Sexual Violence, Domestic or Dating Violence, and Stalking

What You Need to Know
Seeking Medical Care?

If you have been a victim of sexual violence (including sexual assault), domestic violence, or dating violence, you should consider seeking medical attention as soon as possible. Even if you do not think you are injured, you may have injuries as a result of sexual violence that you cannot see. Seeking medical attention immediately also allows for more options for the prevention of pregnancy and sexually transmitted infections.

For immediate and urgent medical concerns, go directly to the Emergency Department (ED) of Duke University Hospital (off Erwin Road near Trent Hall). You can call the Duke University Police Department (919-684-2444) for transportation without having to make a report.

For less immediate medical concerns, schedule an appointment at Student Health (919-681-WELL), Employee Occupational Health and Wellness (919-684-3136, option #2), or your primary care physician.

Preserving Evidence

In North Carolina, evidence may be collected even if you choose not to make a report to law enforcement. When arriving at the hospital, inform the nurse examiner that you do not wish to file a police report. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the last 120 hours so evidence that may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and sexually transmitted infections.

Victims of sexual violence, relationship violence (i.e., domestic violence and dating violence), and stalking are encouraged to also preserve evidence by saving text messages, email messages, instant messages, social networking pages, and other communications, and keeping pictures, logs, or other documents that would be useful to University hearing boards/investigators or police.

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1Duke University understands that individuals who have been subject to sexual violence may variously prefer the terms “victim” or “survivor.” This document uses these terms interchangeably, along with the term “affected individual.”
 Reporting Sexual Misconduct

The University expects all employees to report incidents of sexual or related misconduct to the Office for Institutional Equity or to the Office of Student Conduct and encourages students to do so, as well. The University also strongly encourages all members of the community to report any incident of sexual or related misconduct to law enforcement; however, affected individuals have the choice as to whether or not to make such a report, and they have the right to decline involvement with the police. A report made to the Office for Institutional Equity and/or to the Office of Student Conduct will not automatically result in an investigation by the university or involve police, but staff in those offices can help the affected individuals make a police report if they want to. STUDENTS MAY ALSO HAVE A CONFIDENTIAL CONVERSATION WITH STAFF AT THE OFFICE OF GENDER VIOLENCE PREVENTION AND INTERVENTION IN THE WOMEN’S CENTER TO GET MORE INFORMATION ABOUT THEIR REPORTING OPTIONS.

The Duke University Police will assist any affected individual with notifying local police if the incident occurred off campus. Duke University Police will also assist affected individuals in obtaining a protection order from the local court in Durham and surrounding counties, and students can also request a No Contact Order from the Office of Student Conduct. If the University receives a report that such an institutional No Contact Order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact Order.

Blind reporting—filing a report without your name attached to it—is an option with both Duke and Durham police departments. Regardless of whether affected individuals pursue a criminal complaint, if they have provided the University with their name and other information about the incident(s), the University will contact them to see if they need support or assistance and to determine how to proceed, including as to whether there should be an investigation and what steps to take to prevent the recurrence of a hostile environment and address the effects of sexual misconduct on the affected individual.

Privacy: Personally identifiable information about affected individuals will only be shared with persons who are delivering resources or support services to them or involved in investigating/
adjudicating a complaint. The University does not publish the name of crime victims nor house identifiable information regarding victims in the Duke University Police Department’s daily crime log.

Below are phone numbers for reporting incidents of sexual misconduct:

**Campus Contacts**
- **Duke University Police Department**: 919-684-2444 (misconduct of any kind on Duke’s campus)
- **Office for Institutional Equity**: 919-684-8222 (misconduct by employees, contractors, visitors)
- **Office of Student Conduct**: 919-684-6938 (misconduct by graduate or undergraduate students)
- **Duke Women’s Center**: 919-684-3897 (provides confidential support to students)

**Local Contacts**
- **Durham City Police Department**: 919-560-4322
- **Durham County Sheriff’s Office**: 919-560-0897

**Confidential Counseling & Support**
A variety of support resources are available on campus and in the community to assist students and employees in dealing with sexual violence, domestic violence, dating violence, or stalking, whether it happened recently or in the past. Following is a list of helpful resources.

**Student Resources**
- **Duke Women’s Center** - Gender Violence: provides education, advocacy, and support for students who are victims or survivors of all forms of sexual or gender violence or misconduct (sexual assault, intimate partner violence, stalking and sexual harassment), as well as their friends and families. Graduate and undergraduate students of any gender who are victims or survivors can get information, support, and accompaniment regarding medical treatment, reporting options, academic and residential accommodations, referrals, legal interventions, and therapy and are available regardless of whether the student files a formal report with the University or the police. All services are free and confidential and do not require making a formal report to the police.
  - **Phone**: 919-684-3897
  - **Website**: studentaffairs.duke.edu/wc/gender-violence
• **Counseling and Psychological Services (CAPS):** offers ongoing counseling services to students. All services are confidential and do not require making a formal report to the police.
  
  **Phone:** 919-660-1000
  
  **Website:** studentaffairs.duke.edu/caps

• **Student Health Services:** provides general medical care for students who have been sexually assaulted or subjected to other sexual or related violence. Services include testing for pregnancy and sexually transmitted infections (STIs) including HIV, prescriptions for STI antibiotics, treatment for injuries, and referrals to campus support services.
  
  **Phone:** 919-681-9355, Option 2; after hours: 919-966-3820
  
  **Website:** studentaffairs.duke.edu/studenthealth

• **Student Ombudsperson:** provides a neutral, safe, and confidential environment to talk about student concerns and assists students in resolving problems.
  
  **Phone:** 919-684-6334,
  
  **Website:** oie.duke.edu/about-us/ombudsperson

**Employee Resources**

• **Personal Assistance Service (PAS):** offers assessment, short-term counseling, and referrals to help resolve a range of personal, work, and family problems. PAS services are available free of charge to Duke faculty and staff, and their immediate family members.
  
  **Phone:** 919-416-1PAS (919-416-1727)
  
  **Website:** hr.duke.edu/pas

**Community Resources**

• **Durham Crisis Response Center:** offers a 24-hour, confidential crisis line for victims/survivors of domestic and sexual violence. Provides short-term emergency shelter, hospital and court accompaniment, legal clinics with local attorneys, support groups, counseling, and referrals for job training, housing, childcare, and other community services—all direct services offered to the community free of charge.
  
  **Phone:** 919-403-6562
  
  **Website:** durhamcrisisresponse.org
**Definitions**

**Consent:** While North Carolina law does not define “consent”, the university defines consent as an affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Conduct is “without consent” if no clear consent, verbal and/or nonverbal, is given. An individual is “unable to freely give consent” when the individual is incapacitated (arising, for example, from the use of alcohol or other drugs or when the individual is passed out, asleep, unconscious, or mentally or physically impaired). An individual is also unable to freely give consent when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement. The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether a complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for sexual misconduct.

The purposes for which this definition is used include crimes of sexual assault.

**Sexual Misconduct:** Duke University prohibits all forms of sexual misconduct. Under Duke’s policies, sexual misconduct includes sex/gender-based harassment, sexual violence, sexual exploitation, relationship violence (domestic and dating violence), and stalking. These terms are defined in Duke’s Student Sexual Misconduct Policy, which can be accessed at http://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix. One form of sexual misconduct is sexual violence. Sexual violence is defined as any physical act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent. Acts of a sexual nature include, but are not limited to, touching or attempted touching of an unwilling person’s breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or sexual penetration
(however slight) of another person’s oral, anal or genital opening with any body part or object. Sexual violence may or may not be accompanied by the use of coercion or intimidation, or through advantage gained by the use of alcohol or other drugs.


Under Duke’s policies, sexual assault is considered a form of sexual violence and is therefore prohibited sexual misconduct.

**Domestic Violence:** Under Duke’s policies, any act of violence committed by a current or former spouse of the victim or survivor, by a person cohabitating with or has cohabitated with the affected individual as a spouse, by a person similarly situated to a spouse of the affected individual under domestic or family violence law, or anyone else protected under domestic or family violence law (e.g., by a person with whom the affected individual shares a child in common or by any other person against an adult or youth victim who is protected from that person's acts).

In North Carolina, Domestic Violence includes the following criminal offenses: Simple Assault (NCGS 14-33(a)), Assault inflicting Serious Injury (NCGS 14-33(c)(1)), Assault on a Female (NCGS 14-33(c)(2)), Assault by Pointing a Gun (NCGS 14-34) or Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).

**Dating Violence:** Under Duke’s policies, any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor. The existence of such a relationship will be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

In North Carolina, dating violence includes the criminal offense of Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).
Sexual Assault, Domestic or Dating Violence, and Stalking

Stalking: Under Duke’s policies, engaging in a course of conduct directed at a specific person that would cause a reasonable person to: a) fear for their safety or the safety of others, or b) suffer substantial emotional distress. This includes cyberstalking.

In North Carolina, stalking includes the following criminal offenses: Stalking (NCGS 14-277.3A(c)), Cyberstalking (NCGS 14-196.3) and Violation of a Domestic Violence Protective Order (NCGS 50B-4.1).

Bystander Intervention: A bystander is someone other than the affected individual who is present when an act of dating violence, domestic violence, stalking, or sexual violence is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual violence, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to their car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded, or emotionally abused (walking the affected individual away from abuser; contacting others for help, like counseling center; RA; Dean).

Duke Policies and Your Rights

If you are reporting sexual misconduct, Duke University wants to inform you of its policies and procedures that address sexual violence, domestic violence, dating violence, and stalking, whether the incident occurred on or off campus, as well as your rights and Duke University’s responsibilities.

Policies

Sexual and related misconduct, which includes, but is not limited to sexual violence, acts of dating or domestic violence, and stalking, is prohibited under federal law and the Duke University Harassment Policy (oie.duke.edu/we-can-help/complaints-and-concerns/harassment), Student Sexual Misconduct Policy (studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix), and the Workplace Violence Policy (hr.duke.edu/policies/workplace-health-safety/violence-prevention-response).

Your Rights

Duke’s policies and procedures are intended to be sensitive to those who report sexual violence, domestic violence, dating violence,
What You Need to Know

and stalking. These procedures include informing you of your right to file criminal charges as well as the availability of medical, counseling, and support services.

Further, Duke University complies with North Carolina law in recognizing protection orders. Any person who obtains an order of protection from North Carolina or any other state should provide a copy to Duke University Police, the Office of Student Conduct, and/or the Title IX Coordinator.

- **County Clerk of Court (Protective Orders):** 919-808-3000
- **Magistrate’s Office:** 919-560-6826

**Accommodations:** Duke will work with affected individuals to ensure that their health, physical safety, work, and academic status are protected, regardless of whether a complaint is filed with the University or the police.

An affected individual may work with Duke University Police, the Women’s Center (students), the Office of Student Conduct (students), Personal Assistance Services (employees), Human Resources (employees), and/or the Office for Institutional Equity to develop a safety plan to reduce risk of harm while on campus or coming and going from campus, including interim and/or long-term protective measures and supports. Accommodations available to a victim or survivor may include, but are not limited to: reasonable academic accommodations, on-campus housing reassignment, a No Contact Order between the accused and the affected individual, and modifications to transportation and working conditions, if reasonably available. University policies address possible sanctions that Duke University may impose after the final determination of the disciplinary process.

To request changes to academic, living, transportation and/or working situations or protective measures, students should contact the Office of Student Conduct (conduct@duke.edu, 919-684-6938), the Women’s Center (wchelp@duke.edu, 919-684-3897), and/or the Title IX Coordinator in the Office for Institutional Equity (oie@duke.edu, 919-684-8222); employees should contact the Office of Institutional Equity (oie@duke.edu, 919-684-8222).

Victims/survivors may also request that the Office of Information Technology (Phone: 919-684-2200; Website: oit.duke.edu/help) remove directory information on file from public sources. Students may also request a FERPA block (under which a student’s information will not be released even inside the University) through the Registrar’s Office (Phone: 919-684-2813; Email: registrar@duke.edu). Individuals not affiliated with the University should contact the Duke University Police Department.
Disciplinary Procedures Following a Complaint

Whether or not criminal charges are filed, a person (including students, employees, and third parties, e.g., visitors, patients, contractors, and applicants) may file a complaint under Duke’s policies. If the accused is a student, the complaint should be filed with the Office of Student Conduct under Duke’s Student Sexual Misconduct Policy. If the accused is an employee or a third party, the complaint should be filed with the Office for Institutional Equity under the Harassment Policy or Workplace Violence Policy. Reports of all domestic violence, dating violence, sexual violence, and stalking made to the Duke University Police Department will automatically be referred to the Office of Student Conduct and/or the Director of Title IX Compliance, regardless of whether the affected individual chooses to pursue criminal charges. A representative of the University will contact the affected individual to determine whether there is a violation of Duke policy, including as to whether there should be an investigation.

The University disciplinary proceeding will include a prompt, fair, and impartial investigation and resolution process. University employees responsible for the disciplinary process are trained annually on the issues related to domestic violence, dating violence, sexual violence, and stalking and taught how to conduct an investigation and hearing process that protects the safety of all those involved in the matter and promotes accountability. The process provides that:

1. The complainant and the respondent each have the opportunity to be advised by a personal advisor of their choice, at any stage of the process, and to be accompanied by that advisor at any meeting or hearing. In complaints in which a student is accused of misconduct, an advisor may only consult and advise his or her advisee and cannot speak for the advisee at any meeting or hearing; in complaints against employees, the advisor or representative (who must be a Duke employee) can address the hearing panel and question witnesses.

2. A decision is based on the preponderance of evidence standard, i.e., a “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused violated the university’s policies?”

3. The University seeks to resolve complaints within 60 business days from receipt of a report.
4. The complainant and the respondent will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and

5. The complainant and the respondent each have the right to appeal the outcome of the hearing with appropriate timelines for resolution, as explained in the written notice, and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

Retaliation against anyone participating in the resolution of a complaint is prohibited by Duke University.

In all cases, investigations/hearings that result in a finding of “more likely than not” that a policy violation occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions for students can include Expulsion, Degree Revocation, Suspension, Dissolution (Group), Suspension of Activity (Group), Disciplinary Probation, Disciplinary Probation (Group), Formal Warning, Admonition, Withdrawal of Privileges, Housing License Restrictions/Revocation, Exclusion, No Contact Order, Restitution, Fine, Community Service, Mental Health/Medical Assessment and/or Treatment, Educational Projects/Initiatives. University sanctions for employees can include Termination, Suspension, Final Written Warning, Written Warning, and Documented Counseling.

For students, sexual and related misconduct violates the Duke Community Standard.

Your Rights under State Law

In North Carolina, a victim of domestic violence, dating violence, sexual assault, or stalking has the following rights:

- The right as prescribed by law to be informed of and to be present at court proceedings of the accused.
- The right to be heard at sentencing of the accused in the manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.
- The right as prescribed by law to receive restitution.
- The right as prescribed by law to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.
• The right as prescribed by law to receive information about the conviction or final disposition and sentence of the accused.
• The right as prescribed by law to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused’s sentence.
• The right as prescribed by law to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.
• The right as prescribed by law to confer with the prosecution.

More Information
If you would like more information than is contained in this handout regarding any process or procedure, or if you would like to make a report, ask questions about these policies, contact the University’s Title IX coordinator:

Howard Kallem, Director of Title IX Compliance
114 S. Buchanan Blvd. Bay 8
PO Box 90012
Durham, NC 27708
Phone: 919-684-1437
Email: Howard.Kallem@duke.edu

Students may also contact:

Stephen Bryan, Associate Dean for the Office of Student Conduct
200 Crowell Hall
Box 90893
Durham, NC 27708-0893
Phone: 919-684-6938
Email: conduct@duke.edu

Employees may also contact:

Cynthia Clinton, Director of Harassment Prevention and Intervention
114 S. Buchanan Blvd., Bay 8
P.O. Box 90012
Durham, NC 27708
Phone: 919-684-8222
Email: cynthia.clinton@duke.edu
Warning Signs of Abusive Behavior and Future Risks

No victim or survivor is ever to blame for being assaulted or abused. Below are some tips to help reduce your risk, recognize warning signs of abusive behavior, and avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse (i.e., in the context of an intimate relationship) often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of such intimate partner violence include:

• Being afraid of your partner.
• Constantly watching what you say to avoid a “blow up.”
• Feelings of low self-worth and helplessness about your relationship.
• Feeling isolated from family or friends because of your relationship.
• Hiding bruises or other injuries from family or friends.
• Being prevented from working, studying, going home, and/or using technology (including your mobile phone).
• Being monitored by your partner at home, work, or school.
• Being forced or pressured to do anything you don’t want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

• Get help by seeking confidential information and support services from the Women’s Center’s Office of Gender Violence Prevention and Intervention (for students) or Personal Assistance Services (for employees).
• Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
• Consider making a report with Duke University Police, the Office of Student Conduct, and/or the Office for Institutional Equity and ask for a No Contact Order from the University to prevent future contact.
• Consider getting a protective order or a No Contact Order from the local court. Call the Women’s Center, your local Clerk of Court or Duke University Police for more information.
• Learn more about what behaviors constitute intimate partner violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
• Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention
• Watch out for others who may be in trouble and intervene if you can do so safely.
• Have a clear understanding of the definition of consent under University policy, including the possible impact of alcohol or drugs on an individual’s ability to consent.
• Be aware that both illegal and prescription drugs may be used to facilitate rape.
• Try not to leave your drink unattended.
• Only drink from unopened containers or from drinks you have watched being made and poured.
• Avoid group drinks like punch bowls.
• Cover your drink. It is easy to for someone to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
• If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
• If you suspect you have been drugged, go to a hospital and ask to be tested.
• Keep track of how many drinks you have had.
• Try to come and leave with a group of people you trust.
• Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

Walking Around Campus
• Make sure your cell phone is easily accessible and fully charged.
• Be familiar with where “HELP” phones are installed on the campus.
• Be aware of open buildings where you can use a phone.
• Take major, public paths rather than less populated shortcuts.
• Avoid dimly lit places and talk to Facilities Management or Duke Police if lights need to be installed in an area.
• Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
• Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend.
• Carry a noisemaker (like a whistle) on your keychain.
• Carry a small flashlight on your keychain.
• If walking feels unsafe, contact Duke Van Rides, which provides transportation to and from on-campus locations (where bus service is not available), and to off-campus areas.

Stalking Safety Tips

• Treat all threats, direct and indirect, as legitimate and inform law enforcement immediately.
• Change your routines, including changing routes to work, school, and other places regularly frequented. Limit time spent alone.
• Get a new, unlisted phone number. Leave the old number active and connected to an answering machine or voicemail. Have a friend, advocate, or law enforcement screen the calls, and save any messages from the stalker. These messages, particularly those that are explicitly abusive or threatening, can be critical evidence for law enforcement to build a stalking case against the offender.
• If possible, do not interact with the person stalking or harassing you. Responding to the stalker’s actions may reinforce their behavior.
• Consider obtaining a protective order against the stalker. Call the Women’s Center, your local Clerk of Court, or Duke University Police for more information.
• Trust your instincts. If you’re somewhere that doesn’t feel safe, either find ways to make it safer or leave.
• If in imminent danger, locate a safe place.
• Consider putting together a “stalking sack” that includes a log of the offender’s contacts and actions, a camera, information about the offender, etc.
• Report the stalking to Duke Police, your supervisor and/or Human Resources (employees), the Office of Student Conduct (students), and/or the Office for Institutional Equity.
• Speak with someone confidentially about stalking in the Women’s Center’s Office for Gender Violence Prevention and Intervention.
• Inform Duke Police about any protective orders you have been granted. Keep a copy of the protective order at work/school and/or about your person.

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Additional Information and Resources:

Duke University
Student Sexual Misconduct Policy:
policies.duke.edu/students/universitywide/sexualmisconduct.php

Duke Harassment Policy:
oie.duke.edu/we-can-help/complaints-and-concerns/harassment

Workplace Violence Prevention and Response Policy:
hr.duke.edu/policies/workplace-health-safety/violence-prevention-response

Or call the
Office of Institutional Equity at 919-684-8222.