

Victim Blaming & Question Formulation

What is victim blaming?

Victim-blaming can be defined as holding the belief or expressing one's opinion that the person who is alleging they were sexually harassed, sexually assaulted, or victimized in an intimate relationship, was in some way responsible for what happened.

Victim-blaming can be both obvious and subtle. Examples of obvious victim-blaming are expressing one's opinion that a woman would not have been sexually harassed or assaulted had she not been wearing the clothes she was wearing and drinking alcohol. Subtle victim-blaming can occur in the way questions are asked of a person who has been sexually harassed, sexually assaulted or victimized.

Why does victim blaming exist?

Victim blaming is often tied to myths people hold about sexual harassment, sexual assault, gender-based harassment, stalking and intimate partner violence. Some people may hold misconceptions about victims, offender and the nature of violent acts. For example, some people may believe that in order for someone to be a victim of sexual assault that some sort of struggle must have ensued during the incident. Being aware of the myths associated with misconduct, particularly gender-based harassment and violence, is an important step in understanding if a question might be victim blaming.

In addition, some victims receive more sympathy in society than others. For example, men or women who are victims of random acts of violence by an unknown offender are often granted more sympathy than victims who knew their offender.

Additionally, it is theorized that victim blaming occurs as a way to protect the feelings people may have about their own vulnerability. Friends and family members of crime victims may blame the person in order to reassure themselves. Examples of these types of statements are:

“She/he was beaten because she stayed in such a destructive relationship. I would never stay in that type of relationship.”

“That person was raped because they drank too much. I would never drink as much as she/he did so it will never happen to me.”

“I don't wear revealing clothing like he/she does, so my boss would never touch me inappropriately.”

It is important for board members to consider how the facts of any given case may impact their perceptions of safety or how the world operates. These are challenging cases and recognizing if a particular case is difficult for some reason can be beneficial. Board members are encouraged to contact the Executive Secretary if they are having difficulty with a case after the hearing.

What are examples of victim blaming questions?

Examples of victim-blaming questions include:

- Why didn't you tell him directly to stop commenting on your body?
- Why did you wait so long to report this?
- If you were sexually assaulted, why didn't you go to the hospital right away?
- You had the chance to report this incident to the police, why didn't you choose to do that?
- How did the respondent get your clothes off without a struggle?
- Did he/she say "no" like she/he meant it?
- Was the complainant flirting with the respondent that evening?
- What was the complainant wearing that evening?
- If you don't remember everything that happened that night, how are we supposed to know what happened?

How can hearing board members avoid victim blaming questions?

The goal of the hearing is to determine if a violation of policy occurred. Therefore, board members should ask themselves the following questions as they consider their lines of questioning:

- Will the answer to this particular question help me to understand if a violation of policy occurred? How will the answer to this question illuminate whether or not a person's behavior meets the definition of a violation?

Reviewing the definitions and examples provided in the policy are important for question formulation and may assist board members in avoiding victim blaming questions. For example, if alcohol was involved in a sexual assault case, the board would want to determine if the respondent caused the complainant's intoxication or if the respondent took advantage of the complainant's inability to consent due to alcohol intoxication.

Types of questions asked to make that determination, may be:

- *It says in the investigative report that you felt drunk and were wobbly. Can you elaborate on that?*
 - *The investigative report indicates that the respondent kept buying you shots. Is that right?*
- Does the information I am attempting to elicit serve my curiosity about the person or the incident? Or, does it help the board make a decision?

Curiosity is part of human nature especially in situations that people may find confusing. It is important that each question a board member has serves the purpose of determining if a violation of policy occurred.

What if I'm concerned that a question will be victim blaming?

As board members, it may be important to have answers to questions that may be perceived as victim-blaming. Therefore, the way in which these questions are asked of both the respondent and complainant is important in the disciplinary procedure.

- Before asking the question, tell the person why you think it would be helpful to have the answer to the question.

Examples: We understand that you told the investigator that you had a lot to drink that night and we think it may be helpful for us to get a clearer picture of what you had to drink and who bought you the drinks. Can you tell us about that?

We want to understand the dynamic between you and your partner a little better. The investigative report mentions that your friend said you could stay with her after your partner hit you. The report says that you decided to go home with your partner and we were hoping you could say a little bit more about that decision.

- Body language, tone and mannerisms are important. Board members can provide a supportive environment to each student involved in the panel process. This will allow the students to be as comfortable as possible with the process.
- Consult. If you are concerned that you are going to ask a question that may be perceived as victim blaming, ask that the board break for a few minutes and consult with your fellow board members.

Sources:

The Canadian Resource Centre for Victims of Crime. (2009). "Victim Blaming." http://www.crcvc.ca/docs/victim_blaming.pdf

Mahr, L. & Ramirez, M. (2007). Representing farmworker women who have been sexually harassed. A best practices Manual . Southern Poverty Law Center.

http://uchastings.edu/faculty-administration/faculty/adjuncts/class-websites/reisch/Ch.6_Esperanza_Manual-Interviewing_witnesses.pdf