safety assessment (e.g., the circumstances around the assault and immediate safety concerns). The victim should determine when to begin a discussion around safety planning and which issues to prioritize. For some, this discussion will take place during your initial conversation with the victim, while for others, it could occur at a subsequent meeting.

**Campus safety tip:** Be on the lookout for indicators that a victim is being harassed or stalked after an assault. However, given societal misunderstandings, victims may not describe the behavior they are experiencing as stalking. For instance, the accused student may be calling or texting the victim hundreds of times, or showing up outside of the victim’s classes or other places the victim frequents on campus.

After addressing safety generally, help the victim assess the specific risk the accused person poses and evaluate the nature and severity of risk by identifying the following:

- Threats to the victim’s physical safety by the accused person or their friends;
- Stalking and harassing the victim or their friends or teammates in person or through social media;
- Threats to others, such as the victim’s friends, roommates, teammates, or family members;
- Any other threats, such as reporting the victim to immigration authorities, sharing videos or pictures of the victim, posting pictures or statements online, “outing” a victim who identifies as lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ).

<sup>2</sup> “Questions and Answers on Title IX and Sexual Violence” (April 2014), U.S. Department of Education Office for Civil Rights, 22-4. Available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

**Identify campus and/or population-specific safety concerns:** Every victim presents different issues and safety concerns. A victim who identifies with one or more traditionally marginalized or underserved communities may have distinct safety planning needs. Therefore, it is important to be aware of specific safety concerns that may be relevant to:

- Victims with disabilities (physical and/or cognitive)
- Older adults [Note: Many schools have non-traditional students, who may be older]
- Minors [Note: While most college students are adults, some students may be younger]
- Victims who identify as lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ)
- Non-U.S. citizens or students in the country on student visas
- Students from immigrant communities
- Students of color
- Students living in poverty
- Students who are homeless [Note: Students may have campus housing but not permanent housing when school is not in session]
- Students who are geographically isolated, such as those living in rural communities or the school is in a rural community
- Students who are a part of insular, isolated groups/communities, such as some religious sects
- Students who are members of religious organizations and/or have religious beliefs
- Students who are linguistically isolated
- Students who have been trafficked or sexually exploited
- Students who are military service members or part of a military student organization, such as ROTC.

**Campus safety tip:** Student victims with disabilities may have protections and accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. These federal laws may be useful when discussing accommodation options with the victim.

**Campus safety tip:** Some campus victims may be in the country on a student visa. This may leave them vulnerable to threats from the accused regarding their immigration status.

**Be conscious of gendered pronouns.** Not all victims are female, nor are all accused people male. Not all victims are sexually assaulted by a person of the opposite sex. Not all same-sex sexual assaults involve people who identify as LGBTQ. Some victims may prefer to be referred to by a pronoun that is different than their perceived biological sex. Be conscious of your use of gender pronouns and if you need clarification, ask.

**Consider the victim's emotional safety.** If you feel unqualified or that it is inappropriate for you to discuss these issues, refer the victim to a sexual assault advocate or counselor who can. Make sure to keep an up-to-date list of community resources and services available to sexual assault victims in your area.

Addressing threats to a sexual assault victim's emotional safety can be just as important as addressing physical safety concerns. After an assault, victims may develop harmful coping mechanisms (e.g., substance abuse or other addictions, cutting/self-mutilation, eating disorders, increased risk-taking, other high-risk behaviors).

Victims who experience trauma-induced mental health conditions (e.g., depression, anxiety, and suicidality), may isolate themselves from friends and/or family, or feel unsafe in their own bodies.

For those who do feel qualified and will be discussing these issues with victims, we have included some suggestions for addressing emotional safety.

**Campus safety tip:** Before asking about suicidality and/or other forms of self-harm, discuss with the victim any mandatory reporting obligations you may have. Information about self-harm or other potentially harmful coping mechanisms can be used to discredit the victim in both criminal and civil legal cases. If your records are not protected by an absolute privilege, it is critical to have record-keeping policies that reflect sexual assault victims' need for privacy.

**Safety planning is an ongoing process.** It's not always a one-time conversation. Your initial conversation with the victim should give you a sense of their immediate safety needs, which, in turn, will help you and the victim identify safety issues that require immediate attention and those that can be addressed in subsequent meetings. Over time, new concerns may arise that require adjusting the safety plan. For many victims of sexual trauma, enhancing emotional, mental, physical, and economic safety will be a consideration for years after the assault. Encourage victims to let you know when their needs or circumstances change and work with them to modify their safety plans to accommodate those changes.

**Assist with implementing the plan.** Victims may need assistance in implementing their safety plans. This may include the victim considering whether to alert a professor, coach, work supervisor or advisor regarding the current situation. Take time to ensure that the victim understands the plan and that the information is captured in a way that makes the most sense to the victim.

The following list of questions is designed to guide you as you and the victim engage in safety planning. It is not a checklist. Use what you know about the victim's experience to determine which questions are relevant and appropriate. Avoid asking questions that are not applicable. This list is not exhaustive; additional questions may be required to address the victim's individual situation. Do not ask questions because you are curious. Keep in mind that victims know what is best for them and what will make them safe, so always follow their lead. Victims may neither have nor want to share the answers to all the questions you ask. And that's okay.

### ***Immediate physical safety***

- Is the accused person a classmate or a person in a position of authority at the school (e.g., a teacher, advisor, residence hall director, coach)?
- When do you see the accused person? In your residence or dining halls? Are there things the school could do to help make you feel safer, such as switching classes, switching residence halls, providing safe meal times in dining halls, etc.?

- What information, if any, does the accused person have about where you live, study, or about other places you go on a regular basis?
- Has the accused person threatened you, either directly or in other ways (e.g., threatened to tell other people, get you fired from your campus job, report you to campus police for drinking or using drugs, “out” you as LGBTQ, post pictures or statements online)?
- Has the accused person contacted you since the assault? If so, in what ways and how often?
- Has the accused person stalked or harassed you, your friends, or your teammates? [Note: Remember, students may not identify certain behavior as stalking. Pay close attention to behaviors they describe or explain to them what stalking behavior looks like.]
- Are you considering reporting the assault to campus police or law enforcement?
- Do you fear retaliation if you report to law enforcement? What kinds and by whom?
- Do you have a civil restraining order or other type of protection order against the accused person? If not, do you think some type of protection order would be helpful?
- If your campus issues No Contact Orders: would some type of order from the school be helpful?
- Are you considering reporting the accused person in order to initiate disciplinary proceedings?
- Do you have any injuries or other health concerns as a result of the violence? If so, have you been able to receive medical care?
- Do you have a cell phone you can use if you need to call for help?
- Do you have a plan in case of emergencies (e.g., if you were in danger or needed medical attention, who you would call, where you would go, how you would get there)?
- Are there things that you or others can do that would make you feel safer at school (e.g., a change in class schedule, provide bus service to/from the school, taking a leave of absence, change your residence hall, move your locker, provide an escort, change practice or meeting times, create “safe” dining hall hours, designate a “safe” parking space)?
- Are you aware of our school’s counseling, mental health, medical, or student services for victims of sexual assault? If not, would you like me to tell you about services available to you from the school or in the community?

**Campus safety tip:** Schools should ensure complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement.

**Campus safety tip:** Your school may have No Contact Orders (NCOs) available to students. When available, a civil protection order (CPO) can also be a valuable safety measure. Find out if your jurisdiction has this protection and if there are local resources they can access to assist them in obtaining a CPO.

- Have your read through the campus sexual violence policy? Would it be helpful to look through it together?

**Campus safety tip:** Some victims may find sexual assault to be so overwhelming and traumatic that they are suicidal. Be alert for victims who implicitly or explicitly mention that they are thinking of hurting themselves or taking their life. If, based on your conversation with a victim, you believe this may be a possibility, do not be afraid to ask them directly. People don't get the idea to hurt themselves simply from someone mentioning it. Your school may provide training to administrators and staff on how to address suicidal students. Familiarize yourself with protocols for staff to follow if they determine a student is a danger to themselves or others. These policies should be consistent with victims' privacy rights and the school's other privacy obligations.

### **Safety and technology**

- Does the accused person know your phone number? Your email address?
- Does the accused person know any of your passwords?
- Do you have any social media accounts (e.g., Facebook, Instagram, Snapchat, Google+, Twitter, and LinkedIn)? Are you "friends" with the accused person? Is anyone in your social media network "friends" with the accused person? Do you know how to block the accused person and their contacts from accessing you via these avenues?
- Have you reviewed your privacy settings (e.g., on shared computers, social media sites) since the assault? Can you adjust those settings to keep your personal information more secure?
- Has the accused person or their friends contacted you using these mediums? If so, can you gather (and retain) evidence of this contact (e.g., phone records, screen shots, saving voicemails, text messages)?
- Has the accused person or their friends posted anything about you online? What was posted? Is the post still online?
- Have you searched for your name on the internet? If so, does any private information (e.g. home address, phone number) show up? Do you need help removing this information?

**Campus safety tip:** The issuance of and enforcement of restraining orders as well as school No Contact Orders may require various forms of evidence to ensure victim safety. Encourage the victim to save any electronic records that might be relevant to the assault, including texts, emails, Facebook posts, or other electronic messages sent to or from the accused student before or after the assault.

**Campus Safety Tip:** Harassment may occur through social media, or other electronic means by peers or faculty. Assess whether the harassment is sexual in nature, as this may qualify as sexual harassment and have implications for the school under Title IX.

## Safe housing

- What kind of housing do you live in (e.g., apartment, residence hall, house)?
- Who owns the building where you live (e.g., the school, private landlord, you)?
- Do you live alone or share your housing? Do you know the people with whom you share your housing?
- Does the accused have a key or access card to your housing?
- Are you physically safe inside your housing? Do your windows and doors lock? Do you have lights outside? What is the security like for entering and exiting your building/house?
- Who could you stay with if you needed to leave your on or off campus housing? Do you have friends or family nearby? Who else on campus or in the community do you know and trust? How would you contact them?
- Would it be safer to move to new housing? Would you like to discuss the possibility of moving to new housing? Do you need help finding a new place to stay?
- Can you think of other things you can do to feel safer where you live?

**Campus safety tip:** If your school requires students to live on campus, consider the implications of forcing a victim remain on campus and ways to mitigate any potential harm.

## Safety in extracurricular activities

- Are you or the accused person involved in Greek life? Do you have specific concerns about threats, harassment, or other interactions with any of the fraternities or sororities on campus? Are you experiencing any retaliation from members of Greek life?
- Are you involved in student groups or clubs? Do you have any concerns about particular members of these groups? Are you being threatened or harassed by any group members? Are you experiencing any retaliation from group members?
- Do you play on any campus sports teams? Do you have any concerns with regards to teammates, coaches, etc.? Are you being threatened or harassed by any of your teammates or coaches? Are you experiencing any retaliation from your teammates or coaches?
- Does your club, team, fraternity or sorority have a contact list or listserv that members may access?

## Safe campus workplace

- Are you currently employed? If yes, is this off campus or on campus employment?
- Does the accused person work on campus? Does the job allow the accused person to access your information (e.g., Registrar, Dean's Office)?

- Is the accused person a coworker or a person who has authority over you at your campus job (e.g., is the accused person your supervisor)?
- Does where you or the accused person work impact your ability to access campus services, such as the dining hall, the library, or your residence hall? (e.g., the accused person works in the library, is the victim's resident advisor(RA))
- Does anyone else at your campus job know about the assault?
- Would an accommodation to have a different employment location, timing, or position make you feel safer?

### Safe community

- Do you see the accused person when you are off campus? If yes, where (e.g., at the grocery store, the mall, local restaurants, religious services)?
- How do you get to the places you need to go to (e.g., school, the mall, religious services, places you study, the movies, friends' houses or residence halls, restaurants)?
- Is there someone you trust who can accompany you to the places you need to go?
- If you were approached by the accused person in an off campus location, do you know where you could go to be safe?
- Does the accused person know your transportation routes?
- Are you comfortable using the school's transportation (e.g., campus bus systems, shuttles)?
- Does the accused person use the same transportation you do, such as the train or bus? If so, are there other ways you could get where you need to go? Do you always have access to a vehicle or have a friend who could drive you?

### Providing additional support

The following are ways in which you might further support victims' safety, as appropriate to your role, school policies, etc.:

- Provide a list of resources both on and off campus (e.g. campus health center, campus counseling center, rape crisis centers, campus women's or health centers, taxi/car services, support groups, mental health specialists, healthcare providers, law enforcement, and addiction counselors).
- Work with community-based sexual assault advocates to provide training to appropriate campus administrators, faculty, and staff on campus sexual violence.
  - Collaborate closely with community-based sexual assault advocates/counselors to ensure that victims have access to free, confidential services off campus.

- Develop and provide training specific to appropriate campus administrators, faculty, and staff on the campus disciplinary process, Title IX, Clery Act, VAWA Amendments to the Clery Act, and victims' education and privacy rights.
- If your school does not have a sexual assault policy, begin the process of developing a policy that meets the needs of your school. Encourage students to provide input.
- Remember, when a victim reaches out, you may be one of the first people they tell about their assault. Compassion, validation, and support send an important message to that victim. Furthermore, by creating safe spaces and people for campus victims to disclose to, you begin to truly address the issue of sexual violence at your school.

Other resources:

- The VRLC has additional resources and information available on our website, [www.victimrights.org](http://www.victimrights.org).
- Stalking Resource Center: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>
- White House, Not Alone: [www.notalone.gov](http://www.notalone.gov)