

# Trauma Informed Hearing Practice

Understanding and Applying  
A Trauma Informed Approach  
To Title IX Hearings

# TIC IS FIRST A MINDSET... THEN A PRACTICE

- ▶ You have to embrace the thinking to actually practice it.

# Title IX Philosophy... The TIC Balance

- ▶ Expressing and Evoking the following beliefs:
  - ▶ The Complainant is telling the truth.
  - ▶ The Respondent is presumed innocent.

# Trauma Informed Concepts

- ▶ The 3 E's of Trauma Informed Care (What it is)
  - ▶ Event
  - ▶ Experience
  - ▶ Effect
- ▶ The 4 R's of Trauma Informed Care (How you engage)
  - ▶ Realize the effect
  - ▶ Recognize the signs
  - ▶ Respond
  - ▶ Resist Re-traumatizing

# Trauma Informed Legal Commentary

- ▶ It's being too soft, too touchy-feely.
- ▶ But it isn't... rather it comes from a position of strength.
- ▶ It is about the 4 R's... having empathy.

# Brene Brown on Empathy



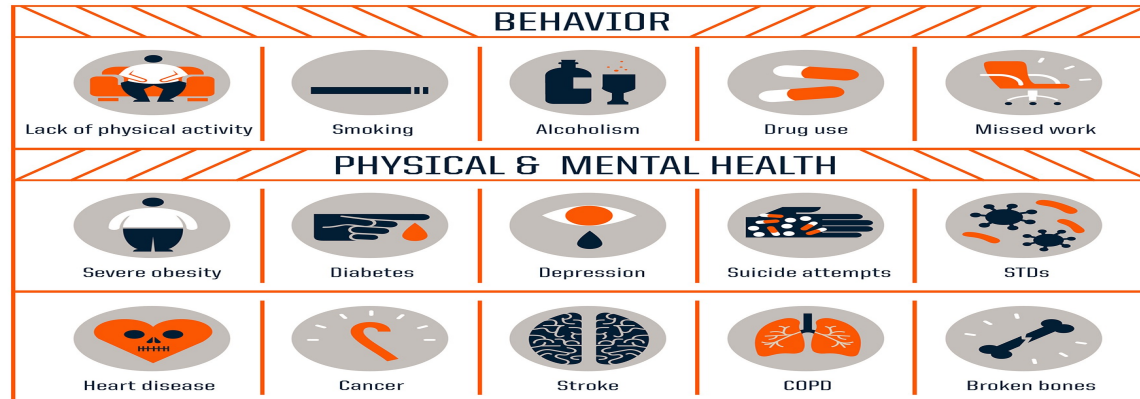
# What is Trauma? SAMHSA's Definition:

## The 3 E's of Trauma

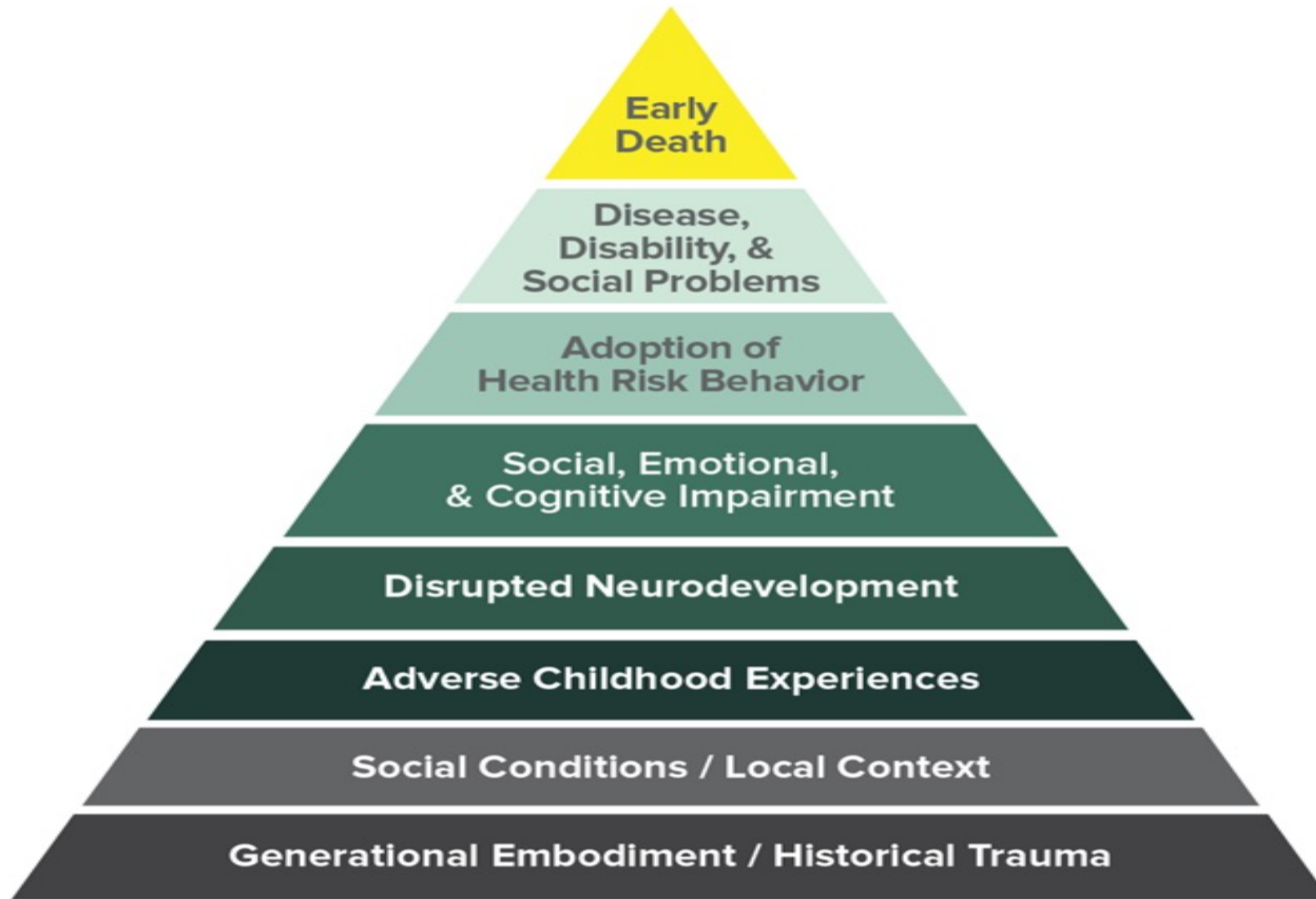
- ▶ Individual trauma results from an event, series of events, or set of circumstances
- ▶ that is experienced by an individual as physically or emotionally harmful or life threatening and
- ▶ that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

# A history of Trauma according to ACEs

- ▶ The **Adverse Childhood Experiences Study** (ACE Study) is a research study conducted by Kaiser Permanente and the Centers for Disease Control (CDC).
- ▶ Participants were recruited to the study between 1995 and 1997 and have been in long-term follow up for health outcomes.
- ▶ One person's story... all behavior has meaning!







**Mechanism by which Adverse Childhood Experiences Influence Health and Well-being Throughout the Lifespan**



# Trauma Categories

## ABUSE



Physical



Emotional



Sexual

## NEGLECT



Physical



Emotional

## HOUSEHOLD DYSFUNCTION



Mental Illness



Incarcerated Relative



Mother treated violently



Substance Abuse



Divorce

# Potential Traumatic Events

Abuse	Loss	Chronic Stressors
Emotional	Abandonment	Poverty
Sexual	Neglect	Racism
Physical	Separation	Involved Medical Procedures
Domestic Violence	Natural Disaster	Community Trauma
Witnessing Violence	Accidents	Historical Trauma
Bullying, Cyberbullying	War	Family Members w/ Substance Abuse Issues
Institutional		

# Everyone does NOT experience an event the same: TYPES OF STRESS

- ▶ Positive
  - ▶ A normal and essential part of healthy development
    - ▶ Examples: first day of school, getting a vaccine
- ▶ Tolerable
  - ▶ Response to a more severe stressor, limited in duration
    - ▶ Examples: loss of a loved one, a broken bone
- ▶ Toxic
  - ▶ Experiencing strong, frequent, and/or prolonged adversity
    - ▶ Examples: exposure to violence, experiencing abuse

We may all be in the same storm, but we do NOT ALL have the same boats...



# Control, Connection, & Meaning

- ▶ These human needs provide safety, security, and belonging.
  - ▶ Having a sense that:
    - ▶ you can control your life experiences and surroundings;
    - ▶ you are able to connect with others; and
    - ▶ your life has meaning and purpose (a hopefulness).

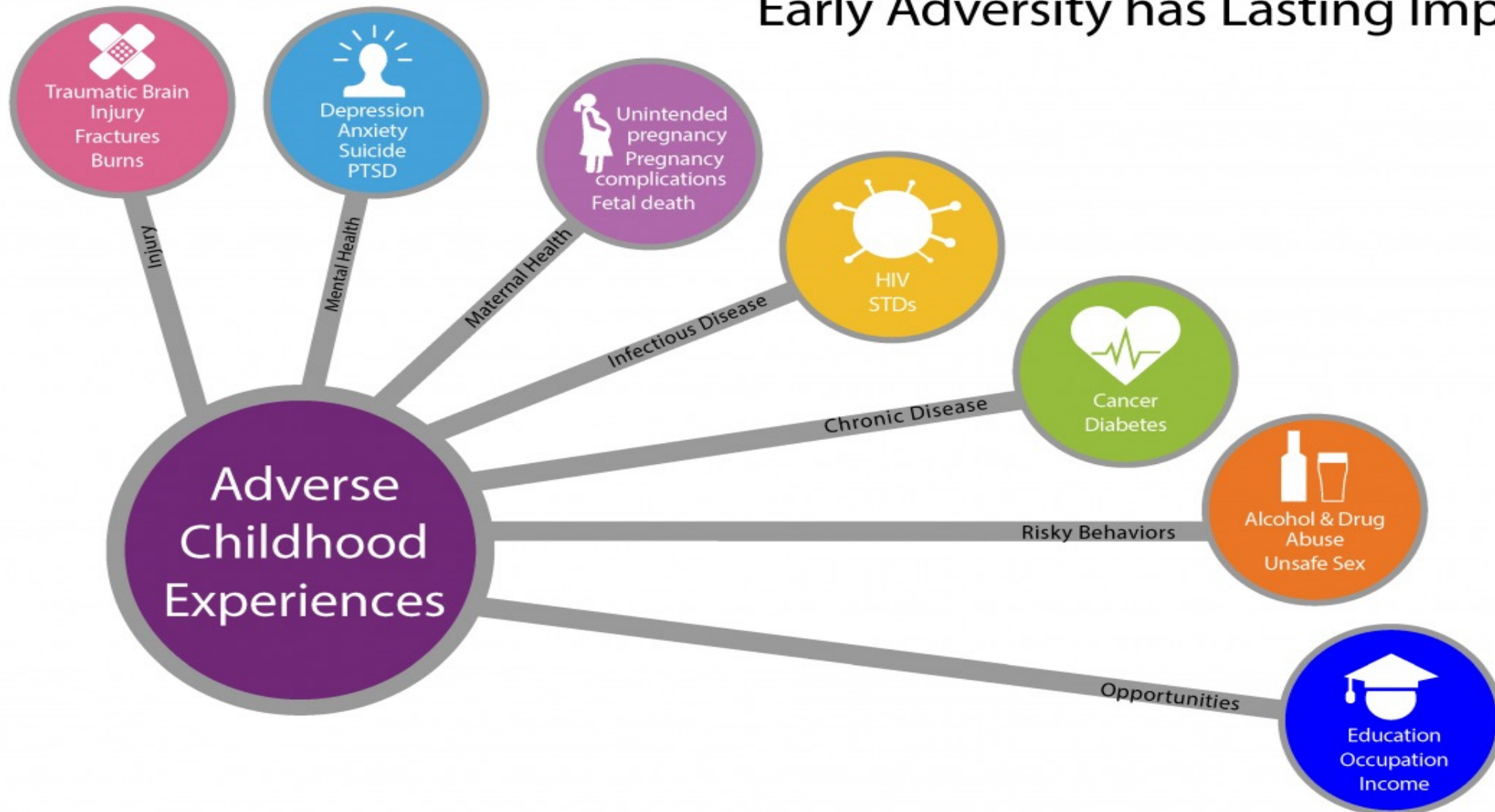
# Traumatic Events

- ▶ Render victims helpless by overwhelming force;
- ▶ Involve threats to life or bodily integrity or a close personal encounter with violence and death;
- ▶ **Disrupt a sense of control, connection and meaning;**
- ▶ Confront human beings with the extremities of helplessness and terror; and
- ▶ Evoke the responses of catastrophe.

*Judy Herman, Trauma and Recovery, (1992)*

# Trauma's Effect

## Early Adversity has Lasting Impacts





# ACEs Questionnaire

- ▶ [The 10 Questions](#)

# Positive Childhood Experiences/PCEs

- ▶ In 2019, [JAMA Pediatrics](#) published a study showing that Positive Childhood Experiences have a similar correlation with long-term health outcomes.
- ▶ Seven experiences included in the positive childhood experience (PCE) psychometric analysis performed by JAMA Pediatrics. The prompt was “Before the age of 18, I was . . .” and respondents were asked to respond “yes” or “no” to each:
  - ▶ Parents and caregivers can control most of the PCEs, which are shown to improve resiliency and reduce the likelihood of depression in adulthood.
  - ▶ By intentionally introducing each PCE to a child’s life, it gives them the necessary tools they will need for long-term success, happiness, and resilience.
- ▶ *Able to talk with my family about my feelings.*
- ▶ *Felt that my family stood by me during difficult times.*
- ▶ *Enjoyed participating in community traditions.*
- ▶ *Felt a sense of belonging in high school.*
- ▶ *Felt supported by friends.*
- ▶ *Had at least two non-parent adults who took a genuine interest in me.*
- ▶ *Felt safe and protected by an adult in my home.*

# Circumstances and dosage matter:

## Experience of trauma affected by:

**How?**

**When?**

**Where?**

**How  
Often?**

**What  
Happened  
Next?**

# You are a part of what happens next

- ▶ How will the Complainant and Respondent experience the hearing you officiate?
  - ▶ What will your tone be like?
  - ▶ What will your body language communicate?
  - ▶ How will your follow up questions sound?

# How To...

## A Trauma-Informed Approach (Four R's)

A trauma-informed program, organization, or system

**Realizes**

- Realizes widespread impact of trauma and understands potential paths for recovery

**Recognizes**

- Recognizes signs and symptoms of trauma in clients, families, staff, and others involved with the system

**Responds**

- Responds by fully integrating knowledge about trauma into policies, procedures, and practices

**Resists**

- Seeks to actively resist retraumatization

*From SAMHSA's Concept Paper*



# Resiliency Components

Altruism

Having a  
role model

Faith and  
spirituality

Moral  
Compass

Optimism

Resiliency is an inner capacity that when nurtured, facilitated, and supported by others- empowers one to successfully meet life's challenges with a sense of self-determination, mastery, hope, and well-being.

Humor

(ResiliencyOhio.org)

Training

Meaning or  
purpose in  
life

Facing fear

Social  
supports

# Have you enabled your participants to begin exercising resiliency?

- ▶ Did you prepare in advance for the heaviness / gravity of the hearing?
- ▶ Did you process how cautious or sensitive you need to be with your word choice?
- ▶ How will your conclusion promote resiliency?
  - ▶ At the hearing
  - ▶ In your findings of fact and recommendation

# The Hoped for Result

- ▶ A Trauma Informed Hearing in which all parties feel supported and treated fairly.