INTAKE AND NOTICE WRITING TRAINING

Emma Hempel
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GRAND RIVER | SOLUTIONS

ABOUT US

Vision

We exist to create safe and equitable work and educational environments.

Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

MEET YOUR FACILITATOR

Senior Solutions Specialist

She/Her/Hers

Emma Hempel (she/her/hers)

Emma Hempel is part of the Coordinator & Director Services Team and is the Onboarding and Recruitment Manager at Grand River Solutions. In addition, she coordinates and facilitates Title VI, Title IX, and Equity training for Grand River Solutions. Emma serves as a Title IX Coordinator/EEO Coordinator for both large and small public and private institutions across the country. As Title IX Coordinator, she oversees institutional Title IX Compliance, ensures a fair and equitable Title IX Process, supervises and mentors Title IX staff, conducts trainings, revises policies and other relevant documentation, conducts outreach and provides support to all parties engaging in the formal and informal Title IX grievance process.

BEFORE THE INTAKE MEETING

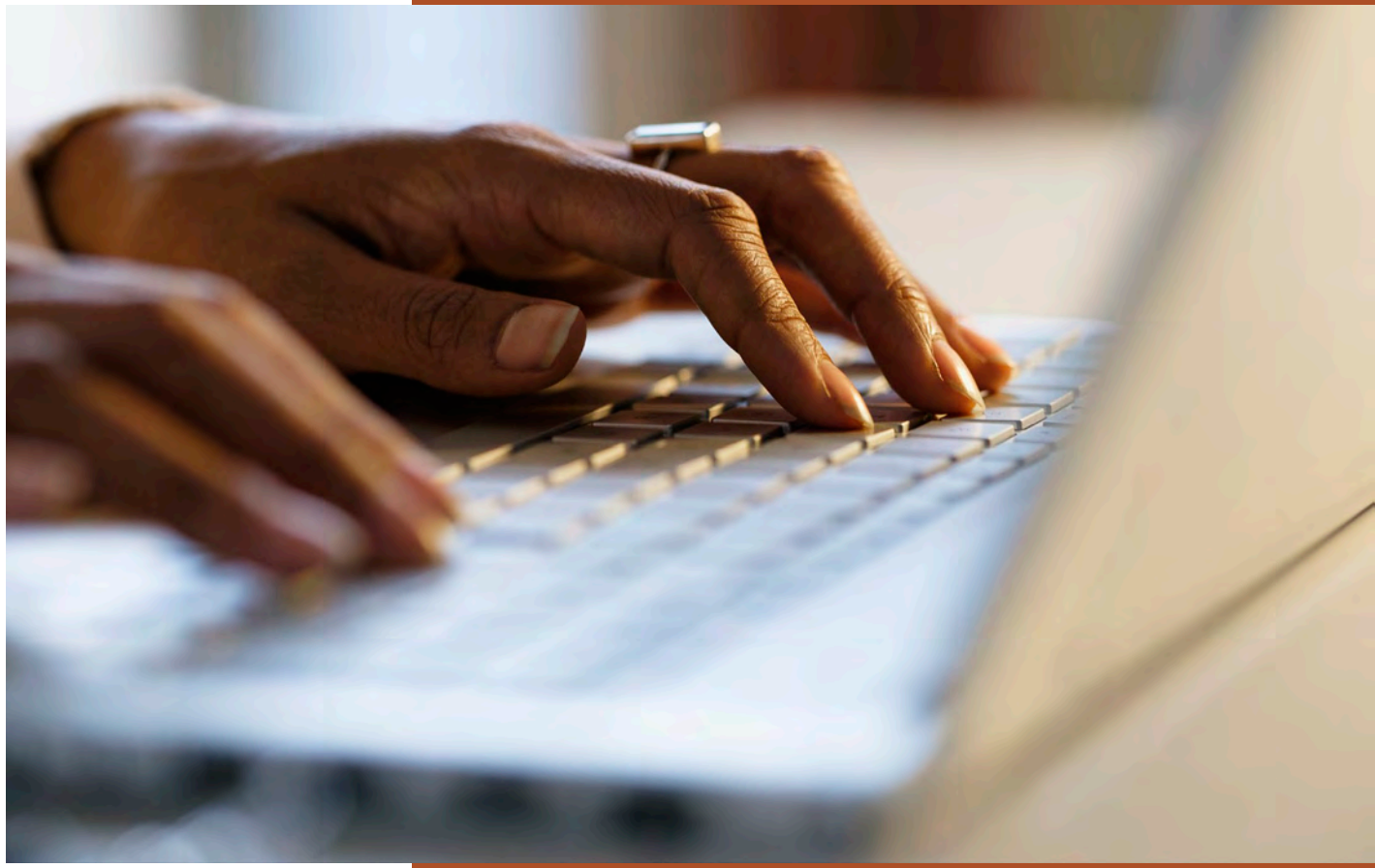
Initial outreach and preparation

01

INITIAL OUTREACH

- How and When to Conduct Initial Outreach
- Elements of Initial Outreach
- Follow-up Frequency
- Document management

HOW ARE YOU CONDUCTING INITIAL OUTREACH TO COMPLAINANTS?



CONDUCTING OUTREACH: BEST PRACTICES

- Identifying Complainant/Party
- Electronic/Email vs Phone Call
- Safety Concerns
- Utilize Case Management Systems (where possible)
- Communication Styles and Outreach Content

ELEMENTS TO INCLUDE IN YOUR INITIAL OUTREACH

ELEMENTS IN INITIAL OUTREACH

- Introduction of name/role/scope of your work/office
- Context for the outreach (why you are reaching out)
- Right to make a report
  - To institution
  - To police
  - No report at all
- Confidential/non-confidential resources
- On campus resources, community resources
- Invitation to meet
- Support Person
- Policy link
- VAWA Resources, if applicable

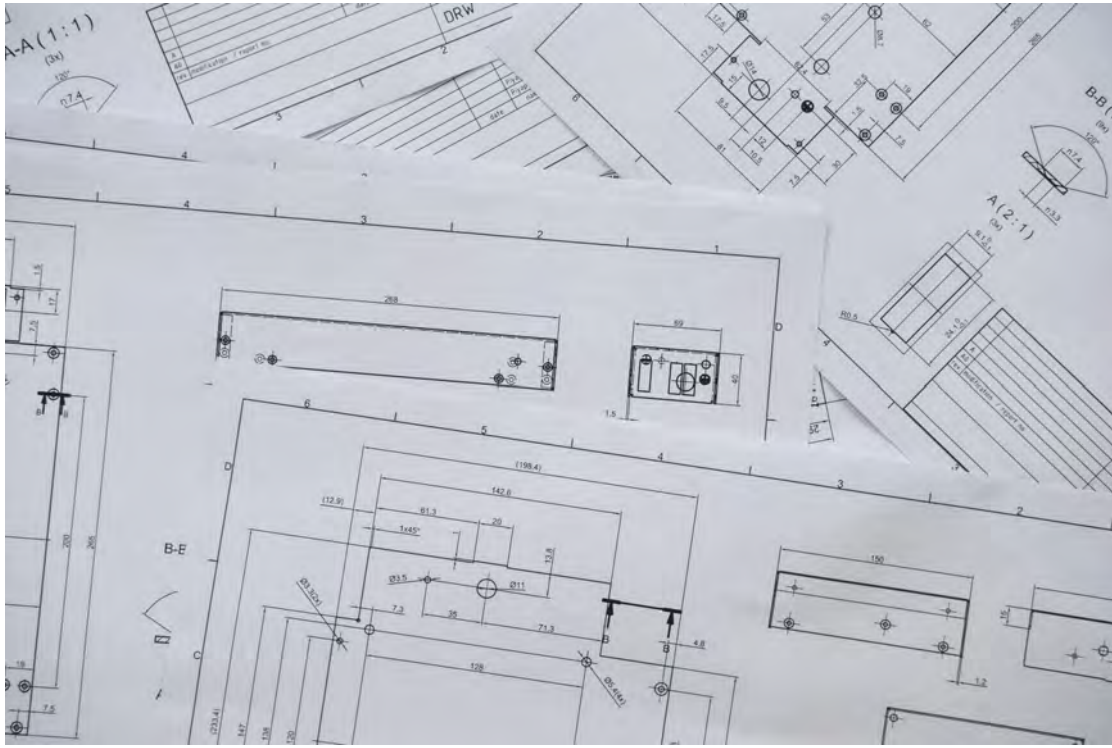
FOLLOWING UP

- How many follow-up outreaches do you conduct?
- Is there ever a time where you do more or less?
- How frequently do you conduct outreach?
- What do the follow-up attempts look like?

DOCUMENTATION AND UTILIZING YOUR RESOURCES

DOCUMENT MANAGEMENT

- Record all attempts at outreach, including phone calls, if applicable
- Utilizing case management systems or adhering to internal organizational protocol
- Document retention



PREPARING FOR THE INTAKE PROCESS: THE IMPORTANCE OF UNDERSTANDING THE POTENTIAL IMPACT OF TRAUMA

02

What is trauma?

TRAUMA

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

What is an example of an event that might cause a traumatic response?

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

WHEN TRAUMA OCCURS

There are very real changes in brain functioning that **may** impact a person's ability to form memories and to recount their experience.

COMMON CHARACTERISTICS OF DISCLOSURES FROM A TRAUMA-IMPACTED BRAIN

- Inconsistent
- Non-linear
- Fragmented
- Lacking in detail
- New information added
- 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.

Inconsistencies
Lack of Detail
Non-Linear
Fragmented
New Information

→

Viewed as
Not Credible;
Case Closed

ASK THE QUESTION

Trauma-informed systems ask the question *"What has happened to you?"* rather than *"What is wrong with you?"*

(ACHA, 2020)

PREPARING FOR THE INTAKE

Preparation Before The Meeting

03

PREPARING FOR THE INTAKE MEETING

- Familiarize yourself with names/parties
- Identify areas where you need additional information or clarity
  - What else do you need to know to connect conduct to policy?
- Review relevant policies
  - Does it appear that the Title IX Coordinator may need to move forward regardless of the Complainant's wishes?
- Threat assessment(emergency removal, timely warning)
- Check your bias
- Prepare mentally/emotionally for the conversation

ACTIVITY 1: INCIDENT REPORT

What follow-up questions would you want to ask during your initial intake? What context would be important to know?

I, Brittany Christina, Resident Assistant for College Hall was approached by my resident, Sammy Ward, who stated that they were sexually assaulted by Dylan Cripe. Sammy was extremely upset, and it was very difficult to understand as they were talking through their sobs. They stated that they and Dylan were at a party when they began to have an argument and decided to go outside to figure it out. Sammy said that Dylan then sexually assaulted Sammy when they went outside and no one else was around to witness the event.

INTAKE MEETING

Meeting with the Party

04

Goals of an initial intake meeting

GOALS OF THE INTAKE MEETING

- Review supportive measures and pathways for resolution
- Gather enough information to connect conduct to policy
- Ask about the impact on the Complainant to determine supportive measures
- Discuss the options for resolution or retention of the complaint
- Be forthcoming about responsibility to move complaint forward (if applicable)
- Safety? Threat assessment referrals? Clery?

HOW DOES AN INVESTIGATIVE INTERVIEW DIFFER FROM AN INITIAL INTAKE MEETING?

ESTABLISHING RAPPORT

BREAKOUT ROOMS

- How can you establish rapport?
- What are some things that you should **not** say to build rapport?
- What are environmental elements/choices that are important for this meeting?

ESTABLISHING RAPPORT: VERBAL COMMUNICATION

- Verbal Communication
  - Ice-breaker questions/conversation
  - What to say and not to say
  - Tone of Voice
  - Restate the Purpose of the Meeting/Scope of the Meeting
- Ask open ended questions:
  - Help me understand…
  - Can you tell me more about…
- Be comfortable with silence

ESTABLISHING RAPPORT: VERBAL COMMUNICATION WHAT ARE WORDS AND PHRASES TO AVOID?

- I believe you.
- I hope you are doing well
- How are your classes going this semester?
- Have a great weekend!
- Well, at least...
- Thank goodness...!
- What else?

ESTABLISHING RAPPORT: VERBAL COMMUNICATION
VERBAL AFFIRMATIONS

- Thank you for sharing your experience.
- I understand that this can be a lot of information. Ask as many questions as you need.
- This is your choice and you should do what you feel is best for you.
- I want to empower you to make a pathway that feels right for you, not anyone else.
- I can tell this is difficult for you because....(you are crying, you said you aren't sleeping regularly, etc)
- I understand this is a lot and if you need a moment we can take a break.

WHAT ARE THE HARD QUESTIONS FOR YOU TO ASK?

HOW TO ASK THE HARD QUESTIONS

- **Lay a foundation for the questions**
  - Explain why you are asking it

- **Be deliberate and mindful in your questions**
  - “Can you tell me more about...."
  - “Help me understand what you meant when you said…”
  - “Are you able to tell me more about…”
  - "Tell me more about how this has impacted you..."

ESTABLISHING RAPPORT: NON-VERBAL COMMUNICATION

- Non-Verbal Communication
  - Body Posture
  - Body Language
  - Physical Touch
  - Eye Contact
  - Facial Expressions
  - Tone of Voice
  - Location of Parties

ESTABLISHING RAPPORT: ENVIRONMENTAL ASPECTS

- Environmental Aspects
  - Set up the Meeting Environment so that the party is comfortable.
    - Privacy/Sound Awareness
    - A/C or Heat
    - Lighting
    - Configuration of Seating
    - Barriers Between You and the Party
  - Be Prepared for a Support Person to Attend
  - Have Water and Tissues available

PRACTICAL APPLICATION

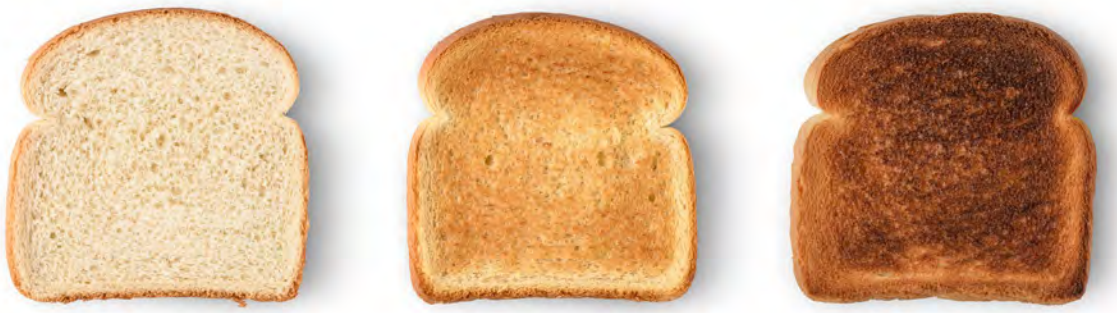
05

INTAKE CHECKLIST

- Introductions and Establish Rapport
- Describe your role/office
- Outline the purpose of the intake and what to expect
- Explain Privacy vs. Confidentiality
- Invite parties to share their experience OR ask follow-up questions*
- Review policy and appropriate pathways for resolution (formal, informal, law enforcement, etc)
- Review supportive measures
- Review rights of party
- Answer any remaining questions
- Confirm next steps

LET'S PROCESS!

- What were elements of this conversation that made this intake more challenging?
- What did the Title IX Coordinator do well?
- What feedback do you have for this Title IX Coordinator?
- What would you have done differently?



NOTICE WRITING

06

WHAT IS A NOTICE OF ALLEGATION?

WHAT SHOULD BE INCLUDED?

NOTICE OF ALLEGATION REQUIREMENTS (1)

- Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - the identities of the parties involved in the incident, if known,
  - the conduct allegedly constituting sexual harassment under § 106.30,
  - and the date and location of the alleged incident, if known.
- The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

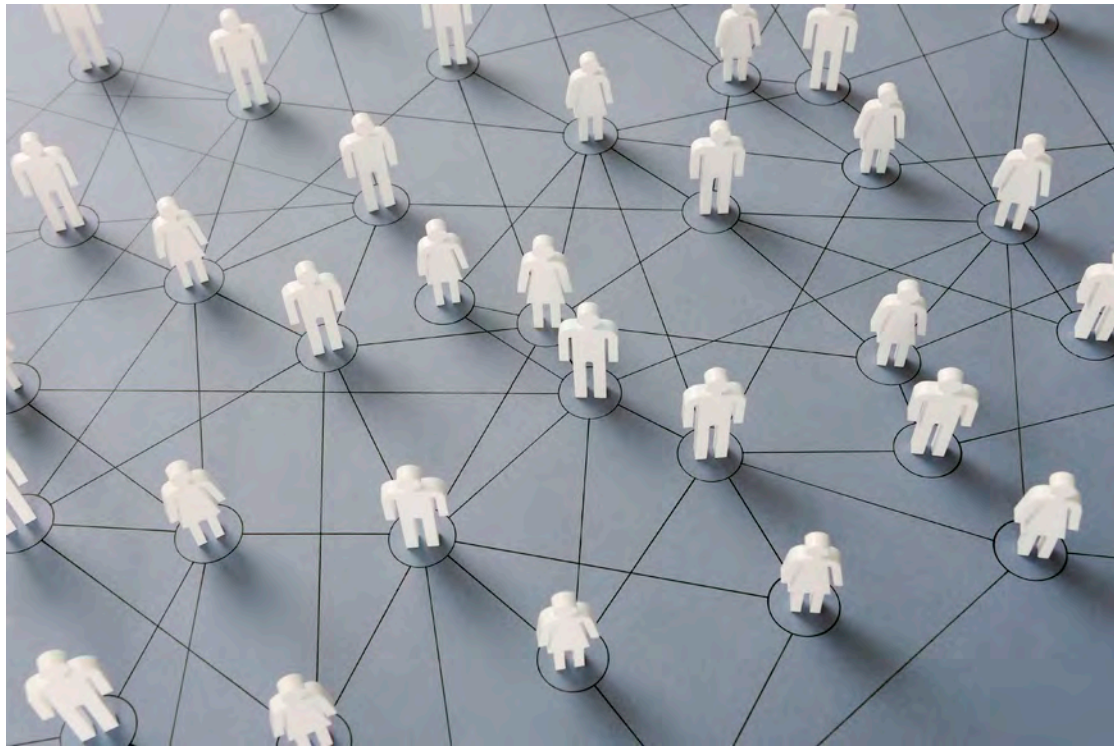
NOTICE OF ALLEGATION REQUIREMENTS (2)

- The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under paragraph (b)(5)(iv) of this section, and may inspect and review evidence under paragraph (b)(5)(vi) of this section.
- The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

CONNECTING CONDUCT TO POLICY

- The allegation is only as strong as your connection to the policy.

- Conduct/behavior needs to be correlated to the alleged policy violation.
  - If the behavior, as alleged is true, which policy would it fall under? Title IX? Other campus policy?



CONNECTING TO POLICY

If the conduct as alleged were substantiated, would this be violation of the following policy definition?

- Definition:
  - Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

- Intake Summary:
  - "They stared at me at the dining hall and are creepy." (Title IX Coordinator confirmed there were no additional instances of contact or attempted contact, threats, or physical contact.)

"They stared at me at the dining hall and are creepy."

Engaging in a course of conduct on the basis of sex

directed at a specific person

that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

CONNECTING TO POLICY

If the conduct as alleged were substantiated, would this be violation of the following policy definition?

- Definition
  - 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

- Summary of Intake:
  - My vice-president made several comments to me that were sexual in nature. They frequently make sexual comments about my body during one-on-one meetings. When I walk into a meeting, they always make a comment about my appearance. Last week, they sent me a text message asking, "would I ever consider a threesome?" I no longer feel comfortable attending departmental meetings or meeting with them in general. Honestly, coming to work is a challenge.

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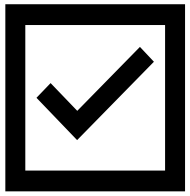
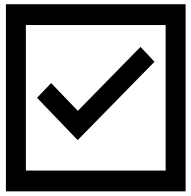
Unwelcome sex-based conduct



that is so severe, pervasive, and objectively offensive



effectively denies a person equal access to the recipient's education program or activity.

WRITING ALLEGATIONS

ELEMENTS OF AN ALLEGATION

- Time, date, location, parties, and specific alleged behavior as it relates to the policy.
- Language to consider:
  - On or about
  - Approximately
  - Including
- On or about DATE, in LOCATION, it is alleged that Respondent BEHAVIOR.
  - *(On or about October 1st, 2024, in Grand River Hall, it is alleged that Respondent inserted their penis into Complainant's vagina without consent.).*
- What to Avoid
  - Blaming Language

LET'S PRACTICE

Complainant shared, "We were making out, which was fine, but then Alex grabbed my boob without asking and I was super freaked out. I think this was last Friday [October 11th, 2024] in my residence hall [Grand River Hall]".

What is the alleged policy violation?

Sexual Contact (Replaced Fondling):

On or about October 11th, 2024, at approximately 11:00 pm in Grand River Hall, it is alleged that Respondent grabbed Complainant's breast for the purpose of sexual gratification and without consent.

You will review an excerpt of a transcript from a Title IX Intake meeting. Based on the information provided, write your allegations.

Complainant: Can I just tell you what happened?

Title IX Coordinator: Of course. You can share as much or as little as you are comfortable with during our meeting today.

Student: Well, Alex has been bothering me literally nonstop and it's been really hard to focus on my classes, especially in my biology class. The biology class is kind of boring to begin with, but it's been like, extra hard, especially when Alex shows up. Can you remove them from my classes and building?

Title IX Coordinator: We can definitely talk through some of your options and pathways for resolution, but I'm hoping to get a better understanding of what has been going on first. This will help me identify some options for you. You mentioned Alex has been bothering you, can you tell me more about this?

Student: Yeah, well, Alex texts me literally all the time and if I don't answer they bother me on Snapchat, which is seriously so annoying. My phone is like, blowing up all the time with Alex. I keep blocking them but they just make fake numbers or new accounts I guess.

Title IX Coordinator: You said Alex texts you literally all the time. Can you help me understand what this means?

Student: I mean, yeah. They text me like, 30-50 times a day and most of the time I don't answer because they are just so annoying.

Title IX Coordinator: Thank you for sharing that with me. About how long has Alex been texting you 30-50 times daily?

Student: I don't know, it all started about 2 weeks. I think it in early October. This was the first time I really noticed Alex. But, oh my god, last Friday, I was working at the coffee shop on campus and Alex just shows up. They sit at a table, don't order anything, and just look at me during my entire shift for like 4 hours. I had to sneak out the backdoor in order to avoid them. I don't know, I'm kind of afraid to walk around, especially at night. What if they try to hurt me? They showed up at my work and are in the dining hall like, all the time. I've heard Alex is like super creepy and dangerous.

Title IX Coordinator: I understand you feel really uncomfortable walking around campus, and I definitely want to talk through some supportive measures on campus that can help you feel more safe. You mentioned Alex came to where you work last Friday. Has Alex shown up at other locations?

Student: Ummmm, well last week, like twice they followed me from the library to outside my residence hall when I was coming home. It's really weird, because I know Alex lives in South Hall, which is on the opposite side of the quad. Oh! And the other day , I was walking to the dining hall from class and they were two feet behind me, like the entire time. I was too afraid to turn around for most of the walk, when I did, I saw Alex.

The Title IX Coordinator continues to ask questions, but all information pertaining to allegations was shared above. The Title IX Coordinator review supportive measures and pathways for resolution.

WRITTEN ALLEGATIONS

- Beginning on or about October 2, 2024, it is alleged that the Respondent engaged in a course of conduct both on-campus and electronically that caused the Complainant to fear for their safety. The alleged conduct included:
  - Messaging the Complainant digitally 30-50 times daily via Snapchat and text message.
  - Visiting Complainant's place of employment at the Coffee Shop and staring at Complainant for approximately 3 hours.
  - Following the Complainant at several campus locations, including to their Residence Hall

QUESTIONS?

THE RIVER CONNECT HAS MOVED TO **LINKEDIN**.

At the same place you do your business social media networking, you can now find The River Connect and all the great events, resources, and real-time discussions on the topics important to higher ed equity professionals.

Let Our Team Support The Good Work You And Your Team Are Doing.

- Delegated Roles
- Investigations
- Hearings & Appeals
- Alternative Resolutions
- Program Review
- Policy & Procedures
- Consulting & Coaching

Grand River Solutions

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RESOLUTION SERVICES

Resolution Services

We work to resolve employee, faculty, and student cases at companies and educational institutions.

Our experienced practitioners are available to serve as facilitators of alternative resolutions, investigators, decision-makers, hearing officers, chairs, panel members, or appellate officers for all equity and discrimination cases.

DELEGATED ROLES

Gap in staffing? We can help.

Interim or Long-Term Needs

- Title IX Coordinators and Staff
- Title VI Coordinators and Staff
- EO Director
- Equity Director
- ADA/504 Coordinators and Staff

Delegated Roles

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ADA/504

ADA/504 Coordinator
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Training
Accessibility & Compliance Assessment
Investigations

Digital Accessibility

Policy Development & Review
Training
Consulting
Investigations

ADA/504 Services

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CASE MANAGEMENT SOFTWARE

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Case Tracker allows you to:

- track and manage your cases
- communicate with campus stakeholders without compromising case privacy, and
- provide parties with the ability to follow the status of their case

Schedule a Demo

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