

20 MINUTES TO...TRAINED STUDY GUIDE:

# INTIMATE PARTNER VIOLENCE

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Materials are adapted  
from The ATIXA Playbook



## **20 Minutes to Trained: Intimate Partner Violence Table of Contents**

- I. Learning Outcomes
- II. Discussion Questions
- III. Case Studies
  - a. Claire and David
  - b. Tim Lane and Elizabeth Williamson
- IV. Case Study Questions & Answers
  - a. Claire and David
  - b. Tim Lane and Elizabeth Williamson
- V. Excerpt from *The ATIXA Playbook: Best Practices for the Post-Regulatory Era*



## **20 Minutes to Trained: Intimate Partner Violence Learning Outcomes**

- Participants will be able to articulate the three main types of violence or abuse.
- Participants will understand the various relationships that are encompassed by the term Intimate Partner Violence.
- Participants will be able to complete the ATIXA model of proof to determine whether certain scenarios constitute Intimate Partner Violence.



## **20 Minutes to Trained: Intimate Partner Violence Discussion Questions**

- For behavior to constitute IPV, do the parties have to have a sexual relationship?
- Is minor IPV covered by your Title IX policy if it does not create a hostile environment on the basis of sex/gender?
- If intimate partners abuse each other, is the IPV policy violated, and by whom?
- If IPV takes the form of emotional abuse, but not physical violence, is that enough to constitute a policy violation?
- Should we consider using no-contact orders in IPV cases in the same way that we do in sexual violence cases?



## 20 Minutes to Trained: Intimate Partner Violence Case Studies

### Claire & David

This case comes to your attention because Claire's roommate, Ellen, is concerned about them. She has heard them fighting both on the phone and in Claire's room. She feels that David is possessive and abusive.

### Ellen's Statement

I've known Claire for almost 10 years. In the last couple of years since she started dating David, she has not been the strong independent woman that I've known. I've never witnessed David actually hit her, but I have noticed that after I hear them fighting she will always wear long sleeves and/or long pants. I've seen him grab her forcibly when we were out and he wanted to leave and she did not want to go. I also saw him do it when he wanted her to go with him to his apartment and she did not want to leave our apartment.

The reason I'm here is because the other night when she was out studying he came by and wanted to come in and wait for her. I wasn't comfortable having him wait for her while I was going to bed, so I asked him to leave. He told me he would just wait a little while longer and then he would lock up. I told him no, and that I wanted him to leave

now. He refused, and while we were arguing about this, Claire came home. He said, "Your bitch of a roommate was about to kick me out, do you mind if I stay here tonight with you?" Claire told him that she thought it would be better if they spent the night at his house, but he insisted on staying at ours. They went into her room, and I could hear them arguing. They weren't shouting but I could tell they were arguing.

Yesterday, when I came home, David was in our house. He said he was leaving a note and a gift for Claire. I asked him how he got in, and he said Claire gave him a key. I told him I didn't believe him, and that I thought he had had a key made without Claire knowing. He told me to go ahead and ask her. I did, and Claire told me that she did not give him a key and that he must've taken it from her purse when he dropped her off at class earlier that day. She seemed to think it wasn't a big deal, but I think it is.

I know that he has left marks on her that I've only seen very quickly but I'm afraid for her safety and you need to do something about this.

### Claire's Statement

Let me start by saying I know Ellen does not like David. He can be forceful, and he doesn't particularly care for her either. He has grabbed my arms, but to be fair, I have grabbed his arms too. Sometimes the stress of our relationship can get the better of both of us. When he gets angry, he tends to raise his voice, and at least once in the library and in the academic building one of the staff had to tell him to be quiet.

He did take the key out of my purse the other day without my knowing and let himself into my apartment to leave me a note and a present. I know this really pissed Ellen off, but she just needs to get over it because I live there, too.

In response to a direct question about whether David ever hit her: He did hit me one time in the back and on the arm. It left bruises, and I was a little worried, but he apologized the next day and he had been drinking, so I wrote it off. My friends said that I should take pictures of the bruises, so I did. I don't feel comfortable giving them to anybody and I've only shown them to my friend, Gail, that one time. I wore long sleeves, to hide the bruises. Nobody said anything. Sometimes he will get forceful during sex and he has left marks on my arms and legs.

### David's Statement

Claire and I have a relationship that has its ups and downs like anyone else's relationship. I know her roommate Ellen doesn't care for me, and to be frank I don't care for either. She's really tightly wound and could probably stand to get a boyfriend around. To be honest, I think she's just jealous that Claire found someone, and she hasn't.

I did go over to Claire's the other night to meet up with her after her study group, but she wasn't there yet. Ellen made a big deal out of wanting me to leave but then Claire showed up and everything was cool.

When I took Claire to class the other day, I snuck her keys out of her purse so that I could go to her apartment and leave her a sweet note and a small present – it was a necklace – for our anniversary. Ellen was there, and I tried to explain what was going on, but she threw a hissy fit.

In response to a direct question: One night, when Claire and I were in a big fight, I went to leave, she grabbed my arms. I shrugged her off, and swung my hand to keep her from grabbing me again and ended up hitting her on the back because she turned around. When she came back at me, I grabbed her shoulders stop her. I was pretty forceful that

night, and the next day we talked about it and she apologized and I apologized. Ellen asked me about it, and I told her to mind her own fucking business.

Claire and I have engaged in some forceful sexual behavior, but we don't do it very often, and usually only after both of us have been drinking.

## **Tim Lane and Elizabeth Williamson**

Tim Lane, Reporting Party

Elizabeth Williamson, Responding Party

### Interview with Tim Lane, reporting party

- “Elizabeth emotionally and sexually abused me for two straight years.”
- Williamson was interested in BDSM and made Lane play out fantasies and Lane wasn’t comfortable with that.
- Williamson would pressure Lane to act “hyper-masculine” and Lane was “pressured and shamed...to act a certain way or else [Lane] wasn’t seen as attractive.”
- “Elizabeth wanted me to be this hyper aggressive and hyper sexual male ideal. Before I met Elizabeth I was identifying as asexual, gender-neutral - but in the relationship, I was told I couldn’t do that and needed to go by he/him pronouns. I am back to they/them.”
- “She told me I was weak and to fix it. I would ‘dom’<sup>1</sup> myself out of acting a certain way. I hated that.”
- When asked about their gender identity prior to starting the relationship with Williamson, Lane said: “Either a-gender or

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<sup>1</sup> Dominate.



gender fluid. I wasn't comfortable insisting on pronouns at that point but did tell people and was very open about being a-gendered...Everyone used he/him then because I wasn't good at advocating for myself and people weren't used to it since it is a relatively new thing."

- "I felt pressure about a month and a half into the relationship to act out the gender role of hyper-masculine man. Elizabeth wanted me to identify internally in that role as male."
- When asked what was said about this, Lane stated: "Essentially just that if I was going to continue to be Elizabeth's partner – what Elizabeth found attractive was this hyper male standard and if I wanted to continue to be attractive that I would need to play out that role. I wanted to be a good partner so I would keep trying to meet the standard."
- "I was a-gendered in the beginning but the more I was pressured the more I changed internally."
- "She would say – the way you are acting is weak. Weak people do this. At the time I thought this person knows better than I do and I should act the way they want – classic gaslight response. Looking back on it I feel like any way I would act would have been received poorly."
- Regarding the dom/sub dynamic: "I was ok with toys and bed restraints but not with the power dynamic. The social hierarchy was what I wasn't ok with."
- When asked about details regarding how Williamson pressured Lane, "Basically the entire [sexual] situation. When the situation is supposed to start with aggression and power and force I didn't – who I am – I didn't want to do it at all. I tried to push through that discomfort to try to do what she wanted but that's not me. Sometimes I felt unreal for hours afterward. I felt like I couldn't advocate for my own desires."

- “During between fifty and sixty percent of the sexual interactions with Williamson, I did not want to do those behaviors. I was unduly pressured to be hyper masculine and violent.”

### Interview with Elizabeth Williamson

- “In 2015 Tim and I started BDSM in the relationship – it was experimental and consensual – we set up safe words and boundaries. They were very clear in saying they wanted to experiment with it.”
- “For the whole relationship Tim used he/him. At the beginning, they said they didn’t have any close relation to any gender identity. But over time Tim used he/him and then strongly identified as he/him.”
- Investigators asked if she had a preference for how Lane identified, to which Williamson stated: “There was talk about the fact that I personally would prefer to date someone who identifies as male. But not in the context of my demanding [Lane] present a certain way.”
- When asked if Williamson communicated that she wanted Lane to be more dominant, she stated: “In the bedroom certainly” but Lane never discussed discomfort about the dominant role.
- When asked if she remembered asking Lane to “dom his way” out of certain behaviors, she stated: “It’s a possibility I used that term...like if school was getting the better of [them], I would say something like – you are dominant and can take control of the situation. [They were] usually receptive and would say I was right and would take charge and control the situation.”
- When asked about their discussion regarding safe words, Williamson stated that it occurred “[v]ery early on. Green is go ahead – red is stop – and yellow is pause and discuss.... The

conversation was that we should both have safe words. Tim said that was a good idea. Tim was not comfortable with anal play on [themselves] and that was the only clear boundary I got from [them].”

- When asked if Williamson had communicated to Lane that she enjoyed the dom/sub dynamic outside of their sexual interactions, she said: “Yes, originally. But then the dynamics went out of the bedroom. The most specific examples are the ones that make me uncomfortable. January and beyond 2016 – controlling what I wore, what I ate – defensive of me around my family.”
- Lane engaged in controlling behavior:
  - When asked about Lane listening in on her phone conversations with her parents, Williamson said that it started “Fall of 2014 and continued throughout the relationship. Sometimes I would have it on speaker and sometimes Tim would just be in the room. Early on that was okay with me and it became less okay as time went on. At the time, I thought it was fine and looking back on it I don’t.”
- Lane controlled Williamson’ appearance:
  - “I went off Adderall and I gained about 20 pounds. [Lane] wanted me to work out more, lose weight, have a tighter body. I started getting into make-up. [Lane] said I should wear make-up more, that it looked good – that when I wasn’t wearing make-up I wasn’t attractive. They would only comment positively on my appearance when I put in more effort than I generally do. They would disparage it otherwise.”
  - Lane made comments like “you’d be so much more attractive if you worked out.”
  - “They liked it when I wore shorter shorts, higher heels, tighter tops.”
  - When asked what she thought would have happened if she didn’t wear makeup, Williamson stated: “They wouldn’t

have been attracted to me...I don't think any sort of control like that is healthy."



## 20 Minutes to Trained: Intimate Partner Violence Q&A

**Claire & David**

For Discussion

- What do you do if Claire is uncertain about how she wants to proceed?
  - Make sure Claire has support options and knows the resources that are available to her, including the interim measures that the school can implement.
  - Work on establishing a rapport with Claire. Try to understand the reasons for her reluctance. While you are impartial and must remain so, you also need to work to gain Claire's trust. Although this is necessary in all investigations, individuals experiencing IPV may need more time to feel comfortable discussing the behavior they have experienced.
  - Have the appropriate individual touch base with Claire in the future to check in with her.
- What would you do if you had the information outlined in the case study, but Claire does not want to participate or file a complaint?

- You need to consider the reporting party's wishes as well as the credible threat of harm to your institution's community (including Claire). If you do not perceive there to be a credible threat, you can use the preliminary inquiry to document this and to explain why you are not going to proceed with an investigation at this time.
- You should determine whether Claire would like interim measures, and make sure that she knows these measures are available to her regardless of whether a formal investigation is pursued.
- What would you do if Ellen came to you after her initial interview, demanding that you proceed with an investigation?
  - You want to make sure Ellen knows she is being heard. Listening to what Ellen has to say and discussing with her the process and procedures involved would be the best way to handle her demands.

## **Tim Lane and Elizabeth Williamson**

### For Discussion

- What are your initial thoughts?
- What policies are potentially implicated?
  - Sexual Harassment
  - Intimate Partner Violence
- What do you want to know to better understand the reported conduct?
  - Both parties seem to maintain that certain conduct was acceptable but at times this conduct crossed the line. Try to explore where that line is to better understand the dynamics of the relationship.

- Talk with friends of both parties, who may be able to shed some valuable light on how the parties interacted with each other during the relationship.
- Recognize that an individual's views of their relationship in hindsight may be very different than how they considered the relationship while it was ongoing. In addition to unhealthy relationships (see below), people can be affected by an ugly breakup, neither one of which automatically constitutes intimate partner violence.
- Is this IPV or simply an unhealthy relationship?
  - A relationship can be unhealthy without violating policy. In this particular situation, while it is clear the parties fulfill the relationship prong, the question of whether the conduct constitutes violence remains. Given the above information, it is unlikely that this behavior (by either party) qualifies as violence for the purpose of an Intimate Partner Violence inquiry.

## Intimate Partner Violence

### Model Policy

Per the ATIXA Model Policy, Intimate Partner Violence (IPV) is defined as: *any instance of violence or abuse—verbal, physical, or psychological—that occurs between those who are in or have been in an intimate relationship with each other.*

### Model of Proof

- Violence or
- Abuse
  - Verbal and/or
  - Physical, and/or
  - Psychological
- Occurring between those who are in or have been in an intimate relationship to each other

### Rubric

1. Did violence or abusive behavior occur? If no, the policy was not violated. If yes,
2. Did the behavior occur between those who are in or were in an intimate relationship to each other? If no, the policy was not violated. If yes, policy was violated.

### A Two-Prong Analysis

To make a finding of responsibility for an allegation of intimate partner violence, one must establish, by a preponderance of the evidence, both prongs of the IPV definition referenced above, namely that: (1) the responding party more likely than not committed a form of violence or abuse upon the reporting party, and (2) the relationship between the reporting and responding party is more likely than not one of an intimate nature, or has been intimate in the past.

#### *Prong 1: Violence or Abuse*

To establish the first prong, we need to understand what types of behavior constitute violence or abuse. You'll notice that the IPV definition is intentionally written broadly, to encompass the numerous types of violence or abuse that can occur. We can think about violence or abuse as occurring in three main forms: verbal, physical, and emotional/psychological.

#### Verbal Abuse

Verbal abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner. Verbal abuse often has the aim of diminishing the reporting party's self-esteem, dignity, or



security. Importantly, like other forms of verbal sexual harassment, the alleged verbal behavior must be: (1) objectively offensive and (2) sufficiently severe, persistent, or pervasive. Singular statements and isolated incidents will likely fall short of this sufficiency standard and thus will not constitute verbal abuse within the IPV framework. As an investigator of an IPV allegation, refrain from overstepping by unnecessarily inserting yourself into what some would call “lovers’ quarrels” or “relationship drama.” Those types of behaviors may be ripe for counseling or conflict resolution, but not for resolution under Title IX or VAWA §304. You are not the relationship police, so be scrupulous when establishing that alleged verbal abuse does, in fact, rise to the level of verbal sexual harassment under the traditional hostile environment standard. This standard is also helpful when it comes to questions of whether or how you address IPV occurring between two employees where the abuse is entirely off-campus. What is particular to IPV are the ways that verbal abuse can manifest. Common forms include gaslighting, double binds, body shaming, dominating, emotional blackmail, hidden daggers, baiting, infantilization, and dozens of other commonly recognized tactics.<sup>70</sup>

### Physical Violence or Abuse

Physical violence or abuse occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in fear of imminent bodily harm. Put simply, if one *does* harm, *tries* to do harm, or *imminently threatens* to do harm to an intimate partner, the behavior will likely constitute violence or abuse under an IPV policy. Conventional battery, such as punching, slapping, scratching, or otherwise striking an intimate partner—with any part of one’s body or with any object—constitutes physical violence. A common misconception, though hopefully growing less common, is that intimate partners, by the very nature of their relationship, consent to sexual activity with one another such that sexual abuse of a spouse or partner is impossible. We know, of course, that this is categorically false, as consent in some form is required for *any* sexual act, regardless of the relationship or prior history of the involved parties.<sup>71</sup> Accordingly, any form of non-consensual sexual activity within the context of an intimate partner relationship constitutes sexual—and thus physical—abuse under the IPV definition. Other forms of physical abuse include keeping an intimate partner captive, preventing them from leaving, or otherwise restraining them against their will.

### Emotional/Psychological Abuse

Emotional and psychological abuse involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The abuser’s behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and can often result in measureable psychological harm, such as depression, anxiety, or post-traumatic stress symptoms. Examples include relentless denigration and disparagement, threatening to harm a beloved pet or destroy sentimental possession(s), as well as financial and economic abuse and blackmail.

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<sup>70</sup> For more information, visit <http://mindbodyintegrativecounseling.com/types-of-verbal-and-emotional-abuse/>

<sup>71</sup> This does not mean that we completely ignore the history between the parties because it does help inform what consent looks like in their relationship.

The above types of abuse can also occur concurrently. For example, an abuser might engage in both physical and psychological abuse by controlling what his partner is allowed to do during the day, who she is allowed to talk to, and when she can leave the house. Similarly, an abuser might engage in verbal, sexual, and psychological abuse by continually telling his girlfriend things like, “If you don’t have sex with me, I’ll just tell everybody that we did. And if you’re bad in bed, I’ll break up with you and tell everyone that you cheated on me with the whole football team. You might think you have a good reputation, but people actually think you’re a whore.”

### Collecting Evidence of Violence or Abuse

Evidence of verbal abuse will often include testimonial evidence from the reporting party about what was said, when it was said, the context in which it was said, and whether there were witnesses to the statements. Witness statements will often consist of a roommate who heard the yelling and commotion, or a friend or family member who overheard a spouse screaming on the phone.

In today’s digital age, with numerous mechanisms of communication, verbal abuse will often extend to text messages, emails, voicemails, and social media. Importantly, digital communications are almost always documentable, providing investigators with rare physical evidence that might corroborate that verbal abuse had occurred. Allegations of emotional and psychological abuse will likely yield the same type of evidence. Keep in mind, however, that positive or complimentary digital communications do not necessarily refute the allegations of abuse.

Witnesses may also recall when the reporting party first told them about their relationship issues, providing a valuable timestamp and corroboration for the reporting party’s allegation of an ongoing or long-lasting climate of abuse. Many victims of IPV attempt to conceal the fact that they are being abused, and so critical corroborating evidence may not come in the form of third-party knowledge of actual emotional or verbal abuse, but in the form of friends and family who notice shifts in mood, personality, and/or habits.

With physical abuse, in addition to a reporting party’s testimony that the abuse occurred—which is evidence in and of itself—physical violence can also leave marks, scratches, bruises and other visual indications. Friends, family members, or colleagues who notice these injuries provide an investigator with valuable corroborating witness testimony, even if the marks or bruises have since healed. Additionally, reporting parties sometimes take pictures of their injuries using digital cameras, computers, or their mobile phones. Even if they can’t provide the actual photos, they may have shown those photos to others, again providing an investigator with valuable corroborating testimony, which can be even more critical if an abuser found the photos on the phone and deleted them.

### Allegations of Mutual Abuse

Very cagey abusers set up their own defenses well in advance. Sometimes that defense is mutual abuse. In one recent investigation, a responding party encouraged his girlfriend to burn

his arm with cigarettes, telling her it was the only way he could feel anything. But, when she finally reported his abuse of her, his response was, “Well she abused me too, look at these burn marks for proof.” A responding party, upon learning of an allegation that he physically abused his ex-girlfriend, might contend that she had also hit, scratched, or otherwise physically harmed him during their relationship, and that if he is being investigated for physical abuse then so should she. To be clear, mutual abuse is neither common nor is it truly mutual.

Thorough investigations into these types of situations typically reveal a primary aggressor, with one party often experiencing verbal and emotional abuse well beyond just the alleged physical abuse. If there is insufficient evidence to identify a primary aggressor, then each allegation of IPV should be investigated and resolved independently, as distinct policy violations. It does not matter who started it, who made it worse, or who hit the other harder. Abuse is abuse, and where there is no primary aggressor, each instance of abuse must be addressed accordingly. Additionally, policies should include some type of provision regarding self-defense, so that reporting parties are not held accountable if/when the responding party’s counter-claim of physical violence is shown to more likely have been committed defensively.

Further, we mentioned above that one of the common trauma responses to IPV is the fight response. Thus, pay careful attention to the language of the reporting party when they describe responsive violence. They often don’t realize (or don’t want to admit) they did not have control over their response, when in fact admitting that would help their cause. Probe around how they struck out, what their thoughts were when they did, how they decided where and how to strike out, etc. If their brain simply sent the fight signal, there is unlikely to have been a thought process behind it, and they’ll say things like, “it wasn’t like me,” or “something just came over me,” or “the next thing I knew, I had slapped him.” Part of the reason why this is key, of course, is that someone isn’t committing mutual abuse when their autonomic nervous system is controlling their responses. In fact, it’s even possible for the brain to perceive a threat based on a prior pattern, and trigger a fight response even when there is no actual impending harm. Thus, there may be times when the “victim” appears to strike out unprovoked, and the skilled investigator will know to probe what the previous pattern of violence has been to determine if the reporting party (or their brain) perceived a potential threat, and the fight response kicked in for self-preservation.

### *Prong 2: Intimate Partner Relationship*

The second prong in the IPV analysis is the determination of whether the relationship between the reporting and responding parties constitutes an intimate partner relationship, either presently or in the past. This prong is critical because it differentiates IPV from other forms of general misconduct. For instance, physical abuse without the intimate partner component in most cases constitutes simple assault, just as verbal abuse without the intimate partner component might constitute verbal sexual harassment. What makes striking a spouse or partner different from striking a fellow patron at a bar is that we choose our romantic partners based, at least in part, on their sex (e.g. a heterosexual male chooses a female romantic partner partly because that person is female, just as a lesbian chooses a female romantic partner in part because that person is female).

Intimate partner relationships are thus often inextricably tied to gender in a way that other types of relationships are not, and this is true regardless of the abuser's or victim's gender, gender identity, or sexual orientation.<sup>72</sup> And, to the extent that violence or abuse within the context of that intimate partner relationship creates a hostile educational environment for the victim of that abuse, those incidents will fall under the purview of Title IX as forms of sex or gender-based harassment. The critical takeaway here is that it is the job of the Investigator to determine that sex or gender is, at least in part, a basis for the IPV, and not simply to assume it. Without that basis, IPV is still a policy violation and will fall under VAWA §304, but it will not fall within Title IX.

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To be considered intimate, a relationship must include (or have included) some romantic, sexual, and/or domestic element. Common intimate partner relationships are:

- Married Partners – two individuals who are legally married.
- Domestic Partners – two individuals who live together AND who are romantically interested in one another (not simply roommates, regardless of state law); can be married or unmarried; can include a sexual component, but does not have to.
- Dating Partners – individuals who are romantically interested in one another; can be a couple (dating each other exclusively) or dating casually (concurrently dating other people); can include a sexual component, but does not have to.
- Sexual Partners – individuals who have engaged in at least one sexual act with one another.

In most cases, engaging in sexual activity will create the presumption of an intimate partner relationship, even if it occurred sometime in the past and even if it happened only once. Accordingly, a one night stand that happened six months prior could potentially constitute an intimate partner relationship for the purposes of an IPV analysis, *so long as* there was a preponderance of evidence demonstrating that the subsequent violence or abuse now being alleged was connected to or predicated upon some aspect of the prior sexually intimate relationship.

This often plays out as lingering jealousy, residual anger or resentment, feeling slighted or used, or delayed retribution for some past wrong an abuser felt was committed against them. For example, a male student shoves an ex-lover into a wall because he's jealous of her new boyfriend or love interest. This incident could occur a week or even a year after their breakup and still constitute IPV, given the connection of jealousy to the prior intimate relationship. It is, of course, possible for violence or abuse to have no nexus with the prior sexual activity, in which case the alleged violence or abuse would likely fall under a general misconduct provision (assault, threat, stalking, etc.) and Title IX would not be applicable. As an investigator, your job is to collect all

<sup>72</sup> Selection of partner, at least in part, on the basis of sex may not be the case with individuals who identify pansexual or gender-fluid, so this is not a blanket statement.

evidence that either proves or disproves the causal relationship between the subsequent abuse and the sexually intimate relationship.

Further, a relationship can be considered intimate even if that relationship has no sexual component whatsoever. An entirely non-sexual relationship can still possess the love, closeness, and intimacy necessary to be considered an intimate partner relationship, and in fact many dating relationships lack a sexual component, particularly in their early stages. Moreover, a non-sexual relationship can still be considered intimate partner even if the parties themselves, for whatever reason, deny that the relationship is romantic. For example, two students may insist that they are not dating and refuse to be labeled a “couple,” perhaps out of embarrassment or as the result of parental or social pressure, and abstain from any sexual activity for religious reasons, but nonetheless appear to observers as being romantically interested in one another. Despite their statements to the contrary, evidence acquired through investigation may indicate that, rather than the purely platonic relationship they would have everyone believe them to have, it is more likely that they are involved in an intimate relationship and simply refuse to acknowledge or publicly profess it.

### *Collecting Evidence of an Intimate Partner Relationship*

So, what do we look for to determine whether a relationship is intimate in nature? The best evidence regarding the relationship between the reporting and responding parties is likely their own statements and how they describe their relationship with one another. Do both deny an intimate partner relationship? Does one say they have been dating for a couple months, while the other says they were never a thing and has never had nor expressed romantic feelings toward the other?

Terminology can sometimes create an investigative hurdle, with older generations using terms like “going out” and “going steady,” while younger generations use terms like “hooking up” and “just talking” and “friends with benefits.” And even these terms can mean different things to different people. In fact, in today’s college culture, “just talking” is often used to describe a more casual stage in the dating progression that comes before “being together,” which is a more common way of saying two individuals are “officially dating.” It is not unusual for couples who describe themselves as “just talking” to be sexually active together. Thus, for an investigator, these types of responses require follow-up questions to clarify what is meant by the descriptor used and what types of interactions it entails.

More often than not, reporting and responding parties will be open about their relationships, making differentiating intimate partner from platonic relationships fairly straightforward. And since most people tell their social circles about their relationships or love interests, there are often witnesses who can corroborate that the two are indeed a couple. Facebook™ usually can, as well, assuming you don’t snoop around privacy settings to see a status. Even in these situations, Investigators must be diligent in collecting and documenting evidence of the intimate partner relationship to firmly establish an allegation as being IPV.

It is when both parties either deny the existence of an intimate partner relationship or when the statements of the reporting and responding parties contradict, with one vehemently denying ever being intimate with or ever having romantic feelings for the other, that the investigator must delve deeper, using all available evidence to discern the true nature of the relationship. In these cases, the witness statements of friends, family members, and classmates are all the more critical. Text messages and social media interactions also tend to offer valuable evidence, as they may be the only physical and documentable form of communication between the reporting and responding parties. For instance, while a responding party may initially deny any intimate or romantic connection to the reporting party, past conversations he had with her via text message, a medium he likely thought to be fairly private at the time, may turn out to be rather compelling evidence. Analyzing how the reporting and responding parties interacted with one another, the types of activities they did together, what language they used when referring to one another, and how their relationship was perceived by witnesses will provide a preponderance of evidence either supporting or discrediting the existence of an intimate partner relationship.