

January 2023 Title IX Team Training

Slide 1

Grand River Solutions

Trauma Information Title IX Intakes

Presenter: Emma Hempel

January 2023

Slide 2:

Emma Hempel

Pronouns: 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.

Slide 3:

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

Slide 4:

The Ever-Evolving Jurisprudence of Title IX

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

Slide 5:

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).

Slide 6:

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.

Slide 7:

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

Slide 8:

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

Slide 9:

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.

Slide 10:

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

Slide 11:

Title IX Application Post May 2020 Regulations

Type of Conduct

- Hostile Environment Sexual Harassment
- Quid Pro Quo
- Sexual Assault
- Dating/Domestic Violence
- Stalking

Ed Program or Activity

- On campus
- Campus Program, Activity, Building, and
- In the United States Ed Program or Activity

Required Identity

- Complainant is participating or attempting to participate in the Ed Program or activity

Apply 106.45 Procedures

Required Response: Section 106.45 Procedures

Slide 12:

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, and other intersecting federal and state laws

Title IX

Sexual Harassment Abroad

Quid Pro Quo Between Students

Severe or Pervasive, Only

Off-Campus Sexual Assault

Slide 13:

Receipt of Reports

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

Slide 14:

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. Let me get back to you.

Slide 15:

Regulatory Requirements

1. Notice to College/University
2. Outreach/Response from Title IX Coordinator
3. Support Measures, whether or not Formal Complaint is filed
4. How to File
5. Options

Slide 16:

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

Slide 17:

Initial Outreach

First - Safety

Email: Create forms

Phone

Slide 18:

Complainant Intake & Supportive Measures

Slide 19:

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

Slide 20:

Supportive Measures

- Non Disciplinary
- Non Punitive
- As appropriate and reasonably available

- Confidential
- Designed to restore or preserve equal access
- May not unreasonably burden the other party

Slide 21:

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).

Slide 22:

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.

Slide 23:

Report Resolution

Remedies Based, Informal, or Formal

Slide 24:

How to Proceed?

Remedies-based - No formal process
Alternative/Informal - Signed agreement; Voluntary
Formal/ Investigation/ Hearing - All requirements of 106.45

Slide 25:

Remedies Based Resolution

Slide 26:
Remedies Based Resolutions

- Supportive Measures
- Educational Conversations
- Targeted Education

Slide 27:
Informal Resolution

Slide 28:
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

Slide 29:
Informal resolution is prohibited to resolve allegations that an employee sexually harassed a student.

Slide 30:
Formal Resolution

Slide 31:
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

Slide 32:
Putting it all together...

Slide 33:
The Proper Application of Trauma Informed Practices

Slide 34:

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

Slide 35:

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 retraumatization

05 Reduce bias

Slide 36:

Misapplication of Trauma Informed Practices

Slide 37:

Successful Coordinators Approach all Aspects of the Work

Impartiality

Utilizing Best Practices

With Empathy

Slide 38:

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

Slide 39:

Impartiality

Slide 40:

The Importance of Understanding the Potential Impact of Trauma

Slide 41:
Trauma

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

Slide 42:
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

Slide 43:
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.

Slide 44:
Common Characteristics of Disclosures by a Trauma Brain

Inconsistent
Non-Linear
Fragmented
Lack of detail
New information
Affect is unexpected

Slide 45:
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

Equaled

Not Credible

Slide 46:
The Historical Conclusion...

False Report
Regretted Sex
Not Provable

Equaled

Investigation CLOSED

Slide 47:
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

Slide 48:
Scenarios

Slide 49:
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.

Slide 50:
Questions?

Leave Us Feedback: QR Code

Email Us: info@grandriversolutions.com

Slide 51:

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