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More Options Are Needed for Survivors to Feel Justice

By Olivia Oldach, *Outreach Advocate*

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“You have to look at the way she was dressed. She was wearing a thong with a lace front.”

On November 6th in Cork, Ireland, a defense lawyer used this argument to excuse her client of raping a 17-year-old girl. Holding up the victim’s underwear in front of the jury, the lawyer argued that because the victim was wearing a lace thong, she had implied consent. The defendant was acquitted by the jury after only an hour and a half of deliberation.

Yes, in 2018, something as inconsequential as wearing a lace thong can legally be used in court to say a survivor ‘invited’ sexual assault. Yet many still scrutinize why victims don’t report. The stark reality is that, in the U.S., only 2% of rapes reported to the police will result in incarceration (The Criminal Justice System: Statistics, 2018), and the few that do go to trial have the potential to be retraumatizing for the victim. The trial in Cork is not an isolated incident. Time and time again, victims’ lives are put under a microscope during the judicial process. From their social circles, to their drinking habits, to what they were wearing—victims’ lives are used against them to discredit their experience and condemn them for what happened.

In the US, federal and state legislation has done the bare minimum to alleviate this type of character defama-

tion in court through what are called ‘rape shield’ laws. While not all states have the same rape shield laws, most of them (including Vermont) explicitly prevent the defense from using a survivor’s sexual history against them. While these laws are well intentioned, they are lacking in the scope of what they protect. Anything that is not explicitly prohibited by rape shield laws is considered admissible in court if it’s proven relevant; this includes appearance, drinking behavior, how trauma is handled after, and more. As a result, some victims/survivors have expressed feeling that the judicial process can be just as, if not more, traumatizing than the assault itself.

With little hope in the justice system, many people have harnessed social media and public forums, like the #MeToo movement, as an empowering space to be validated and heard. While this kind of platform is meaningful and can help some survivors gain closure, people shouldn’t only have access to the court of public opinion. Folks should have options of justice and be able to choose which path, if any, is best for them. In order for victims to have legitimate options, systems need to offer stronger protections during the judicial process.

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PODCAST
REVIEW

Believed

By Christina Grier, *Services Director*

Believed is a new podcast by Michigan Radio and NPR. It covers the details behind the Larry Nassar case that made national headlines last year. In fact, it was about one year ago that nearly 100 survivors shared their victim impact testimonies in court before his sentencing. As a former gymnast, someone who continues to follow USA Gymnastics and someone who works in the anti-violence field, I was especially interested in this story. I sometimes shy away from watching movies, reading books or listening to podcasts related to my work, as a self-care strategy, but this one really called to me.

I have to say that the survivors' stories were heartbreaking and troubling. Many of them were children at the time the abuse started. However, I was overcome, as I often am, with the constant examples of resiliency, strength and efforts of social change that the gymnasts exhibited. Hearing how each of them had the unbelievable courage to disclose the abuse then—with friends, family members, school personnel and even law enforcement was encouraging. Unfortunately, as the title suggests, they were often *not* believed.

This podcast exemplifies how, when someone in a position of power, a doctor in fact, with a stellar reputation, is accused of heinous crimes, the survivors are often not believed. Nassar used his colleagues, powerful systems (like gymnastics organizations

and universities), his profession, and even the families of the survivors to groom and abuse girls for decades. It speaks to how easy it seems to be for someone with a certain reputation to use people and systems as a tool in committing crimes against children. Some very powerful people knew about the allegations and did not stop him. Each of the people he involved or who heard about the accusations and did nothing must be held accountable. And some of them finally are.

Believed gave us the opportunity to hear from some of the survivors' parents, some of whom were present in the room when the abuse occurred. Many of the parents also didn't believe their children when they first came forward.

Finally, we hear what some of the survivors were thinking before and during their testimony in January 2018. Even though I watched some of it, especially the testimony by Olympian Aly Raisman, it is another thing to hear the stories behind the testimony. I appreciate that the podcast gives voices to the stories of lesser-known survivors.

This is a powerful podcast and one that I did not want to end. I don't claim to be an expert, as I'm somewhat new to podcasts, but this was very well done. It kept me wanting to hear more. And if this is not an admonition about the importance of believing survivors—especially children—I don't know what is.

More Information About Our Supervised Visitation Program

By Heather Harrington, *Supervised Visitation Program Coordinator*

With the opening of a new visitation program in Middlebury, it may be helpful to describe how our services compliment other providers, such as Easter Seals and Vermont Families in Transition.

WomenSafe's Supervised Visitation Program continues to address the safety needs of people who experience dating, domestic, sexual violence and stalking in our community by providing a high-quality program that supports survivors and their children.

In 1998 several community partners requested that WomenSafe provide supervised visitation services due to concerns for several children during parent/child contact post-separation. Separating from an abusive partner is often the most dangerous time for people experiencing abuse and violence from a partner.

Supervised visitation programs are accessed most often when there is domestic violence present in the home, and there is significant concern for further emotional and physical harm. Many survivors and their children are subjected to further abuse during parent/child contact. WomenSafe's Supervised Visitation Program offers families a time to regroup and begin to heal. Supervised Visitation programs allow non-residential parents the space to continue contact with their children without interference. They allow residential parents safety and peace of mind and children a safe, neutral space to see their parent, free from conflict.

Lundy Bancroft in his book, *The Batterer as Parent—Addressing the Impact of Domestic Violence on Family Dynamics*, identifies characteristics of people who use abusive and controlling behavior when parenting. Attempts to undermine the other parent's authority, ultimately affecting the parent-child relationship

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Proposed Changes to Title IX

By Laura Dillon, *University of Vermont Master of Social Work Intern*

The Department of Education released their long-anticipated rewrite of Title IX. First implemented in 1972, Title IX forbids discrimination based on sex within federally funded schools. During the Obama administration, Title IX regulations were expanded and bolstered in an attempt to dismantle the pervasive culture of sexual violence and harassment on many college campuses. Indeed, instances of harassment and assault are tragically commonplace on many campuses. Statistics show that of undergraduate students, 23.1% of women and 5.4% of men experience rape or sexual assault. While the numbers are high, most of those cases never come to light

as the majority of assaults on college campuses go unreported. Some victims cite the difficult and traumatic process of reporting as a reason that they choose to remain silent.

The changes that were implemented during the Obama administration were meant to reverse those statistics, making it easier and less traumatic for victims to come forward with allegations, lower the burden of proof placed on victims, and hold schools accountable for their handling of such cases, all with the ultimate goal of making schools safer for students.

The Department of Education has argued that these changes were unfair to those accused of assault and infringed upon their rights to due

process. Within the proposed changes, the definition of harassment has been changed, narrowing the applicability of the term to only include instances when harassment is “so severe, pervasive, and objectively offensive that it effectively denies a person equal access” to education. In addition to altering the definition of harassment, the new proposal sets a higher bar in terms of evidence presented against the alleged perpetrator. It will now require the accuser to meet a much higher standard of “clear and convincing evidence.” This standard can be difficult to meet in many cases of assault and harassment. Advocates fear that these changes will not only reduce the number of assaults and instances of harassment

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Vermont Legislative Priorities for 2019–2020

By Anne Burmeister, *Education & Training Program Coordinator*

WomenSafe sits on the Vermont Network’s Legislative Committee, and we’re pleased to share the 2019 Legislative Agenda. Our legislative and outreach efforts will focus on the following priorities and related bills. As we move through the legislative session, we will reach out to you with updates and ways to support specific survivor-focused legislation. Please like us on Facebook or follow us on Instagram to stay up-to-date.

Ending domestic violence homicides in Vermont:

Reduce the many safety risks associated with armed abusers by ensuring Vermont state laws empower law enforcement and judicial systems to protect survivors and communities from perpetrators with firearms.

- Require that the court order the relinquishment of firearms at the point of an emergency and final relief from abuse order
- Ensure that it is a crime for the person who is subject to relief from abuse order to possess or purchase a firearm in Vermont

Establishing housing protections for victims:

Ensure that all victims who rent in Vermont have the protections necessary to live in safety and without fear of eviction for reasons related to the violence they experience.

- Ensure housing protections for all victims who rent in Vermont, regardless of whether they live in public housing. Needed are provisions for early lease termination and lock changes, non-discrimination statutory protec-

tion, and the protection of victim privacy and confidentiality.

Securing the economic supports necessary so that all people thrive:

Ensure that victims in Vermont are able to meet their basic needs and that all victims have access to assistance which supports their health and safety.

- Support family and medical leave insurance for Vermonters who need paid time to attend to medical needs for themselves or their families.
- Raise the minimum wage, without financially harming those who receive child care financial assistance, to assist working Vermonters in meeting their basic needs.

Phenomenal Woman (1995)

Pretty women wonder where my
secret lies.
I'm not cute or built to suit a fashion
model's size
But when I start to tell them,
They think I'm telling lies.
I say,
It's in the reach of my arms,
The span of my hips,
The stride of my step,
The curl of my lips.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

I walk into a room
Just as cool as you please,
And to a man,
The fellows stand or
Fall down on their knees.
Then they swarm around me,

A hive of honey bees.
I say,
It's the fire in my eyes,
And the flash of my teeth,
The swing in my waist,
And the joy in my feet.
I'm a woman
Phenomenally.

Phenomenal woman,
That's me.

Men themselves have wondered
What they see in me.
They try so much
But they can't touch
My inner mystery.
When I try to show them,
They say they still can't see.
I say,
It's in the arch of my back,
The sun of my smile,

The ride of my breasts,
The grace of my style.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

Now you understand
Just why my head's not bowed.
I don't shout or jump about
Or have to talk real loud.
When you see me passing,
It ought to make you proud.
I say,
It's in the click of my heels,
The bend of my hair,
the palm of my hand,
The need for my care.
'Cause I'm a woman
Phenomenally.
Phenomenal woman,
That's me

Kimberly Krans Women Who Change the World Award Celebration

By Christina Grier, *Services Director*



Photos by Jason Duquette-Hoffman

WomenSafe was pleased to honor Suzanne Byers as the recipient of the 2019 Kimberly Krans Women Who Change the World Award on Wednesday, March 27, 2019 in Middlebury. Many of Sue's friends and colleagues told stories and spoke about her work and dedication to the community. Over 60 people attended the celebration. We were truly honored to shed some light on such a dedicated woman who continues to make a tremendous impact on our community. The award ceremony was held in March as part of National Women's History Month.

Hidden Under Violence

By Jenny Schumer, *University of Vermont Bachelor of Social Work Intern*

The epidemic of mass shootings has been infecting the nation with increasing fear over the past few years. In fact, there has been a significant number of mass shootings in the past couple of decades—100 since 1982 (Mother Jones). Many attribute the frequency of mass shootings to mental health or gun possession, but there is a larger connection that tends to be overlooked. Although domestic violence is a rampant issue in and of itself, it also appears to be an underlying indicator of mass shootings before they occur. Studies have shown that there is an overwhelming number of instances in which mass shooters were already in the legal system for domestic violence, including for threats made to former or current partners.

In recent years, there has been a visible pattern identifying a connection between mass shootings and domestic violence or threatening behavior. A national study was done, giving us insight regarding the prevalence of this issue.

Supervised Visitation (Continued from page 2)

are a frequent tool. He states that the parent who batters will use their children and go to great lengths to establish ongoing fear post-separation. Further, Bancroft states that these parents often exhibit punitive parenting styles, lacking patience and tenderness. They set high expectations that are not developmentally appropriate and often lead to power struggles that have the potential to turn into severe punishment/disciplinary actions that cause harm. These parents may use humiliation and shame, just as they did with their intimate partners.

WomenSafe's Supervised Visitation Program promotes consistent, predictable parent/child contact during potentially tumultuous times. This is important for children. Children

Research by *EveryTown* has concluded that, "In at least 54 percent of mass shootings (94 incidents), the perpetrator also shot a current or former intimate partner or family member." Another article, commenting on a recent mass shooting that occurred at a hospital in Chicago, links certain abusive behavior to mass shootings. "The majority of domestic abusers don't go on to commit mass shootings. But researchers have identified some behavior—strangling, stalking and death threats—as key warning signs that an abuser is likely to kill in the future." Guns in an abusive relationship are another significant indicator of whether domestic violence may lead to a fatal mass shooting. It has been mentioned in numerous sources that the presence of a gun in a violent relationship heightens danger significantly; one specific article sites that it raises the likelihood of homicide by five.

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most often love both of their parents and want to see both parents, if it can be safe. Supervised visitation gives parents an opportunity to honor their child's current need for an additional layer of safety and allowing for a slow transition to a new family structure. The residential-parent benefits from knowing they and their child are safe while the child spends time with their other parent. For kids, they can be assured there will be no pressure, no excessive questioning, no promises of future living arrangements, or negative talk of the other parent. It is a conflict free zone!

If you or someone you know could benefit from supervised visitation or monitored exchange services, please contact Heather at 388-6783.

Title IX

(Continued from page 3)

being reported, but also reduce the number of cases that schools actually investigate.

While the Department of Education has represented the proposed changes as a move to protect the rights of the accused, the rewrite also makes significant moves to protect schools. In an attempt to combat the practice of schools sweeping sexual assault 'under the rug,' the previous administration put more pressure on schools to improve their response to assaults. This increased schools' liability for the handling of such cases. With the proposed changes, schools will only be required to investigate formal complaints and will not be required to investigate assaults that happen off-campus, such as assaults that occur in off-campus apartments, where many students reside.

Advocates for victims and survivors of sexual violence and harassment fear that these changes to Title IX are taking us backwards. By placing the rights of schools and perpetrators above the safety and health of complainants, the Department of Education is perpetuating a long history of policies and values aimed at silencing the voices of victims and survivors.

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More Options Needed for Survivors

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This means comprehensive rape shield laws, the removal of lawyers and judges who blame victims, and less barriers to conviction. Until this happens, attempting to go through the judicial/legal system will not be a viable choice. Until this happens, countless survivors will continue to be invalidated and silenced. Until this happens, people will continue to ask the question, “Why didn’t they just report it?”



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How to Support a Teen Survivor of Sexual Assault

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1. **Let the survivor know that you support any decisions they make** whether it be with ending contact with the perpetrator, to file criminal charges, etc.
2. **Connect them with resources** in their community that can support the survivor and their family during this time.
3. **Make them feel comfortable and autonomous.** For example, when meeting with a survivor, ask them about the lighting, if they want the door open or shut, etc.
4. **Remember that there are a variety of ways that a survivor may react** that do not reflect the amount of trauma they have experienced, and that survivors cope in a variety of ways (even unhealthy behaviors.) It is okay to name or express concern around those behaviors, but when those unhealthy behaviors are combated it may cause a barrier in the support needed to heal.
5. **Don't let the focus of every discussion that you have with them revolve around the violence** that they have experienced. It's okay to start conversations with what the plans are for the weekend, self-care, or other hobbies/interests.
6. If the survivor was assaulted by someone of the same gender, **do not make assumptions about their sexual orientation.** Mirror any language that they are using around personal and relationship labels & pronouns.
7. **Listen to the survivor & validate their feelings.** Do not use personal experiences when providing emotional support to the survivor or do most of the talking. It is okay for the conversation to have quiet pauses, even if it may feel unnatural.
8. **Understand** that each experience is unique and trauma affects everyone differently.
9. **Do not press for details** around the assault or ask questions because of curiosity.
10. **Do not blame the survivor.** There was a crime committed against this person, regardless of the circumstances around the assault.
11. **Always believe the survivor!!** Statistically, if someone is disclosing an assault, it is the truth.

Hidden Under Violence (Continued from page 6)

While the findings of the previously examined studies are alarming, it is important to remember that they are not just statistics; every number represents the story of a victim. Keeping this in mind, there are two important questions that we should focus on. Were these incidents preventable? And, how do we prevent them in the future? We now know that, in part, the

answer is yes. Given the recent studies, it is clear that there are multiple connections between domestic violence and mass shootings that can be used to inform change in legislation. It is imperative to focus on these connections, gain a new perspective, and reevaluate uniformed laws in order to increase the potential to prevent mass shootings.

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Systems Advocacy

Support Groups

**Community Outreach
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**Supervised Visitation
& Monitored Exchange** ■

SPRING HAS ARRIVED!



If you have gently used clothes or household items, please consider donating them to Neat Repeats and designating WomenSafe as the recipient of the proceeds. For more information, call Neat Repeats at 388-4488 or WomenSafe at 388-9180.

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