Understanding Trauma: Conducting a Trauma-Informed Title IX Investigation
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Why is trauma-informed support important for Title IX Investigators to understand?

- Being part of a Title IX process is inherently traumatic for all parties
- Understanding trauma will facilitate a more accurate and fair investigative process, and help you avoid errors

Topics
- Introduction to Trauma
- Recognizing Personal Bias
- Trauma-Informed Communication
- Promoting Empowerment
- Scenarios & Commonly Asked Questions
Introduction to Trauma
What is Trauma?

Definition of Trauma
• Subjective
• Real or perceived threat
• Manifests differently in each person

Consider each Party’s Experiences
• One or both parties have likely already experienced trauma
  • Prior to the incident (childhood experiences, family history, collective memory, etc.);
  • During the incident;
  • As a result of being accused of the alleged incident; or
  • Through a combination of these experiences.
• One or both parties may be currently experiencing trauma during the Title IX grievance process
Brain Stem (“Reptilian Brain”)
• Involuntary survival processes (heartbeat, breathing, etc.)

Limbic System (“Emotional Brain”)
• Regulates the body’s stress response
• Also plays an important role in memory and learning

Frontal Lobes (“Executive Brain”)
• Responsible for cognitive skills including ability to rationalize, plan, self-monitor, and control one’s responses
• Also important for voluntary movement
Limbic System Response
• Amygdala ("fear center") is activated
  - All resources are re-directed toward survival

Disconnection of Frontal Lobes
• Executive functioning goes "offline"
• Interferes with cognition, voluntary muscle movement, and ability to process the experience later on
*This is functional and protective!
Human Stress Response

Fight
Flight
Freeze
Fawn ("Appease")
Fragmented/incomplete memories are common

**Emotional Dysregulation is expected**
- Can appear in a variety of ways: inappropriate affect (laughter), extreme anxiety, numbing/disconnection

**The Fawn or Freeze responses may appear to be consent!**

**Discussing the event is re-traumatizing**
- Try to limit the number of interviews, questions, etc.
https://www.cdc.gov/violenceprevention/aces/index.html

10 childhood traumatic experiences that increase risk for:
• Delinquency and dropout
• Teenage pregnancy
• Incarceration
• Mental health concerns
• Chronic illness
• Financial and housing instability
• Early death (including suicide)
Recognizing Personal Bias
A tendency, inclination, or prejudice toward or against something or someone.

- Biases are universal
  - We are all products of our own personal histories, cultures, and many other factors that shape the ways in which we see the world
  - Biases are automatic and often outside of conscious control

- Biases are not always bad!
  - i.e. an inclination toward healthy lifestyle behaviors

- Biases can be based on stereotypes or inaccurate information

- It is crucial that you understand your biases in order to be most effective in your role
Recognizing Personal Bias

Bias vs. Conflict of Interest

**Bias**
- Having a personal history with sexual misconduct
- Holding stereotyped gender beliefs about sexual violence (i.e. perpetrators are males)
- Internalization of rape culture (often leads to skepticism or blaming of the complainant/survivor)

**Conflict of Interest**
- Having a personal relationship with one or more parties
- Holding multiple relationships with one or more parties
- There is any way in which you could benefit (or be harmed) from the outcome of the investigation
Is personal bias affecting your ability to be objective?

• Introspection
  • Implicit Bias Tests
    https://implicit.harvard.edu/implicit/selectatest.html

• Having implicit bias does not make you a bad person (we all have it!)
  • Managing your implicit biases will make you a better investigator

• Questions to ask yourself:
  • What does the information at hand cause you to believe about those involved? Why?
  • When should you recuse yourself from a case because you are unable to overcome personal bias?
Trauma Informed Communication
Foundations of a Trauma Informed Approach

Empathy

Validation

Active Listening
Empathy

• The ability to understand and share the feelings of another.
  • Doesn’t mean that you fully “get it” – because you don’t. But you can try to put yourself in your party’s shoes
• Not the same as sympathy!
  • Sympathy is rarely helpful in these situations, most trauma survivors report that sympathy exacerbates feelings of shame/embarrassment

Communicating Empathy
• “I can see how painful this is for you to talk about.”
• “That sounds incredibly scary.”
• “There are resources here on campus to support you through this.”
Validation

Recognition or affirmation that a person or their feelings, opinions, and experiences are real or worthwhile.

**Do’s**
- Share your own similar reactions, if you have them! “I would feel really angry too.”
- “It makes sense that you would feel that way.”

**Don’t’s**
- Tell someone how they should feel: “You shouldn’t let this bother you so much.”
- Question their responses: “Are you sure that’s what happened?”
A communication technique that serves the following purposes:
1. Ensures that you understand what the other person is saying accurately
2. Communicates to the other person that you are listening

Strategies for Active Listening
• Avoid distractions! (Cell phones, emails, knocks on the door)
• Use frequent brief paraphrases of what you heard
• Use nonverbal cues: nodding, smiling or frowning, leaning forward
• Remain neutral and nonjudgmental
• Use phrases to communicate your desire to understand: “Did I understand that correctly?”; “I want to make sure I am hearing you”
• Ask open-ended questions: “Can you tell me more about...”
Additional Strategies

Consider the Environment
• Allow each party to choose the meeting place (empowerment!)
• Consider comfortable seating, tissues, water, privacy, etc.

Focus on each Party & their Needs
• Refrain from sharing own stories & experiences
• Create an open space for them to talk (no judgement)
• Aim to understand each party’s perspective

Keep a Healthy Emotional Distance
• Self-care is crucial
• Boundaries are okay (and even healing!)
• Direct each party to campus resources that can provide support
Confrontation is Possible
• Title IX processes may be intense, and emotions may run high
• Confrontation may occur between you and either party

Strategies for De-escalation
• Keep personal emotions in check
• Create physical space
• Allow for silence & patience for decisions
• Practice validation, active listening & empathy
Promoting Empowerment
Empowerment = Voice and Choice

• What could empowerment look like for each party?

How can you, as a Title IX Investigator, identify resources to help empower each party?

• You need to be neutral/objective, but you can refer each party to other sources of support/advocacy

What may each party consider to be possible obstacles to empowerment? How may you address them?
Ask the party:
• How are you feeling?
• Do you feel safe?
• How can I help you feel safer?
• What do you need right now?
• What do you need throughout the duration of the Title IX process?
• How do you feel about participating in the Title IX process?
• What steps of the Title IX process concern you?

As the investigator, remember:
• Validation, Empathy, and Active Listening
• How can you best support each party & address their needs?
Questions from the Audience