



Association of  
Title IX Administrators

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# Technology-facilitated Sexual Abuse

An Introduction for Higher Education Practitioners



# TODAY'S TOPIC

Technology-facilitated sexual abuse is the use of technology and new media to facilitate sex-based abuse and harassment. Behaviors can include nonconsensual pornography (“revenge porn”), recorded sexual assaults, deepfakes, sextortion, cyber harassment, cyber dating violence, and cyberstalking.

Attendees will understand the forms of technology-facilitated sexual abuse present in higher education settings, will examine best practices for applying policy to incidents of technology-facilitated sexual abuse, and provide supportive measures for this unique type of sex-based misconduct.



# CONTENT ADVISORY

The content and discussion in this course will necessarily engage with sex- and gender-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language.

# AGENDA

1

Definitions

2

Applying Policy

3

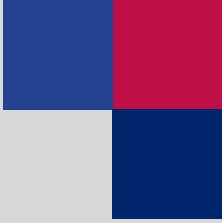
Impacts of Technology-facilitated Sexual Abuse

4

Applying Supportive Measures

5

General Considerations for Practice



# DEFINITIONS

# TECHNOLOGY-FACILITATED SEXUAL ABUSE

- Gender-based abuse facilitated via the use of communication technology or any other emerging technologies
  - Image-based Abuse
  - Recorded Sexual Assault
  - Deepfakes
  - Sexual Extortion
  - Doxing
  - Cyber Dating Violence
  - Cyber Harassment
  - Cyber Stalking

# TECHNOLOGY-FACILITATED SEXUAL ABUSE (CONT.)

- Common communication technology used to perpetrate Technology-facilitated Sexual Abuse:
  - Email
  - Text messages
  - Social media sites
  - Social networking platforms
  - Messaging apps
  - GPS and geopositioning data
  - Spyware
  - Other emerging technologies and online spaces

# IMAGE-BASED SEXUAL ABUSE

- The distribution of sexually graphic images of individuals without their consent.
  - Images originally obtained without consent
    - using hidden cameras
    - hacking phones
    - recording sexual assaults
  - Images consensually obtained within the context of a private intimate relationship that are later shared beyond the relationship
    - Non-consensual pornography
    - “Revenge porn”



# DEEPFAKES

- The digital manipulation of audio and/or video recordings to create a new digital recording that appears to be real but is not.
  - Created by using audio and/or video editing software and artificial intelligence (AI)
  - Often used maliciously or to spread false information
- Many of the images created are sexual or pornographic in nature and target women or femme-presenting bodies.

# SEXUAL EXTORTION

- Threatening to expose harmful sex-based information unless an individual engages in unwanted sexual conduct.
  - Provide nude or sexually explicit images
  - Perform sex acts
  - Pay an amount of money (ransom)
- Conditioning an aid, benefit, or service on an individual's engagement in unwanted sexual conduct
  - Abuses of power or authority
- A form of sexual exploitation that uses coercion tactics to gain or continue sexual access

# DOXING

- The act of publishing identifiable private or personal information on the internet without the individual's consent.
  - Information originally obtained without consent (e.g., hacking, phishing scams)
  - Information consensually obtained within the context of a private relationship that is later used to inflict harm
- Often overlaps with other forms of technology-facilitated sexual abuse (i.e., image-based abuse, sextortion, cyber stalking, cyber harassment, cyber dating violence)

# CYBER DATING VIOLENCE

- Abuse via the use of communication technology, or any other emerging technologies by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - Use of technology to exert power and control over another individual
  - Often includes other forms of technology-facilitated sexual abuse (i.e., image-based abuse, sextortion, doxing, cyber stalking)

# CYBER STALKING

- The use of communication technology, or any other emerging technologies, to engage in a course of conduct directed at a specific person that would cause a reasonable person to —
  - Fear for that person’s safety or the safety of others; or
  - Suffer substantial emotional distress.
- Often includes efforts to monitor or surveil a current or former intimate partner
- Most cyber stalking behaviors are not protected by the First Amendment

# CYBER STALKING (CONT.)

## Forms of Cyber Stalking

- **Passive**
  - Obtaining publicly available information without detection
- **Invasive**
  - Deliberate acts intended to infringe upon or violate privacy
- **Duplicitous**
  - Deceptive acts used to gain access to information without detection

# CYBER HARASSMENT

- The use of communication technologies, or any other emerging technologies to harass or bully another person
  - Also called cyberbullying
  - Most often occurs on social media platforms or other online forums
- Engaging in repeat behaviors directed at a specific person with the intent to cause harm
  - Threats
  - Encouraging self-harm
  - Spreading gossip or posting rumors
  - Impersonation
  - Sharing private and/or personal information
  - Disparaging sex- and gendered-based speech
  - Hate speech

# DIFFERENCES BETWEEN CYBER STALKING & CYBER HARASSMENT

## Cyber Stalking

- Cause fear
- Maintain power and control
- Single perpetrator
- Perpetrator is often known to the Complainant
- Continuous cycle of incidents with multiple tactics

## Cyber Harassment

- Inflict harm
- Denigrate and/or humiliate
- Single or multiple perpetrators
- Perpetrator can be known, a stranger, or anonymous
- Often contained to a point in time with consistent tactics





# APPLYING POLICY

# TIX REGULATORY DEFINITIONS – § 106.30

**Sexual Harassment** is conduct on the basis of sex meeting one of the following conditions:

- An employee of the Recipient conditioning the provision of an aid, benefit, or service of the Recipient on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Recipient’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)  
“Dating violence” as defined in 34 U.S.C. 12291(a)(10)  
“Domestic violence” as defined in 34 U.S.C. 12291(a)(8)  
“Stalking” as defined in 34 U.S.C. 12291(a)(30)

# VAWA 2022: TECHNOLOGICAL ABUSE

- 2022 VAWA Reauthorization added the term **technological abuse**, meaning:
  - an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

# ATIXA MODEL DEFINITIONS: SEXUAL EXPLOITATION

## **Sexual Exploitation (non-Title IX sexual harassment)**

- Occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.
- Examples of sexual exploitation include, but are not limited to:
  - **Invasion of sexual privacy**
  - **Non-consensual digital, video, or audio recording of nudity or sexual activity**

# ATIXA MODEL DEFINITIONS: SEXUAL EXPLOITATION (CONT.)

- Examples (continued):
  - **Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity**
  - Engaging in voyeurism
  - Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex)
  - Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person
  - Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals
  - **Sexually-based bullying may also be a form of sexual exploitation**

# POLICY CONSIDERATIONS

- Substantially disruptive online conduct could still violate policy and be addressed under:
  - Institutional harassment/discrimination policies
  - Student Handbook/conduct policies
  - Technology/Acceptable Use policies
  - Employee Handbook/conduct policies
  - Professionalism standards
- But be mindful of the speech/conduct distinction and any applicable First Amendment boundaries
- Institution should still take steps to:
  - Provide support and resources to the Complainant to address any “downstream effects”



# **IMPACTS OF TECHNOLOGY- FACILITATE SEXUAL ABUSE**

# COMMON CHARACTERISTICS

- Individuals characterized as women, emerging adults, and sexual minorities (LGBT+) are at higher risk for victimization
  - Experience many of the same health consequences as victims of in-person sexual harassment/ sexual misconduct
  - Experience lower levels of psychological well-being and higher levels of somatic symptoms
  - Often increase substance use and engagement in other risky behaviors
  - Often withdraw from those around them and may begin to miss class(es) or work



# IMPACTS OF TECHNOLOGY-FACILITATED SEXUAL ABUSE

Impacts experienced by victims include but are not limited to:

## Physical

- Fatigue/low energy
- Reduced sleep/appetite
- Gastrointestinal problems
- Pain in back or joints
- Headaches

## Psychological

- Anxiety
- Depression
- PTSD symptoms
- Suicidal ideation or attempts
- Substance abuse

## Academic

- Limited engagement with others
- Increased incidents of absenteeism
- Lower academic performance
- Lower GPA
- Higher drop-out rates



# **APPLYING SUPPORTIVE MEASURES**

# TITLE IX ESSENTIAL COMPLIANCE ELEMENTS

**In response to notice of sexual harassment/sexual misconduct, the institution must:**

- Offer supportive measures
- Offer an opportunity to file a formal complaint

**Once an official with authority has received a complaint of sex-based stalking, the institution must:**

- Take immediate and appropriate steps to **investigate**  
Take prompt and effective action to:
  - **Stop** the harassment
  - **Prevent** the recurrence
  - **Remedy** the effects

# SUPPORTIVE MEASURES

- Provided to all parties throughout the process:
  - Non-disciplinary, non-punitive
  - Individualized
  - Restore or preserve equal access
  - Without unreasonably burdening other party
  - Protect safety of parties or environment, or deter sexual harassment
- If supportive measures are not provided, document why not

# COMMON SUPPORTIVE MEASURES

- Referral to counseling or other health services
  - Referral to the Employee Assistance Program
  - Visa and immigration assistance
  - Community or community subgroup education
  - Altering housing situation (if applicable)
  - Altering work arrangements for employees
  - Safety planning
- Providing school safety escorts
  - Transportation assistance
  - Implementing contact limitations (no contact orders)
  - Academic support, extensions of deadlines, or other course-related adjustments
  - Trespass or Be on the Lookout (BOLO) orders
  - Emergency notifications
  - Increased security and monitoring of certain areas

# KEY TAKEAWAYS

- Technology-facilitated sexual abuse should be included as part of college and university Title IX education and prevention program efforts
  - Education for faculty and staff should include information regarding the “real” nature of abuse within digital environments
  - General education efforts should include information to combat victim blaming and minimalization
- Victims experience a unique and prolonged form of trauma that may require longer-term support
- Rates of victimization are likely to increase in frequency among U.S. college students



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**Questions?**



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