Invisible Bruises: Understanding Domestic Violence Indicators

In Online Students and How Faculty Can Offer Support

Monique Chiacchia, J.D.

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I. Introduction

Domestic violence has been a reality in civilized society since a time prior to the Bible,[i] but it has only been within the last thirty years that public recognition of its effects has infiltrated the media and the law. This has been due in part to the writings and research of Lenore Walker, who has been called the "Mother of The Battered Woman's Syndrome. [ii] The phrase "domestic violence" refers to any pattern of abuse exhibited by one member in an intimate relationship over the other.[iii] Domestic abuse, spousal abuse, intimate partner violence, and family violence are other phrases that are used to describe the same situation. [iv] Moreover, domestic violence takes on many different forms. It can involve physical contact as well as emotional/psychological manipulation and threats.[v] It occurs in heterosexual as well as homosexual relationships.[vi] (The vast majority of victims of domestic violence are women, and for this reason I will use the female gender when referring to victims. However, it should be noted that men are also be the victims of domestic violence). [vii]

Traditional, on-campus educators can observe in their students the physical effects of battering, which include such things as broken bones, lacerations, bruising, and emotional instability. However, when the victim is an online student and there is no face-to-face interaction between teacher and student, the wounds are not as visible. However, it is this isolated student who needs even more support to become strong enough to free herself from abuse and create a better life by obtaining a degree. This article proposes that if online educators understand the nature of abusive relationships, and can learn to appreciate indicators of abuse, the educators may be able to offer more support, which in turn can help an abused student stay in school and better her life condition.

II. Domestic Violence

A. Background

Domestic violence primarily involves a pattern of abuse over time. [viii] The most commonly understood form of domestic violence is physical contact. However, an even greater number of women are injured psychologically, sexually, and financially due to abusive patterns inflicted by their mates.[ix] More than two-thirds of all domestic violence incidences go unreported.[x] In the United States, it has been estimated that a woman is battered by her intimate partner every fifteen seconds.[xi] According to the Center for Disease Control, domestic violence affects more than 32 million Americans.[xii] This equates to roughly twenty-two percent of our population.[xiii] Since a significant number of this

percentage includes students in school, it is imperative that educators have a solid understanding of domestic violence and its impact on victims.

The effects of domestic violence are long-term and devastating. Studies suggest that 40-72% of all women who have been physically abused are injured as a result.[xiv] While broken bones and cuts heal, the psychological and financial fallout of being controlled and abused can take years or even decades to overcome, if at all. [xv]If a victim is still living with her abuser, the debilitating effects are ongoing and are a source of significant anxiety, fear, apprehension, confusion, and feeling of inadequacy.[xvi] Depression is an almost universal byproduct of domestic violence, due in part to the victim being constantly criticized.[xvii] If a victim is in the process of leaving her abuser, she is in greatest danger of being hurt or killed by him.[xviii] If a victim is no longer living with her abuser, it is likely that she is still recovering from the abuse.[xix] It is estimated that post-traumatic stress disorder, long-term anxiety, and panic accompany domestic violence. [xx] And even after the abuse has stopped, its effects can persist, including flashbacks, nightmares, and exaggerated responses.[xxi]

B. Battered Woman's Syndrome and the Law

The phrase "Battered Woman's Syndrome" was first coined by Lenore Walker in the 1970's.[xxii] Ms. Walker described a cycle of systematic and almost ritualistic physical and psychological abuse.[xxiii] A victim who survives such attacks is often isolated and left feeling low self-esteem and little to no control over her life.[xxiv] The devastating effect of years of domestic violence is that the victim feels completely helpless over her life, while the abuser becomes more empowered with every wound inflicted.[xxv]

Prior to Ms. Walker's breakthrough study, victims of domestic violence who acted out against their abusers were treated harshly by the law. Traditional self-defense principles were used in their defense but were hard to prove.[xxvi] Some abused women attacked their abusers while they slept because they knew that they would be beaten once he awoke. However, under self-defense principles these women were convicted because they could not show that they were in "imminent fear" of death or substantial bodily harm when they committed the act.[xxvii] Abused women also had difficulty meeting the requirements that they retreated to safety and that she was not the first aggressor.[xxviii]

Critics of the defense claim that anyone can claim abuse to try to obtain relief from acting criminally.[xxix] Some courts require those claiming the defense to undergo a psychiatric evaluation prior to judicial determination of whether evidence of syndrome will be admissible.[xxx] Moreover, there are some who feel that although "although originally proposed as a theory entirely sympathetic to women who were battered and killed in order to stop the battering, the syndrome now reinforces some of the most archaic and destructive stereotypes historically attached to women. Battered Women's Syndrome may ironically represent a step backwards for the women's movement."[xxxi] However, there is one fact that remains undisputed: despite the use of the defense, domestic violence in our country persists at an alarming rate.[xxxii]

III. Online Education and FERPA

A. Women and Education

Many reports indicate that more women than men go to school.[xxxiii]In the United States in 2005-06, more than fifty percent of all Associate, Undergraduate, and Graduate degrees were earned by women.[xxxiv] Moreover, there is a direct correlation between obtaining a degree and quality of life for women.[xxxv] "Improving girls' educational levels has been demonstrated to have clear impacts on the health and economic future of young women."[xxxvi] Women can earn twenty-five percent more in income simply by becoming educated.[xxxvii]

B. Warning Signs of Abuse

Given the number of women enrolled in educational settings and the alarming statistics about domestic violence perpetrated against women, it is imperative that educators understand the nature and extent of domestic violence in order to lend support to their students. Although male students also can experience the detrimental effects of domestic abuse, statistics demonstrate that more women than men are the subject of domestic abuse.[xxxviii] The correlation between obtaining an education and quality of life for women is well documented. Educators who are cognizant about domestic violence indicators can work within the parameters of the law and their institution's policies to maximize support for students suffering abuse outside of school. This support will prove critical for student success and quality of life.

Signs of domestic abuse are not always easy to spot since most abuse occurs away from the school setting and many victims are embarrassed about what they have endured. Other victims may feel fearful about retaliation for reporting abuse. Some of the physical warning signs of domestic abuse can include, injuries explained as accidents, dressing to cover injuries, emotional outbursts, frequent lateness or absenteeism, and reduced productivity.[xxxix] Psychological warning signs of abuse include low self-esteem, social withdrawal, personality changes, depression, anxiety, self-blame, fear, and suicidal tendencies.[xl] What complicates accurate assessment is that these signs may be very subtle in some students, or undetectable completely in others unless the instructor knows the student well. Limited interaction due to a focus on teaching does not foster development of deeper teacher/student relationships.

C. Online Education

Learning away from the classroom, often dubbed "distance learning," has been in existence since 1837 when Sir Isaac Pitman delivered shorthand courses by mail.[xli] By the 1990's and the mainstream use of computers, instruction delivered via networks or "online" blossomed.[xlii] A 2010 study showed that over 5.6 million students in the United States took at least one online course during the fall of 2009.[xliii] This represented a one million increase from the year before.[xliv] This same study indicated that of all higher education students, roughly thirty percent take at least one online course.[xlv]

Despite the ease and convenience of online learning, concern over failed retention online persists.[xlvi] It has been estimated that failed retention rates are 10-20% higher than for traditional on-campus classes.[xlvii] Reasons cited as directly related to retention rates include gender, socio-economic variables, social interactions, and life situations.[xlviii] Essential influences on positive retention rates include adequate teacher support and "an educational environment that fosters a sense of belonging."[xlix]

The online teacher is at a greater disadvantage for spotting signs of domestic abuse since all physical signs are undetectable. Communication via email, chatrooms, or instant messenger may also not be in real time and lacks to some degree the personal connection made in an on-ground classroom. The need, therefore, for online instructors to reach out to students in more personal ways – such as via cell phone or text-messaging – can help improve personal interactions between the online instructor and his/her student.

D. Ferpa

Educators may understand and even spot warning signs of abuse, but it is essential that they also be aware of the limitations imposed on what they can do under the law and policies in place in the institution where they work. If a teacher suspects abuse, it may not be appropriate for him/her to approach the student to discuss the situation, as the student may be put off by such contact and that may be a violation of institution policy. In addition, the Family Educational Rights and Privacy Act (FERPA), a federal law enacted in 1974 to protect disclosure of educational records and personal information held by educators at institutions receiving federal funds, places limitations on what information about a student an educator can share with others.[l] Educators and institutions cannot disclose a student's private information without consent under FERPA.[li] An exception applies to "directory" information unless a student signs an "opt out" form.[lii] Clearly, though, FERPA would safeguard a student's report of domestic abuse as private, thereby limiting what an educator receiving such a report can do with that information.[liii]

IV. Conclusion

The proper course of action would be for the educator to note indicators of abuse in the event the student contacts the educator for help. Without a direct request for help, the educator must be sure not to violate Ferpa and school policies. While it would likely be permissible to post a general announcement in the classroom about different types of support services provided at the institution, it would not be proper to email the student in an effort to help. Being educated about what services are provided at your institution and how a student in need can access such services is important for all educators. If and when a student in need contacts the educator, he or she will not miss a beat and can direct the student to the professional service in place for assistance. Hopefully, this support will help the student personally and allow the student to remain in school.

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[i] Eve S. Buzawa *et al*., *Responding to Domestic Violence: The Integration of Criminal Justice and Human Services* 63 (Sage Publications 3rd ed. 2012). The authors suggest that the Bible repeatedly portrays women in a submissive role to men and that domestic violence is an integral part of that relationship.

[ii] See generally www.drlenorewalker.com.

[iii] Lenore Walker, *The Battered Woman Syndrome* 3 (3rd ed. 2009).
[iv] http://medicalcenter.osu.edu (Ohio State University Medical Center).
[v] World Health Organization, *World Report on Violence and Health* 90.
[vi] NYC Gay and Lesbian Anti-Violence Project, October 1996. Domestic violence has been reported to occur in approximately 25-33% of same-sex relationships but occurs with more frequency in heterosexual relationships.
[vii] P. Tiaden and N. Thoennes, *Full Report of the Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey,* Nat'l Inst. Just. 26 (Nov. 2000). In one survey it was found that one out of every five women in the United States was the victim of domestic violence while only one out of every fourteen men in the United States had experienced physical abuse by an intimate partner.
[viii] See Walker, *supra*.
[ix] M.P. Johnson, *Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence Against Women*, 57 J. Marriage. And Fam. 283-94 (1995). The term "patriarchal terrorism" is used to explain the theory that violence against women by men is part of a "systematic pattern of dominance and control."
[x] Garcia-Moreno *et al, World Health Organization Multi-Country Study on Women's Health and Domestic Violence Against Women* (2005). This study collected data from 24,000 women in ten countries. The data suggested that over 55% of women who had been physically abused by their partners never contacted police, shelters, or organizations for help. Other studies have shown that 20-70% of women who were abused did not report the abuse or talk about it unless interviewed. Those who did talk about the abuse did so with family instead of reporting the incidences. See also LL Heise, M. Ellsberg, M. Gottemoeller, Ending Violence Against Women, 11 Johns Hopkins university School of Public Health, Center for Communications Programs (1999). Studies of women in the Untied States, Africa, Latin America, Asia and Europe have shown many reasons why victims do not reach out for support or help. These include non-availability of resources, fear of retaliation, lack of financial support, concern for the well-being of their children, emotional dependence on the abuser, unsupportive family structure, stigmatization and ostracization, and the hope that the abuser will change. World Health Organization, *World Report on Violence and Health* 96.
[xi] UN Study on the Status of Women (2000).
[xii] Krug *et al*., *World Report on Violence and Health*, WHO 90-91 (2002).
[xiii] *Id*.
[xiv] P. Tiaden, N. Thoennes, *Full Report of the Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, Nat'l Inst. Just. 26 (Nov. 2000). Physical injuries can cause financial consequences, such as when a victim must pay for medical attention or psychological treatment and medication. Studies have shown that repeated physical and sexual abuse can result in increased health problems, as well as the adoption of risky behaviors such as smoking, drug use, and physical inactivity.
[xv] JM Golding, *Sexual Assault History and Limitations in Physical Functioning in Two General Population Samples*, 19 Res. Nurs. & Health 33-44 (1996). Studies have shown that victims of physical and emotional abuse suffer functional disorders such as fibromyalgia, irritable bowel syndrome, chronic pain syndrome, gastrointestinal disorders, and reproductive disorders.

[xvi] GL Roberts *et al., How Does Domestic Violence Affect Women's Mental Health,?* 28 Women's Health 117-29 (1998).
[xvii] *Id.*
[xviii] Lenore Walker, *The Battered Woman Syndrome* 15 (3rd ed. 2009).
[xix] *Id.*
[xx] VJ Felitti *et al., Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14 Am. J. Preventative Medicine 245-258 (1998).
[xxi] J McCauley *et al., The "Battering Syndrome:" Prevalence and Clinical Characteristics of Domestic Violence in Primary Health Care Internal Medicine Practices, 123 Annals of Internal Medicine* 737-46 (1995). The impact over time of different types of abuse and of multiple episodes of abuse can be cumulative.
[xxii] Joe Wheeler Dixon, Ph.D., J.D., An Essay on Battered Woman Syndrome 1 (as found at http://www.psychologyandlaw.com/BWS%20Essay%20.htm).
[xxiii] Joshua Dressler, Understanding Criminal Law §18.05(b)(1) (1987).
[xxiv] Dixon, *supra*.
[xxv] *Id*.
[xxvi] Irving J. Sloan, *The Law of Self-Defense: Legal and Ethical Principles* 1 (1987).
[xxvii] *Id.*
[xxviii] *Id.*
[xxix] Joe Wheeler Dixon, Ph.D., J.D., An Essay on Battered Woman Syndrome (as found at http://www.psychologyandlaw.com/BWS%20Essay%20.htm). Dr. Dixon proffers that "the sad thing is this: women are still battered in large numbers, BWS per se as a legal defense has not stemmed the tide, and in the process there may have been harm done to the women's movement and to the reputation of the science of psychology, because of the well intended, but poorly grounded, efforts of just a handful of clinicians."
[xxx] *Id.*
[xxxi] *Id.*
[xxxii] *Id*.
[xxxiii] National Center for Education Statistics, Digest of Education Statistics (2005-06) (as found at http://nces.ed.gov/programs/digest/d07/tables/dt07_178.asp).
[xxxiv] *Id.*
[xxxv]http:/us.camfed.org.
[xxxvi] *Id.*
[xxxvii] *Id*. "When you educate a girl in Africa, everything changes. She will be three times less likely to get HIV/AIDS, earn 25 percent more in income, and have a smaller, healthier family."
[xxxviii] P. Tiaden and N. Thoennes, *Full Report of the Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey,* Nat'l Inst. Just. 26 (Nov. 2000).
[xxxix] www.soroptimist.org/misc/recognizing-domestic-violence-in-the-workplace.html.
[xl] https://www.msu.edu/~safe/facts/warning_dv.htm. *See also* http://www.helpguide.org/mental/domestic_violence_abuse_types_signs_causes_effects.htm#warning.

[xli] Jozenia Torres Colorado and Jane Eberle, *Student Demographics and Success in Online Learning Environments*, 46 Emporia State Research Studies 4 (2010).
[xlii] *Id*.
[xliii] Elaine Allen and Jeff Seaman, *Class Differences*, *Online Education in the United States* 8 (2010).
[xliv] *Id.*
[xlv] *Id*. at 2.
[xlvi] Michael Herbert, Staying the Course: *A Study in Online Student Satisfaction and Retention*, IX Online Journal of Distance Learning Administration (Winter 2006).
[xlvii] *Id.*
[xlviii] *Id*.
[xlix] *Id*.
[l] 20 U.S.C. § 1232g; 34 CFR Part 99. *See also* http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html.
[li] *Id*.
[lii] *Id*.
[liii] *Id*.