



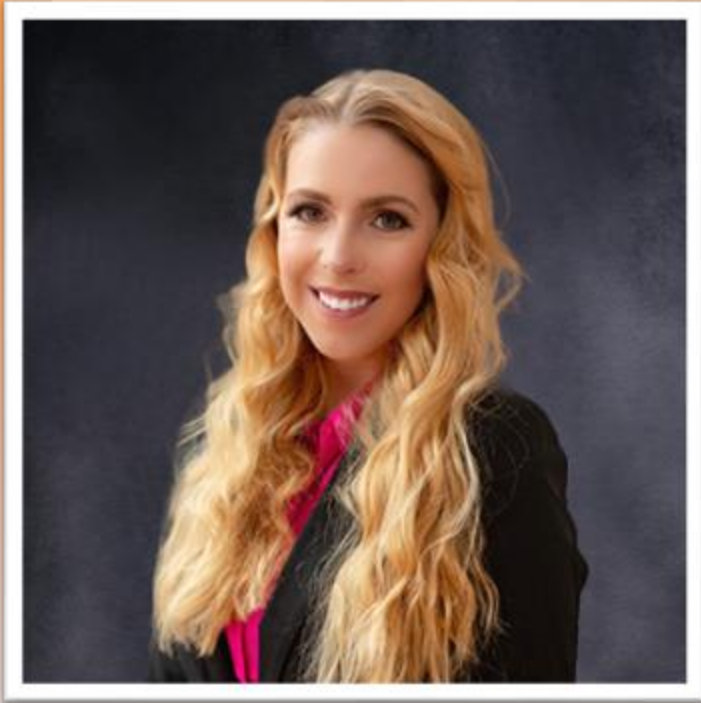
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Trauma Informed Title IX Intakes

Emma Hempel

January 2023

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Emma Hempel

She/her

Senior Solutions Specialist

Meet Your Facilitator

Emma Hempel has over ten years of experience in the field of higher education, she previously served as the Title IX Coordinator at the State University of New York at New Paltz. In her previous role, she conducted all Title IX intakes for survivors of sexual and interpersonal violence. She developed and implemented a variety of trainings and workshop on topics including sexual violence prevention, sexual harassment, bystander intervention, and diversity and inclusion. Emma also served as President for the State University of New York's Title IX Coordinator Association (STIXCA) and worked with 64 campuses and their Title IX initiatives.

Emma obtained both undergraduate and graduate degree in Social Justice Educational Studies from SUNY New Paltz. Emma resides in New Paltz, NY.

Agenda

1

Title IX's Requirements

2

Title IX Process Refresher

3

Title IX Intake Overview

4

**The Importance of Understanding
the Potential Impact of Trauma**

5

**The Proper Application of
Trauma Informed Practices**



The Ever-Evolving Jurisprudence of Title IX

"If nothing else, Title IX Coordinators are experts at adapting."

01

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Title IX of the Education Amendments Act of 1972

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

20 U.S.C. § 1681 (1972).



The Title IX Regulations

Sexual Harassment Only

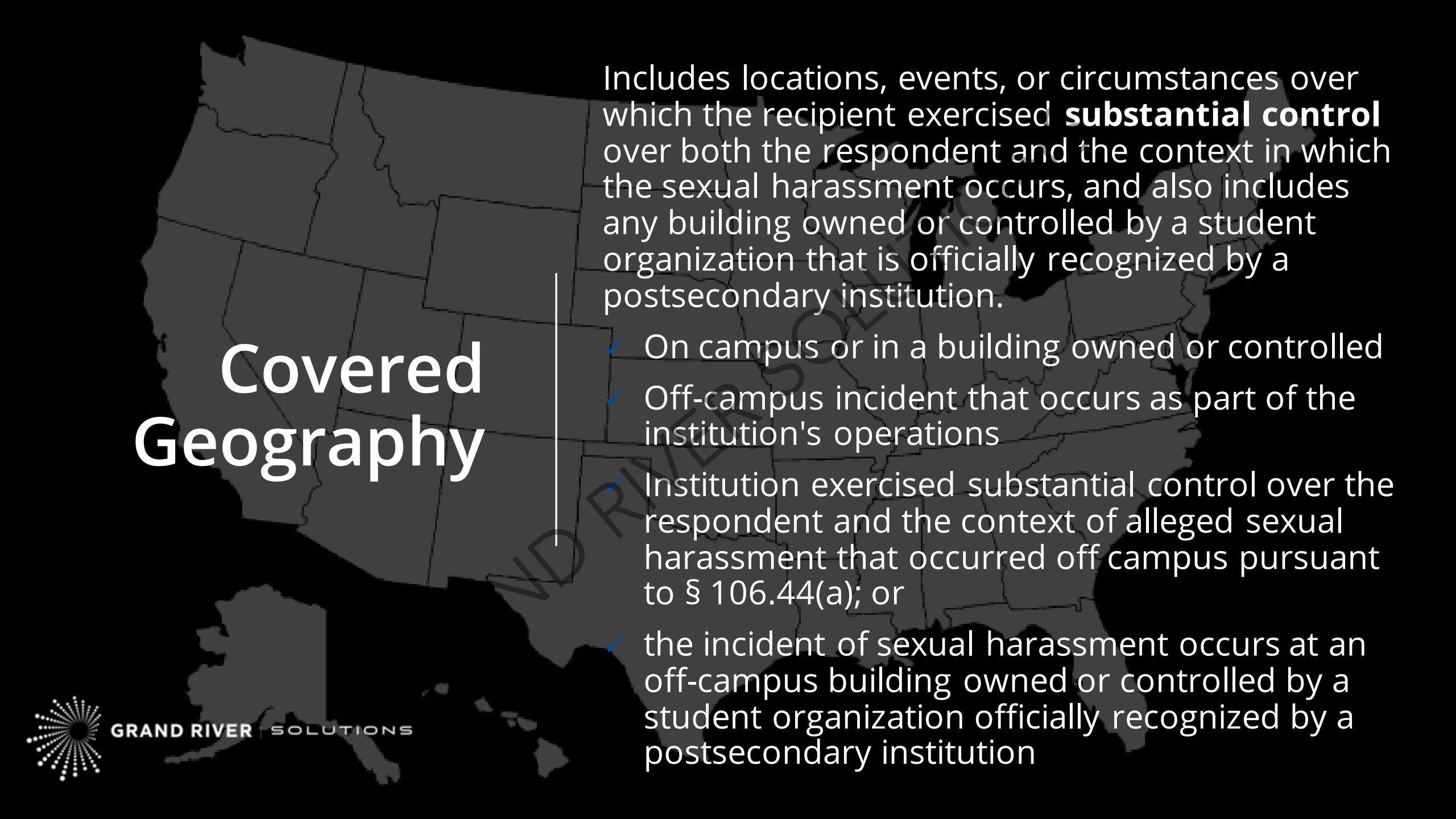
1. Narrows the definition of sexual harassment;
2. Narrows the scope of the institution's educational program or activity;
3. Narrows eligibility to file a complaint;
4. Develops procedural requirements for the investigation and adjudication of sexual harassment complaints, only.



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Sexual Harassment: *Section 106.30*

Unwelcome conduct determined by a reasonable person to be so **severe**, **pervasive**, and **objectively offensive** that it **effectively denies** a person equal access to the recipient's education program or activity; or



Covered Geography

Includes locations, events, or circumstances over which the recipient exercised **substantial control** over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

- ✓ On campus or in a building owned or controlled
- ✓ Off-campus incident that occurs as part of the institution's operations
- ✓ Institution exercised substantial control over the respondent and the context of alleged sexual harassment that occurred off campus pursuant to § 106.44(a); or
- ✓ the incident of sexual harassment occurs at an off-campus building owned or controlled by a student organization officially recognized by a postsecondary institution



Not Covered

- Off campus conduct, even if it has an impact on the educational program or activity;
Conduct that occurs outside of the United States.



Covered Individuals

Eligibility for Title IX's Protections

"At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed." 34 C.F.R. § 106.30

Applicant

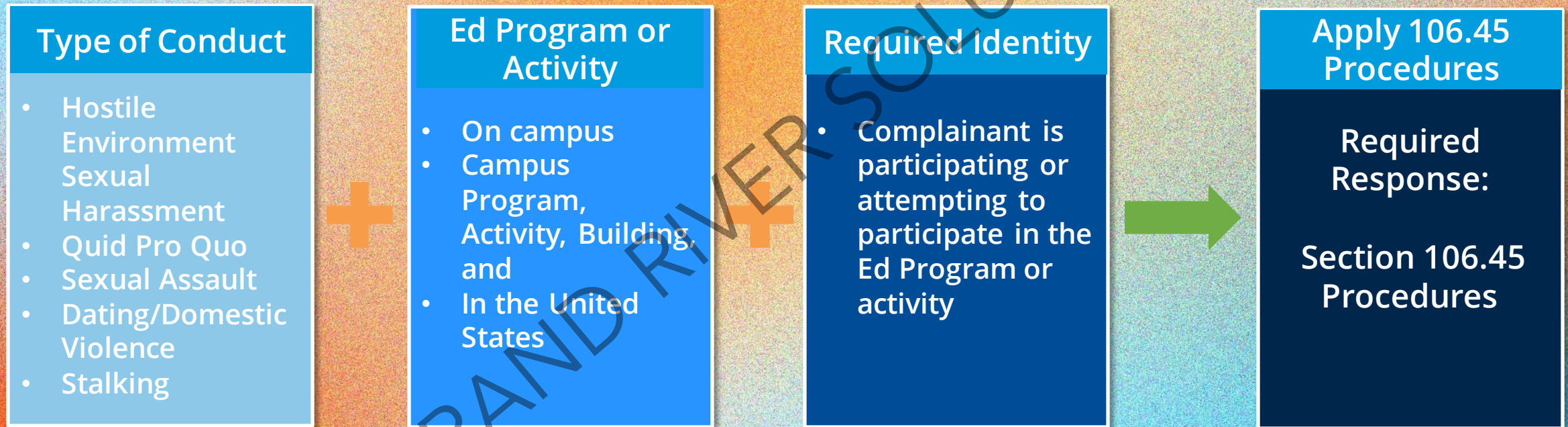
Accepted/Hired

Enrolled/Employed



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Title IX Application Post May 2020 Regulations



Conduct Falling Outside the Scope of Title IX

- Apply other institutional policies and procedures
- Ensure that those policies and procedures are compliant with VAWA/Clery, other intersecting federal and state laws





Receipt of Reports

Actual Knowledge, Report Response,
Initial Assessments, and Supportive Measures

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**A Really
Important
Moment.
Listen Up.
It's Okay...**



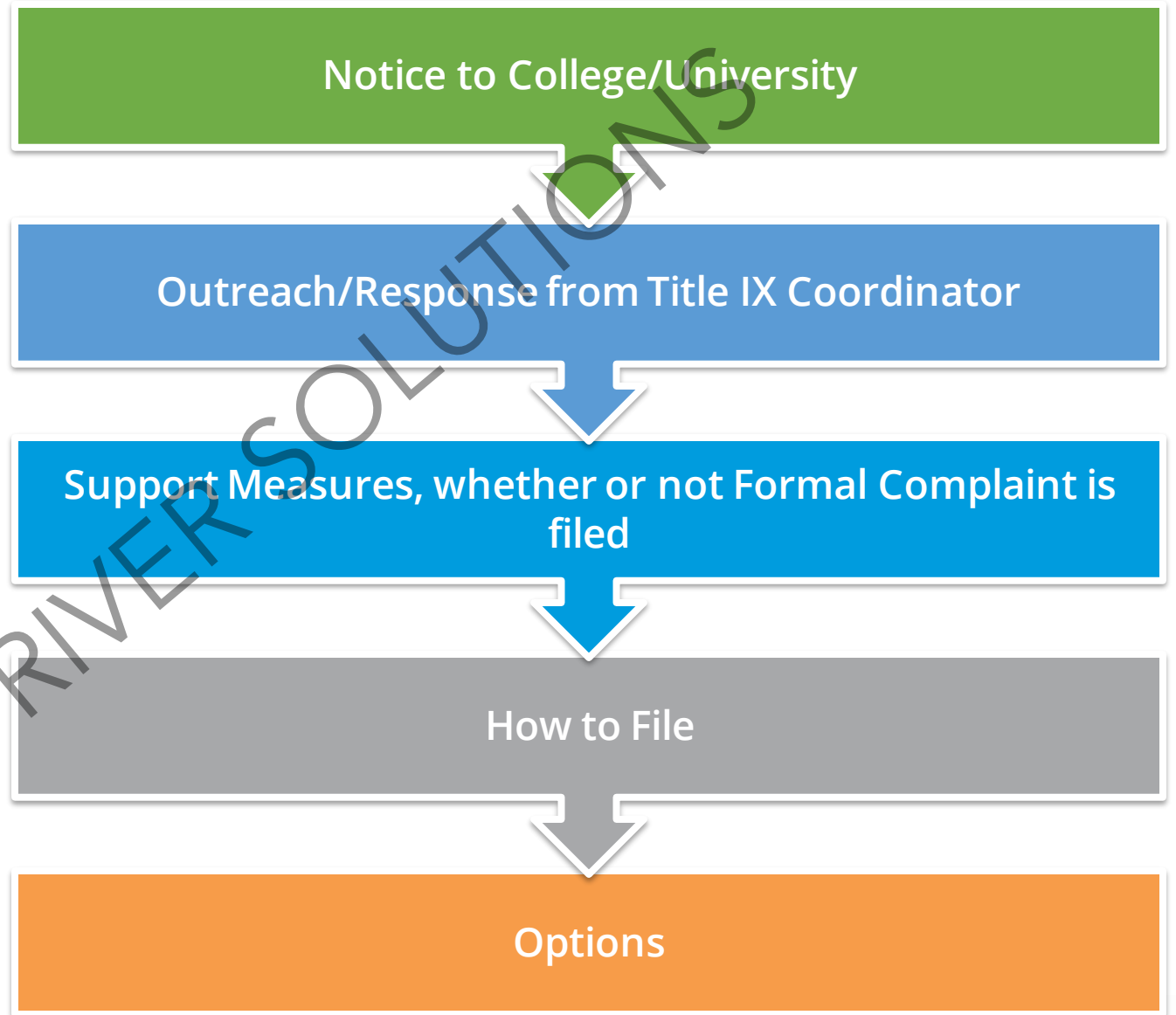
To not know the answer to every question thrown your way



To say,

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Regulatory Requirements



Receiving Reports and Initiating the Response



1. REVIEW THE
REPORT



2. DETERMINE THE
APPROPRIATE INITIAL
RESPONSE



3. PROMPTLY
INITIATE THAT
RESPONSE



4. DOCUMENT/RECORD
THE RECEIPT OF THE
REPORT AND THE
RESPONSE THERETO



Initial Outreach

FIRST — SAFETY

Email

- Create forms

Phone

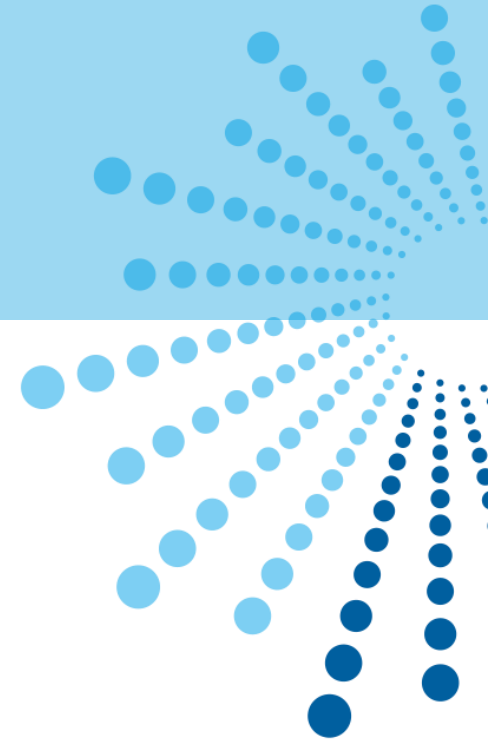
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Complainant Intake & Supportive Measures

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Initial Meeting with the Complainant

- Prepare for the meeting
- Select appropriate space
- Build trust and rapport; empower
- Explain your role
- Discuss available support
- Options for reporting
- Answer questions
- Evidence collection/preservation
- Conclude with a discussion of next steps



Supportive Measures

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May not unreasonably burden the other party

Non-Disciplinary

Non-punitive

Supportive Measures

Designed to restore or preserve equal access

As appropriate and reasonably available

Confidential

Examples of Supportive Measures

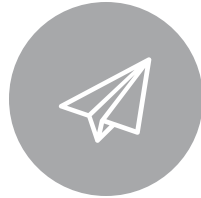
- Assistance obtaining access to counseling, advocacy, or medical services;
- Assistance obtaining access to academic support and requesting academic accommodations;
- Changes in class schedules;
- Assistance requesting changes in work schedules, job assignments, or other work accommodations;
- Changes in campus housing;
- Safety escorts;
- Leaves of absence;
- Mutual restrictions on contact between the Parties (“No-contact” orders).



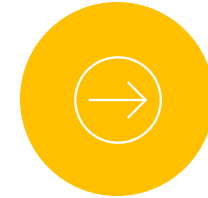
Post Meeting Tasks



Document the meeting



Send a summary email with resources, options, next steps



Follow up



Make connections



Provide the supportive measures



Document supportive measures requested, provided, and not provided. Where not provided, indicate why.





Report Resolution

Remedies Based, Informal, or Formal

04

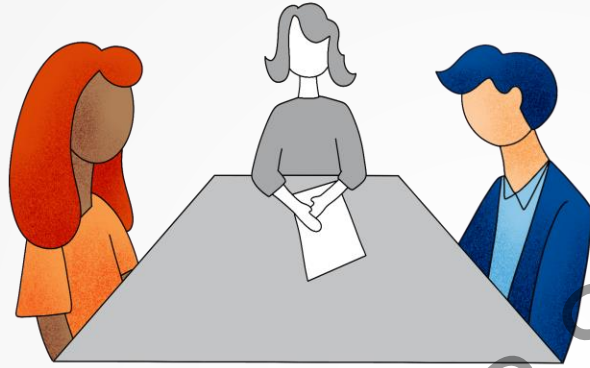
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How to Proceed?



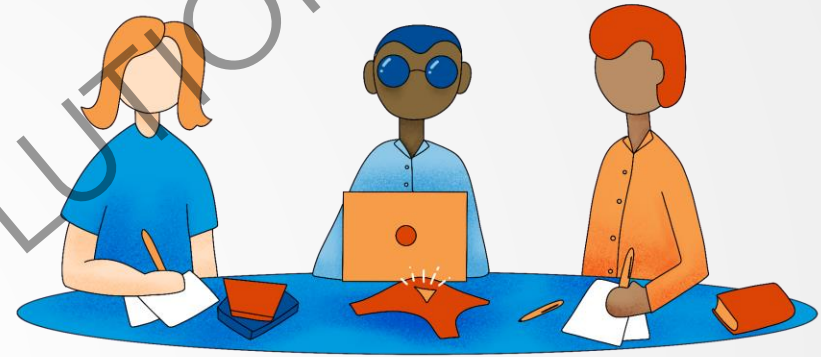
Remedies-based

No formal process



Alternative/Informal

Signed agreement;
Voluntary;



Formal/ Investigation/ Hearing

All requirements of 106.45



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Remedies Based Resolution

4(a)

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Remedies Based Resolutions

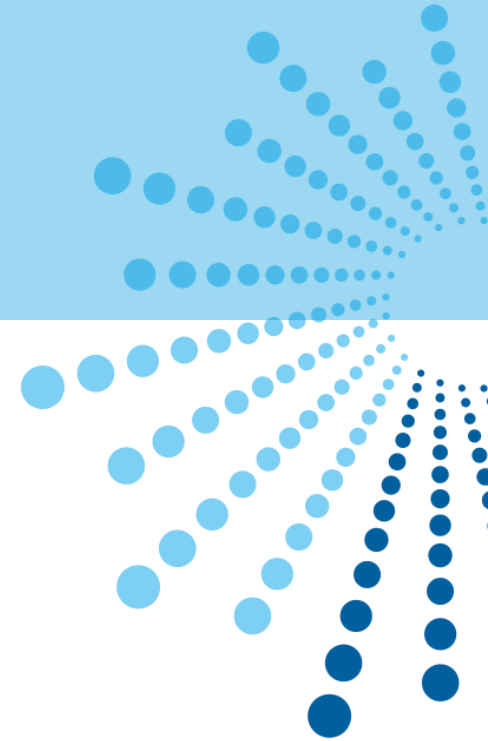
- Supportive Measures
- Educational Conversations
- Targeted Education



Informal Resolution

4(b)

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Informal Resolution Requirements

- Formal Complaint must be filed
- Participation in an informal resolution must be voluntary
- Must occur prior to resolution via a formal process
- Parties must be permitted to withdraw and seek formal resolution
- Voluntary, written consent to the informal resolution must be obtained
- Facilitators of informal resolution must be trained

Informal Resolution is prohibited to resolve allegations that an employee sexually harassed a student.

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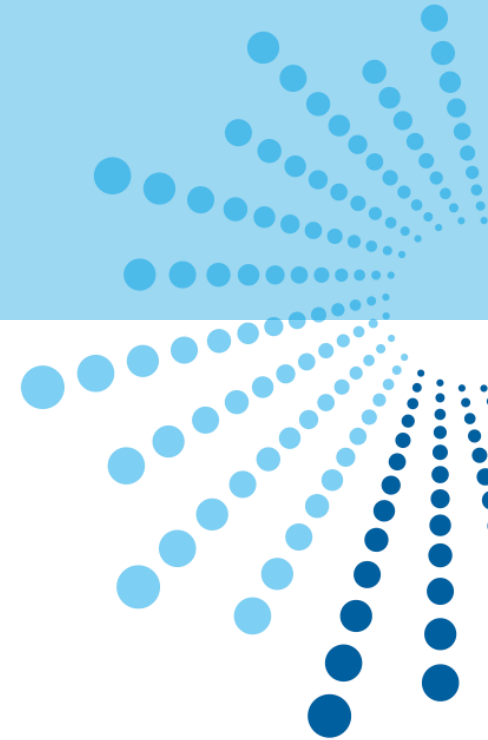
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Formal Resolution

4(c)

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Formal Resolution Overview

Formal complaint signed

Notice of Allegation/Investigation

Investigation

Opportunity to review all evidence, and 10 days to submit a written response to the evidence prior to completion of the report

Report summarizing relevant evidence and 10 day review of report prior to hearing

Hearing

Putting it all together...



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The Proper Application of Trauma Informed Practices

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Trauma informed practices provide tools/techniques for interviewing and engaging with the Complainant, Respondent, and Witnesses.



Format/Structure of the Intake

Format of Questions



Approach to Clarification

Trauma Informed Practices are Designed to:

01

Encourage thorough and complete investigations/intakes

02

Assist with recollection

03

Reduce potential for false information

04

Minimize unnecessary re-traumatization

05

Reduce Bias

Misapplication of Trauma Informed Practices

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Successful Coordinators Approach all Aspects of the Work



Impartiality

Avoiding Prejudgment and Bias

Do not rely on cultural “rape myths”

Do not rely on cultural stereotypes about how men or women purportedly behave

Do not rely on gender-specific research data or theories to decide or make inferences of relevance or credibility in particular cases

Recognize that anyone, regardless of sex, gender, gender identity or sexual orientation, can be a victim or perpetrator of sexual assault or other violence

Avoid any perception of bias in favor of or against complainants or respondents generally

Employ interview and investigation approaches that demonstrate a commitment to impartiality

Impartiality

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The Importance of Understanding the Potential Impact of Trauma

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Trauma

An event that is experienced as terrifying, horrifying, or threatening and that is coupled with an actual or perceived lack of control.

Examples of Events that Might Trigger a Traumatic Response

Sexual Assault

Physical Assault
by a Stranger

Physical Assault
by an Intimate
Partner

A Car Accident

Accident that
causes serious
injury or death

Robbery

Significant
medical event



When trauma occurs, there are very real changes in brain function that may affect a person's ability to make memory and to recount their experience.

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Common Characteristics of Disclosures by a Trauma Brain

Inconsistent

Non-linear

Fragmented

Lack of detail

New information

Affect is unexpected



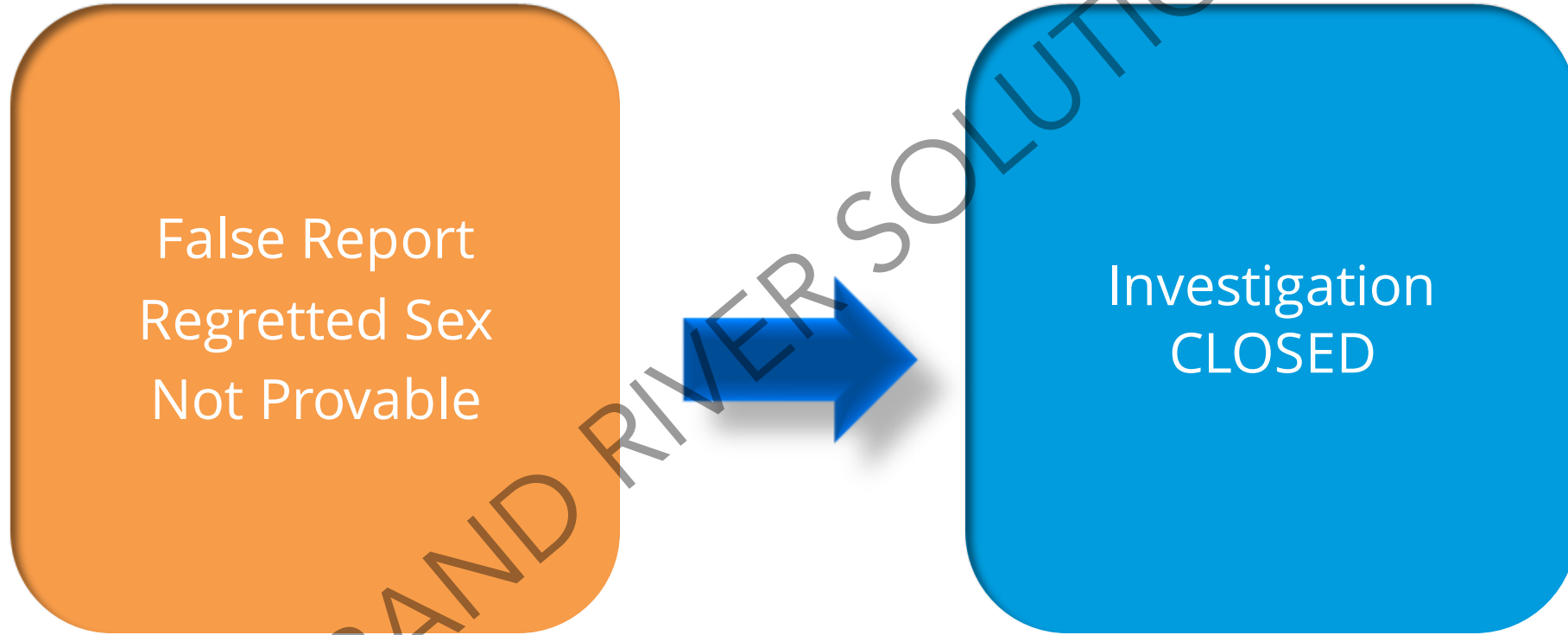
Historically, the seemingly inconsistent behaviors that frequently accompany disclosures of sexual assault and interpersonal violence resulted in the belief that the victim was being dishonest.

Inconsistencies
Lack of Detail
Non-Linear
Fragmented
New Information

Not Credible



The Historical Conclusion...



When an investigator uses “trauma informed” tools, they are less likely to:



CONCLUDE, WITHOUT A THOROUGH INVESTIGATION, THAT THE REPORTING INDIVIDUAL IS NOT CREDIBLE



ASK QUESTIONS OR MAKE DECISIONS FOUNDED IN BIAS



CAUSE ADDITIONAL HARM



JEOPARDIZE FUTURE REPORTING



Scenarios

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06

The Title IX Office receives the following anonymous report via your institution's online reporting form

Riley Smith is in trouble. I live on their floor in River Hall and I constantly hear fighting and crying coming from their room at night. Every time I see Riley with their partner, they seem really submissive and nervous and I have noticed bruises on Riley the mornings after the biggest fights. The RA and Riley's partner are friends and so the RA doesn't do anything about it. It's getting so bad that some of the other people on the floor are talking about intervening, but we are afraid of Riley's partner too.



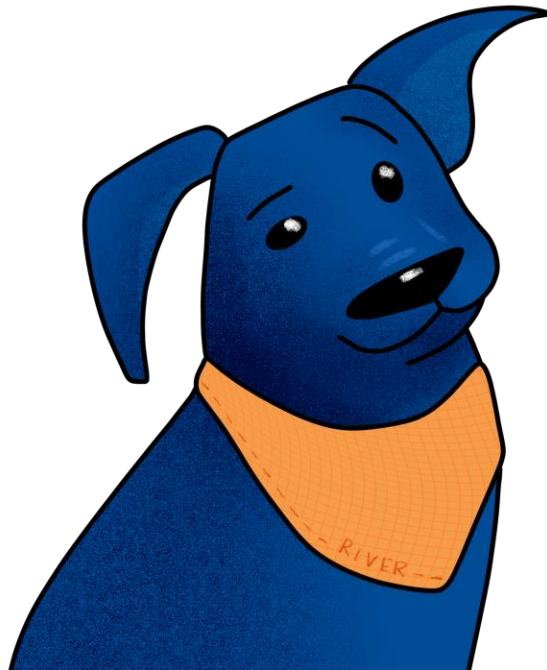
Questions?

Leave Us Feedback:



Email Us:

info@grandriversolutions.com



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