



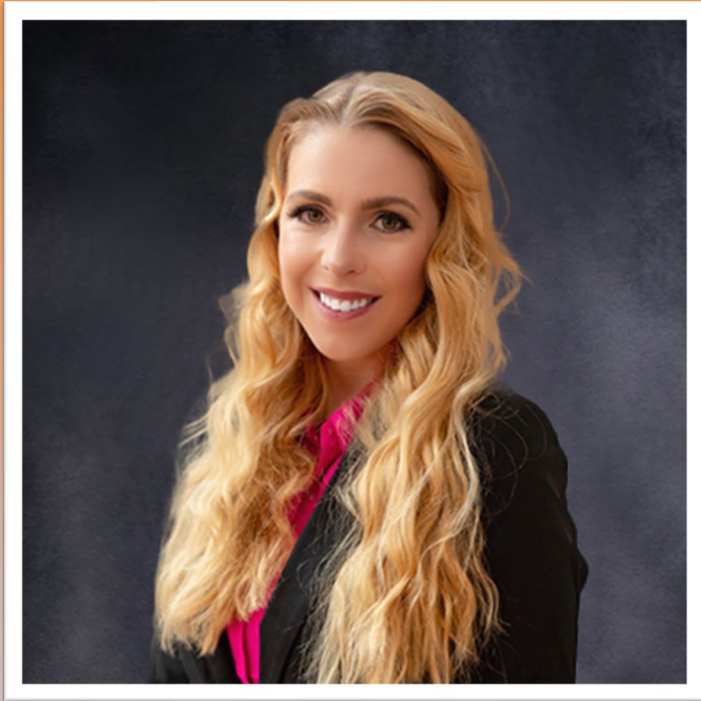
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# Trauma Informed Title IX Intakes

*Champlain College*

Emma Hempel

February 2024



**Emma Hempel**

*She/her*

Senior Solutions Specialist

## Meet Your Facilitator

Emma Hempel is a Senior Solutions Specialist at Grand River Solutions. Emma has served as a Title IX Coordinator for both public and private institutions across the country. With 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 oversaw institutional Title IX compliance and was the primary contact for students, faculty, and staff who were reporting sexual and interpersonal violence. She developed and implemented a variety of trainings and workshops on topics including sexual violence prevention, sexual harassment, bystander intervention, and diversity and inclusion.

# 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

# 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

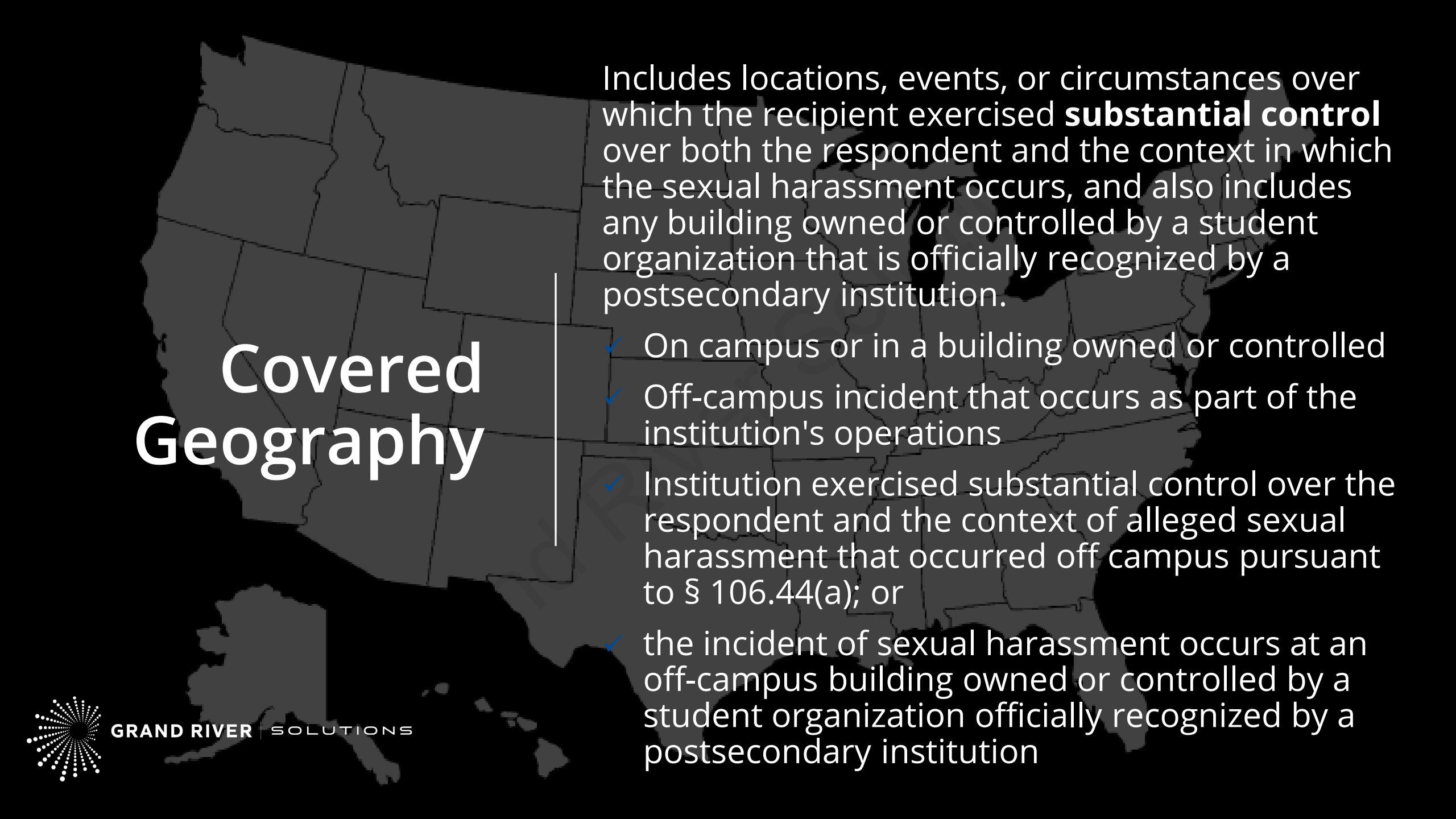
Sexual Harassment Only

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.

# SEXUAL HARASSMENT: *SECTION 106.30*

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

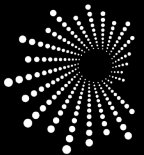
- (1) An **employee** of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it **effectively denies** a person equal access to the recipient's education program or activity; or
- (3) "**Sexual assault**" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "**dating violence**" as defined in 34 U.S.C. 12291(a)(10), "**domestic violence**" as defined in 34 U.S.C. 12291(a)(8), or "**stalking**" as defined in 34 U.S.C. 12291(a)(30).



# 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

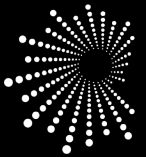






# Not Covered

- 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**

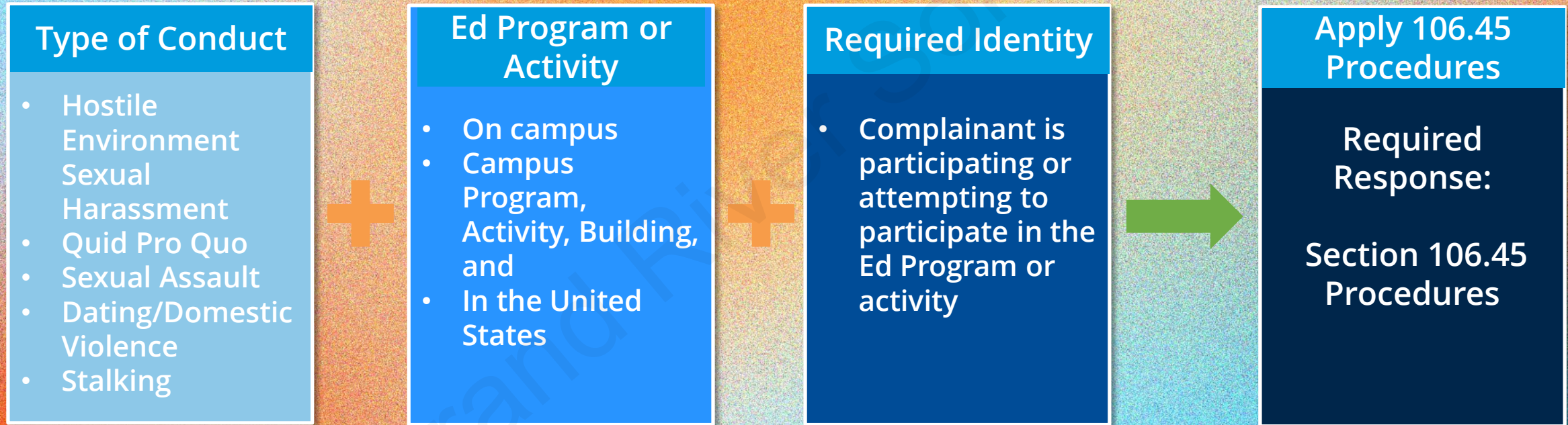
**Applicant**

**Accepted/Hired**

**Enrolled/Employed**



# 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

02

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



To not know the answer to every question thrown your way



To say,

"I don't know"

"I'd like to think about that"

"I'll get back to you"

"Thank you for sharing your perspective"

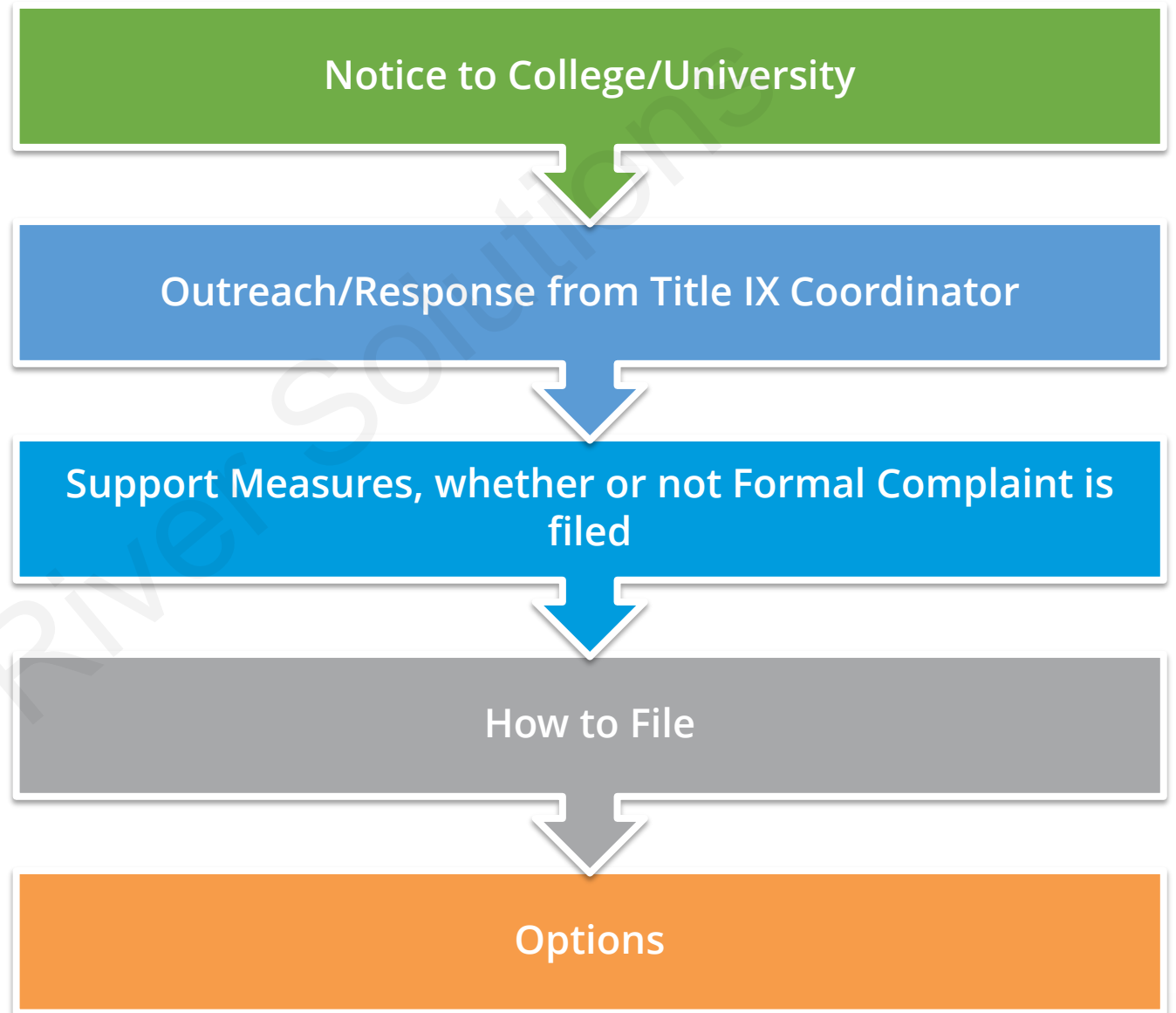


To decline to answer a question



To recognize and assert your expertise

# Regulatory Requirements



# Receiving Reports and Initiating the Response

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1. REVIEW THE  
REPORT



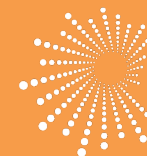
2. DETERMINE THE  
APPROPRIATE INITIAL  
RESPONSE



3. PROMPTLY  
INITIATE THAT  
RESPONSE



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





# Initial Outreach

## FIRST — SAFETY

### Email

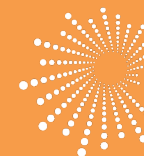
- Create forms

### Phone

### In person

- Use RA
- Campus safety

### Follow up emails





# Complainant Intake & Supportive Measures

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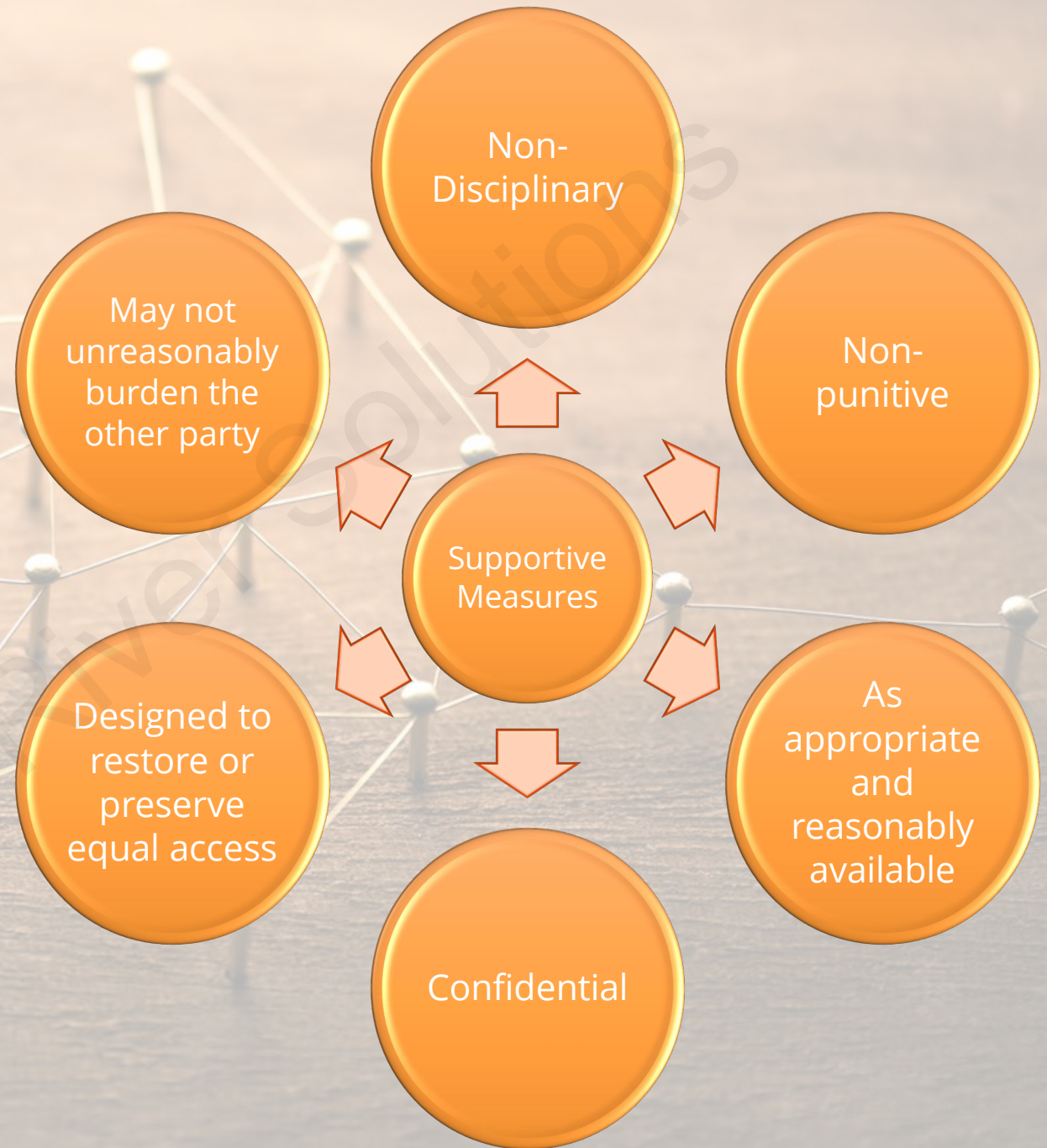
# Initial Meeting with the Complainant

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- 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

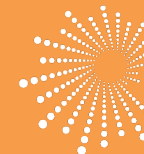


# Supportive Measures



# 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

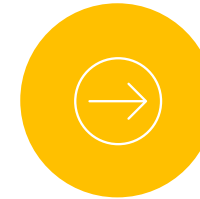
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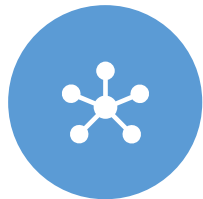
Document the meeting



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

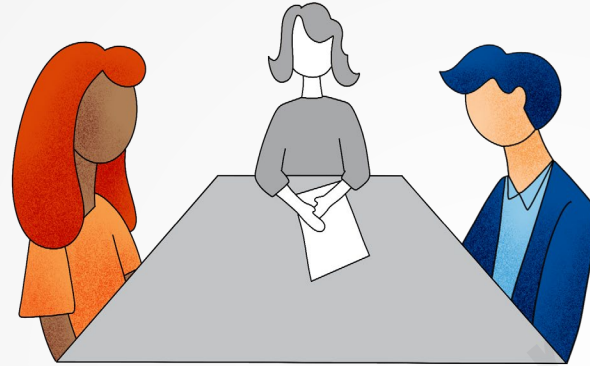


# How to Proceed?



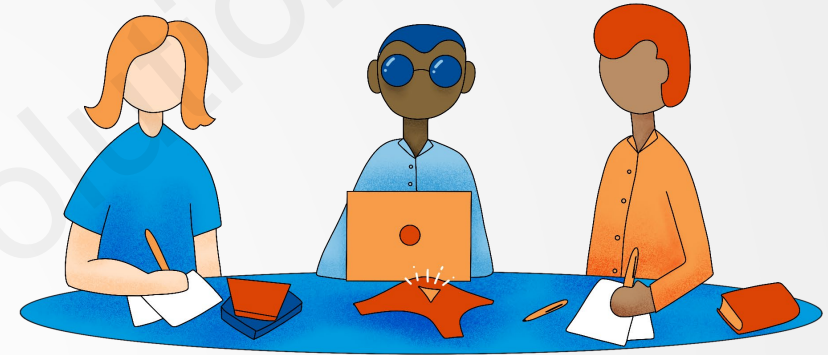
## Remedies-based

No formal process



## Alternative/Informal

Signed agreement;  
Voluntary;



## Formal/ Investigation/ Hearing

All requirements of 106.45



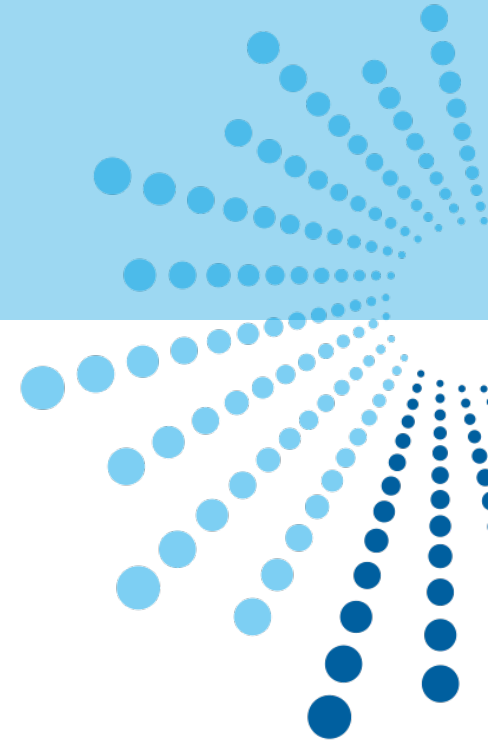




# Remedies Based Resolution

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.

STOPS



# 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



A close-up photograph of four hands of different skin tones working together to assemble white puzzle pieces. The hands are positioned around the pieces, with fingers carefully fitting them together. The background is softly blurred, showing more puzzle pieces and a warm, indoor lighting. The overall mood is one of collaboration and completion.

Putting it all together...





# 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

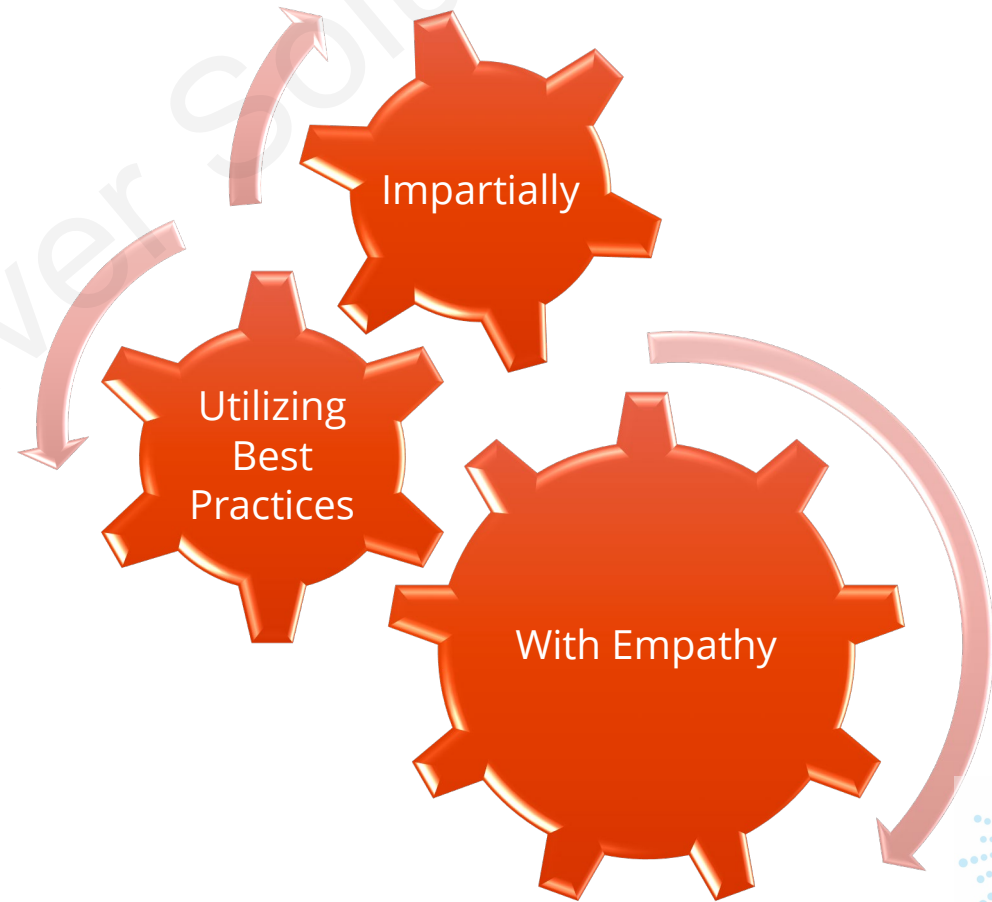
# Misapplication of Trauma Informed Practices

**It is a misapplication  
of trauma informed  
principles to allow  
potential evidence of  
trauma to:**

1. Influence the interpretation of a specific item of evidence;
2. Substitute for missing evidence;
3. To serve as a justification for not doing a full and thorough investigation;
4. Cause a biased belief in the veracity of one or more party.



# 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

Avoiding Prejudgment, Bias, and Conflicts of Interest

## Bottom line

- Follow facts of every individual case
- Investigate in manner that will not allow even a perception of prejudice or bias for or against any party



# 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

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Sexual Assault

Physical Assault  
by a Stranger

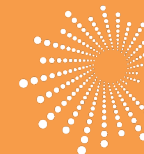
Physical Assault  
by an Intimate  
Partner

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

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Inconsistent

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Non-linear

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Fragmented

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Lack of detail

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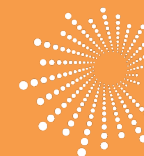
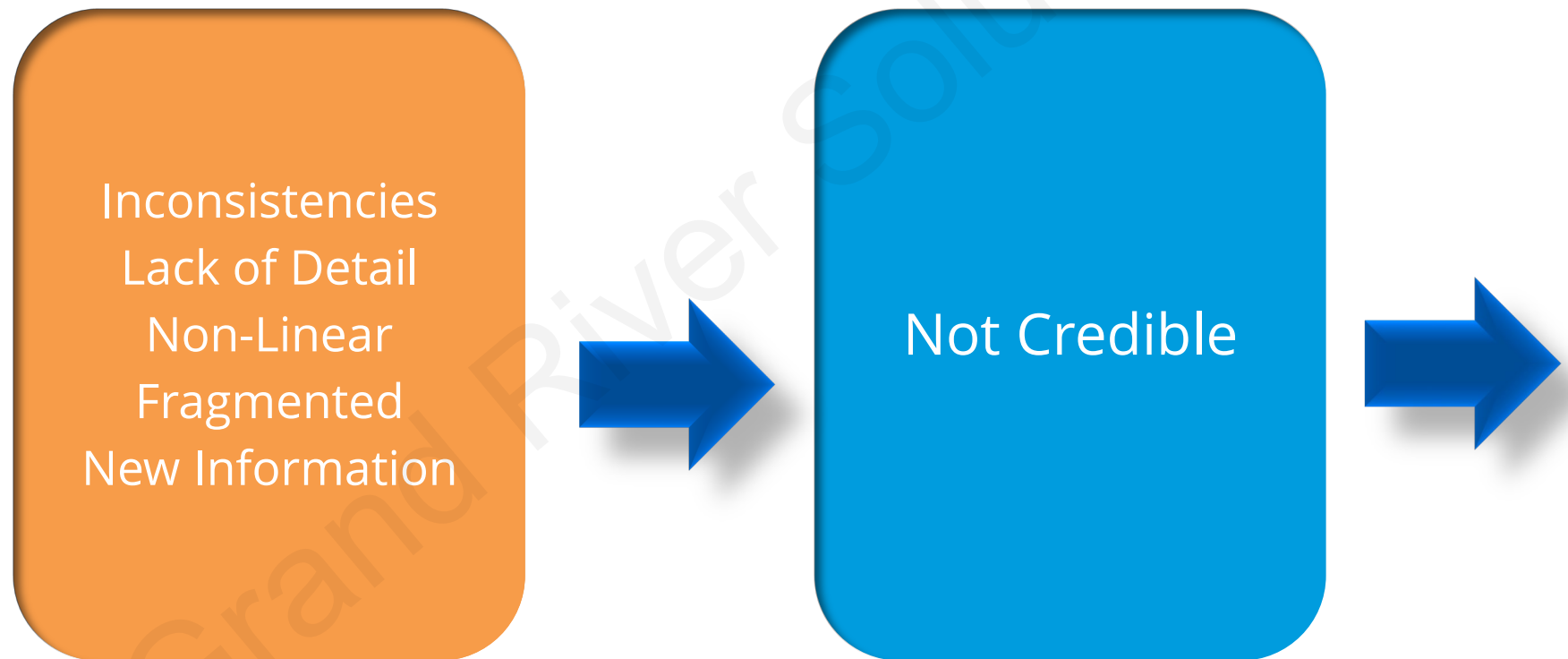
New information

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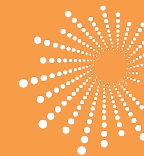
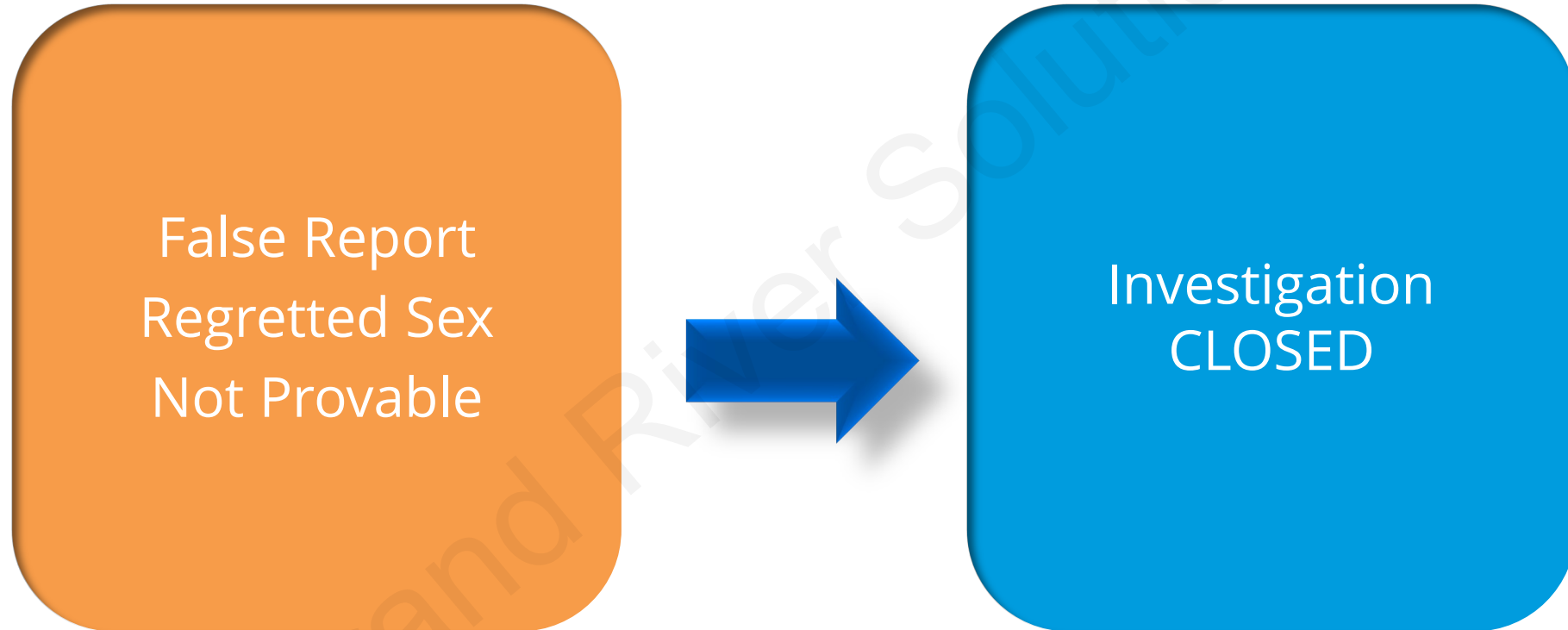
Affect is unexpected



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.



# 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

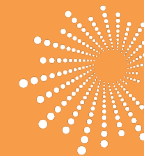
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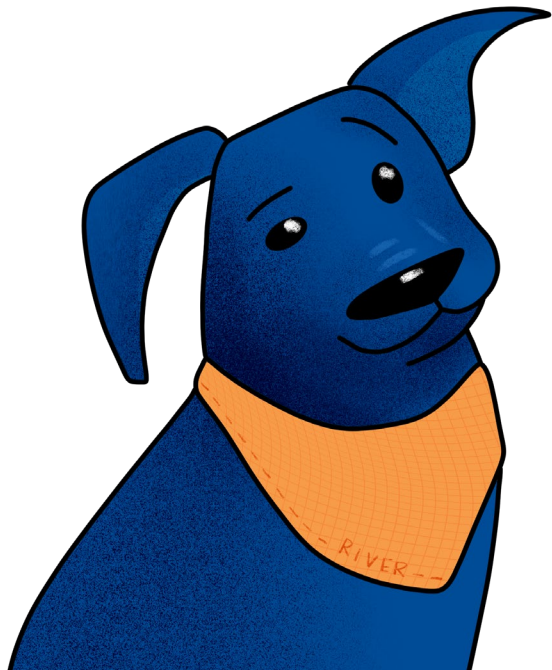


# The Title IX Office receives the following anonymous report via your institution's online reporting form

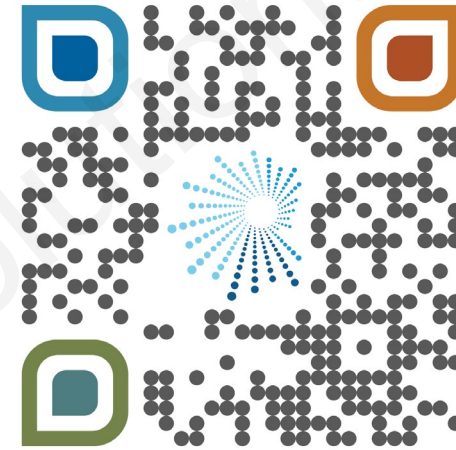
Riley Smith is in trouble. I live on their floor in River Hall and I constantly hear fighting and crying coming from their room at night. Every time I see Riley with their partner, they seem really submissive and nervous and I have noticed bruises on Riley the mornings after the biggest fights. The RA and Riley's partner are friend 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](mailto:info@grandriversolutions.com)

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