

T I T L E I X



C O N S U L T  
L L C

# Disclaimer

- The information contained herein was developed by Title IX Consult, LLC for the exclusive use of trainees of Title IX Consult, LLC. Use of these documents by non-trainees of Title IX Consult, LLC in the education environment requires explicit permission of Title IX Consult, LLC.
- ©Title IX Consult, LLC, 2025. Copyrighted material. Express permission to post training materials for those who attended a training provided by Title IX Consult, LLC is granted to comply with 34 C.F.R. § 106.45(b)(10)(i)(D). These training materials are intended for use by licensees only. Use of this material for any other reason without permission is prohibited.
- This training is intended for educational purposes only and does not contain sample forms for use in Title IX investigation and/or decision-making processes.
- This training will not be recorded by Title IX, LLC and/or any participant.



# Overview of Training

- Introduction to Title IX law
- Title IX regulations
- Title IX legal obligation
- Title IX Coordinator – responsibilities and notifications
  - Impartiality, Stereotypes, Bias, Conflicts of Interest, Trauma
- Employees with responsibility to report
- Notice of sexual harassment
- Grievance process
  - Informal resolution
  - Investigations
  - Hearings
  - Appeals
- Trauma-informed practices in Title IX investigations



# Title IX Law

- 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.
- Enforced through the Department of Education, Office for Civil Rights (OCR).

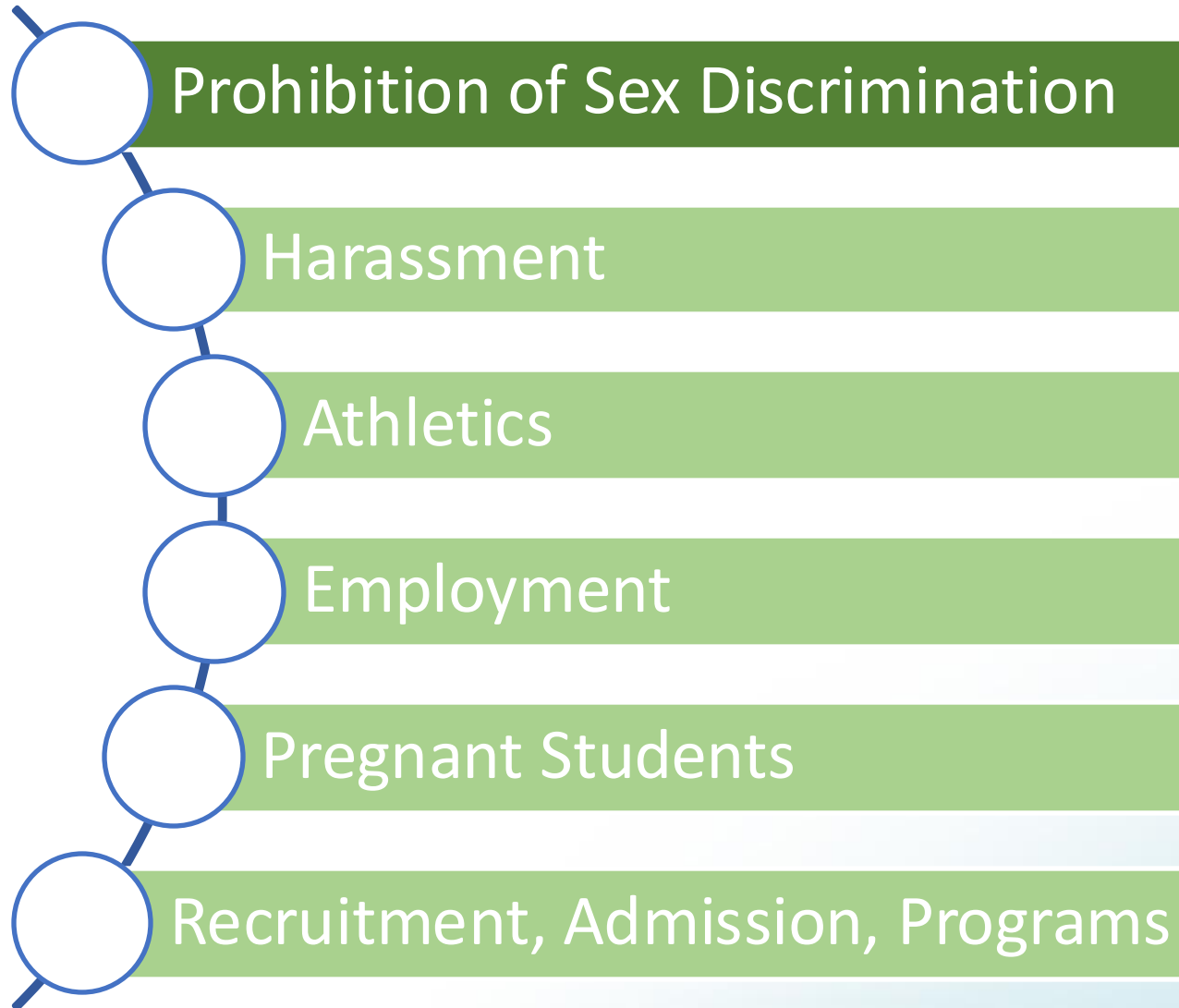


## LEGAL OBLIGATION

Educational institutions must respond in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment occurring in the institutions' education programs or activities against a person in the United States.



# Title IX Covers and Includes



# Title IX Coordinator

Name and title

Office address

Email address

Phone number





# Title IX Coordinator Information

Must be shared with:

- Students
- Parents
- Employees
- Applicants for admission
- Applicants for employment
- Unions and/or parties to collective bargaining agreements

Must promptly display contact information in each handbook or catalog made available to those persons

Must notify these individuals of non-discrimination

Must include notice of grievance procedures





# Title IX Coordinator Responsibilities

- Coordinate the Title IX response on behalf of the college
- Monitor outcomes and identify patterns
- Adoption of Title IX policy and procedure
- Access to relevant data (i.e., participation, budgets)
- Information easily found and in designated publications
- Permitted to conduct investigations
- Permitted to oversee investigations
- Avoiding conflicts of interest, including exclusion from serving as the Decision-Maker

Appropriate authority, qualifications, training, and time (*from 2015 Guidance - rescinded*)



# Coordinate the Institution's Response

- Receive reports of claims and potential claims
- Provide required notices
- Examine and (re-examine) supportive measures
- Determine appropriateness of a potential removal proceeding
- In some instances, act as Investigator
- Identify proper Decision-Maker
- Decide who will manage an appeal, if necessary
- Coordinate investigation, sharing of information between the parties, final outcome letter, and offering of appeal options
- Ensure proper documentation
- Provide training



# Monitor Outcomes and Identify Patterns

## Intake

- Formal complaints from allegations
- College sites

## Investigation

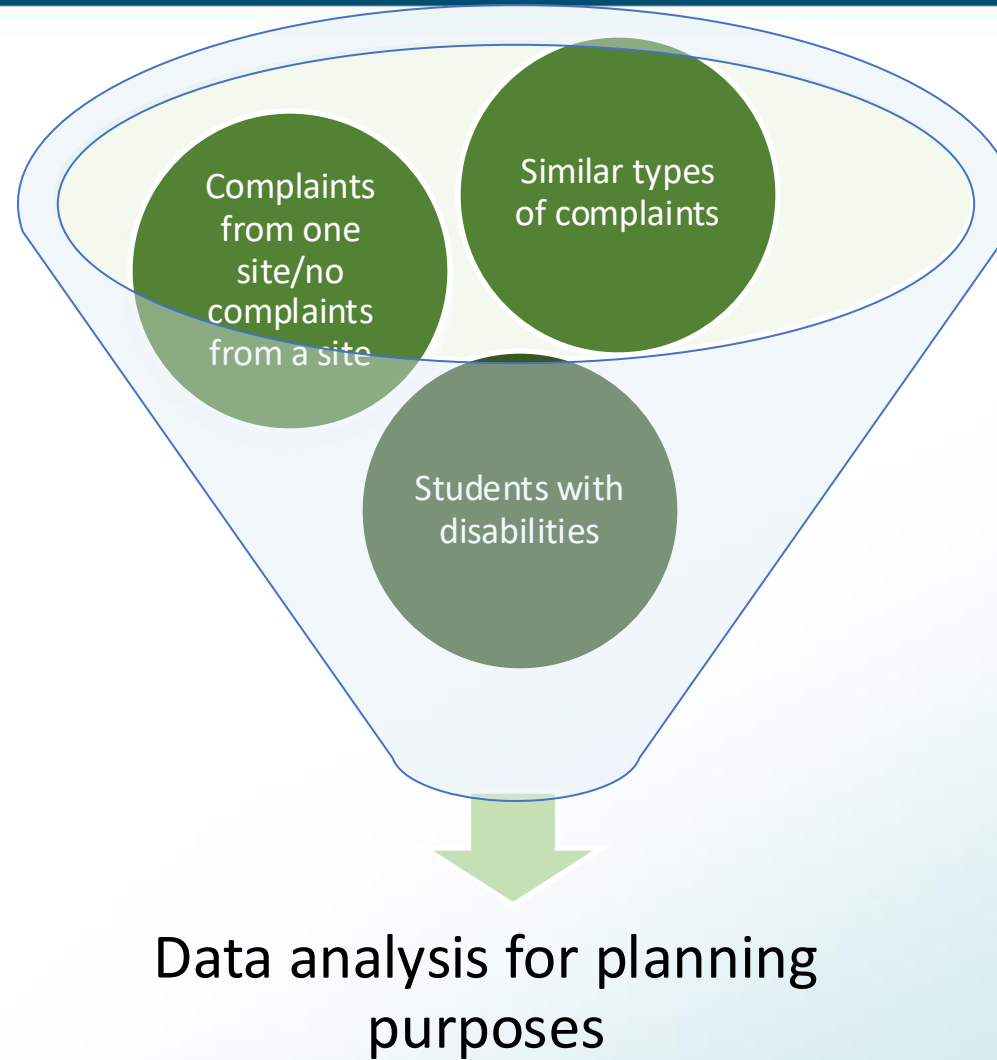
- In-house
- External
- Title IX and state Sexual Harassment

## Outcomes

- Timelines
- Policy violations
- Discipline



# Potential Patterns



# Policy and Procedures Administration

- Review annually
- Take into account the time-consuming review and approval process
- Set timelines for your process



# Impartiality

- Be neutral – neither pro-Complainant nor pro-Respondent
- Consider the evidence as presented
- Confront and understand bias and not allow it to impact decision
- Maintain open mind as to the potential conclusions



# Conflicts of Interest

- Relationship to parties or witnesses
- Professional conflicts
- Personal conflicts
- Actual and perceived





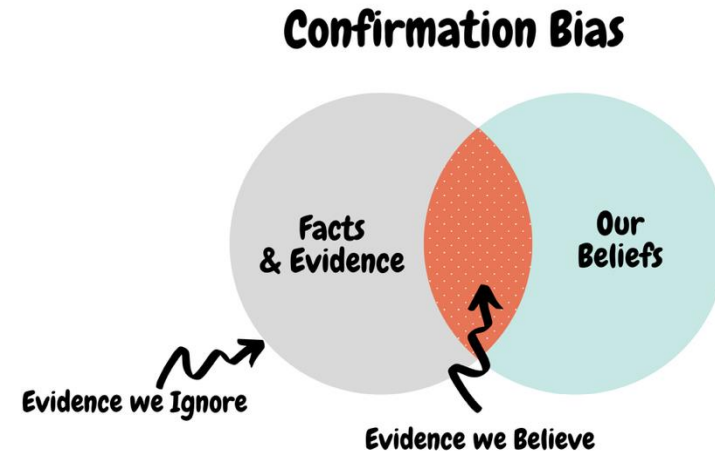
# Stereotypes

- “A fixed, over generalized belief about a particular group or class of people.” (Cardwell, 1996)
- Stereotypes around sexual assault
- Stereotypes around sexual harassment
- Complainant and Respondent



# Bias

- Conscious/Explicit
  - Discriminatory intent
  - Stated preferences
- Unconscious/Implicit
  - For the most part, most people are unaware of these drivers
  - Developed over a period of time and can influence many factors in hearing
  - Shortcuts developed by the brain and often play a role in:
    - Immediate response to conflict
    - Often mimics fear responses



# Title IX – Parties and Administrators

## Parties

- Complainant – alleged victim/survivor
- Respondent – responds to the allegation

## Administration of Claims

- Title IX Coordinator
- Title IX Investigator
- Title IX Hearing Officer/Panel (Decision-Maker)
- Title IX Appeal Officer
- Title IX Advisor
- Title IX Informal Resolution Officer



## LEGAL OBLIGATION

Educational institutions must respond in a manner that is not deliberately indifferent when it has **actual knowledge of sexual harassment** occurring in the institutions' education programs or activities against a person in the United States.



# Actual Knowledge

When sexual harassment or allegations of sexual harassment come to the attention of:

- Title IX Coordinator
- Official with authority to institute corrective measures
  - depends upon the institution's operational structure and the employee's specific roles and duties
  - discretion to designate which of its employees must report sexual harassment disclosures to the Title IX Coordinator and which employees can remain as confidential resources
- *Every College employee who is not a student and does not have legally protected confidentiality is considered a Responsible Employee. Champlain Title IX Policy.*



## LEGAL OBLIGATION

Educational institutions must respond in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment **occurring in the institutions' education programs or activities against a person in the United States.**



# Scope of the Education Program or Activity

For Title IX to apply, the behavior must occur in the school's "education program or activity," further defined as:

*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.*

Off-campus activities covered if one (1) of three (3) requirements are met:

1. the off-campus incident occurs as part of the school's operations;
2. the school exercised substantial control over the respondent and the context of alleged sexual harassment that occurred; or
3. the incident of sexual harassment occurs at an off-campus building owned or controlled by a student organization officially recognized by a college.





# Champlain Policy – Locations Covered

- a. Domestic On-Campus Conduct.** This Policy applies to conduct that occurs on-campus (in-person or virtual) within the United States, including conduct that occurs on property or in virtual spaces owned, rented, or managed by the College, including, but not limited to, Burlington's Main and Lakeside Campuses, Champlain College Online, temporary residential housing locations, and Champlain College's virtual learning spaces.
- b. International On-Campus Conduct.** This Policy applies to conduct that occurs on Champlain College's international campuses in Montreal, Canada and Dublin, Ireland, and on property that is owned, rented, or managed by the College.
- c. College Programs.** This Policy applies to conduct that occurs in the context of College employment or College-managed educational programs or activities, including, but not limited to, Champlain study abroad, virtual gap year, or internship programs. It also applies to admissions.
- d. Off-Campus Conduct.** This Policy applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Champlain community on-campus or in any College employment or education program or activity.



# GP: Dismissal - Mandatory and Permissive

## **Mandatory dismissal**

- Would not constitute sexual harassment as defined in regulations
- Did not occur in education program or activity
- Did not occur against a person in the U.S.

## **Permissive dismissal**

- Complainant notifies Title IX Coordinator in writing that Complainant would like to withdraw formal complaint or allegations
- Respondent is no longer enrolled or employed by the institution
- Specific circumstances prevent the college from gathering evidence sufficient to reach a determination



# Champlain Title IX Policy

- A Formal Complaint or Complaint may be dismissed for any of the following reasons:
  1. The Respondent is not participating in the College's education program or activity and is not employed by the College;
  2. A Complainant notifies the Title IX Coordinator or Deputy Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint, Complaint, or any allegations therein; or
  3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or Complaint or allegations therein.
- Upon a dismissal required or permitted under this section, the College will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. The notice will state that a dismissal may be appealed.

*Champlain Title IX Policy, Section E.3.*



# If Case is Dismissed from Title IX . . .

- Is it closed forever?
- Is behavior addressed?
- What steps can campus take?
- The College reserves the right to transfer and respond to conduct that is not Prohibited Conduct under this Policy under another College policy or procedure in its proper discretion, such as under the Student Code of Conduct or People Center resolution processes. The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation, and Department of Education guidance.

*Champlain Policy, Section E, 3.*





# Sexual Harassment Defined under Title IX

# Definition of Sexual Harassment

## Conduct on the basis of sex:

- **Quid pro quo** - An employee who conditions the receipt of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
- **Hostile environment** sexual harassment, defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive **and** objectionably offensive that it effectively denies a person equal access to the institution's education program or activity (emphasis added).



# Definition of Sexual Harassment, continued

Sexual Assault, as defined in 20 USC 1092(f)(6)(A)(v)

- Rape
- Fondling
- Incest
- Statutory Rape

Dating/Domestic Violence

Stalking

*Section 106.30*





# 2020 - Sexual Assault, Dating/Domestic Violence and Stalking

**Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.

## **Forcible:**

- Any sexual act directed against Complainant, forcibly, against Complainant's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling.

## **Non-Forcible:**

- Offenses that do not involve force where the Complainant is incapable of giving consent, including statutory rape and incest.



# Dating/Domestic Violence

**Dating violence** meaning violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

**Domestic violence** meaning felony or misdemeanor crimes committed by a person who:

- (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school, or a person similarly situated to a spouse of the victim;
- (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (3) Shares a child in common with the victim; or
- (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.



# Stalking

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's safety or the safety of others; or

(2) Suffer substantial emotional distress.



# Title IX Grievance Process



# Grievance Process (GP)

- Respond promptly in a manner that is not deliberately indifferent
- Due process and fundamentally fair procedures to adjudicate the allegations
- Upon notification, supportive measures offered
  - Emergency removal
- Offer of formal process
  - Complainant files or Title IX Coordinator may file
- Both parties receive notice of the allegations
- Both parties participate in investigation and can inspect information gathered
- Separate decision-maker(s)
- Completed in a prompt time-frame
- Retaliation prohibited - designate the retaliation complaint process



# GP: Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent and are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening either party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment



# GP: Emergency Removal Procedure

- Step 1 – Conduct a prompt individualized safety and risk analysis
- Step 2 – Immediate threat to the safety of the physical health or safety of any student or other individual arising from the allegations of sexual harassment
- Step 3 – Evaluate the applicability of disability laws to the removal decision
- Step 4 – Consider the appropriateness of supportive measures in lieu of an emergency removal
- Step 5 – Provide the Respondent with notice and an “immediate” opportunity to challenge the emergency removal





# Champlain Policy – Emergency Removal

## Emergency Removal of Respondents in Title IX Sexual Harassment Cases

When the College determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment in this Policy, the College can remove a student Respondent from its education program or activity (which may include removing an employee Respondent from their employment at College) and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a Respondent from its education program or activity or employment based on an individualized assessment and risk analysis.

If the College makes such a decision, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the Respondent shall have forty-eight hours in which to submit a written request to the Title IX Coordinator or designee to contest the emergency removal (though a meeting could be scheduled sooner if requested by the Respondent, if practicable).

*Champlain Title IX Policy, VIII. A.*



# Complainant Title IX Intake Meeting, Part I

- The availability of supportive measures as defined above in Section IX;
- The Complainant's wishes with respect to supportive measures;
- The availability of supportive measures with or without a Complaint;
- The process for making a Complaint;
- If appropriate, the Informal Resolution process;
- Immediate physical safety and emotional well-being needs;
- Notifying the Complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notifying the Complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notifying the Complainant of confidential and non-confidential reporting options on and off campus;
- Providing the Complainant with information about on and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
- Explaining the right to object to the assignment of a designated Deputy Title IX Coordinator or investigator(s) based on actual bias or conflict of interest to proceed through the investigation process; *continued*



# Intake Meeting, Part II

Explaining that the Complainant has a right to an advisor of their choice during the process and the role of the advisor;

Assessing for pattern evidence or other similar conduct if possible;

Explaining the Medical Amnesty and Good Samaritan Program (see Section VII.C.2);

Explaining the College's policy prohibiting retaliation;

Explaining that if the complaint involves a Clery crime, the Deputy Title IX Coordinator will notify Campus Public Safety of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) issue a timely warning as defined by the Clery Act, and assure the Complainant that any such reports will not include the Complainant's personally identifying information; and

Explaining that the Complainant may request accommodations related to the Investigation Process through the Office of Accessibility.

*Champlain Title IX Policy, Section XI.C.*



# GP: Offer of Formal Process

- Complainant offered formal process
- Complainant must file and request an investigation
  - Filing can be in person, by phone, email
- Wishes of Complainant are to be respected

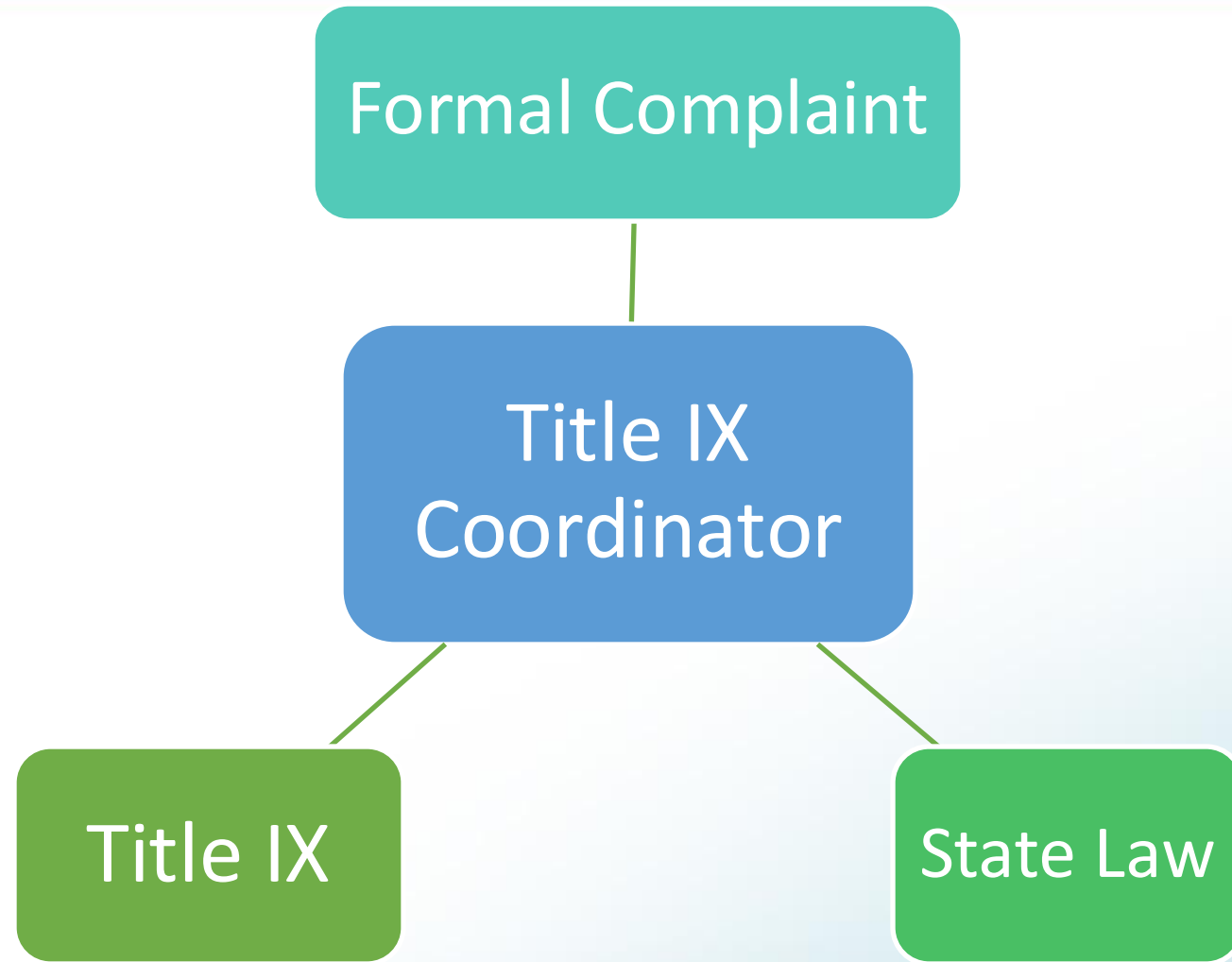


# GP: No Formal Complaint Filed

- Title IX Coordinator may decide to proceed with investigation
- Title IX Coordinator does not become Complainant



# Review: Title IX or State Law Process



# GP: Notice of Allegations

- Detailed allegations against Respondent
- Supportive measures offered to Respondent
- No supportive measure can appear disciplinary



# Initial Meeting with Respondent

- The Respondent will also receive an invitation to meet with the Title IX Coordinator or designee to review the process, resources, and the role of the advisor. If the Respondent does not respond to the meeting request or is unable to meet within three (3) days, the Title IX Coordinator, Deputy Title IX Coordinator, or designee will provide the following information in writing:
  - On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
  - The range of supportive measures that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, and other supportive measures described in Section IX;
  - An overview of the procedural options and processes;
  - The College's policy prohibiting retaliation; and
  - The right to request accommodations related to the Investigation Process through the Title IX Office and other relevant offices.

*Champlain Title IX Policy, XI.E.6.*





# GP: Separate Decision-Makers

- Title IX Coordinator may serve as Investigator
- Title IX Coordinator may NOT serve as Decision-Maker
  - Policy violation
  - Discipline
- Hearing panels required for colleges and universities



# GP: Investigation

- Investigation gathers relevant and irrelevant information
- All information must be shared with both parties
- Parties have ability to review investigation report and outcome, provide comments/written questions and provide answers and limited follow-up



# Champlain Title IX Policy – Investigation Process

- Investigator challenge within two (2) days.
- Interviews may be recorded.
- Investigator has broad discretion about who to interview and when.
- Investigation should be completed within four (4) months.

*Champlain Title IX Policy, Section XI.E.7.*



# Champlain Policy – Sharing of Investigation File

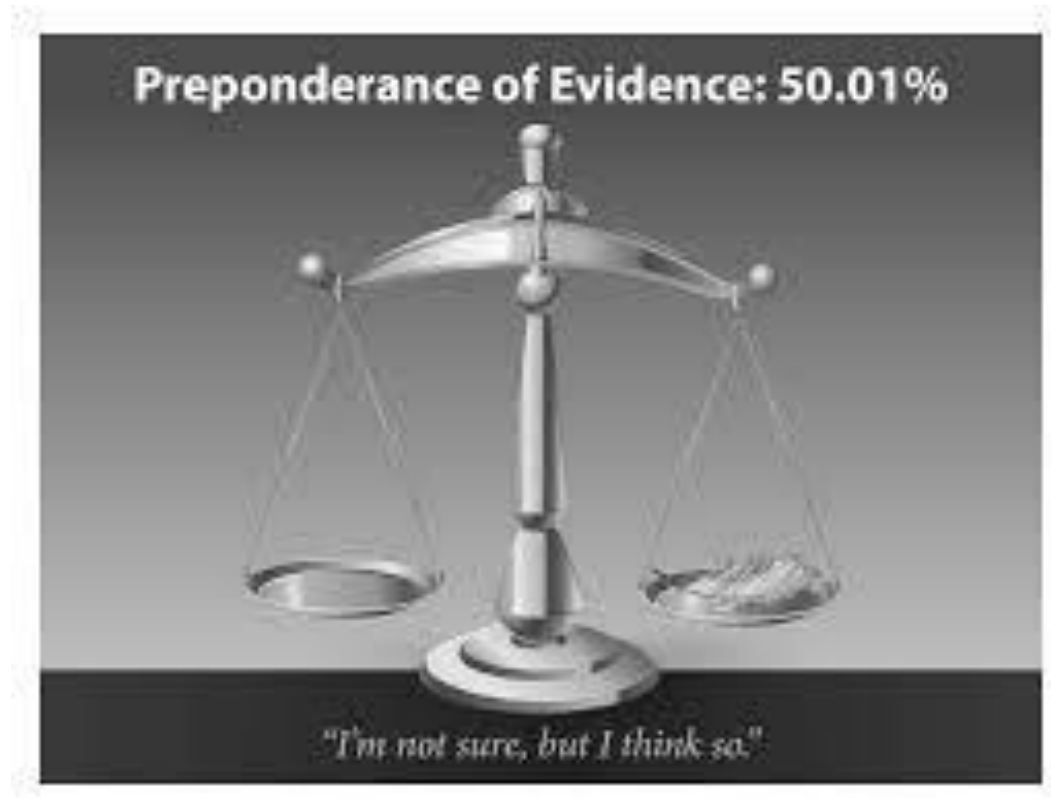
- Access to the investigation materials
- Preliminary Investigation Report
  - No recommendations regarding policy violations
- Shared with the parties
- Parties respond to investigation materials and Preliminary Investigation Report
  - Comments on Preliminary Investigation Report (FIR)
  - Request for additional investigation
    - Investigator and TIXC review; potential addendum to FIR
- Final Investigation Report issued
  - Non-binding recommendation about policy violation

*Champlain Title IX Policy, Section XI.E, 9 and 10*



# GP: Burden of Proof

- Preponderance of the evidence
- Clear and convincing



# GP: Decision-Maker

- Decision-Maker(Hearing Officer or Hearing Panel) must determine:
  - Policy violation; and
  - Discipline



# Champlain Post-Investigation Resolution Processes

- (1) If any allegations of Prohibited Conduct raised in the matter fall within the definition of Title IX Sexual Harassment, the resolution process will be overseen by the Title IX Coordinator or designee and such allegations will proceed to **a live hearing** and, if applicable, sanctioning and appeal process as described immediately below.
- (2) If all of the allegations of Prohibited Conduct fall outside the definitions of Title IX Sexual Harassment and the Respondent is a student, the post-investigation resolution process will be overseen by the Office of Community Standards. The Director of Community Standards or their designee will review the Final Investigative Report and all related evidence and issue a written determination. If appropriate, the Dean of Students or designee will issue written sanctions. In such cases, these post-investigation procedures will apply exclusively, and the Title IX Sexual Harassment post-investigation hearing, sanction and appeal process described below will not apply.
- (3) If all of the allegations of Prohibited Conduct fall outside the definitions of Title IX Sexual Harassment, and the Respondent is an employee, the post-investigation resolution process will be overseen by the People Center Leader, in consultation with the Title IX Coordinator or designee. The Title IX Coordinator, People Center Leader, or their designee, will review the Final Investigative Report and all related evidence, and issue a written determination. In such cases, these post-investigation procedures will apply exclusively, and the Title IX Sexual Harassment post-investigation hearing, sanction and appeal process described below will not apply.



# GP: Hearing Process

- Live hearings (in-person and remote)
- Advisors at hearing (even when party may not appear)
- Participation cannot be compelled
- Cross-examination by advisors
- Evidence evaluated by Hearing Officer/panel
- Evidence may be excluded if no cross-examination (in flux)
- Outcome of policy violation and discipline issued
- Complex process that requires significant support





# GP: Evidence Presented in Hearing

- RELEVANCE – Applying to the matter in question; affording something to the purpose (Black's Law Dictionary)
- NOT permitted:
  - Sexual history of Complainant (see Rape Shield exception)
  - Privileged communications
  - Medical documentation
- Not repetitive



# GP: Rape Shield Protection

- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant
- unless such questions are offered to
  - prove that someone other than the Respondent committed the conduct; or
  - are offered to prove consent.

*Section 106.45(b)(6)(i)*



# Champlain Title IX Policy on Hearings

- Hearing officer presides over the hearing and makes determination as to policy violation and discipline (if necessary)
- Advisors
  - Advise within ten (10) business days
  - College-appointed advisor may be provided
- Witnesses – requested and approved by hearing officer
- Hearing officer makes final decisions and not bound by Investigator recommendations
- New evidence

*Champlain Title IX Policy, Section XI.E.12.*



# Champlain Hearing Process

- Opening remarks by Hearing Officer
- Opening statements by parties (optional)
- Hearing officer questions
- Cross-examination of the other party by advisor
- Cross-examination of witnesses by advisors
- Credibility at issue
- Hearing office makes determinations of admissibility
  - No formal rules of evidence
  - No conclusions on absence of a party
- Hearing is recorded and owned by the college

*Champlain Title IX Policy, Section XI.E.12.d.*



# Champlain Outcome Letter to Parties

- Identification of the section(s) of the College's Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the Complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

*Champlain Title IX Policy, Section XI.E.12.f.*



# GP: Appeal

- Procedural irregularity in the Title IX grievance process affected the outcome;
- Newly discovered evidence that was not reasonably available at the time of the determination of responsibility or dismissal that could affect the outcome; or
- Due to a bias or conflict of interest by the Title IX Coordinator, Investigator, or Decision-Maker (Hearing Panel/Hearing Officer) that affected the outcome.



# GP: Informal Resolution

- Trained facilitators
- After formal complaint is filed
- Process must be detailed in writing
- Described to both parties
- Parties agree in writing
- Either party may end informal resolution before a formal agreement is accepted
- Never available when complainant is student and respondent is employee



# Trauma-Informed Interviews





# Development of Trauma-Informed Processes

- In the past, police and military investigations were faulted for engaging in strategies that may have dissuaded people from reporting
- Questions related to factual recounting of events did not take into account the impact of trauma and may have led to inaccurate conclusions about credibility
- Analysis and studies of how to improve the process led to developed “trauma-informed” practices
- Failure to take into account trauma could result in secondary victimization and case attrition



# Neurobiology of Trauma

- Explains the ways a person responds during a traumatic event
  - the way they encode and store the experience in their memory
  - the way they recall those memories later
- The trauma responses are automatic, serve to protect us from attack, and are deeply ingrained



# Trauma and Sexual Assault



## 3 TYPES OF TRAUMA

Statistics show that 50 to 60% percent of people experience at least one trauma in their life, with 5 to 10% going on to develop PTSD symptoms.

### ACUTE

Single incident traumas such as a car accident, serious injury, natural disaster, or witnessing violence.

### CHRONIC

Repeated or prolonged violence or abuse.

### COMPLEX

Exposure to multiple and different types of traumatic events.

### DID YOU KNOW?

# 50%





of child sexual abuse victims experience revictimization.

*(Papalia, Mann, & Ogloff, 2021)*

# Responses to Trauma



## TRAUMA RESPONSES

FLIGHT	FIGHT	FREEZE	FAWN
			
Workaholic Over-thinker Anxiety, panic, OCD Difficulty sitting still Perfectionist Avoidance Hyperactivity Sadness in loneliness	Anger outburst Controlling “The bully” Explosive behaviour Irritability Judgement Slamming door Self harm	Difficulty making decisions Feeling Stuck Dissociation Isolating Numb Shut down Exhaustion Indecision Sleeps a lot	People pleaser Overwhelmed No boundaries Lack of identity Codependent Appeasing Engaging Self critique

- The response to trauma is not logical
- Responses can lead to behavior that may cause a person to question whether a crime occurred

# Impact of Trauma

## **Cognitive and Emotional Effects:**

- Impair memory, attention, and emotional regulation
- Difficult for individuals to recall events accurately or coherently

## **Physical and Mental Health:**

- Trauma can manifest in physical symptoms (e.g., anxiety, hypervigilance)
- Mental health challenges (e.g., PTSD, depression)

## **Vulnerability and Distress:**

- Individuals who have experienced trauma may be particularly vulnerable and distressed
- Requires a sensitive and empathetic approach



# After a Trauma

- The trauma “lives” in the body, if it is not resolved
- Trauma can manifest itself in:
  - Flashbacks
  - Threat perception remains in the brain
  - Brain cannot distinguish between past and present leading a person to actually relive the same emotions that they felt at the time of the trauma
  - Dissociation
- Constantly questioning decisions made that led to the trauma
- Dominant emotion is shame, which manifests as:
  - Fear no one will believe me
  - Fear of retaliation
  - Self-blame



# Trauma Survivor's Counterintuitive Responses

- Delay between the time of an event and when it is reported is common;
- Victim/survivor continuing to have contact with the alleged suspect after a reported sexual assault or intimate partner violence incident;
- Investigators should avoid phrasing questions in a victim-blaming manner (e.g., “why didn’t you call for help, fight back or run away?”); and
- Interviewing complainants in a respectful, professional, non-judgmental manner leads to better outcomes.



# Interviews with Trauma Survivors

Inconsistent

Non-linear

Fragmented

Lack of  
detail

New  
information

Affect is  
unexpected





# Trauma-Informed Approach to Interviewing



## Preliminary Concerns

- Safety
- Trustworthiness and transparency
- Peer support

## Partnering

- Collaboration and mutuality
- Empowerment and choice
- Cultural, historical, and gender issues

## Interview strategy

- Active listening
- Patience and flexibility
- Avoiding triggering questions, while gathering the information necessary

# Practical Tools and Tips – Set-Up

- Location of the interview
- Arrangement of the room
- Ability to end the interview
- Ability to leave the room
- Exploring information that can lead to potential triggers and preparing for the trauma response
- Food, drinks, etc.
- Treating all parties and witnesses in a professional, respectful, non-judgmental manner



# Practical Tools and Tips - Questioning

## **Use Open-Ended Questions:**

- Encourage the individual to share their story in their own words.

## **Reflect Back What You Hear:**

- Demonstrate active listening by summarizing and clarifying what the individual has said.

## **Provide Breaks:**

- Allow for breaks if the individual becomes overwhelmed or distressed.

## **Offer Support:**

- Provide information about available resources and support services.

## **Document Everything:**

- Thoroughly document the interview process, including the individual's responses and any observed reactions.



# Preventing Re-Traumatizing



Develop skills related to emotional intelligence and ability to attune to the behaviors associated with trauma



Allowing the victim/survivor to retell the facts in their own way; may not be sequential



Balancing support for a trauma survivor with need to remain objective



Encourage witnesses to share what they are able to recall about their experience, including any available sensory impressions, without demanding that they recall every aspect in a chronological manner



Remain vigilant to seek clarification of inconsistencies and “counterintuitive” behaviors from both parties



# Considerations in Questioning

- Explain why you are asking
  - Need to know clothing to understand the attack
  - Statement seems inconsistent
- Using nonjudgmental phrases:
  - “help me understand”
  - “what happened next”
  - “and then”



# QUESTIONS?

[megan@titleixconsult.com](mailto:megan@titleixconsult.com)

