

REVOLUTION

TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

TAASA Newsletter | Summer 2016

rev•o•lu•tion (rev'loō sh n) n. a sweeping and momentous change

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IN TEXAS, THERE ARE SOME SEXUAL ASSAULTS YOU CAN'T GO TO JAIL FOR

CHRIS KAISER

This article contains descriptions of rape, sexual assault, and sexual abuse of children.

A trusted family friend touches a 17-year-old girl inappropriately for weeks, testing boundaries, then begins fondling her breasts and pressuring her to remove her clothes. A woman's manager at work makes lewd comments to her and later begins grabbing and groping her. A licensed masseuse grabs his client's breasts through her clothes and puts his hands down her pants, terrifying the woman of what else he might do if she tries to fight back. A man on a city bus secretly masturbates near women around him and sometimes succeeds in ejaculating on them.

Most Texans are surprised to learn that none of the abhorrent acts described above is considered a serious sex offense in our state, but in fact each is classified as the lowest-level crime available under the law. Unfortunately, many Texans learn that only when they contact authorities to try to report these experiences of sexual violence.

THE CURRENT LAW

Any nonconsensual sexual contact against an adult that does not involve penetration or physical injury falls under Section 22.01(a)(3), Texas Penal Code, "Assault—Offensive Contact." Assault by offensive contact is a class C misdemeanor—the least severe crime category under Texas law—punishable by only a fine up to \$500, no prison time, and subject to a two-year statute of limitations. Class C misdemeanors are essentially ticket-

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It seems like the Texas summer isn't the only thing that is hot out there! There are so many burning things in the news right now that we need to turn up the heat to make sure reasonable voices are proposing effective changes. Ok - I just went through my entire litany of heat-related references so perhaps I won't subject the reader to any more for at least a few paragraphs.

TAASA staff is very busy right now. The University Police Sexual Assault Training Conference (UPSAT) was held in Dallas in June, and more than 135 officers from 60 colleges and universities participated. According to the feedback I received, it was our best UPSAT yet. The end of June was the Prevention Institute, which was full to capacity and kept our Prevention Team busy preparing for weeks. Our Training and Technical Assistance staff have been on the road constantly, and news stories such as the Baylor and Stanford cases are keeping our folks busier than ever.

Chris Kaiser and I recently spent time in DC with key members of Congress during Sexual Assault Advocacy Day. We are doing our best to keep the needs of survivors and service providers on their radar. Rose Luna and I also had the privilege of being invited to the first White House Summit on Women (The United State of Women.) It was an exciting opportunity to be part of 5,000 advocates, activists, and leaders from across the country discussing issues that profoundly impact women and girls.

Thankfully at a time when the visibility of sexual assault has gone up exponentially, and the demand for resources is skyrocketing, the Adult Entertainment Fee monies have finally become available to TAASA and local service providers and not a moment too soon. We are primarily using our funds to hire new positions we've needed for years as well as update the "Speak Up Speak Out" awareness campaign. Availability of VOCA Training money has also allowed us to hire staff as well.

We are in the final stages of hiring for a Primary Prevention Specialist and Law Enforcement Training Specialist to replace former staff. By the time this newsletter is distributed, they may be onboard. Other staff additions/changes include Chris Kaiser moving from Staff Attorney to Public Policy Director and Liz

Boyce joining the office as Staff Attorney. Maya Pilgrim left her position as Primary Prevention Specialist and is now serving as Evaluation Manager for TAASA. Angelica Aguero has joined our administrative staff as an Accounting Clerk. D'an Anders (who was already a Texas institution) has joined TAASA as Systems Change Advocate.

TAASA is also beginning to build a stronger regional presence outside of the Austin area. This Regional Support Team will be led by long-time TAASA staff person Rick Gippriich out of San Antonio and he is joined by Shelli Collins (formerly of FamilyTime in Humble) as Regional Support Specialist for Region D. Finally the Houston area has a dedicated TAASA staff person housed in the region! Christina Coultas (formerly of Family Place in Dallas) will begin with TAASA on August 1st as Non-Profit Leadership Specialist and will stay in Dallas but be available statewide for TA. She will work closely with Mark Hernandez (Non-Profit Financial Specialist) in Austin to assist program leadership with management issues ranging from board roles to accounting practices and everything else executive directors need to run thriving and healthy non-profits.

We also are fortunate to have two graduate assistants (Jennifer Thompson and Elia Inglis) with us to do policy work and research. I feel very good about all these additions to our staff and think we are a stronger team than ever. This is unprecedented bandwidth for us, and we feel so fortunate. We look forward to being able to provide even more assistance to the field, so don't hesitate to reach out if you need assistance. Please do not struggle in silence. If we can't help directly, we will certainly do our best to find someone who can meet your needs. Enjoy your summer!



abClay

2016 TAASA AWARDS WINNERS

Every year at the TAASA Conference we recognize Texans who are making amazing contributions to the anti-sexual violence field. TAASA Award recipients are nominated by their peers across a variety of categories. The nominations are carefully considered and the award winners are chosen from the pool of nominees in each category.

Samantha Dean Rising Star Award: Haleh Cochran Cochran has been advocating for sexual assault victims since 2008. She spent the last seven years improving outreach and connecting sexual assault survivors including survivors from marginalized communities to support services in and around Plano, TX. Haleh tirelessly educates community groups, medical professionals, and law enforcement agencies on sexual assault dynamics and ways to improve collaboration with other professionals in the Criminal Justice System. Haleh prides herself on consistently identifying innovative ways to improve methods for advocacy and empowering survivors.

During the beginning of her career at The Turning Point, she was told by seasoned advocates that it would be too difficult to change the status quo at their center. Haleh was determined to change the mindset of her local center and took it upon herself to improve the services provided to the sexual assault survivors in her community. Not only is she involved locally by serving in many leadership roles such as Secretary and Vice-President of the Colling County Social Services Association and a member of the White Ribbon Planning Committee, but she is also active at the statewide level. Haleh serves as the Fundraising Chair for the TAASA Diversity Task Force and as a member of TAASA's Board of Directors. Haleh isn't even 30 years old yet and watching her grow into a leader in the movement is awe inspiring. She is truly a rising star in the movement to end sexual violence in Texas.

Edith Rust Medical Services Award of Excellence: Norma Stanford In 1998, Stanford identified gaps in medical service for survivors of sexual assault presenting at the hospital in rural Lufkin, TX. She met with community partners to explore options and resources to develop a Sexual Assault Response Team (SART) and to increase the number of Sexual Assault Nurse Examiners. Under Norma's supervision over 15 Registered Nurses have obtained their certification through the Office of the

Attorney General, thereby expanding the resources and available to provide 24x7 coverage. She has also expanded the service area to include Polk County Texas too.

Norma didn't stop there. She worked with community partners to bring together the Women's Center and the Children's Advocacy Center to provide on-site medical and forensic exams to both adult and child survivors directly at the agency. The team developed a protocol to examine survivors entering the shelter for injuries, forgotten medications, and referrals for all survivors of violence seeking help.

She is now the Director at a dialysis center. Her work as a SANE has always been her "other" job. When asked about retiring she simply replies "I have no intention of giving it up. I have always worked a second job, and I'm still taking calls every single night." Norma's passion for truth and justice for survivors is not just a second job; it is a lifelong commitment.

Excellence in Advocacy Award: Virginia Rueda Rueda has worked as an advocate for women, children, and families for over 20 years.

Currently, she is the Sexual Assault Coordinator at the Center Against Sexual and Family Violence in El Paso, TX. As the agency transitioned to provide comprehensive sexual assault and domestic violence services to survivors from El Paso and the surrounding areas, Virginia played an instrumental role in developing inclusive, effective, and trauma-informed sexual assault services. Using a national model, she developed a culturally appropriate support group curriculum tailored to meet the unique needs of every client. Virginia also took the lead in developing the sexual assault advocate training necessary for the agency to become certified by the Texas Office of the Attorney General. In addition to program development, Virginia maintains a heavy case load and continues to go above and beyond to advocate and ensure victim's rights are always protected. Virginia selflessly dedicates her time and wisdom with co-workers and colleagues across disciplines by sharing the lessons learned and promising practices in reaching and effectively serving all

survivors. Her passion and dedication to the work not only improves the quality of life for the survivors she serves but also for the citizens of El Paso, TX and the surrounding areas.

Champion for Social Change Award: Linda Brandmiller Brandmiller is an attorney based in San Antonio, TX. Linda's philosophy and more importantly, her work, exemplifies the famous quote by Emma Goldman - "No real social change has been brought about without a revolution...revolution is but thought carried into action." Linda began her work at various social service organizations. Through her career, Linda discovered the unmet needs unique to society's hidden populations and became increasingly frustrated by the structural confines impeding social justice to those who needed it most. Her passion for creating social change and provide culturally appropriate services to her clients prompted Linda to create her non-profit. Her work with undocumented communities and immigrant victims of crime ignited a firestorm within Linda as her clients increasingly became caught up in the web of family detention. She has worked tirelessly to fight for the rights of these mothers and children, and though she often colors outside the lines, she has forged strong relationships with people inside the system to benefit these families. Her passion for this topic has no limits and her enthusiasm to advocate for these often forgotten victims, has no bounds. Linda creatively utilizes non-traditional partners and often personal resources to ensure her clients receive the representation and assistance they deserve. Linda's revolutionary work is a stunning example of the power we each possess in creating social change.

Community Empowerment Award: Shelli Collins A sometimes overlooked, but much-needed part of our work to end sexual violence is the challenging and rewarding work of community empowerment. To empower a community is to take actions that enable that community to increase control over its existence and path. Clearly that is a difficult task that requires a person with a special skillset and worldview. It requires a person who can simultaneously hold the big picture and the minutia front and center and act in service of both. Shelli is precisely such a person.

Shelli lives and works in Humble, TX, just outside of Houston. Like so many of us in the room, she wears

lots of hats. She is a fierce advocate and a passionate preventionist who fully immerses herself in “the work” in all of its forms. In particular, Shelli developed and implemented an arts-based primary prevention curriculum with underserved youth living in two different apartment complexes in Humble. Knowing that “the work” often means meeting people and communities where they are, she literally took the work to where her clientele live. And when she got there, she was wise enough to know that those young people had pressing, fundamental needs that, if unmet, would occupy the minds and hearts she was hoping to reach. One of many great examples of this is that she would bring in community partners to provide haircuts for the young people in her groups.

Shelli makes every effort to see the people she serves as unique and whole – not just as a group for whom she is funded to provide services. People who know Shelli describe her as compassionate, caring, resourceful, creative, and generous – the sort of qualities that are so necessary for a person who seeks to empower others. Shelli is not only making a difference in the community of Humble; she selflessly shares her expertise and experience with the community of prevention educators across the state. Shelli leads by example and is always quick to support and lift up the communities of which she is a part.

Harold Cottle Justice Award: TMPA-SAFVIC Program The TX Municipal Police Association (TMPA) launched their Sexual Assault Family Violence Investigators Course (SAFVIC) in 2002. In the thirteen years since that beginning, they have held almost 2000 training events and have trained approximately 32,000 police officers and 3500 telecommunications professionals (dispatchers).

They developed their 40 hour Instructor Course, 24 hour Human Trafficking Course, and 24 hour Course for Telecommunications Specialists with strong collaborative efforts with victim services, prosecutors, and other relevant professionals. The goal of these courses is to help TX law enforcement more effectively investigate crimes such as sexual assault, stalking, domestic violence, and human trafficking. The strong violence against women framework and victim-sensitive approach has elevated the importance of addressing these crimes and helped assure that TX has a skilled cadre of officers responding to sexual assault survivors.

TMPA filled a clear void in our state when they introduced SAFVIC and our safe is safer and more responsive as a result.

Program Volunteer of the Year: Katherine Dain The role of sexual assault advocate is not for the faint of heart. Each case carries with it the energy, passion, and dedication of agency staff and volunteers who assist survivor on their path to healing. Volunteers are the heart of any agency providing services to survivors. To have a phenomenal pool of caring and dedicated volunteer advocates providing emotional support to survivors and families in their time of crisis not only assists the survivor but also uplifts agency staff as a whole. Although the Women’s Shelter of South Texas in Corpus Christi appreciates all of their volunteers, there is one whose efforts stood out. Katherine Dain aka “Kat” is a wife, mother, former educator and coach, business owner, entrepreneur, friend, and tireless volunteer in the Corpus Christi community and to survivors of sexual assault in crisis. Kat continuously goes above and beyond the call of a volunteer advocate. It is not unusual for Kat to sit silently with survivors as they sleep providing emotional support as they periodically wake during the long process of reporting and examination which, as many of you know, can take hours. It is not surprising to hear when Kat instinctively leaves the hospital to grab a hot meal for not only the survivor but also for her companion after learning the survivor had not eaten in three days. This is just one example of many. Kat’s compassionate heart is a beacon of hope during a very dark time for survivors. The Women’s Shelter of South Texas would like to recognize Kat for her unwavering dedication, compassion, and support to survivors of sexual assault.

Community Engagement Award: UTSA Police Department

In 2015, The University of Texas San Antonio Police Department (UTSAPD) created a plan of action to bring several departments within the UTSA community together to engage student participation in creating awareness about sexual violence to their peers. The effort gained the full support of the Interfraternity Council (IFC) including participation by all eight fraternities. The UTSA PD and the IFC coordinator worked hand in hand to facilitate and promote bystander intervention through the “IT’S On Us” pledge and program.

Each participating UTSA department and student organization created a table of information that made the sexual violence topic relatable and approachable by other students, faculty, and staff. Each participant received a game piece and was encouraged to gain the knowledge and awareness from the different tables. Students and staff completed the game and voluntarily made pledges at the “It’s on Us” onsite electronic pledging station. Students received teal “It’s on Us” Day of Action t-Shirts. The attendance was overwhelming. The Interfraternity Council provided music that encouraged dance performances between fraternities, which in return brought forth more student participation and exposure to the overall message of preventing and reporting sexual violence. The collaboration between students, organizations, law enforcement, and various departments within the UTSA system demonstrated inclusivity and “minding the gap” by including the varied perspectives that make up the UTSA student body and system as a whole. This event has now set the precedence for future UTSA events along with the importance to promote bystander intervention and zero tolerance for sexual violence by all.

Vivian Miles Lifetime Achievement Award:

Deborah Tucker Tucker’s name is often first associated with ending domestic violence. Although this is an accurate reflection of her work, it certainly isn’t the entire picture. Debbie began her work in this movement as a volunteer victim advocate with the Austin Rape Crisis Center in the mid-1970s. When she left the RCC, it was as the Assistant Director. She went on to work at the Center for Battered Women and eventually was the founding executive director of TCFV. In 1998, Debbie returned to her roots in sexual assault work when she founded the National Center on Domestic and Sexual Violence. She led that organization as executive director until 2015 and continues to serve this organization as board president.

For more than 40 years Ms. Tucker has worked to meet the needs of sexual assault survivors. Whether working as a SA Victim advocate, or working on the intersections of sexual assault and domestic violence, or being deeply involved in federal policy work as part of the National Task Force to End Sexual and Domestic Violence, she continues to make a positive impact on the lives of sexual assault survivors in Texas and across the nation.

NEW TAASA STAFF

D'An Anders has worked in the field of Sexual Assault and the Domestic Violence for over twenty-five years, beginning in a small rural outreach office in deep East Texas. She later moved to Austin, Texas and worked for the Texas Council on Family Violence for seven years. She then worked for the Texas Advocacy Project (11 years) and then for Texas Legal Service Center (5 years). D'An's focus has been helping victims obtain protective orders and system change work. This has prepared D'An for the systems change work she has come to do for TAASA. She has a B.S in Sociology and an M.S. in Public Policy from the University of Texas at Tyler. She is an active in social causes and the mother of two nearly perfect sons.

Angelica Agüero is TAASA's Accounting Clerk. Before joining TAASA, she acquired more than 20 years of experience in accounting, administration, and human resources with a variety of employers.

Angelica was born and raised in Uvalde, TX and moved to Austin in 1995. She has two grown kids (Zeke and Adrianna) and two granddaughters (Annabelle and Corina). She also has the cutest, most stubborn dog named Randy!

She is a HUGE Houston Texans fan! Who, from time to time, believes she is Wonder Woman. For fun, she loves to play volleyball and participate in craft shows. Angelica loves to cook and is an amazing baker. Without a doubt, she can make some mean cake balls and truffles!

Elizabeth Boyce is the newest Staff Attorney at TAASA. A graduate of Texas Tech School of Law, she began her legal career in 1999 working as a research attorney for the Chief Justice of the 7th Court of Appeals in Amarillo, after which she embarked on a career in both the public and private sector, assisting victims of domestic violence and sexual assault. Most recently, Elizabeth served as the managing attorney of the crime victims program at Texas Legal Services Center and was instrumental in

creating a more visible statewide presence for the program, as well as extending the program to provide a greater scope of legal services to survivors. She is excited about joining the policy team at TAASA and participating in a process that offers a broader impact on the lives of survivors and their families.

Shelli Collins comes to TAASA as the new Regional Support Specialist. She works to ensure that communities understand the impact of sexual violence and its effect on the people in her region. She has a strong advocacy background and has worked in various capacities in the violence against women's movement. Prior to working at TAASA, she worked as the Legal Alliance for Survivors of Abuse Assistant Director for Texas Rio-Grande Legal Aid. Shelli provided direct services to survivors in the Humble area as Program Director at FamilyTime Crisis and Counseling Center. Her work in violence prevention allowed her to participate in youth development and community mobilization. Because of her work in this capacity, she was awarded the NSVRC Visionary Voice in Programming Award and TAASA's Community Empowerment Award.

Shelli attended Colorado State University and started her career as a transitional housing case manager at SafePlace in Austin. She is a proud feminist and passionate advocate/activist for social justice, women's rights, prison reform, immigrant rights and racial equality. Shelli holds strong beliefs in her professional and personal life. She is committed to making a positive change in both aspects.

Mark Hernandez, CPA is TAASA's Non-Profit Finance Specialist (Finance Specialist) with 32 years in nonprofit and governmental fund accounting. Mark provides capacity building on non-profit financial issues including accounts receivables/payables, budgeting, cost allocations and audit preparation for restrictive and nonrestrictive funds. He also provides technical assistance on federal/state grant regulations.

Mark has 21 years of grant management experience, which includes developing the grant management infrastructure for the Office of the Attorney (OAG), starting with setting up competitive grant applications, developing the grant award process, executing grant awarded contracts, establishing the grant reimbursement process, and implementing the subrecipient monitoring process. He is a member of the Library of Congress National Register's Who's Who in Executive and Professionals 2005 – 2006 Edition, with two financial investigations airing on national television show, Primetime Live, and providing medical financial accounting expertise for the landmark Texas legislation for Nonprofit Hospital Charity Health Care. Prior to working for two local CPA firms and the OAG, Marc was a majority owner of a sporting retail store. He retired from the Texas Education Agency (TEA) as the Division of Federal Fiscal Monitoring (FFM) Director. You may contact Mark at mhernandez@taasa.org.

Elia Inglis joined the TAASA policy team in June of 2016, serving as a policy analyst. Elia's primary task is analyzing and researching current sexual assault related statutes and synthesizing material for the policy team's legislative agenda. Joining TAASA with a background in direct clinical work with sexual assault and domestic violence survivors, Elia provides a dually informed perspective. Before TAASA, Elia worked as a survivor advocate and researcher at SAFE Place, working mainly with youth survivors and children of survivors. Before moving to Texas, Elia worked with high-risk youth in an after-school program at the East Oakland Youth Development Center in Oakland, California.

Elia holds a Bachelor of Arts in Philosophy from the University of California Berkeley and is graduating with a Masters in Social Work from Columbia University in early 2017 with a focus on social enterprise administration and public policy. Upon graduating, Elia hopes to continue to work with sexual assault survivors, particularly those affected by the criminal justice system.

Department of Labor New Rules: Changes in Exempt and Non-Exempt Positions

This article is a basic summary from the Department of Labor (DOL) updated website regarding new rules on Fair Labor Standards Act (FLSA). Understandably, local programs may have much confusion and anxiety that these new rules might significantly impact how local programs pay their employees. If you need financial technical assistance on this subject or other financial grant related topics, please contact Mark Hernandez at mhernandez@taasa.org or (512) 474-7190.

On May 16, 2016, the DOL revised its new rules for the minimum wage and overtime pay protections of the (FLSA). The following revisions are for executive, administrative, and professional (EAP) workers and highly compensated employees (HCE's) and will be implemented December 1, 2016:

1. The standard salary level at the 40th percentile of earnings of full-time salaried workers will be in the lowest-wage Census Region, currently the South, which is \$913 per week or \$47,476 annually for a full-year EAP worker.
2. The total annual compensation requirement for highly compensated employees (HCE's) will be subject to a minimal duties test (performing office or non-manual work) to the annual equivalent of the 90th percentile of full-time salaried workers nationally, which is \$134,004.
3. The salary and compensation levels will be automatically updated every three years, in order to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

DOL Automatic Updates: DOL established a mechanism to automatically update the standard salary level and HCE compensation level requirements every three (3) years, in order to ensure both required levels continue to provide useful and effective tests for exemption. DOL will publish all updated rates in the Federal Register at least 150 days before their effective date and also post them on the Wage and Hour Division's website.

The standard salary level will be updated to maintain a threshold equal to the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region. The HCE compensation level will be updated to maintain the threshold equal to the 90th percentile of annual earnings of full-time salaried workers nationally.

Grant Concerns: How does the FLSA new standard salary level affect local programs? Employees that were exempt employees must now meet the new threshold of \$913 per week or \$47,476 annual salary level and must clearly perform executive, administrative, and professional (EAP) duties, in order to become exempt employees. Employees currently considered exempt employees that do not meet the new standard salary level will become nonexempt employees and will accrue paid overtime. This means current exempt workers with salaries ranging from \$455 - \$912 per week or \$23,660 - \$47,475 annually will become nonexempt workers. Local programs will incur additional costs, because of the new standard salary level.

MARK
HERNANDEZ

Generally, local programs do not have employees that meet HCE definition that are paid at the \$134,004 threshold. The definition for HCE is the minimal duties test of performing of office or non-manual work. HCE's with salaries less than \$134,003 will be nonexempt if they are not clearly performing EAP duties. HCE's with salaries ranging from \$100,000 - \$134,003 annually will become nonexempt employees and will accrue paid overtime.

This change may also impact local programs' grant reporting for professional, nonprofessional, and nonexempt staff. For grant purposes, the term "nonprofessional employee" shall have the same meaning as "nonexempt employee," under FLSA. It is not clear if the new standard salary level will change how local programs will report professional staffs that are considered nonexempt employees.

Reporting Time and Effort: The Code of Federal Regulations (CFR) 2 CFR 200.430 set standards for documentation of personnel expenses to reasonably reflect the total activity for which the employee is compensated by the non-federal entity, not exceeding 100% of compensated activities. Examples of non-federal entities include local units of government, nonprofit organizations and educational institutions.

Grant employees may report their time and effort the following ways:

- Employees that are expected to work solely on a single federal award or cost objective may use semi-annual certifications to support salaries and wages.
- Employees working on multiple activities or cost objectives must report a distribution of their salaries or wages and are required to use a Personnel Activity Report (PAR) for supporting documentation. The PAR should be monthly and should account for 100% of the time compensated.

FSLA Reporting Requirements: Nonexempt employees must also report the total number of hours worked each day, in compliance with Department of Labor regulations, as per requirements of FLSA (29 CFR Part 516). Both grant and non-grant employees are required to meet FSLA reporting requirements.

Context Clues: Considering the Misconception

ROSE
LUNA

Context is everything. “Use context clues” is a common phrase used by teachers to introduce and solidify abstract concepts to students across America. Context is especially important to the anti-sexual violence movement. As concrete as it is, the issue of sexual assault remains a highly misconstrued phenomenon. Giving context to these misconceptions is vital for agencies interfacing with sexual assault incidents and/or survivors. Policy and procedure are a must for the context to be effective. For example, what would happen if a shoestring poll was conducted to capture the public’s pulse on sexual violence by answering the following questions:

- Do you believe sexual assault is terrible?
- Do you believe perpetrators should go to jail?

I would venture to guess an overwhelming majority would agree that sexual assault is terrible and perpetrators should be held accountable. The reality of sexual assault uncovered in research suggests otherwise. Currently, incidences of sexual assault remain high while reporting rates remain low. According to the Health and Well-Being: Texas Statewide Sexual Assault Prevalence Study¹

- Six million Texans have experienced sexual assault at some point in their lifetime. That equals 33.2% of all Texans.
- One in five men and two in five women in Texas have experienced sexual assault at some point in their lifetime.
- Only nine percent reported their assault to law enforcement.

Research results suggest that in Texas, sexual assault is a tolerable offense with no accountability. The incongruence represents a complex and collective misconception about sexual assault that exists in our society and presumably within our systems. With sexual assault, context is sometimes the difference between the truth and perception. The truth is that most people dislike sexual assault and agree it is a bad thing. However, the lack of reporting, convictions, and high degree of victim-blaming juxtapose that truth. This conflicting notion is important for agencies to consider when reviewing policies

and procedures in regards to sexual assault cases, survivors, and perpetrators.

The misconceptions in which society is steeped play out in a variety of ways.

1. According to the Health and well-being: Texas statewide sexual assault prevalence study¹, 76% of victims disclosed their assault first to friends or family members. This may partially explain the low reporting rates and number of calls to a crisis hotline after being assaulted. Response to disclosure is important and sets the tone for the victim in regards to healing, reporting, and moving forward. “Begin by believing” is a mantra utilized by advocates and allies to offer support and assistance to the victim. Minimizing adverse effects of unintentional (and perhaps intentional) victim blaming is vitally important to healing, justice, and public safety. This back drop represents the context necessary to bridge the disparity gap in services and justice to survivors of sexual assault.
2. Sexual assault reporting rates: The aforementioned sexual assault prevalence study reveals only nine percent of sexual assaults in Texas are reported to law enforcement. In other words, over 90% of sexual assault incidents are NOT reported, allowing a majority of sexual assault perpetrators to remain undetected in the community. Why are victims choosing not to report? If society is in agreement that sexual assault is bad and perpetrators should be held accountable, reporting should be a no brainer. The disconnect between truth and misconception fosters an environment of indifference and misinformation that allows for an increase in victim blaming and a decrease reporting.

Context is the missing link to creating effective policies and procedures that reflect the pulse of society and protect the goals of an agency. What are the policies and procedures for cases of sexual assault at your agency? When was the last time they were reviewed and updated? How do these misconceptions present in our policies and protocols? Gut checking the efficacy of policies and procedures is intimidating but a necessary first step. You may discover current operations are not grounded in policy but instead occur because “that’s the way things have always been done.” Evaluation of agency policy will not only assist in effective outcomes but will remind staff of the purpose, mission, and goals of the agency.

For more information or assistance, please contact TAASA. We are happy to help!

¹Busch-Armendariz, N.B., Olaya, D., Kerwick, M., Wachter, K. & Sulley, C. (2015). Health and well-being: Texas statewide sexual assault prevalence. The University of Texas at Austin, Institute on Domestic Violence & Sexual Assault: Austin, Texas

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only offenses, so dull-edged that they do not even give rise to a defendant's Sixth Amendment right to counsel. Other examples of class C misdemeanors are petty theft less than \$50, public intoxication, and driving with an expired license.

By comparison, Texas law makes similar conduct a second degree felony with no limitation period when committed against a child younger than 17 (Section 21.11, Penal Code, "Indecency with a Child"). But, for people 17 and older, justice is much more elusive.

In some cases, there may be administrative remedies, even in the absence of a viable criminal case. For example, when offenders operate certain businesses or hold certain professional licenses, these acts can constitute grounds for licensure revocation. However, recent experiences illustrate why administrative responses are no substitute for criminal liability. Last month the Victoria Advocate reported that in 2015 Charles H. "Hank" Krebs was forced to surrender his massage therapist license as a result of groping a client's breasts and genitals. However, Krebs was again accused of assaulting a massage client in similar circumstances in April of this year, this time while operating a massage business without a license. Though administrative remedies are important, they only go so far. Without appropriate criminal penalties, Texas fails to deter and punish these violent acts.

OUR PROPOSAL

What, then, is an appropriate criminal-justice response?

First, we must acknowledge that touching another person's body for sexual gratification without consent—whether an adult or a child, and whether or not it causes "physical" injury—is an inherently violent act. Like rape and other forms of sexual violence, it's an act of negating a person's will and bodily autonomy. Often, it's also the manifestation of institutional or cultural power imbalances, tracing boundaries among gender, race, wealth, sexuality, age, or disability. The trauma of sexual violence is rooted in the erasure of a victim's will, but it is also refracted through and amplified by any number of unequal power dynamics in a way that it simply is not in the context of many other violent acts.

All that is to say that it's grossly inappropriate to treat sexual abuse as equivalent with any other "offensive contact." Assault by offensive contact appropriately applies to minor scuffles or drunken pushes and shoves, but certainly not sexual violence.

In addition, we know that two years is an unrealistic period of time in which to require most sexual abuse survivors to come forward. Earlier this year KXAN-Austin reported that the two-year statute of limitations applicable to class C misdemeanors prevented a young woman from pressing charges against her church preacher, who molested her when she was 17. By the time she had overcome her fear of the man and had spoken out, the state was barred from pursuing criminal charges. If she had been a year younger, or if Texas had had a more sensible criminal statute covering this conduct, this predator likely would not be free today.

Therefore, TAASA proposes to create a new criminal offense to cover this abusive, violent conduct, with appropriate criminal penalties, a realistic time period for victims to come forward, and eligibility for civil protective orders against perpetrators.

Such a statute would give police and prosecutors a dramatically better tool to address these crimes than the current, anemic misdemeanor assault statute. In addition, it would symbolically acknowledge that these acts are serious sexual violence—a proposition that most Texans agree on and that most victims expect to be true when they contact police. Finally, an added benefit may be to assist prosecutors in holding attempted rapists accountable. Sexual contact not rising to the level of rape often accompanies attempted rapes. However, it can be difficult to prove attempted rape beyond a reasonable doubt, because prosecutors must prove what the defendant was thinking and what he sought to do to the victim. Our proposed new offense would give prosecutors another charging option in many criminal attempt cases, instead of relying solely on an attempted sexual assault charge.

NOT A FAR-FETCHED IDEA

It's easy to describe a problem, but it's much more difficult to craft a realistic, workable solution. Is our proposal just wishful thinking?

Absolutely not.

In fact, Texas is a radical outlier in the United States on this issue—43 other states and the federal system have enacted criminal laws covering nonconsensual sexual contact perpetrated against an adult.

These offenses are called different things in different states: "indecent assault," "sexual assault" (distinguished from "rape" in some jurisdictions), "groping," "abusive sexual contact," "sexual imposition." The titles are less important than the fact that nearly every state in the country recognizes the importance of a meaningful criminal response.

Only Florida, Idaho, Iowa, Mississippi, Nevada, Texas, and Vermont have failed to take action on this matter (see map below). Some of those states mirror Texas's current law, in which the conduct is covered by a low-level offense, but is effectively decriminalized. Others have no statute covering the conduct at all.

The vast majority of Americans live subject to laws that treat forcible groping and sexual assault as serious criminal conduct. When people move to Texas from other parts of the country and experience this violence here, they are understandably shocked to learn how leniently our law treats this abuse. A change to Texas law is long overdue.

THE ROAD AHEAD

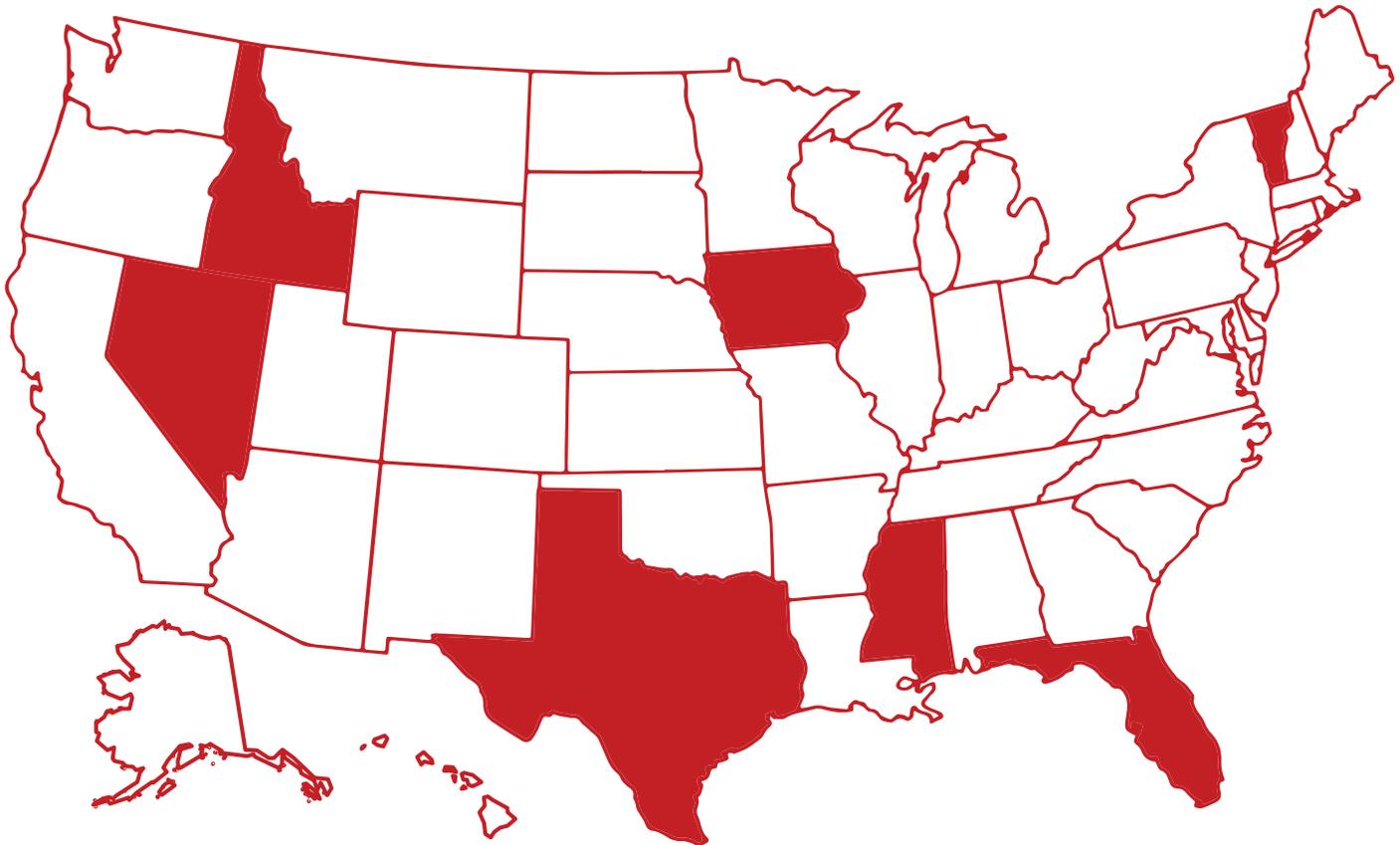
TAASA's policy team is already receiving calls about this matter from legislative offices, advocates, and criminal justice professionals. As the 85th Legislative Session draws nearer, we will continue to raise awareness of this issue, educate stakeholders on victims' needs, and assist policymakers to develop the best possible legislation for Texas. We

are confident that a year from now, Texas will become the 44th state to address this form of sexual violence head-on.

If this is an issue you feel strongly about, contact your legislators and ask that they support TAASA in this effort. Visit www.capitol.state.tx.us and enter your address under "Who Represents Me?" to find contact information for your state senator and House representative.

In the coming issues of this newsletter, we will continue to highlight key legislative measures and action items that our members can get involved in. Also, if you can make it to Austin, please save the date for TAASA's Capitol Advocacy Day, presented in partnership with the Texas Council on Family Violence, on Tuesday, February 14, 2017.

Finally, concerning this issue or any of TAASA's public policy work, visit www.taasa.org/about/public-policy for more information. From there you can also download our official legislative agenda, join the TAASA Public Policy Listserv, and find out how to get involved to support our initiatives.



There Are No Child Prostitutes

There are no child prostitutes. None. Forget what you hear through various media outlets. Despite the fact that hundreds of thousands of children are being sold for sex, right here in the U.S., there is still no such thing as child prostitutes. Children cannot legally consent to sex; therefore, they cannot consent to being sold for sex. These are victims of child abuse. These are survivors of rape, not criminals, and should be treated accordingly.

Commercial Sexual Exploitation of a Child (CSEC) is sexual activity involving a child in exchange for something of value, or promise thereof, to the child or another person or persons. CSEC is a form of violence against children where children are treated as a commercial and sexual object.

What is domestic child sex trafficking? Domestic Child Sex Trafficking (DCST) is a form of commercial sexual exploitation of children (CSEC) here in the United States. As defined in the Trafficking Victims Protection Act, it is the “recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act” where the victim is a U.S. citizen or lawful permanent resident under the age of 18.



The key difference between adult sex trafficking and domestic minor sex trafficking is the proof of force, fraud, or coercion. With minors, proof is not needed because they are children and, by law, are not able to “choose” to engage in the exploitation.

The language we use matters. Not for the sake of being “politically correct” but because language represents culture and culture represents our values. I want to live in a culture that values the safety of children, women, survivors, and other members of marginalized groups. When we use victim blaming or shaming language, we are engendering oppression. We are also feeding into a criminal justice system that disproportionately punishes the most marginalized groups including children that have been trafficked. Despite the fact that federal law that defines victims of domestic and international child trafficking over 1000 children are arrested for prostitution right here in the United States every year.

The problem does not end with our Justice System; it is perpetuated by the media and in everyday speech. It is highly problematic when

news outlets refer to survivors as “Child Sex Workers” and “Child Prostitutes” because it denies their victimizations, trauma, and makes it seem as if they were complicit or responsible for their rapes. According to Rachel Loyd of Girls Educational & Mentoring Services (GEMS), “These terms are completely offensive and irresponsible and reinforce the fantasy that these girls choose to be out there. For underage girls, who are forced, misled, beaten, and abused into these situations, it is not a matter of choice.”

The good news is that the survivor-centered organizations like GEMS, are leading the way to change the way we communicate about survivors of trafficking. Yasmin Vafa from Rights4Girls, states that “there is no difference between paying to rape a child and raping a child; all victims of child sex abuse should be treated the same way.” On April 4th, 2016, after a year of intense advocacy, the Associated Press announced that they would remove the term “child prostitute” from their lexicon. This is one celebrated victory for survivors, advocates, and allies but the fight is far from over.

Traffickers dehumanize their victims. Let us all remember our humanity and work to empower survivors. Here are some things to think about to help keep trafficking in perspective.

What makes youth vulnerable to being trafficked? The following risk factors make youth the most vulnerable and easy prey for traffickers and exploiters:

- Being between the ages of 12 and 14
- A history of sexual and physical abuse
- Child welfare involvement, especially out-of-home foster care placement
- Living in an impoverished community
- Disconnection from education system and off-track for achievement
- Being female

Each year in the United States 100,000–300,000 children are at risk for commercial sexual exploitation.

If you suspect someone may be a victim of trafficking please contact National Human Trafficking Resource Center NHTRC at 1-888-373-7888

Collaboration to Counter Human Trafficking

Human Trafficking is a global issue, and the criminal networks span across several nations and hundreds of cities. This complex network is comprised of gangs, cartels, and other entities that operate this illegal industry. There isn't one single agency or department that can stop trafficking without outside assistance. For example, the criminals that are engaging in trafficking in a Houston neighborhood could be connected to a recruiter in Latin America or Southeast Asia. To fully understand and disrupt these networks, agents and officers need to step back and look at the big picture. Intelligence, not the occasional arrest, is what will disrupt and dismantle the entire network.



ALEX
PEROTTI

There are several Federal agencies that target human trafficking. There are also sections of state law enforcement that have teams that focus specifically on human trafficking. Then there are the local departments that cover all crimes and may or may not have dedicated individuals to concentrate on trafficking. Each organization has its own culture and protocols and therefore have their own priorities. A local Sheriff's Department or Police Department is looking at everything that occurs within their jurisdiction. Networks move through cities quickly and seamlessly, so they are difficult to detect, especially for smaller departments.

What is needed is a comprehensive, multi-tiered, and well-coordinated effort to make a difference. This is accomplished first through communication. The concept is simple but difficult to enact. Federal agencies look at the broader picture of what is going on because their operational environment is larger. This is where Federal agencies can assist with state and local law enforcement. The better the departments understand what is going on, the better they can predict and assist in the disruption of criminal networks. Communication of trends, tactics, and procedures of criminal networks to other law enforcement agencies paints a clearer operational picture of what is going on. On the other hand, nobody understands a city better than the local police department. What they see on the ground needs to be communicated to other agencies. In the same vein, intelligence gathered by larger agencies should be shared with the local department.

When communication between agencies is not clear and accessible, then the only people who benefit are the criminals. Lack of communication leads to multiple law enforcement agencies operating in a vacuum without understanding the overall picture of the criminal environment. Operating in this way leads to

missed opportunities and fruitless investigations. Insufficient communication can occur for many reasons. Sometimes agencies withhold information because they do not want any other agency to "steal their investigation" or act on "their intelligence." Occasionally there is just a rivalry between agencies and they don't want to work together. This leads to a breakdown of the criminal justice system and negative outcomes for trafficking victims.

Specific task forces are one solution to the problem. Task forces are typically law enforcement centered, and the goal is to share information and generate courses of action. It needs to include all law enforcement agencies, and everybody needs to buy-in. All parties must also be actively engaged. It is ineffective just to call it a task force and expect it to work. The structure is often top-down driven, and the commanders of each organization need to agree that they will send a representative. The work of the task force needs prioritization, and there needs to be a specific overall goal or intended outcome. The stated goal or outcome will serve as a compass to guide each representative as the group works on each course of action. Through sharing of information, the situational awareness of each agency will become more refined. Once this is accomplished, then the entire group can see what role they play in disrupting human trafficking.

As task forces are law enforcement heavy, a coalition is more balanced with a variety of stakeholders. A coalition should include victim services, crisis centers, shelters, non-profits, and other organizations that provide direct services to victims. If law enforcement conducts an operation and then has several victims, then the victims need a place to go. There needs to be protocols and systems in place which will assist law enforcement with the aftermath of an operation, including immediate crisis intervention, and long-term support. That is why law enforcement also needs to be at the table at a coalition. Everyone needs to know what part they play and how they assist in this process. Clearly-defined roles are not only essential to a successful action but are beneficial to trafficking victims as well. Too many times there has been a raid at 2:00 AM and everybody is trying figure out who to call and where there are beds for victims. Trafficking is not a one-organization fight. It requires law enforcement, the community, and direct services to communicate and coordinate a comprehensive response to stop criminals and empower victims. Then and only then will we truly be effective in combating human trafficking.

Sustaining Change: Highlights from the 2016 Prevention Institute

TAASA hosted its Sustaining Change 2016: Primary Prevention Institute from June 27 – 29, 2016 in Austin, Texas. The Institute focused on providing primary prevention focused training to prevention workers, primarily those working at agencies that receive SAPCS Federal - Rape Prevention Education funding (or RPE funding) from centers across the state. This year, we hosted



65 prevention workers from centers in El Paso, Brownsville, Gainesville, Longview, Webster, and many Texas communities in between.

The prevention institute focused specifically on providing training to prevention workers as they develop plans to implement the Preventing Sexual Violence in Texas: A Primary Prevention Approach (Plan) Amendment. The plan amendment includes minimum standards for prevention programs and provides guidance regarding the focus and goals for programming components that complement one another and help create a strong and comprehensive sexual violence prevention program. The plan amendment was released to the field last spring, and implementation started in earnest on February 1, 2016 with the awarding of RPE funding.

To support prevention workers in their efforts to implement the plan amendment, the agenda included topics such as an overview and history of the plan amendment, evaluating prevention programming, facilitation skills, and how supervisors can support prevention workers in their efforts to implement the plan amendment. TAASA was able to bring in outside facilitators to share their expertise and experience. Kellee Coleman (Mamas of Color Rising) and Priscilla Hale (aligo) shared what they've learned about mobilizing communities, and helped participants

think through how they might apply those lessons to their community mobilization efforts. Alex Leslie, Keesha McMillian, and Kevante Weakley (representing the Cleveland Rape Crisis Center's Youth 360 program) shared a successful example of a youth development/



leadership program and provided some promising practices from their experiences in supporting youth-led sexual violence prevention programming. TAASA prevention staff also facilitated an intense training on the theory behind and implementation of our Break the Box Curriculum, which incorporates guidance from the prevention plan amendment for one aspect of programming. The agenda for Sustaining Change 2016: Primary Prevention Institute also provided ample opportunities for prevention workers to connect with and support one another.

TAASA would like to thank all of the people who made our Sustaining Change 2016: Primary Prevention Institute so successful. TAASA extends a special thank you to the attendees for their commitment to ending sexual violence in Texas communities and the level of support they share with one another. These pictures will provide a glimpse into the topics covered and the connections made during the institute. We at TAASA continue to be inspired by the great work being done across the state, and the promise of even better programming to come. Thank you prevention workers!



DANGEROUS BATHROOMS AND OTHER RED HERRINGS



I have been shocked and saddened by the amount of political energy being spent on assuring that transgender individuals only use the bathroom that matches with the gender on their birth certificate. I am constantly amazed how much time is wasted to address non-issues. Transgender women and men have been using the restrooms of the gender they identify with for years, and we haven't seen cases of women and children being sexually assaulted or harassed in these spaces. If people have problems with the transgender community, and clearly some do, I would hope they had the integrity to discuss the issue honestly and directly rather than create a false hysteria about rape. If you find the idea of being transgender abhorrent this article isn't likely to touch your heart or change your mind but rather I hope to reach the folks who have been led to believe we need bathroom bills to keep people safe.

I won't rehash the strong statistics I've seen mentioned in other articles on this issue. Suffice to say transgender women and men are at much more at risk for victimization in these settings than they pose a threat to others. I do however hope to introduce a little common sense into the debate by addressing a few of the arguments I've heard for why these bathroom bills are so essential for public safety. The main point I've heard for the need of this bill is some variation on the dangers of adult men dressing up as women to gain access to vulnerable children and women. Putting on a dress doesn't make a man transgender any more than putting on a tiara makes me a princess. This individual would be a predator in a disguise not a transgender woman and frankly anyone inclined towards this type of predation wouldn't be deterred by a bathroom sign.

It seems some are clearly comfortable sending transgender females, including adults, teens, and younger children into a men's room without concern for their safety from other men yet we are certain that men want access to the ladies room badly enough to go to great lengths to sneak in there in essentially a lady costume? Have we thought this out to the logical conclusion that transgender men now legally have to join women and girls in the restroom?

I understand the desire to keep children safe, after all I am a mother and grandmother myself, but let me be clear your younger children shouldn't be sent into public restrooms unescorted now or in the future. This has nothing to do with who is legally allowed to use the facility but rather that there are men, women, and teens among us who might do harm to,

exploit, or kidnap a vulnerable individual. Again, just common sense and good parenting.

I've also heard comments about our right to, and expectation of, privacy in a public restroom. There is a reason it is called a public restroom and not a private restroom. I have an expectation of relative cleanliness and adequate toilet paper, but privacy isn't the most realistic expectation. I occasionally encounter women in the restroom that make me uncomfortable, or are obnoxious, or messy, or rude, but I also understand that this isn't my personal space, and I can't dictate who uses the public restroom. If there was a public restroom restricted to folks who flushed the toilet, washed their hands, and didn't stay in the stall all day I would always choose that restroom, but again that isn't an option likely to be offered.

There are so many unintended consequences for passing these kinds of bills. Not only would this legislation make life more complicated and dangerous for transgender individuals it would do absolutely nothing to promote the safety of others. How would we enforce this law? Would we have bathroom police? If so, will we pull these officers off of serious crimes to assure our bathrooms remain sanctums of homogeneity?

Will people have to show their birth certificates to enter a restroom or will access be determined by who meets the most traditional ideal of femininity or masculinity? I suspect if that is the criteria many transgender individuals will pass the sight test and other men and women who don't present a gender conforming appearance will be stopped at the door. Or perhaps we will organize vigilante groups of men to guard the door or storm into the restroom whenever they suspect a transgender woman has breached the perimeter.

There is the old expression, if it ain't broken, don't fix it. We have real problems in this country, but this isn't one of them. Transgender people are already in our restrooms, without issue, so what are we trying to accomplish here? I'll leave the answer to that question to all of our consciences.

ANNETTE
BURRHUS-CLAY

SOAPBOX is an outlet for TAASA members to express their opinions on current events, social justice issues, and the national and local political climate. The views expressed in SOAPBOX do not necessarily reflect the opinions of TAASA, our board, members or affiliated agencies.

OUTREACH & AWARENESS

Destination Known!

TAASA's mission is to end sexual violence in Texas through education, prevention, and advocacy. To keep up with the growth and demands of the anti-sexual violence movement, TAASA has implemented some changes to our staff. Over the last eight months, TAASA has shifted and broadened our capacity to serve better our members. The changes are strategic to increase support, enhance services, and offer guidance to rape crisis centers and advocates throughout the state. Changes include an increased capacity in the areas of human trafficking, systems change, public policy, legal remedies, financial systems, and non-profit leadership. A brand new department, comprised of remote staff dispersed across Texas, was created to localize support and collaborations. Our goal is to provide meaningful impact and ensure substantial coverage to meet the needs and demands of local programs as they meet the needs of survivors and create positive change in Texas.

This map provides an overview of the new TAASA landscape, provides descriptions of the goals of each team, and a point of contact for accessing services or getting assistance.

ADMINISTRATIVE

TAASA's administrative support staff work across teams to keep our machine well-oiled and running smoothly. They lend their expertise in all aspects of TAASA's day-to-day work from member support to research to human resources. Their contributions to our mission are numerous and invaluable.

PREVENTION

We are dedicated to changing the conditions that make sexual violence more likely to happen in Texas and to shifting social norms to support healthy and thriving individuals and communities. We do this by providing support for agencies and individuals working to end sexual violence in Texas and guidance regarding state level sexual violence primary prevention efforts.

The Prevention Program Director is Tim Love.

COMMUNICATIONS

Our goal is to ensure responsible, survivor-centered communication on the dynamics of sexual assault, advocacy, and prevention. We employ communications strategies through traditional and social media to engage Texans in a dialogue about supporting sexual assault survivors as we work to end sexual violence in our state.

The Communications Program Director is Ted Rutherford.

TRAINING

TAASA staff train on a wide variety of sexual assault issues and related topics that apply to advocates, counselors, law enforcement, criminal justice and the general public. Workshops and technical assistance are available on the primary prevention of violence, board development, strategic planning, capacity building, sexual assault advocate training certification, volunteer program management, general marketing and communication.

The Training Program Director is Wende Hiisenrod.

PUBLIC POLICY

The Public Policy team works to advance our legislative agenda as determined by our membership. Our efforts consist of testifying at public hearings, providing information to legislators about how new law might affect sexual assault survivors and providing updates on TAASA's state legislative priorities to our state's elected officials.

The Director of Public Policy is Chris Kaiser.

EXECUTIVE LEADERSHIP

TAASA's Executive Leadership team is tasked with ensuring we carry out our mission to end sexual violence in Texas and support survivors on their paths to hope, healing, and justice.

TAASA's Executive Director is Annette Burrhus-Clay.

TAASA's Deputy Director is Rose Luna.

TAASA's Chief Operating Officer is Elizabeth Morris.

REGIONAL SUPPORT

TAASA's new Regional Support Program was created to build capacity of sexual assault programs to meet the needs of survivors. This department assists local programs through training, strategic planning, human resources technical assistance, and community collaboration. TAASA has staffed personnel throughout the state so that we provide a more local point of contact.

The Regional Support Program Director is Rick Gipprich, Jr.



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Mission Statement: The Texas Association Against Sexual Assault is committed to ending sexual violence in Texas through education, prevention and advocacy. In the meantime, we desire to support survivors on their paths to hope, healing and justice. TAASA is the voice of the sexual assault movement in Texas. We are a unifying force bringing together parties involved in and affected by sexual assault as a catalyst for change.

TAASA BOARD

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