



# **Sexual Violence, Domestic or Dating Violence, and Stalking**

**What You  
Need to  
Know**

## Seeking Medical Care?

If you have been a victim<sup>1</sup> 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 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 also encouraged to preserve evidence by saving text messages, email messages, instant messages, social networking pages, videos, 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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<sup>1</sup>Duke 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

All employees with teaching or supervisory authority and graduate students with teaching or supervisory authority are required by the University to promptly consult with the Office for Institutional Equity. All non-supervisory employees and students are encouraged 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 and Community Standards 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 choose. **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 and Community Standards. 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 also 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 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 or adjudicating a complaint. The University does not publish the name

of crime victims or any 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 (discrimination and harassment by students, employees, contractors, visitors)
- **Office of Student Conduct:** 919-684-6938 (non-Title IX sexual misconduct by graduate, professional or undergraduate 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

- **Office of Gender Violence** • Office of Gender Violence Prevention and Intervention (GVPI) in the Women's Center: 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, professional 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 are available regardless of whether the student files a formal report with the University or the police.

**Phone:** 919-684-3897

**Website:** [studentaffairs.duke.edu/wc/gender-violence](http://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](http://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](http://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:** 919-660-2444  
**Website:** [oie.duke.edu/about-us/ombudsperson](http://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](http://hr.duke.edu/pas)
- **Faculty Ombudsperson:** provides a neutral, safe, and confidential environment to talk about faculty concerns and assists faculty in resolving problems.  
**Website:** [academiccouncil.duke.edu/ombuds](http://academiccouncil.duke.edu/ombuds)

### 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](http://durhamcrisisresponse.org)

# Definitions

**Consent:** While North Carolina law does not define “Consent,” Duke University defines Consent as follows:

- An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.
- 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.
- Consent is not freely given when the individual is incapacitated (Defined further below). Consent is not freely given 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.
- Consent may be withdrawn at any time. Once withdrawn, sexual activity must cease.
- 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 Prohibited Conduct.

**Sexual Misconduct:** Duke Sexual Misconduct: Under Duke’s policy, sexual misconduct includes sex/gender-based harassment, sexual assault, sexual exploitation, relationship violence (domestic and dating violence), and stalking. These terms are defined in Duke’s Policy on Prohibited Discrimination, Harassment and Related Misconduct, which can be accessed at [oie.duke.edu/knowledge-base/policies-statements-and-procedures](https://oie.duke.edu/knowledge-base/policies-statements-and-procedures).

**Note:** The specific North Carolina laws regarding the offenses below may be located within the Duke University Annual Security Report (“ASR”) at the section entitled, “Sexual Assault, Domestic Violence, Dating Violence, and Stalking.” See [police.duke.edu/news-stats/clery](https://police.duke.edu/news-stats/clery) for the link to the current ASR.

**Sexual Assault:** An offense classified as a sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Under Duke’s policy, sexual assault is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Domestic Violence:** Under Duke’s policy, a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** Under Duke’s policy, 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 and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

**Stalking:** Under Duke’s policy, a course of conduct (including cyberstalking) directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of another, or to suffer substantial emotional distress.

**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, such as the counseling center; RA; police; 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 Policy on Prohibited Discrimination, Harassment, and Related Misconduct ([oie.duke.edu/knowledge-base/policies-statements-and-procedures](http://oie.duke.edu/knowledge-base/policies-statements-and-procedures)), and the Workplace Violence Policy ([hr.duke.edu/policies/workplace-health-safety/violence-prevention-response](http://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response)).

## Your Rights

Duke's policy and procedures are intended to be sensitive to those who report sexual harassment, including sexual violence, domestic violence, dating violence, 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 Community Standards, 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 and Community Standards (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.

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

Victims/survivors may also request that the Office for Information Technology (919-684-2200; [oit.duke.edu/help](http://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 (919-684-2813; [registrar@duke.edu](mailto: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 policy. Under the policy revised in August 2020, all complaints should be filed with the Office for Institutional Equity under the Policy on Prohibited Discrimination, Harassment, and Related Misconduct. 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 Community Standards and/or the Title IX Coordinator, 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 may be a violation of Duke policy, including whether there should be an investigation.

The University disciplinary proceeding will generally 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 an advisor of their choice, at any stage of the process, and to be accompanied by that advisor at any meeting or hearing.
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 policy?”
3. The University seeks to resolve most complaints within 60 to 90 business days from the date the parties receive notice of the investigation.
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.
5. Depending on the applicable complaint handling procedures, 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, or have a final outcome 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, as prescribed by law:

- to be informed of and to be present at court proceedings of the accused.
- to be heard at sentencing of the accused and at other times as prescribed by law or deemed appropriate by the court.
- to receive restitution.
- to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.
- to receive information about the conviction or final disposition and sentence of the accused.
- 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.
- 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.
- 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 Duke’s policy, contact the University’s Title IX coordinator:

Cynthia Clinton, Vice President for Harassment Prevention and Nondiscrimination, Title IX Coordinator

114 S. Buchanan Blvd., Bay 8

Durham, NC 27708

**Phone:** 919-684-8222

**Email:** [cynthia.clinton@duke.edu](mailto: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 Community Standards, 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 containers that had been unopened or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy 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 their 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 Vans (**parking. duke.edu/buses/duke-vans**), which provides transportation to and from on-campus locations (where or when bus service is not available), and to off-campus areas.

### Stalking Safety Tips<sup>2</sup>

- 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 does not 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 and Community Standards (students), and/or the Office for Institutional Equity.
- Speak with someone confidentially about stalking in the 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.

<sup>2</sup>Copyright 2009, National Center for Victims of Crime

## **Additional Information and Resources:**

### **Duke Policy on Prohibited Discrimination, Harassment, and Related Misconduct:**

[oie.duke.edu/knowledge-base/policies-statements-and-procedures](https://oie.duke.edu/knowledge-base/policies-statements-and-procedures)

### **Workplace Violence Prevention and Response Policy:**

[hr.duke.edu/policies/workplace-health-safety/  
violence-prevention-response](https://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response)

Or contact the

**Office for Institutional Equity at 919-684-8222**

[oie-help@duke.edu](mailto:oie-help@duke.edu)