

Conducting Trauma-Informed Grievance Procedures

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Agenda

- What does it mean to be trauma-informed?
- Using trauma-informed techniques in the Title IX grievance process.

Caveat

- This module is not intended to provide legal advice.
- Consult with internal or external counsel if you have questions about a particular matter.

A Note About Language

- Title IX Regulations use “Complainant” and “Respondent.” Prior guidance used “victim/complainant” and “alleged perpetrator.”
- Clery Act uses “accuser/accused,” “victim/perpetrator” and “acquaintance rape”
- Many advocacy groups use “survivor.”

A Note About Assumptions

- The cases are not always female reporting parties, male respondents. Studies and statistical data are also binary in their gender identification. Studies show male victims underreport. There are also barriers to same-sex reporting.
- Today's training is intended address how to use trauma-informed techniques for reviewing any report of sexual violence by or against anyone in the institution's programs or activities regardless of gender identity or sexual orientation.

What Does it Mean to be Trauma- Informed?

- Initial impressions?

Why Use Trauma- Informed Techniques?

- Gather information effectively.
- Prevent re-traumatization.
- Legally required to do.

California Education Code 67386

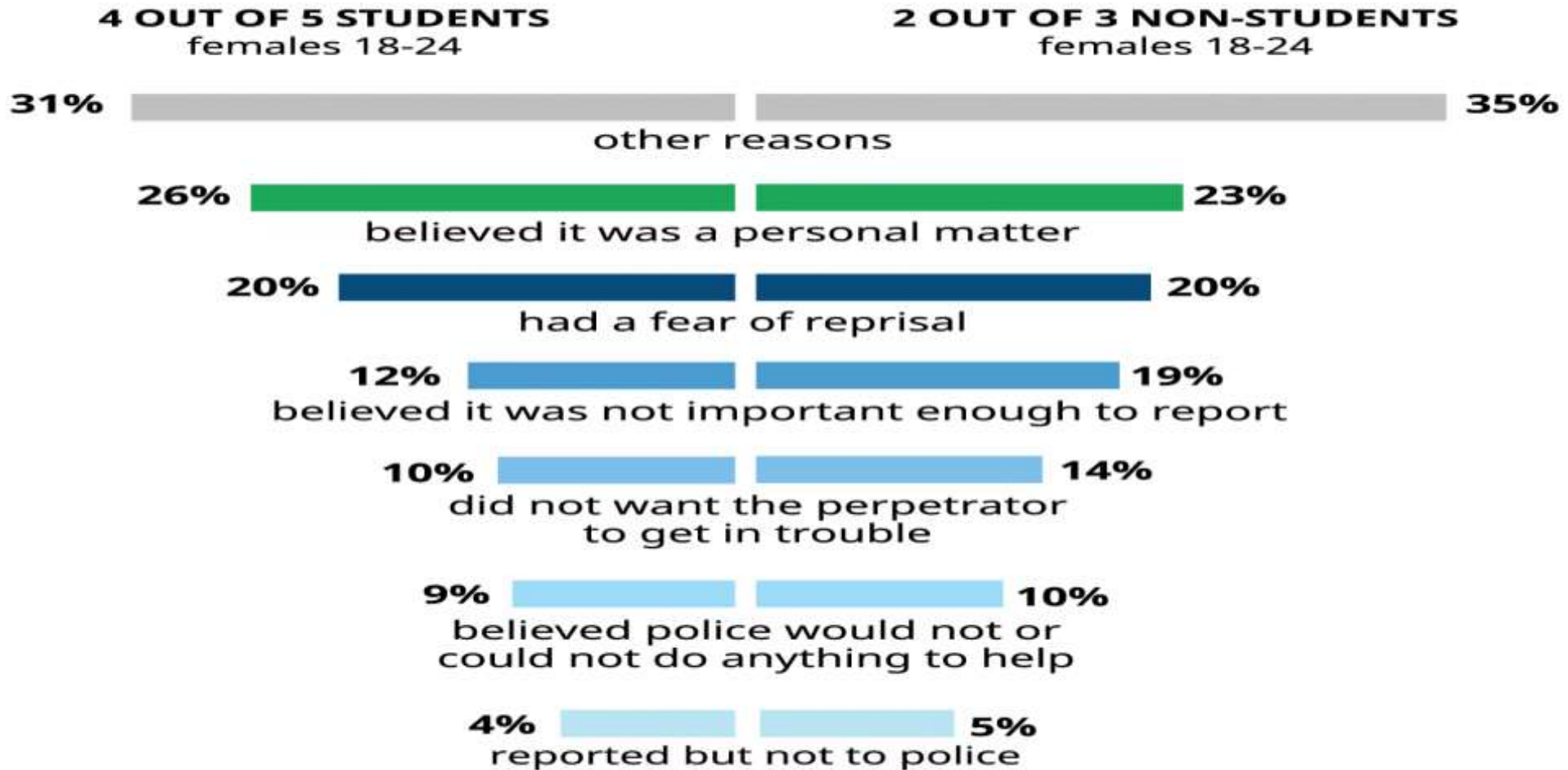
In order to receive state funds for student financial assistance ... the governing boards of independent postsecondary institutions shall adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards. At a minimum, the policies and protocols shall cover all of the following:

(12) A comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

Why Don't People Report Sexual Violence?

- Initial impressions?

REASONS VICTIMS CITED FOR NOT REPORTING





IMPACT OF TRAUMA

Impact of Trauma on Memory

- Situations that impair brain functioning and situation processing. Occurs when situation overwhelms perceived ability to cope and imminent bodily harm perceived. Distinguish from anxiety.
- The highly developed portion of the brain (prefrontal cortex & hippocampus) responsible for focus, attention, etc. may shut-down during perceived traumatic situations.



Impact of Trauma on Memory

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- Person may focus on central details – details important to survival are often become encoded and consolidated into memories.
 - Person may describe “islands of memory” - fragmented memories of non-essential issues and peripheral details do not become consolidated
 - Example: time details



Impact of Trauma on Memory

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- Bottom up attention: person may focus on central details – details important to survival are often become encoded and consolidated into memories.
 - Person may describe “islands of memory” - fragmented memories of non-essential issues and peripheral details do not become consolidated
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Impact of Trauma on Memory

- Subjective experience.
- Individuals engage in a variety of self-protective responses that are habitual, instinctual, and/or survival.
- This is a hormonal response and not a self-directed response.



Possible Responses to Trauma During a Fear-Based Response

- Disassociation
- Flight or Fight (Adrenaline)
- Freeze (If No Perceived Means of Escape)
 - Tonic Immobility (Rigid Freeze)
 - Collapse Immobility (Sleepy, “Passing Out”)

Possible Physical Responses to Trauma

- Aches and pains (head, back, and/or stomach aches)
- Sudden sweating and/or heart palpitations (fluttering)
- Changes in sleep patterns, appetite, **interest in sex**
- Easily startled by noises or unexpected touch
- More susceptible to colds or illnesses
- **Increased use in alcohol or other drugs** and/or overeating

Possible Mental & Emotional Responses to Trauma

- Shock, disbelief, fear, anxiety, grief, disorientation, **denial**.
- Hyper-alertness or vigilance.
- Irritability, restlessness, outbursts of anger or rage, mood swings.
- Worrying, ruminating, flashbacks.
- Feelings of helplessness, panic, feeling out of control.
- Increased need to control everyday experiences.

Possible Mental & Emotional Responses to Trauma

- **Minimizing** the experience.
- Attempts to avoid anything associated with the trauma.
- Feelings of **detachment**.
- Concern with burdening others with problems.
- Emotional numbing or restricted range of feelings.
- Feelings of self-blame, guilt and/or **shame**.

Things to Consider When Conducting Questioning of Someone Reporting Trauma

- Responses to trauma and post-traumatic stress can manifest itself in many ways.
- Sexual violence involves disempowerment and disconnection:
 - Connect and empower interviewee – i.e. seating during interview
 - Open-ended questions
 - Go slowly
 - Watch tone/phrasing

Interview Tips for Interviewing Someone Reporting Trauma

- Empower participation in the process
- Avoid judgmental attitudes
- Recognize that events do not need to be extreme to be traumatic
- Concurrent crises can occur
- Provide for safety of complainant
- Make referrals to proper resources
- Provide clear guidance on process

Interview Tips for Interviewing Someone NOT Reporting Trauma

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Critiques of Using a Trauma- Informed Techniques

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- Use of the signs of trauma as evidence of a policy violation.
 - Deference to counter-intuitive behavior
 - Calling someone a survivor, trainings aimed at interviewing “survivors.”
 - Failure to clarify inconsistencies.
 - Failure to explore delay or reluctance to report.
 - Failure to consider exculpatory evidence such as post-incident communications.
 - Open-ended approach only used with complainants.

Trauma and Credibility

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- Signs of trauma do not make someone MORE credible.
 - Signs of trauma do not make someone LESS credible.
 - We do not know why someone reacts the way they do.
 - Make no assumptions.

Trauma and Credibility

Lapses in memory should be explored.

- Is there a credible reason for the loss of memory?
- What is it?
- What other evidence is available?

Reactions after the event should be explored.

- Is there a credible reason for the behavior after the event?
- What is it?

Conclusion

- Trauma-informed techniques should be used with an understanding of why and how to use them.
- Many trauma-informed techniques are useful for any type of investigation.



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