

Sexual Misconduct Crisis Management, Behavior Interventions, & Threat Assessment Training

Krista Anderson, Systemwide Title IX Coordinator

Fall 2021



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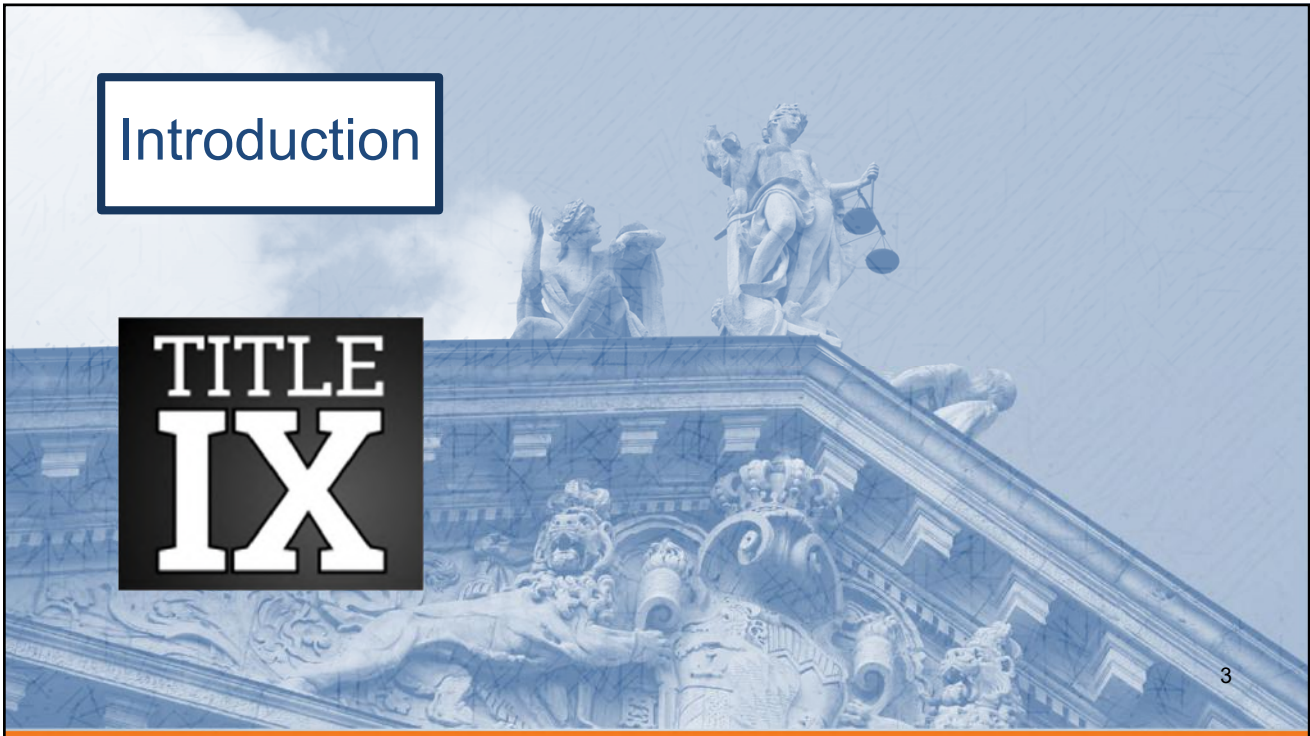
Agenda

1. Title IX Introduction
2. Challenges & Barriers
3. Triage & Case Management
4. Threat Assessment Tools
 - Warning Signs
 - Predatory Behaviors
 - Sexual Violence, IPV & Stalking Cases
5. Crisis Management Tools & Examples
6. Title IX & Behavior Intervention Teams: Reporting & Interventions
7. Documentation & Record Keeping

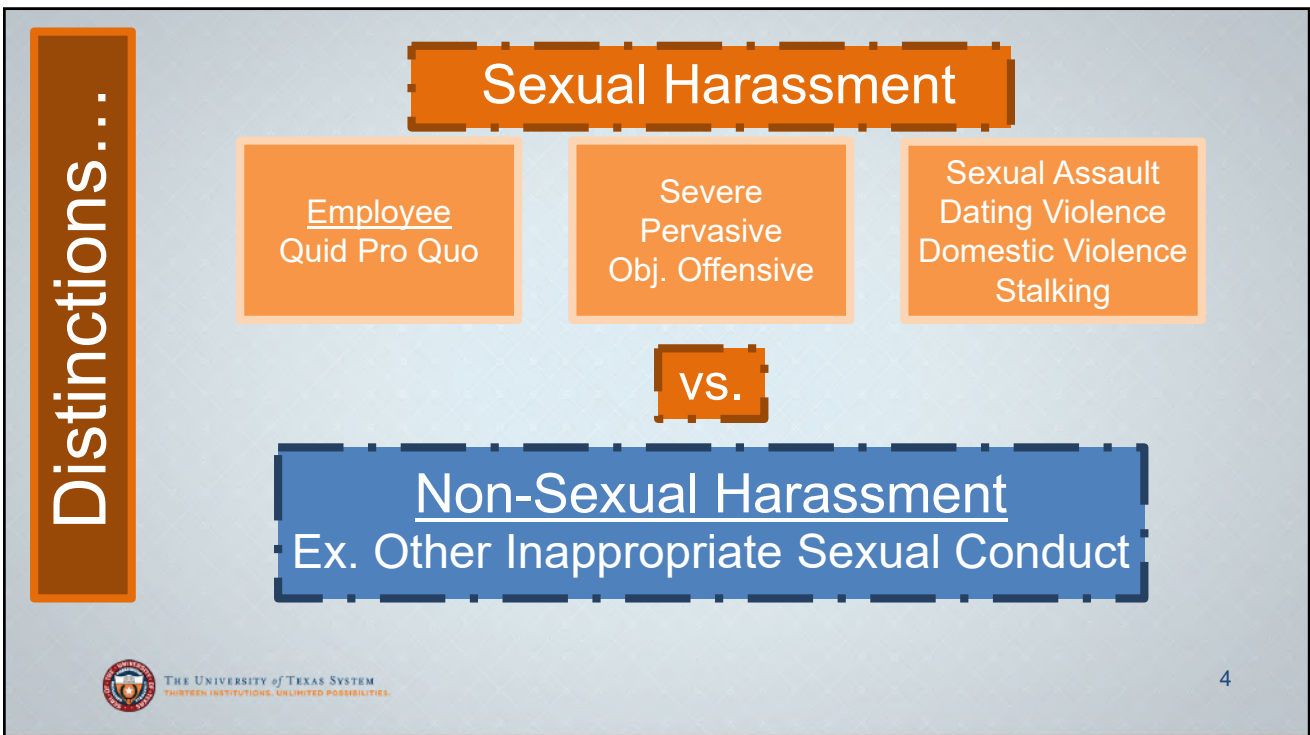


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Definition of “Sexual Harassment” under Title IX

Conduct on the basis of sex that satisfies one or more of the following:

1. An **employee** of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo);
2. 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 institution’s education program or activity; or
3. **“Sexual assault,” “dating violence,” “domestic violence,”** or **“stalking”** as defined under Clery/VAWA.



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Source: Title IX Regulations (2020)

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“Education program or activity” under Title IX

Includes locations, events, or circumstances over which the institution exercises **substantial control** over both the respondent and the context in which the alleged sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution.

- **Example** of a “building owned or controlled by a student organization”: **Fraternity or sorority house** that is occupied by students of the organization, and the student organization is a recognized organization with the institution.



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Source: Title IX Regulations (2020)

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Definition of “Other Inappropriate Sexual Conduct”

Conduct on the basis of sex that does not meet the definition of “sexual harassment” (under the Model Policy), but is

1. Verbal conduct (including through electronic means), unwanted statements of a sexual nature intentionally stated to a person or group of people, that are objectively offensive to a reasonable person and also so **severe or pervasive** that it created a Hostile Environment, as defined in the Model Policy.
2. Physical conduct...



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Source:

UT System Model Policy for Sexual Misconduct (2021)

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Definition of “Other Inappropriate Sexual Conduct” (Cont.)

Possible Examples (depending on facts):

- Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
- Requests for sexual favors (including overt or subtle pressure);
- Gratuitous comments about an individual’s sexual activities or speculation about an individual’s sexual experiences;
- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Persistent, unwanted sexual or romantic attention;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
- Deliberate, repeated humiliation or intimidation;
- Sexual exploitation;
- Unwelcome intentional touching of a sexual nature; or
- Deliberate physical interference with or restriction of movement.



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Source:

UT System Model Policy for Sexual Misconduct (2021)

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Challenges & Barriers

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Intersectionality:

Interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group.

Creates overlapping and independent systems of discrimination and disadvantage.

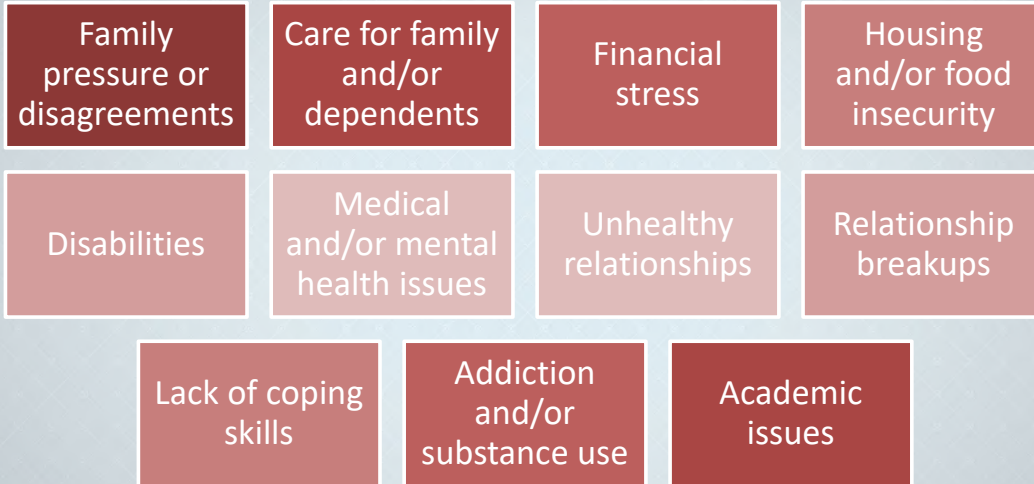


Source: *Demarginalizing the Intersection of Race and Sex...*
(Kimberlè Crenshaw, 1989)

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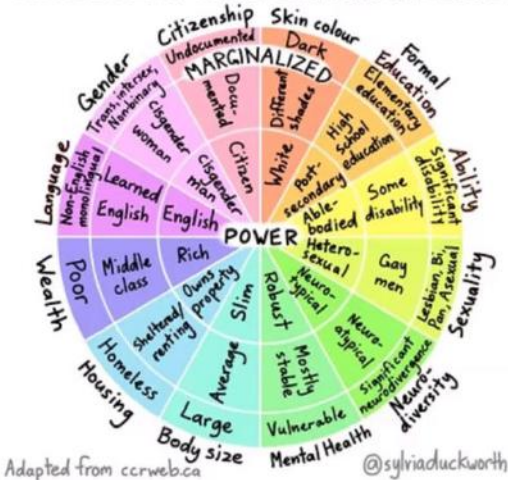
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Challenges and Barriers



Power & Privilege Wheel


WHEEL OF POWER/PRIVILEGE



TYPES OF PRIVILEGE IN OUR SOCIETY (Which are yours?)

- More power ← → Less power
1. Light ← SKIN COLOUR → Dark
 2. Cisgender* ← GENDER → Gender diverse
 3. Family wealth ← SOCIO-ECONOMIC → Poverty
 4. Post secondary ← FORMAL EDUCATION → Low level completion
 5. Citizenship ← DOCUMENTED STATUS → Undocumented immigrant
 6. Non-disabled ← PHYSICAL ABILITY → Disabled
 7. Neurotypical ← NEURODIVERSITY → Neurodivergent
 8. Heterosexual ← SEXUAL ORIENTATION → Gender queer
 9. Normative ← PHYSICAL APPEARANCE → Non-normative
 10. Robust ← MENTAL HEALTH → Vulnerable
 11. Christian ← RELIGION → Non-Christian
- * Gender corresponds with birth sex ▲ Developmental, intellectual & cognitive abilities

Source: www.vawlearningnetwork.ca

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Intersectionality Considerations

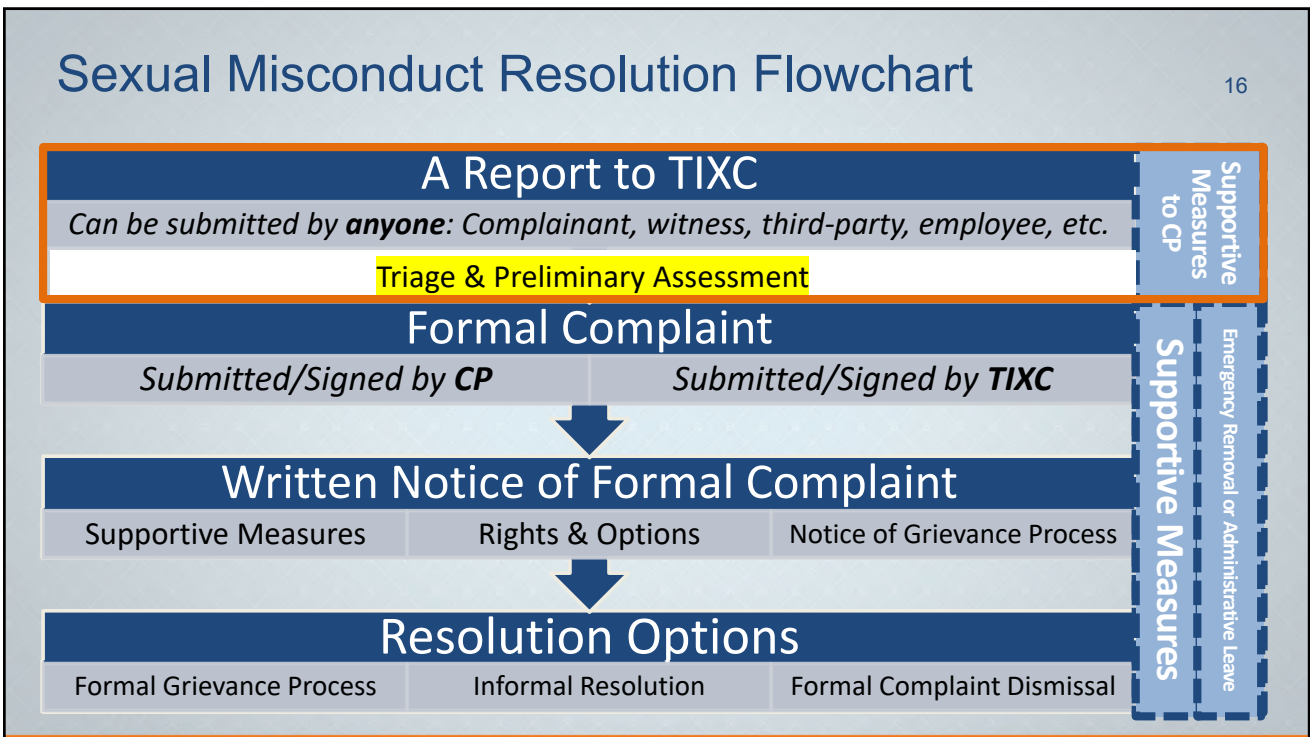
- In what ways, if any, have **specific challenges** (e.g. racism, heterosexism, ableism, etc.) affected a person's experiences?
- In what ways, if any, have a person's **communities, family, or friends** affected a person's decisions to:
 - Tell someone or report an incident
 - End or continue an unhealthy or abusive relationship
 - Get help or support
- Has the person received **support** from family and friends throughout the process? What does "being supported" look like for each person?

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Basis of the Alleged Conduct

- Alleged **incident** of prohibited conduct
- Alleged **pattern** of prohibited conduct
- Alleged **climate issue(s)** in an area or department

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Types of Concerning Behavior

Sexual Harassment
or Sexual
Misconduct

Sexual Violence

Dating or
Domestic Violence

Stalking

Sexual Exploitation

Disruptive or
Interfering
Conduct

Suicidal Ideation
or Threats

Hospitalizations

Homicidal Ideation
or Threats

Property Damage

Safety Concerns

Actions
Endangering Self
or Others

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Other Triage Analysis & Considerations

Person(s) Affiliation to the Institution?

Incident Location(s)

Date/Time of Incident

Time of Alleged Incident:
Institutional Nexus or Jurisdiction?

Institutional Action?
Preventative Action?
Remedies?

Level of Concern?
Threat Level?



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Other Required Action?

Type of Concern

Action

Non-emergency behavioral or wellness issues(s)

Refer to Behavior Intervention Team (BIT) or campus equivalent

Immediate safety concerns (emergencies) or welfare check required

Report immediately to 911

Clery reportable crimes that meet Clery geography requirements and/or timely warning requirements

Timely Warnings: Report immediately to campus law enforcement
Clery Crime Reporting: Report to the campus Clery Manager

Alleged abuse and/or neglect of minors

Report immediately to Child Protective Services or state equivalent

Alleged conduct could violate other institutional policies

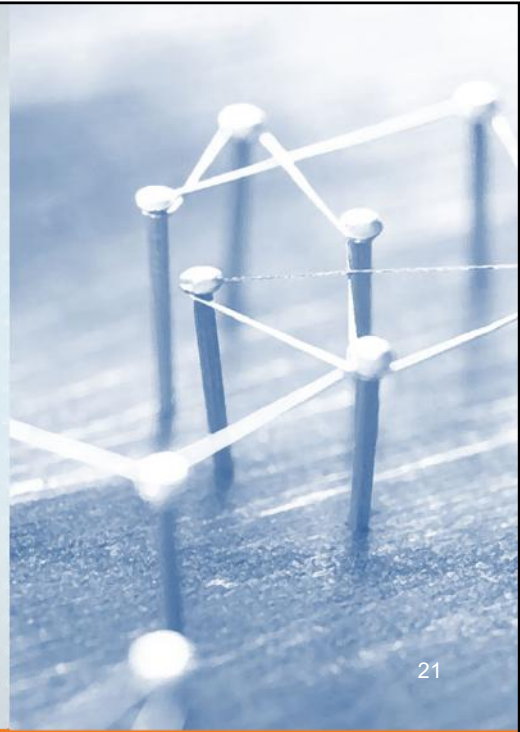
Refer to the appropriate office(s) who oversees the applicable policies

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TIXC: File a Formal Complaint?

Consider if there are compelling reasons:

1. The **nature, circumstances, & seriousness** of the alleged conduct;
2. The **safety & risk of harm** to others;
3. Any **pattern evidence**, other similar conduct or allegations of the **RP**;
4. **RP's affiliation** with the institution & **applicable options** for institutional action; and/or
5. Other relevant factors in the specific matter?



Examples of Supportive Measures

Non-Disciplinary & Non-Punitive Measures...

that do not unreasonably burden the other party

Housing Reassignment

Counseling Services

Class Extensions or Adjustments

Work or Class Modifications

Class Withdrawal or Retake (w/o penalty)

Leave of Absence

Mutual No-Contact Btwn Parties

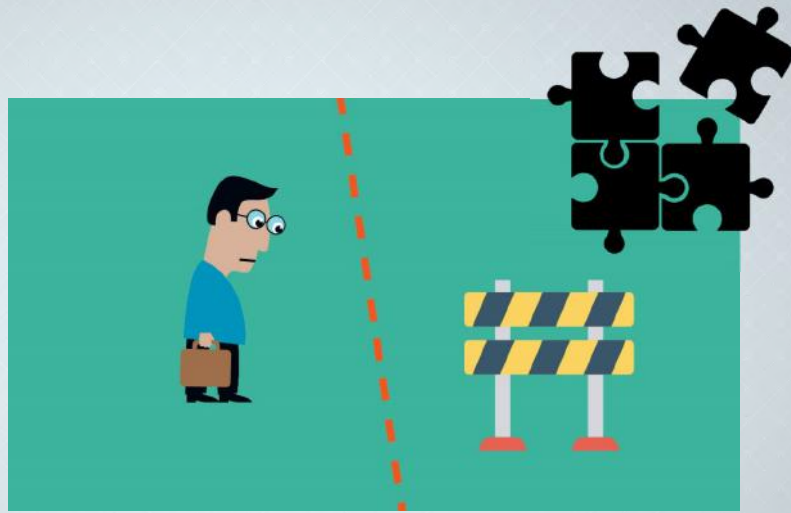
Campus Escort Services

Increased Campus Security



Time Out

Limitations of
your role



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Healthy Coping Strategies

- Talking to friends, family, or professional
- Exercise
- Healthy eating
- Meditation
- Regular sleep
- Journaling
- Prayer, support from faith-based groups
- Dance, art, music, creative outlets
- Nature



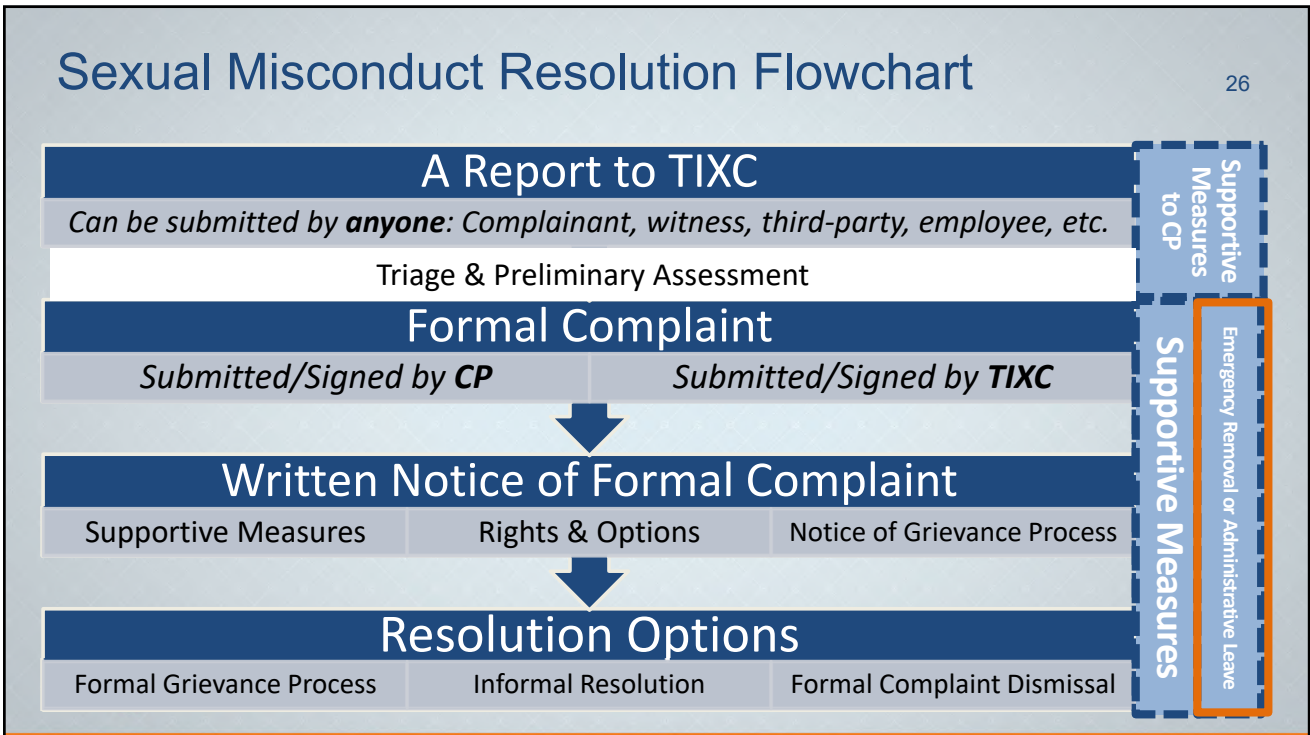
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Emergency Removals

1. **Individualized safety & risk analysis:** Determines that immediate threat to the physical health & safety of any student or other individual arising from the allegations justifies the respondent's removal from the education program or activity.
 - Notice & opportunity to challenge the decision immediately following the removal.
 - Rights under **ADA & Section 504** still apply.
2. Doesn't preclude an institution from placing non-student employee respondents on **administrative leave** during the pendency of the grievance process.




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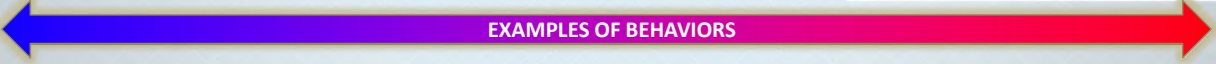
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Crisis/Threat Continuum




LEVEL OF CONCERN

LOW	MODERATE	HIGH
<ul style="list-style-type: none"> 1st time seeing a concern Makes you or others uncomfortable but nothing specific No direct threats made 	<ul style="list-style-type: none"> Not the first time seeing a concern Continuation (persistence) of low-level behaviors Threat implied or issued in a vague manner Threat through verbal or electronic medium Quick change in disposition or behavior 	<ul style="list-style-type: none"> Any serious/severe incidents Multiple incidents in short time frame Multiple concerns (pervasive) or escalating from the "low" to "moderate" continuum Access to or potential to access weapons Clear direct and specific threat and/or plan



EXAMPLES OF BEHAVIORS

<ul style="list-style-type: none"> Excessive eye rolling Constant interruptions Annoying behaviors Crying, sad, angry 	<ul style="list-style-type: none"> Apathy, lack of energy Delayed responses Distracted or difficulty concentrating Impulsive 	<ul style="list-style-type: none"> Interference in your or other's learning or work duties Seeking "revenge" "You'll be sorry" or "You'll pay for this" 	<ul style="list-style-type: none"> Disrespectful, rude "You are incompetent & stupid" "I don't care if I live anymore" or "No one will miss me" Feelings of hopelessness 	<ul style="list-style-type: none"> Threatening and posturing in intimidating manner Violent statements Hate speech Physically violent
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Adapted from Student Emergency Services & the Behavior Concerns & COVID Advice Line (BCCAL), UT Austin

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Terminology Examples



- **“Threat”**: Threat of...physical violence or harm, safety, exploitation, damages (implicit or explicit), or possible emotional or mental harm
- **“Severe”**: Physically threatening or humiliating; effects of the alleged conduct to a reasonable person (using a “reasonable person” standard)
- **“Pervasive”**: Frequency, duration of the alleged conduct
- **“Objectively offensive”**: To a reasonable person (using a “reasonable person” standard)
- **“Reasonable person” standard**: An objective test to denote a hypothetical person who exercises average care, skill, and judgment in conduct under similar circumstances as a comparative standard.
- **“Totality of the circumstances”**:
Examples: the degree of the alleged conduct’s interference with a person or effects in an educational or work setting, type of alleged conduct, frequency and duration of the conduct, knowingly unwelcome in nature



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Most Critical Warning Signs

1. Direct communicated threat?
2. Plans, tools, weapons, and/or materials to carry out physical harm?
3. Harbors violence fantasies?
4. A timeframe or action plan created?
5. Fixations and/or focused on a specific target?
6. Grudges or resentments?
7. The specific target has been described negatively in writing by the person of concern?
8. “Leakage” concerning a potential action plan?
9. Current suicidal thoughts, ideations, and/or plan to die?
10. Talks about being persecuted or treated unjustly?
11. Engaged in “last acts” behaviors?
12. Confused, odd, or troubling thoughts; may hear voices or see things that are not there?

Purpose: Understand, contextualize, assess, examine, qualify... macro-analysis...

What is the level of concern/threat?




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Source: SIVRA-35, NaBITA


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Hunters vs. Howlers




Example Tactics of Hunters:
Operates in stealth, avoiding notice from others; typically has a goal of wanting to harm others; and follows a path of progression toward violence through (a) **surveillance**, (b) gathering **intelligence**, (c) obtaining **weapons**, and then (d) **acting** on a plan of violence.



Example Tactics of Howlers:
Makes transient threats; attracts attention; acts out toward others to frighten or intimidate; wants to be seen and heard; wants to control a victim's emotional state; can be overtly "in your face;" and typically doesn't want to harm others physically.

Source:
Perspectives on Threat Assessment (Calhoun & Weston, 2015)




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Transient vs. Substantive Threats

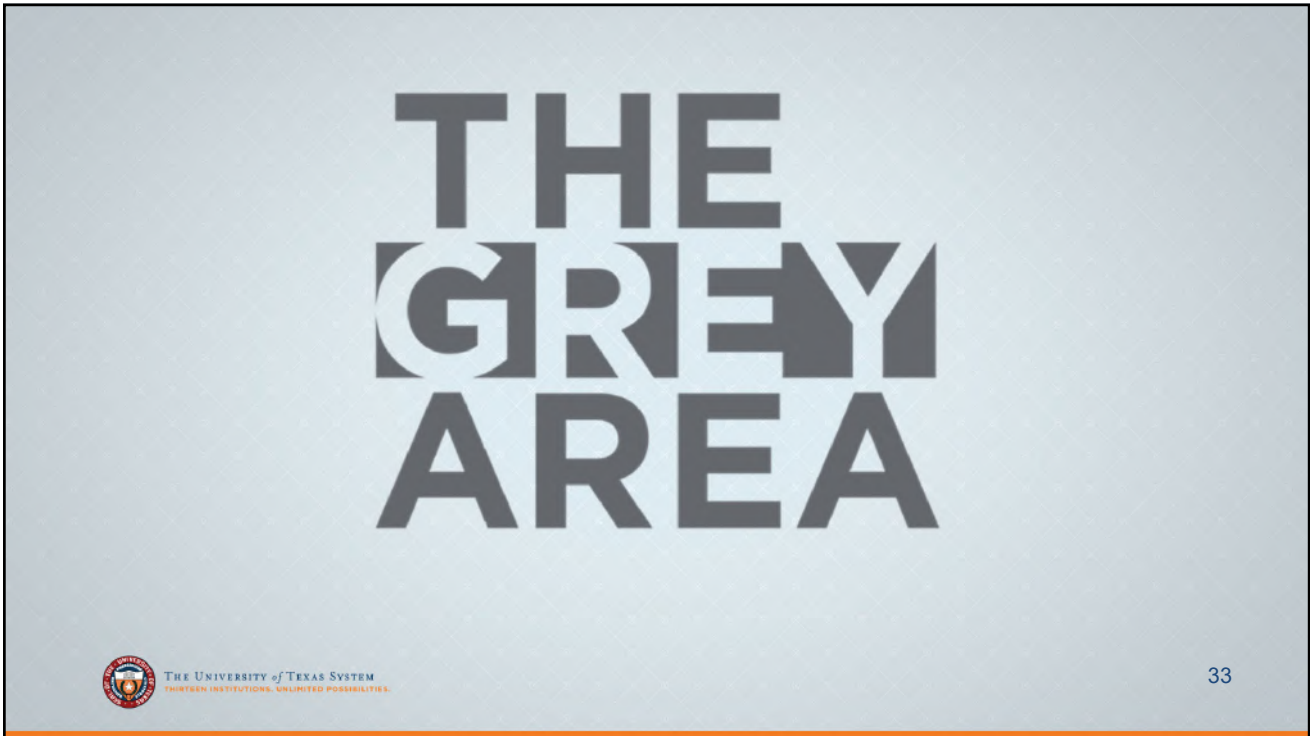
Transient Threat	Substantive Threat	
Statements that do not express a lasting intent to harm themselves or someone else.	Statements that express a <u>credible</u> and/or <u>continuing</u> threat to harm themselves or someone else.	
Figure of speech or short-term feelings.	Impulsive, reactive, emotional. Impaired emotional recognition. Exhibits lack of control.	Long-term feelings established. Desire to harm self or others extends beyond an immediate incident or argument.
	↓	↓
	Affective Violence	Premeditated Violence



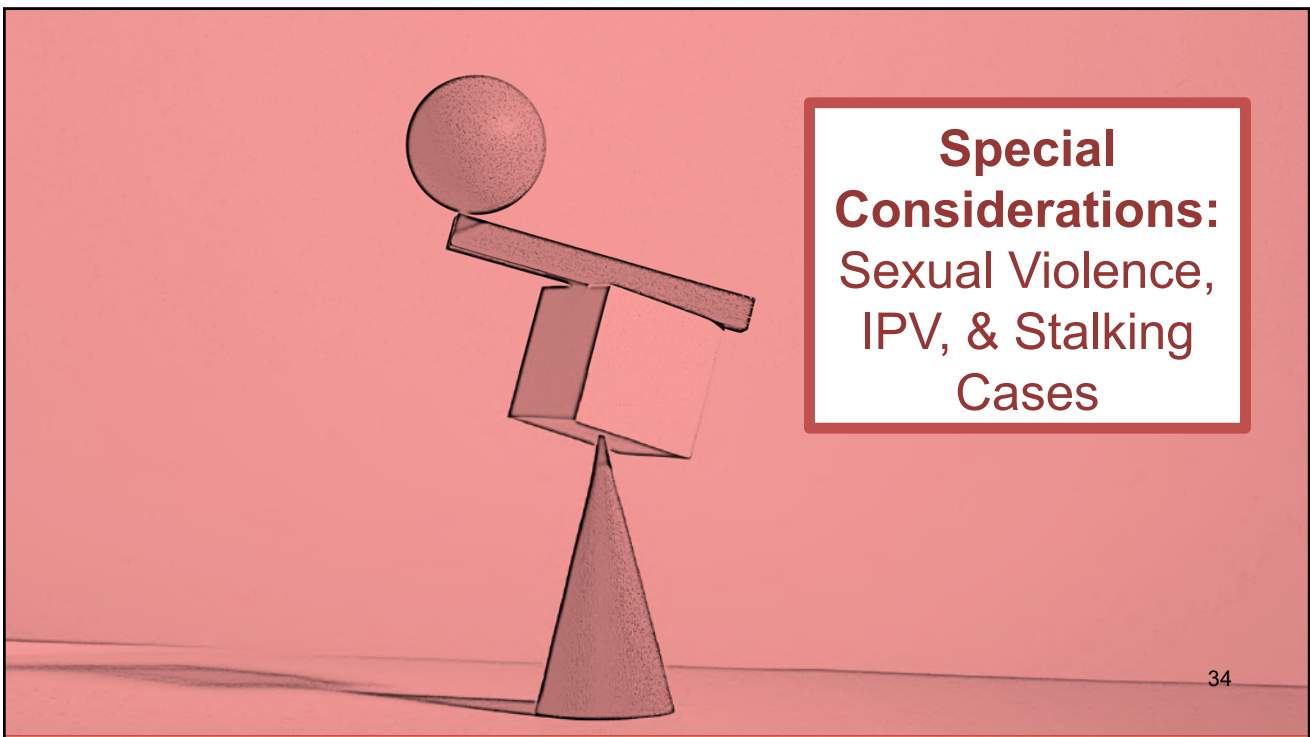
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Determining Predominant Aggressors

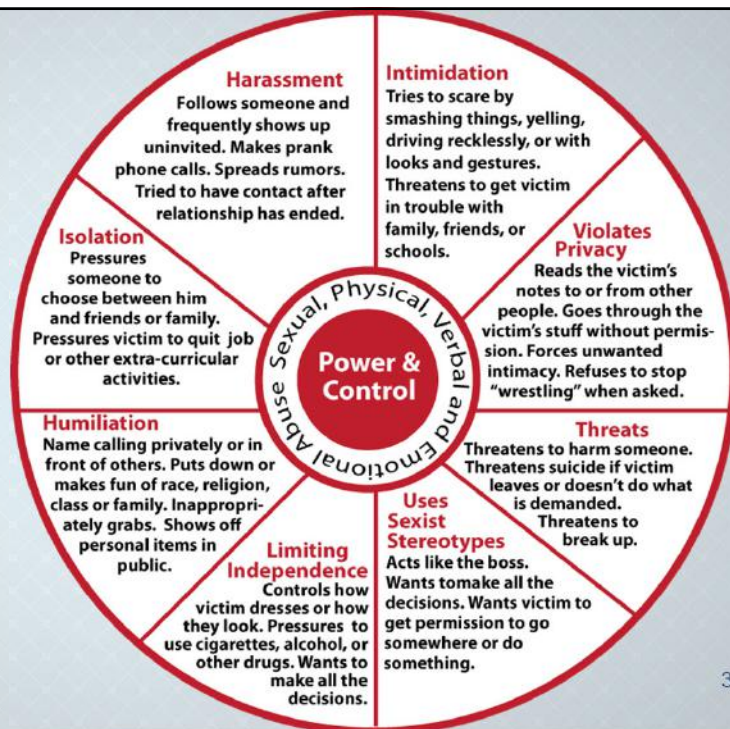
Common Considerations:

- Indicators of **power & control**
- Presence or threat of a **weapon**
- **History** of dating or domestic violence
- Aggressive or hostile **body language**
- Pre-existing **protective orders** or “**no contact**” directives
- Comparative extent of **injury** (if both are injured)
- **Property** damage
- Elements of **fear**



Source:
The National Center for Campus Public Safety

Power & Control Wheel (Examples)



Source: www.alteristic.org





Examples of Predatory Behaviors

- Tests the **boundaries** of the prospective victim.
- Uses **grooming** tactics: Isolation of the prospective victim, trust building, gift giving, have “secrets” between the perpetrator & victim.
- **Plans** and **premeditates** assaults.
- Uses “**psychological**” **weapons** – power, control, manipulation, threats*.
- Uses **alcohol** and/or **drugs** as a weapon to incapacitate a prospective victim.

Note: “Threats” may not be threats of violence

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Warning Signs:
Triage Questions

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Has the person of concern:

- Prevented you from talking to others such as family or friends?
- Listened to your private phone calls or read your email?
- Acted jealous?
- Humiliated you at home or in public?
- Broken your personal belongings or damaged your property?
- Prevented you from leaving or held you against your will?
- Behaved violently or aggressively at home or in public?
- Assaulted your friends or family?
- Been arrested in the past for violence?

Assessing Danger

Example Questions
for the Person
Targeted



Sources: National Center for Campus Public Safety;
Stalkingawareness.org

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Assessing Lethality

Example Questions
for the Person
Targeted

Has the person of concern:

- Have access to a weapon, and/or threatened to use a weapon?
- Threatened to harm or kidnap your children?
- Threatened to kill you, themselves, or others?
- Harmed your pet(s)?
- Been abusing alcohol or drugs?
- Stalked or followed you? Showing up unannounced?
- Forced confrontation(s) with you?
- Forced you or your children to flee in the past?



Sources: National Center for Campus Public Safety;
Stalkingawareness.org

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Crisis Management Tools

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Pre-Crisis Tools

- Expectations of various roles
- Protocols for meetings, referrals, and emergencies
- Phone tree, essential contacts at the ready
- Resource handouts at the ready
- Tissue, water, snacks at the ready

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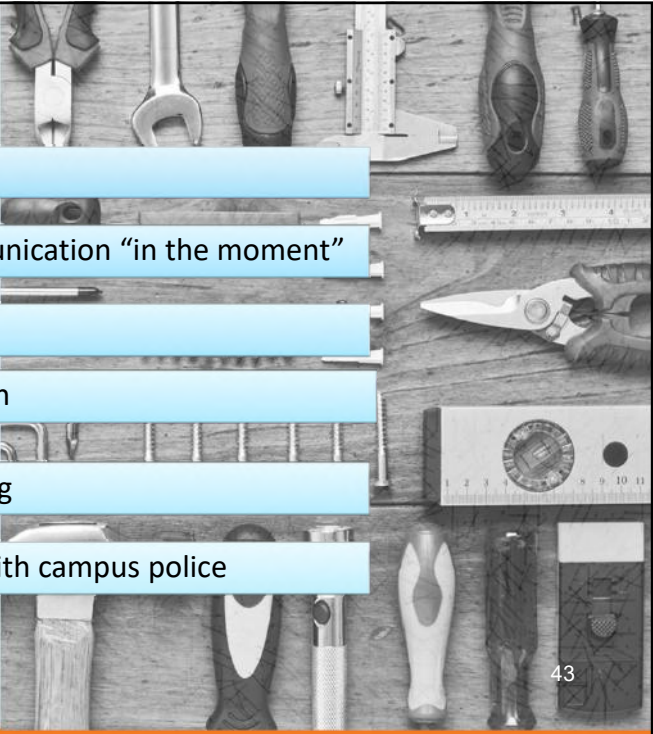


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Pre-Crisis Tools (Cont.)

- Awareness of warning signs
- Strategies for de-escalation & communication “in the moment”
- Role-playing & practice
- Install an emergency “panic” button
- Set-up a close patrol before a meeting
- Office safety walkthrough assessment with campus police



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Initial Assessment of the Situation: Quick Triage

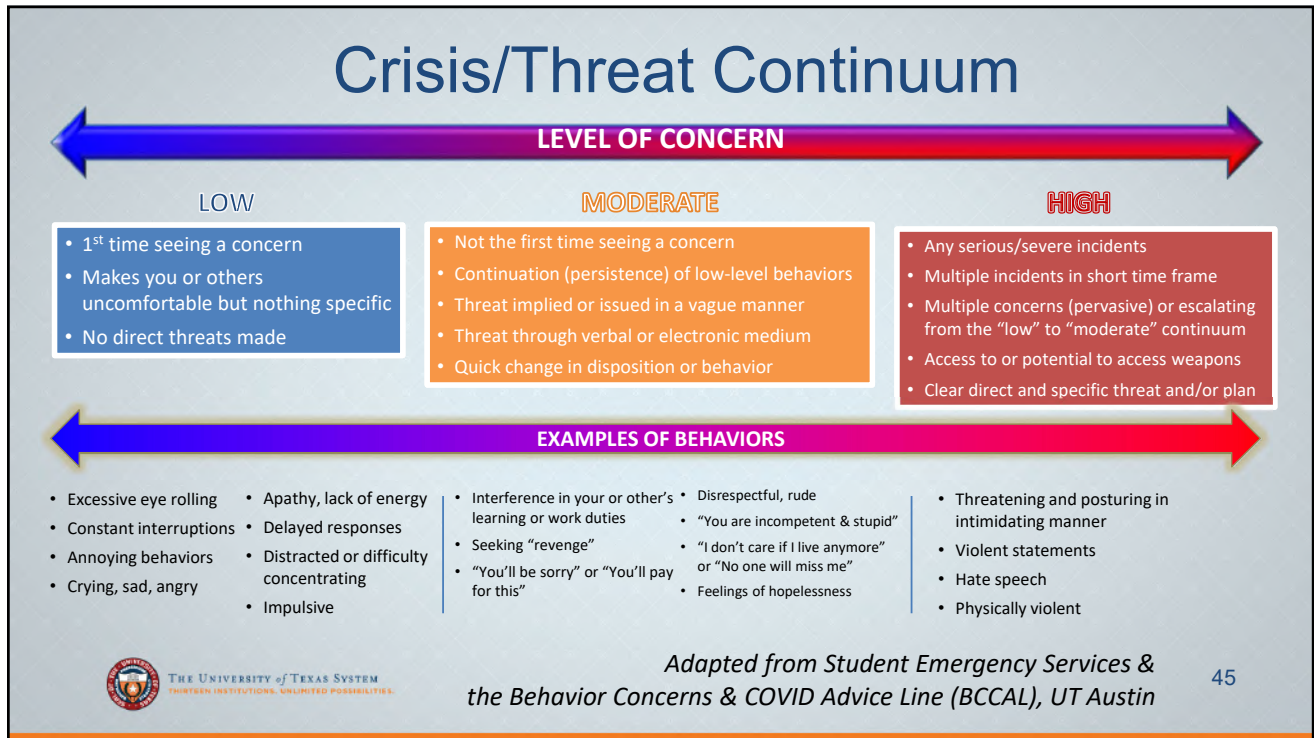
- Current emotional status?
- Current stressors?
- Level of concern/crisis?
- Current options?
- What must be taken care of **NOW**?
- What can be dealt with **LATER**?



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Active Listening

- **Goal:** Sense of feeling heard and understood; may increase cooperation
- Paying attention to the person
- Open-minded & impartial focus
- Nodding, affirmative non-verbals
- Not interrupting
- Open-Ended Phrases
- Clarifying checks:
 - Reflecting
 - Summarizing
 - Restating



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Active Listening: Examples

Type	Example Prompts
Reflecting	<ul style="list-style-type: none"> • “Sounds like you are saying...” • “What I’m hearing is...”
Summarizing or Restating	<ul style="list-style-type: none"> • “Let me summarize to check my understanding... Did I get that right?”
Open-Ended	<ul style="list-style-type: none"> • “Tell me more about...” • “Help me understand...” • “Explain/describe...” • “What do you mean when you say...?” • “[Repeat/rephrase what the other person said]...Is this what you mean?”



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Strategies – In the Moment

LOW LEVEL

De-escalation strategies:

- Active listening techniques
- Acknowledge the behavior, and the impact of the behavior
- Redirect with an alternative directive
- Take a break

MODERATE LEVEL

De-escalation strategies:

- Take a break
- Stop engaging or communicating (“silence” technique)
- Repeat your priority directive and consequences (“broken record” technique)

HIGH LEVEL

Safety strategies:

- Press the emergency “panic” button
- Use “code words” to communicate with staff discretely
- Call 911
- Lockdown the office suite and/or offices

EXAMPLES OF BEHAVIORS

- | | | | | |
|---|--|--|--|---|
| <ul style="list-style-type: none"> • Excessive eye rolling • Constant interruptions • Annoying behaviors • Crying, sad, angry | <ul style="list-style-type: none"> • Apathy, lack of energy • Delayed responses • Distracted or difficulty concentrating • Impulsive | <ul style="list-style-type: none"> • Interference in your or other’s learning or work duties • Seeking “revenge” • “You’ll be sorry” or “You’ll pay for this” | <ul style="list-style-type: none"> • Disrespectful, rude • “You are incompetent & stupid” • “I don’t care if I live anymore” or “No one will miss me” • Feelings of hopelessness | <ul style="list-style-type: none"> • Threatening and posturing in intimidating manner • Violent statements • Hate speech • Physically violent |
|---|--|--|--|---|



Practice Scenarios



Support & Resources for YOU

- Your Supervisor and/or Human Resources (HR)
- Employee Assistance Program (EAP)
- Behavior Intervention Team (BIT)
- Dean of Students Office
- Campus Police & Victim Services
- Ombuds Office
- Legal Affairs
- Off Campus Medical and/or Mental Health Providers
- Others?



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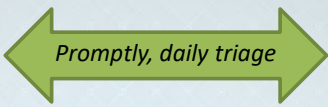
Title/BIT Reporting & Interventions

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Title IX & BIT Reporting - What & When?

Title IX Office




BIT

Title IX Office should receive information about:

- Information or disclosure of sexual violence, sexual assault, dating violence, domestic violence, stalking, or other sexual misconduct cases
- Signs of possible 'abusive' relationship
- Power and control behaviors, predatory behaviors relating to sexual violence, sexual assault, dating violence, domestic violence, stalking cases
- Threats of violence/harm, homicidal threats

BIT should receive information about:

- Information or disclosure of wellness issues or basic needs not met
- Personal impacts: decline in academics or mental health, financial instability, unsafe housing
- Self-harm, suicidal ideation, or suicide attempts
- Disruptions, interruptions, or "acting out" in learning or working environments
- Signs of possible 'abusive' relationship
- Power and control behaviors, predatory behaviors relating to sexual violence, sexual assault, dating violence, domestic violence, stalking cases
- Threats of violence/harm, homicidal threats



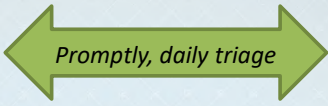
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Title IX & BIT Reporting & Communications How?


Title IX Office




BIT









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Title IX & BIT Example Interventions

Title IX

- Outreach to CP (victim/survivor) or RP (alleged of a policy violation)
- Coordinate supportive measures for CP or RP
- Safety planning options
- Sexual Misconduct Grievance Process
 - Formal grievance process
 - Informal resolution process (if available)
- Refer for Interim Action considerations: Emergency Removal (Dean of Students) or Admin Leave (Provost or HR)
- Refer to BIT (wellness or safety concerns)
- Collaborate with BIT
- Call police for emergency welfare check, close patrol, or back-up
- Others?

BIT

- Outreach to the person of concern
- Wellness meeting w/ person of concern
- Warm referrals to resources or support services
- Coordinate resources & support services
- Data mining & collaboration with w/ key campus stakeholders (advisors, faculty, supervisors, DOS, etc.)
- Contact emergency contact(s) listed
- Refer to Title IX (TIX reportable information known)
- Refer for Disciplinary Review/Action (including Interim Action considerations)
- Collaborate with Title IX
- Call police for emergency welfare check, close patrol, or back-up
- Others?

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Best Practices for Title IX & BIT's

- Collaboration
- Partnerships
- Open Communication Pathways
- Resource Sharing
- Continuing Professional Development & Inter-Relationship Building
- Collective Problem-Solving
- Open to Constructive Disagreements
- Transformational Relationships & Goals
- Holistic Focus
- Documentation

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Documentation & Record Keeping: TIX & BIT's

When disclosing information under FERPA's "health or safety emergency" exception, document the following:

- What is the **significant threat** to the health or safety of a student or other individual(s) that formed the **basis of the discloser**?
 - To **whom, when, what, and how** the information was disclosed?
 - What is the **legitimate educational interest** in the behavior of the student?
- Intake & Initial Triage
- Case Management Timelines, Decisions & Interventions
- Contact & Communications
- Data Systems for Electronic & Hard Copy Records



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Bottom
Line for
Institutions

- Utilize the **Title IX Office, Behavior Intervention Teams (BIT's)**, and **threat assessment tools** to mitigate institutional risks and address campus safety
- Establish & maintain a **communication plan** to key partners
- Know WHO is making the **key decisions**
- Be **consistent** with communication & decision-making
- Refer to **case precedent** (e.g. similar fact or elements)
- Follow your **policy** and **process**
- **Document** accordingly



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Q & A

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Contact Information

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