Office of Counseling Services

Information

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Frequently Asked Questions

Frequently Asked Questions about new requirements for reporting and investigating claims of Title IX violations, including student sexual misconduct, under federal law – specifically, Title IX of the Education Amendments of 1972 – and the recently published Title IX “Dear Colleague Letter” from the federal Department of Education Office of Civil Rights, which can be found at: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html.

Q. What is the Dear Colleague Letter?

A. The Department of Education Office of Civil Rights has issued new standards for reducing the number of sexual assaults on Campuses across America in keeping with Title IX requirements.

Q. What are the new laws?

A. The DCL mandates ALL employees of any university who hear about a sexual assault to report it to the Police, Dean of Students or the Title IX Coordinator so an investigation can take place. ‘ALL employees’ is defined as faculty, staff and student employees, including RA’s and Peer Health Educators. Furthermore, according to the DCL even rumors of an assault must be investigated.

Q. What if a student wants to talk with their academic advisor or favorite professor in confidence and tell him or her that they were assaulted or suffered some form of sexual misconduct?

A. According to the DCL, they cannot promise confidentiality. They are obligated to report it. Care will be taken to keep the student’s identity confidential during the investigation, but anonymity is not assured.

Q. What if a student has been assaulted and does not want an investigation of the incident?

A. The DCL dictates that an investigation must be started when there exists knowledge of an assault.

Q. Are there any safe places on campus where a student can talk about their assault without anyone else finding out or having an investigation take place?

A. Yes - students are guaranteed confidentiality when talking to a counselor at the Counseling Service, a nurse or nurse practitioner at the Health Service or with the University Chaplain.

Q. What if a student does not want to talk to anyone on campus – are there other resources?

A. Yes. The student can contact Hope Alliance, 1-800-460-7233 who primarily work with victims face to face, or for strictly telephone intervention and support, SafePlace of Austin, 512-267-7233 and/or Rape & Incest National Network (RAINN), 1-800-656-HOPE

Q. What if a University employee knows of an assault and does not report it?

A. The school is in jeopardy of losing all Federal funding – this includes student financial aid.
Q. What does this mean for Sexual Misconduct Intake Advisors?

A. Their role will change. They will be utilized by students once a report has been made to support the student in the same fashion as previously. If the Sexual Misconduct Intake Advisor is the first person the student has informed of the assault, they must report it.

Q. If a student is assaulted, what can they do to preserve evidence even if they are not sure they want to report?

A. Let them know they should not shower, brush their teeth or wash up. They should not change clothes. They can call Hope Alliance 1-800-460-7233 to be directed to a hospital that conducts rape kit examinations. These hospitals are also listed in the Sexual Misconduct Policy in your student Handbook and posted on Counseling Services website. They can bring a friend with them and/or Hope Alliance will send an advocate to walk them through the process.

Q. Does the student have to pay for the examination?

A. If the request for an exam is made as a ‘Jane Doe’, the state will pay for the collection of evidence but not medications prescribed to prevent STI’s or pregnancy. Those medications usually cost around $250. If the student chooses to pay for the rape kit themselves, the cost will be around $1000, medication costs included. If a report is filed with the Police, the state will pay for everything.

More information can be found at http://www.southwestern.edu/studentlife/misconduct.php

Please remember that Title IX is community centric – not victim centric.
The Violence Against Women Reauthorization Act’s Campus Sexual Violence Act (SaVE Act) provision imposes new reporting requirements:

A. The Clery Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. 20 U.S.C. § 1092(f)(1)(F)(i). VAWA’s SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery. § 04(a)(1)(B)(iii)(to be codified at 20 U.S.C. § 1092(f)(1)(F)(iii)). Parsed for clarity, these offenses are thusly defined:

1. “Domestic violence” includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

2. “Dating violence” means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

3. “Stalking” means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

B. The provision adds “national origin” and “gender identity” to the hate crime categories, involving intentional selection of a victim based on actual or perceived characteristics that must be reported under the Clery Act. § 304(a)(1)(B)(ii)(I) (to be codified at 20 U.S.C. § 1092(f)(1)(F)(ii)).

Southwestern’s Policy

"It is the policy of Southwestern University . . . to maintain both an academic and a working environment free from all forms of sexual harassment of any employee or applicant for, employment, student, donor, or former student volunteer or any other constituent of the University."

Q: What is the definition of sexual harassment?

A: The legal definition says that sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or education; or
2. submission or rejection of such conduct by a person is used or threatened as the basis for academic or employment decisions, or evaluations affecting that person; or
3. such conduct has the purpose or effect of a) unreasonably interfering with the person's academics or professional performance, or b) of creating an intimidating, hostile, or offensive employment, educational or campus environment for any person or group of persons.

Please refer to http://www.southwestern.edu/titleix/ for more information about SU’s sexual harassment policies and procedures
Sexual Misconduct

Southwestern University affirms the rights of its students to live, work, and learn in an atmosphere of mutual respect, free from the threat of sexual assault or any other form of sexual contact without mutual consent. Accordingly, any form of sexual misconduct will not be tolerated. The University is committed both to a campus-wide program of education and prevention, and to a timely and appropriate response to any reports of such activity.

Definition of Consent

Consent to sexual acts requires affirmative verbal response to specific sexual suggestion. Without affirmative verbal response, consent is not present. The absence of “no” does not mean “yes.” Sexual history, previous sexual involvement, or a lack of response do not create consent. Consent to a sexual act does not create consent to other sexual acts. Moreover, consent to a sexual act at any given encounter does not create consent for a future encounter.

Consent may be withdrawn at any time by any party.

A person whose judgment is substantially impaired by drugs or alcohol or by other physical or mental impairment cannot give consent to sexual contact. Substantial impairment means that a person cannot make a reasonable or rational decision about an important matter, such as the decision to have sexual contact with another person.

So, the three principles that are critical in understanding the University’s position in regards to sexual misconduct are:

1. Consent of all parties is mandatory.
2. Consent may be withdrawn at any time by either party.
3. Alcohol and other drugs impair judgment and undermine the possibility for consent.

Please refer to SU’s complete policy at http://www.southwestern.edu/titleix/policy.php and/or more information about sexual assault at http://www.southwestern.edu/offices/counseling/ under Quick Links – Help for Sexual Assault (PDF)
Warning signs of an abusive person

This is a list of behaviors that are seen in people who abuse their partners. The first four behaviors (past abuse, threats of violence, breaking objects and any force during an argument) are almost always seen in an abusive person. If someone exhibits more than three of any of these warning signs, there is a strong potential for abuse in the relationship. An abuser may exhibit only a few of these behaviors, but they may be quite exaggerated.

**Past abuse**
An abuser may say, "I hit someone in the past, but she made me do it." An abusive person who minimizes what happened with a previous partner is likely to be violent with their current partner. Abusive behavior does not just go away; long-term counseling and a sincere desire to change are necessary.

**Threats of violence or abuse**
Threats can involve anything that is meant to control the victim. For example, "I'll tell your parents about your drug use if you don't do what I want." Healthy relationships do not involve threats, but an abusive person will try to excuse this behavior by saying that "everybody talks like that."

**Breaking objects**
An abuser may break things, beat on tables or walls or throw objects around or near the victim. This behavior terrorizes the victim and can send the message that physical abuse is the next step.

**Use of force during an argument**
An abuser may use force during arguments, including holding the victim down, physically restraining the victim from leaving the room, and pushing and shoving. For example, an abuser may hold a victim against the wall and say, "You're going to listen to me."

**Jealousy**
An abuser will say that jealousy is a sign of love. In reality, jealousy has nothing to do with love. It is a sign of insecurity and possessiveness. An abuser may question the victim about whom they talk to or be jealous of time spent with other people. As the jealousy progresses, the abuser will call the victim frequently, stop by unexpectedly or monitor the victim's activities.

**Controlling behavior**
An abuser will claim that controlling behavior is out of concern for the victim's welfare. They will be angry if the victim is late and will frequently interrogate the victim. As this behavior gets worse, the abuser will control the victim's appearance and activities.

**Quick involvement**
An abuser will often pressure someone to make a commitment after a very short amount of time. The abuser comes on quickly, claiming "love at first sight," and will tell the victim flattering things such as "You're the only person I could ever love."

**Unrealistic expectations**
The abuser is dependent on the victim for everything and expects perfection. The victim is expected to take care of everything for the abuser, particularly all emotional support. The abuser will say things like, "You're the only person I need in my life."
Isolation
The abuser will attempt to diminish and destroy the victim's support system. If a female victim has male friends, she is accused of being a "whore." If she has female friends, she is accused of being a "lesbian." If she is close to her family, she is accused of being "tied to the apron strings." The abuser will accuse people who are close to the victim of "causing trouble."

Blames others for problems
Abusers will rarely admit to the part they play in causing a problem. She will blame the victim for almost anything that goes wrong.

Blames others for their feelings
An abuser will tell the victim, "I hurt you because you made me mad," or "You're hurting me when you don't do what I ask." Blaming the victim is a way of manipulating them and avoiding any responsibility.

Hypersensitivity
An abuser can be easily insulted. The slightest setbacks are seen as personal attacks. An abuser will rage about the everyday difficulties of life as if they are injustices -- such as getting a traffic ticket or not doing well on an exam.

Cruelty to animals or children
An abuser may brutally punish animals or be insensitive to their pain or suffering. Pets can be used to control the victim or to emotionally abuse them.

"Playful" use of force during sex
The abuser may like to hold the victim down during sex. They may want to act out sexual fantasies in which the victim is helpless. An abuser may show little concern about whether the victim wants to have sex and use sulking or anger to manipulate the victim into compliance. They may demand sex or start having sex with the victim when they are sleeping or very intoxicated.

Rigid sex roles
Male abusers often expect women to serve and obey them. They view women as inferior to men and believe that a woman is not a whole person without a relationship with a man.

Jekyll-and-Hyde personality
Explosiveness and mood swings are typical of abusers, and these behaviors are related to other traits such as hypersensitivity. This is not always a sign of mental health problems but may be a way of controlling the victim by being unpredictable.

Our students present to the Counseling Service with Anxiety Disorders, Mood Disorders, Substance Abuse Disorders, Identity Disorders, Bereavement, Adjustment Disorders, Eating Disorders, Self Injury, Suicidal Ideation, Trauma (sexual or physical abuse – current or historical, domestic violence, relationship violence, combat violence) Crisis Counseling and Management, Psychotic Disorders and Academic concerns.

**What to look for**

Students with signs of severe problems or dangerous behaviors

- profound depression
- thoughts of suicide
- self injury (cutting)
- frightening anger and/or threats of violence toward others
- active anxiety attacks
- cognitive confusion, disorientation
- signs of excessive alcohol or drug use

Excessive procrastination, decreased quality of work, frequent office visits – which may indicate dependency - listlessness, sleeping in class, marked change in hygiene, impaired speech or disjointed thoughts, threats regarding self or others, marked changes in behavior, flat affect, intense affect, incongruous affect, crying, inability to describe own emotions, agitation or quick to anger, response that is disproportionate to the situation, under-responding to academic notice, absence from class, and lack of follow through.

**What you can do**

If you notice a student who concerns you, approach them. Allow ample time to talk to the student privately about what you have observed, not what you suspect. Avoid accusations and be open minded versus judgmental. Listen carefully and actively to the student. If your intuition tells you there may be more going on, probe a bit further. If you think they might be feeling overwhelmed and hopeless, ask about their safety. Ask if they have been thinking about suicide. Express your concern. Convey your respect for the student and your interest in his/her well-being. Offer help in connecting them with appropriate resources, especially if they confirm suicidal thoughts.

**Resources available**

Counseling Services 512 - 863-1252
Health Services 512 - 863-1252
Student and Residence Life 512 – 863-1582
Dean of Students 512 - 863-1341
Center for Academic Success/ Disabilities/ Peer Academic Mentors 512 - 863-1286
University Chaplain 512 - 863-1527
SUPD 512 - 863-1944

After hours or weekend emergencies – contact SUPD at 512-863-1944 or the SU operator 512-863-6511 to be connected with the counselor on call.

**Hotline Numbers**

1-800-273-8255
Nationwide Addiction Hotline – 1800-559-9503
LGBT suicide prevention hotline 1-866- 488-7386 – Lesbian, Gay, Bisexual, Transgendered hotline excellent at addressing concerns particular to this population.
RAINN – 1-800- 656 –HOPE Rape, Abuse and Incest National Network

Please be aware that unless a student signs an Exchange of Information form the CS cannot inform you if the student is receiving services. We can, however, listen to any information you want to provide. We are also available for consultation.
Bystander intervention (adapted from Vassar)

When a bystander notices a situation that seems out of the ordinary, they need to evaluate and determine if it is an emergency or one in which someone needs assistance. If they decide this is the case, they need to take action. Most frequently, people are less willing to take action if there are other bystanders present – everyone waits for someone else to take responsibility. In situations of physical or sexual violence, having someone else present is often more empowering as the bystander will feel more empowered. The bystander must then decide the best course of action.

The options could include helping the person leave the situation, confronting a behavior, diffusing a situation, or calling for other support/security.

The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

- Educate yourself about interpersonal violence AND share this info with friends
- Confront friends who make excuses for other peoples’ abusive behavior
- Speak up against racist, sexist, and homophobic jokes or remarks

Tips for Intervening

In a situation potentially involving sexual assault, relationship violence, or stalking:

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police

The Bystander Intervention Playbook

From the University of Vermont

- **Defensive Split** – Step in and separate two people. Let them know your concerns and reasons for intervening. Be a friend and let them know you are acting in their best interest. Make sure each person makes it home safely
- **Pick and Roll** – Use a distraction to redirect the focus somewhere else: “Hey, I need to talk to you.” or “Hey, this party is lame. Let’s go somewhere else.”
- **The Option** – Evaluate the situation and people involved to determine your best move. You could directly intervene yourself, or alert friends of each person to come in and help. If the person reacts badly, try a different approach.
- **Full Court Press** – Recruit the help of friends of both people to step in as a group.
- **Fumblerooski** – Divert the attention of one person away from the other person. Have someone standing by to redirect the other person’s focus (see Pick and Roll). Commit a party foul (i.e. spilling your drink) if you need to.

Please remember that any situation that threatens physical harm to yourself or another student should be assessed carefully. Contact SUPD at 1-512-863-1944 if needed to assist in defusing the situation.
DISRUPTING DISRUPTIVE BEHAVIOR
(Adapted from John Ritchie, Ph.D.)

Resources

- Academic (or other) Department: Head or Chair of department, and your departmental and college guidelines and expectations
- Office of Student Life 512-863-1582
- Counseling Center 512-863-1252
- University Police 512-863-1944
- Disability Services 512-863-1536
- Religious Life 512-863-1056

DISRUPTING THE DISRUPTIVE BEHAVIOR IS ESSENTIAL

- If a disruptive behavior is allowed to occur without a disruptor, then by default that behavior becomes normal or ok
- The best predictor of future behavior is not past behavior but post-intervention behavior
- Disrupt the disruptive behavior by 1) Questioning or witness statements (to let them know you are watching their behavior), 2) Confronting (to stop their disruptive behavior), or 3) giving Consequences (after first establishing consequences or sanctions)
- Sometimes Faculty, Staff or Students do not address the disruptive behavior
- Possibly attributed to: Fear of receiving inadequate administrative support (clarify departmental procedures and expectations)
- Fear of harming the psychologically fragile student (an out-of-control student needs limits from others)
- Fear of law suit (you can defend your actions if the focus is on “behavior” (what) rather than person (who)- e.g. odd, mentally ill, psychotic, bipolar)
- Assuming counseling will help the student significantly (lack of interest or capability, previous or current counseling not helpful, will attend only to please you)

DISCIPLINE VS. COUNSELING
Advantages of Discipline – adapted from Dr. Gerald Amada’s Coping with Misconduct in the College Classroom: A Practical Model
• The student learns he/she is accountable to others for his/her actions while on campus, and code of conduct violations can result in loss of educational benefits

• A disciplinary system upfront distinguishes between civil and unacceptable conduct and states the consequences of misconduct in written policies

• A good disciplinary system can be easily understood and assimilated by, and is easily accessible to, most students

• Counseling may be very beneficial to the majority of persons seeking counseling but we can’t assume it will be helpful to all students for the following reasons:

• Many students lack the capability, commitment, or interest to significantly benefit from psychotherapy

• A referral to psychotherapy often assumes the student has not had psychotherapy; or if they have, that it has been, or will be, significantly helpful related to their disruptive behavior

• The student may “attend” psychotherapy only because he/she feels “coerced” to attend, or to obtain a more favorable status with the instructor

PROHIBITED CONDUCT

• Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities on or off campus

• Physical abuse, verbal abuse, threats, intimidation, exploitation, harassment, sexual harassment, stalking, coercion, and/or any other conduct which threatens or endangers the health or safety of any person (including one’s self)

• Damage to property or the university

• Illegal or unauthorized possession of harmful or dangerous items

PREVENTION OF DISRUPTIVE STUDENT BEHAVIOR

• Articulate clear classroom and email expectations in the syllabus, and review during class

• Invite class discussion of your classroom expectations as students are generally very supportive of instructor efforts to create and maintain a positive learning environment

• Articulate how disruptive classroom behavior will be addressed and the consequences of disruptive behavior

• Respond to innocent mistakes and minor offenses gently, quickly, and consistently
PRIVATE DISCUSSION TIPS

- Select a place and time where you can give your full attention
- Express concern for his/her well-being and behavior
- Listen with sensitivity and understanding; paraphrase his/her comments
- Be non-judgmental, as criticism will push him/her away from you and the help he/she needs
- Clarify you can’t promise complete confidentiality
- Give hope that things will get better and identify available help on campus
- Help develop an action plan (if appropriate and desired) to start to address his/her main concern
- Maintain clear teacher-student relationship boundaries and consistent academic expectations
- Refer to professional help (if appropriate)
- Follow-up with student to check how he/she is doing

FACILITATING A REFERRAL AND STUDENT FOLLOW-UP

- Identify campus and/or community contacts and resources
- Tell student what he/she can expect in terms of services and procedures at other departments
- Give referral phone numbers and locations and encourage the student to call today or soon
- Have the student call and make an appointment in your presence; and/or (when appropriate) offer to go with them if that would help
- Tell the student you would like to follow-up with them to hear how they felt about their meeting

INTERVENTIONS WITH DISRUPTIVE STUDENTS Self-Focused Attitude and Problem Defining

- **Remain calm and respectful**
- Instead of defining the problem as the disruptive behavior (e.g. “You are constantly interrupting me and your classmates”), redefine the problem as your experience of the
consequences of his/her disruptive behavior (e.g. “I cannot maintain a positive and open class discussion when I am being frequently interrupted”)

- **Use “I” statements** (e.g. “I couldn’t finish by sentence” or “I would like to finish making my statement”), rather than “You” statements (e.g. “you again interrupted me” or “you need to stop interrupting me”), so he/she will feel less defensive

- **Set the limits in how you’ll respond** to his/her disruptive behavior (e.g. “If I feel unsafe or I experience you as being aggressive, I will ask you to leave the room”), rather than set limits on his/her behavior (e.g. “You must stop your yelling and aggressive behavior”), so the criteria for action is your experience rather than his/her behavior which can be debated by him/her

- Confrontation Steps
  - **Describe** the behavior in neutral, objective, specific, and concrete terms (don’t be judgmental, subjective, general)
    (e.g. “You started talking before I finished my question”, rather than “You weren’t listening to what I had to say.”)
  - **Clarify your intentions** related to your motives and goals
    (e.g. “I want us to find a way so that we both can feel heard by the other.”)
  - **Request** specific behaviors to change (e.g. “Please wait to speak until after I have finished what I’m saying, or raise your hand to let me know you want to speak.”)
  - **State the consequences**—what s/he has to gain or lose if s/he changes or doesn’t change the identified behavior (e.g. “If I continue to be interrupted I will ask you to remain silent for the rest of class and then we’ll talk together after class so that we can resolve our communication issues.”)
  - Use good judgment to protect your safety and the safety of others (e.g. do not attempt to keep the perpetrator from leaving the classroom; you may want to dismiss all students from the class; avoid escalating the tension or conflict)
  - **Ask the student to stop the threatening/dangerous behavior**
  - If there is no immediate threat, ask the student to meet with you after class or later in your office
  - If the behavior persists, ask him/her to leave the classroom
  - If the student refuses to leave, or the behavior escalates, call police; and consider asking a co-worker to help
POST INTERVENTION

- Document both what you discussed and the identified behavior in the classroom (or elsewhere)
- Document any witnesses to each incident
- Consult with appropriate persons and departments
- Follow-up with the student to keep open communication, show continued interest in working with the student, and show appreciation for their change in behavior; or administer consequences if their disruptive behavior does not change
Our professional staff

Jason Bonick, M.S., LPC-S, Director of the Counseling and Health Center

Kylin Lee, Ph.D., Licensed Psychologist

Marie Worsham, Ph.D., Licensed Psychologist

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“The best way out is always through.” – Robert Frost

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P: 512-863-1252
F: 512-863-1310
Counseling Center
SU’s Counseling Center offers confidential, short-term, goal-oriented therapy to help students with a variety of concerns.

We offer several therapy modalities including group, individual, and relationship counseling. We also offer a number of outreach programs addressing body image, meditation, substance use, and suicide prevention.

Students can contact our office to make an appointment and meet with one of our licensed professionals to determine the best course of action. We also offer referrals to local therapists for those who wish to engage in long-term work.

Why utilize therapy here?
• 4 experienced mental health professionals.
• Fast scheduling: non-crisis clients are typically seen within 2-7 days of initial contact.
• Variety of specialties, including, but not limited to; anxiety, depression, GLBTQ issues, trauma, substance use, and identity formation.

What therapy IS
Therapy is a safe place to address concerns that may be interfering with relationships, schoolwork, or quality of life. It is a place to identify specific goals and work towards real change in your life.

Therapy can help with a variety of mental health concerns including: major depression, anxiety, addiction issues, bipolar disorder, trauma, and sexual assault.

What therapy ISN’T
Therapy isn’t a setting where the therapist solves your problems; rather, it is a safe space where you are supported and guided in finding your own solutions. Therapy isn’t a place just to talk about your week; it is a place to identify goals and work towards them.

How to get the most out of therapy?
Focus on the things that most interfere with your life; this could be current thoughts or feelings or how a past situation currently impacts you.

Identify specific goals: Think about goals you would like to address and continually evaluate if you are meeting those needs in therapy.

Recognize your strength: Coming to therapy and exploring your concerns takes courage and strength. Be proud of the steps you are taking to better yourself!

Take action: Often, insight is not enough to facilitate change, so take action! Try some new behaviors or follow-up on the suggestions from your therapist. We are able to change our thoughts and feelings through changing our behaviors.

“Who looks outside, dreams. Who looks inside, awakes”
– Carl Jung