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Working with Students from Marginalized Populations in the Sexual Misconduct Process

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Learning Outcomes

- Participants will learn about the historical implications that may impact both our personal biases and university processes
- Participants will examine general statistics as it relates to sexual assault on campus involving marginalized populations, specifically, students of color, students of Latino descent, students of Asian descent, and students who identify as LGBTQ
- Participants will understand how different identities impact students, including complainants and respondents
- Participants will reflect on suggested recommendations when working with students from marginalized populations through the sexual misconduct process

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Historical Context and Impact

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Recognizing our Biases

- What and who do we imagine?
- What has impacted that perspective?



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Historical Context

- Impact of¹:
 - Legal systems
 - Universities/university grievance systems
 - Advocacy
 - Policy development

¹ Chris Linder, "Reexamining our Roots," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 60-78.

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Kateeka Harris

- ❖ Title IX Compliance Officer/Deputy Title IX Coordinator for Tarrant County College District
- ❖ Director of Diversity and Inclusion, ASCA



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Statistics

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Reporting Sexual Violence

- Fewer than 5% of sexual assaults on campus are reported to the police²
- People of color, men, trans* and queer report less³
- Less likely to report acquaintance rape⁴
- More likely to report when respondent is a different race⁵

² Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women (Report No. NCJ-182369)*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.

³ Chris Linder, "Reexamining our Roots, A History of Racism and Antirape Activism," p. 72.

^{4,5} Jessica Harris and Chris Linder, "Introduction" in *Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 8.

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Race/Ethnicity

- Rape during a women's lifetime in the US⁶:
 - 32.3% of multiracial women
 - 27.5% of American Indian/Alaska Native women
 - 21.2% non-Hispanic black women
 - 20.5% of non-Hispanic white women
 - 13.6% of Hispanic women
- Sexual Violence is primarily an intra-racial crime.
- 78% of female victims and 62% of male victims are assaulted by someone of the same race.

⁶ U.S. Department of Justice, Bureau of Justice Statistics. 2003. *National Crime Victimization Survey, 1992-2000*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

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Rape and Sexual Orientation

- Sexual Violence experienced by a member of LGBTQ during their lifetime in the US⁷
 - 13% lesbians have been raped
 - 45% bisexual have been raped
 - 47% transgender have been raped
 - 40% gay men and 47% bisexual men have experienced sexual violence other than rape

⁷ The National Intimate Partner and Sexual Violence Survey: An Overview of 2010 Findings on Victimization by Sexual Orientation, https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf, visited on 1/25/19.

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IPV and Race

- IPV during a women's lifetime in the US⁸:
 - 56.6% multiracial
 - 47.5% American Indian/Alaska Native
 - 45.1% non-Hispanic Black
 - 37.3% non-Hispanic White
 - 34.4% Hispanic
 - 18.3% of Asian or Pacific Islander

⁸ The National Intimate Partner and Sexual Violence Survey p. 120, <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf#page=135>, visited on 1/25/19.

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IPV and Race

- IPV during a man's lifetime in the US⁹:
 - 42.3% multiracial
 - 40.5% American Indian/Alaska Native
 - 40.1% non-Hispanic Black
 - 30.3% non-Hispanic White
 - 30.0% Hispanic
 - 13.7% Asian or Pacific Islander

⁹ The National Intimate Partner and Sexual Violence Survey , p. 123, <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf#page=135>, visited on 1/25/19.

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IPV and Sexual Orientation

- IPV experienced by LGBTQ during lifetime¹⁰
 - 44% lesbians
 - 22% lesbians raped by an intimate partner
 - 61% bisexual women
 - 26% gay men
 - 37% bisexual men
 - 31.1%-50% transgender¹¹

¹⁰ Human Rights Campaign, Sexual Assault and the LGBTQ Community, <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>, visited on 1/25/19.

¹¹ Intimate Partner Violence and Sexual Abuse Among LGBT People, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Intimate-Partner-Violence-and-Sexual-Abuse-among-LGBT-People.pdf>, visited on 1/15/19.

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IPV and Bisexual women

- At higher risk than heterosexual women¹²:
 - The rate of stalking among bisexual women is more than double the rate among heterosexual women.
 - Among rape victims, bisexual women experienced rape earlier in life compared to heterosexual women.
 - A higher percentage of bisexual women reported being concerned for their safety or injured as a result of IPV.
 - *Most reported only male perpetrators.*

¹² Walters, M.L., Chen J., & Breiding, M.J. (2013). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from http://www.cdc.gov/ViolencePrevention/pdf/NISVS_SOFindings.pdf.

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Students – Race

- Impact of Race¹³:
 - Asian women less likely to experience assault than non-Hispanic White students
 - Asian women less likely to experience penetrative assault
 - Black women increased odds of touching-only than non-Hispanic White women

¹³ Mellins CA, Walsh K, Sarvet AL, Wall M, Gilbert L, Santelli JS, et al. (2017) Sexual assault incidents among college undergraduates: Prevalence and factors associated with risk. PLoS ONE 12(11): e0186471. <https://doi.org/10.1371/journal.pone.0186471> . p. 12-13.

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Students – Sexual Orientation

- Impact of Sexual Orientation¹⁴:
 - Non-heterosexual women more likely to experience sexual assault than heterosexual females
 - Gay men more likely to experience sexual assault than heterosexual males
 - Majority were victimized by males
 - Incapacitation was most common method

¹⁴ *Id.*, p. 15-16.

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Special Considerations when Working with Complainants and Respondents

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Stereotypes

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Impact of Stereotypes

- Racial Stereotypes¹⁵:
 - Native women considered dirty
 - Black women considered Jezebels or promiscuous
 - Asian women considered exotic, inferior, passive
 - Latina women considered harlots and spittfires
 - Multi-racial women considered mentally, emotionally and socially weak, powerless, and tormented
 - White women are considered pure and virginal

¹⁵ Jessica C. Harris, "Centering Women of Color in the Discourse on Sexual Violence on College Campuses," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 49-50.

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College Student Perceptions

- Perceptions regarding sexuality¹⁶:
 - Greater acceptance of rape myths
 - White women as sexually liberal
 - Black women as promiscuous
 - Latina women as sexy and feisty
 - Asian women as submissive
 - White women less responsible for rape when raped by a black respondent, than black women

¹⁶ *Id.*, p. 51.

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Internalized Biases

- Internalized biases for people of color¹⁷:
 - Latinas more likely to blame other Latinas
 - Hispanic American women and Asian American women display higher acceptance for rape myths
 - Hispanic American hold less positive attitudes towards rape victims than white women
 - Black women less likely to report because of self-blame or awareness of stereotypes

¹⁷ *Id.*, p. 51-52.

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Reporting- Race

- African-American and Latina women¹⁸:
 - 17% of Black women report to police v. 44% of white women
 - Female African American and Latina college students under-report
 - Have the highest rate of physical forced intercourse (18.8% African American, 21.1% Latina)
 - Negative stereotypes
 - Would not be considered serious enough due to race
 - Cultural norms, adherence to traditional gender roles, racial stereotypes

¹⁸ Lewis, K. R. (2013). *Race, Ethnicity, and Differential Perceptions of Sexual Victimization (Assault)*. (Doctoral dissertation). Retrieved from <http://scholarcommons.sc.edu/etd/2673>

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Reporting – Race

- Asian/Pacific Islander American (APIA)¹⁹:
 - Conformity to gender roles
 - Fear and Shame
 - Rejection of stereotypes
 - Fear or shame
 - Community Values²⁰

¹⁹ Ciera V. Scott, Anneliese A. Singh, and Jessica C. Harris, "Intersection of lived oppression and Resilience," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 125-126.

²⁰ Women of Color Network and Facts and Stats: Domestic Violence in Communities of Color – June 2006 retrieved at https://www.doi.state.or.us/wp-content/uploads/2017/08/women_of_color_network_facts_domestic_violence_2006.pdf

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Reporting – Sexual Orientation

- LGBTQ²¹:
 - Fear of being "outed"
 - Stereotypes
 - Exclusion
 - Lack of training²²

²¹ Dastagir, Ala. USA Today, She was Sexually Assaulted within Months of Coming Out. She is not alone., published June 13, 2018, retrieved on 1/31/19 at <https://www.usatoday.com/story/news/2018/06/13/sarah-mcbride-gay-survivors-helped-launch-me-too-but-rates-lgbt-abuse-largely-overlooked/692094002/>

²² Susan B. Marine, "For Brandon, For Justice, Naming and Ending Sexual Violence Against Trans College Students," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 90-91.

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Response - Race

- Women of Color²³:
 - Less likely to report
 - PTSD
 - Substance abuse
 - Depression
 - Self-blame as opposed to isolation

²³ Ciera V. Scott, Anneliese A. Singh, and Jessica C. Harris, "The Intersection of Lived Oppression and Resilience," p. 121-122.

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Response – Sexual Orientation

- LGBTQ²⁴⁻²⁵:
 - Ignore or minimize
 - Isolation
 - Victim blaming
 - Depression
 - Anxiety
 - Isolation
 - Hypervigilance
 - Maladaptive coping (alcohol drug use, self-harm)

²⁴ Jason C. Garvey, Jessi Hitchins, and Elizabeth McDonald, "Queer-Spectrum Student Sexual Violence," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 160.

²⁵ Susan B. Marine, "For Brandon, For Justice," p. 89.

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Respondents

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Respondents - Race

- Racial breakdown of perpetrators ²⁶:
 - 57% white
 - 27% black
 - 8% unknown
 - 6% other
 - 1% mixed group
 - College – N/A

²⁶ Source: Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013). Found at RAINN Perpetrators of Sexual Violence: Statistics Race of Perpetrators, <https://www.rainn.org/statistics/perpetrators-sexual-violence>

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Respondents

- Stereotypes²⁷
- Black men 6% of college undergraduates but overrepresented in complaints²⁸
- Lack of resources
- Racial bias

²⁷ Susan Iverson, "Mapping identities," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 225.

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Respondents - Credibility

- Evidence that evaluations of remorse via demeanor are problematic when it crosses racial and cultural divides, juveniles, intellectually disabled, mentally ill, or taking medication
- People decode emotions of those in their own racial group more carefully
- Racial stereotypes – blackness as dangerousness
- "lack of" could be for many reasons:
 - Eye contact – some cultures regard eye contact as disrespectful or a sign of weakness
 - Impassive – juveniles are taught not to show vulnerability, or might not understand gravity of situation
 - Medications might impact physical abilities or ability to express emotion²⁹

²⁹ Emily Yoffe, *The Atlantic*, The Question of Race in Campus Sexual-Assault Cases, Is the System Biased Against Men of Color September 11, 2017, retrieved on 1/31/19 at <https://www.theatlantic.com/education/archive/2017/09/the-question-of-race-in-campus-sexual-assault-cases/538361/>

²⁹ Banes, Susan, *Remorse and Criminal Justice*, *Emotion Review* Vol. 8, No. 1 (1/2016)

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Kateeka Harris

- ❖ Title IX Compliance Officer/Deputy Title IX Coordinator for Tarrant County College District
- ❖ Director of Diversity and Inclusion, ASCA



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Recommendations

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Recommendations

- Start the conversation
- Check our bags
- Social Justice Paradigm³⁰
- Primary prevention efforts³¹
- Education³²

³⁰ Luokuo Hong, "Digging up the Roots, Rusting the Leaves," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 31-37.

³¹ Nadia Cherre Palacios and Karla Aguilarr, "An Empowerment-Based Model of Sexual Violence Intervention and Prevention on Campus," in *The Intersection of Identity and Sexual Violence on Campus, Centering Minoritized Students' Experiences*, eds. Jessica C. Harris and Chris Linder (Virginia: Stylus, 2017), p. 201-204.

³² Jessica C. Harris, "Centering Women of Color in the Discourse on Sexual Violence on College Campuses," p. 52-54.

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Recommendations

- Inclusive practices
- Culture of support³³
- Training
- Policies

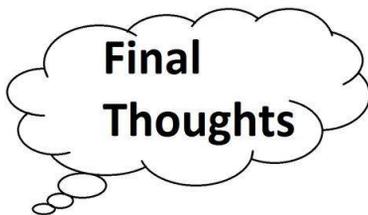
³³ Ciera V. Scott, Anneliese A. Singh, and Jessica Harris, "The Intersection of Lived Oppression and Resilience," 129-132.

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Final Thoughts



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