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

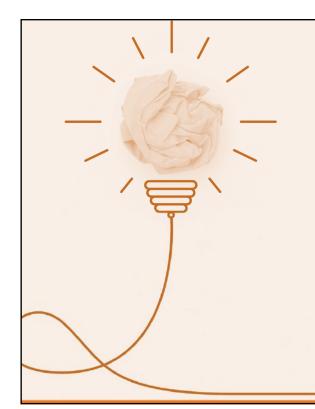
Krista Anderson, Systemwide Title IX Coordinator

Spring 2022



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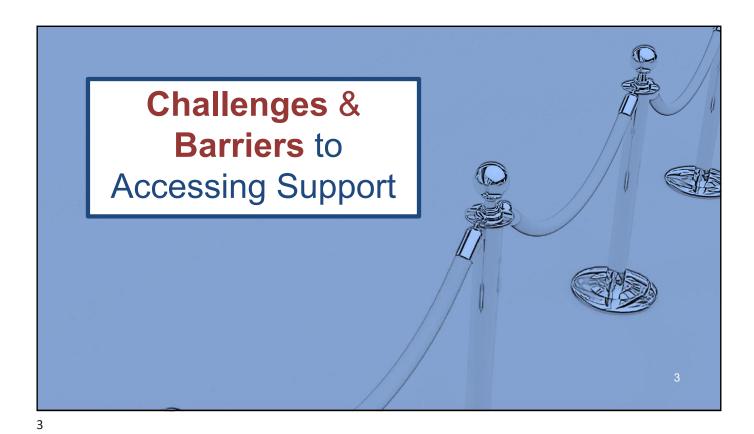
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## Agenda

- Challenges & Barriers to Accessing Support
- 2. Triage & Case Mgt
- 3. Threat Assessment Tools
- 4. Crisis Mgt Tools & Examples
- Title IX & Behavior Intervention Teams: Reporting & Interventions
- Documentation & Record Keeping

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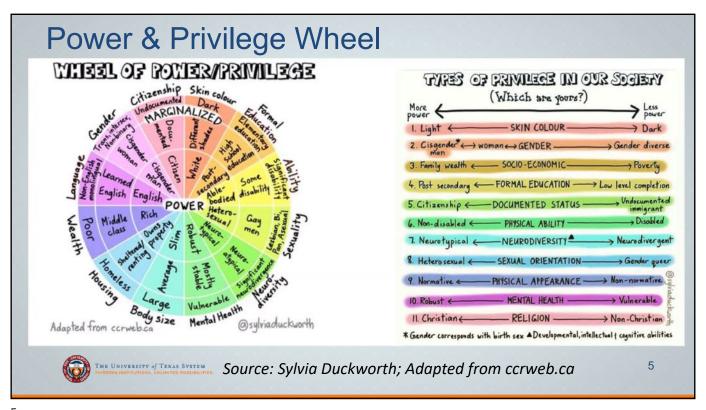
Intersectionality:

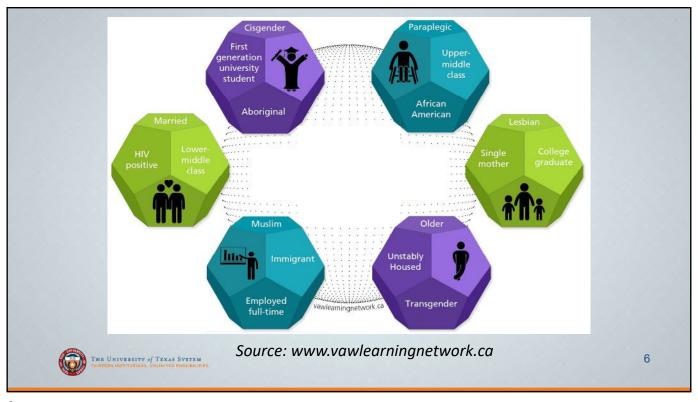
Interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group.

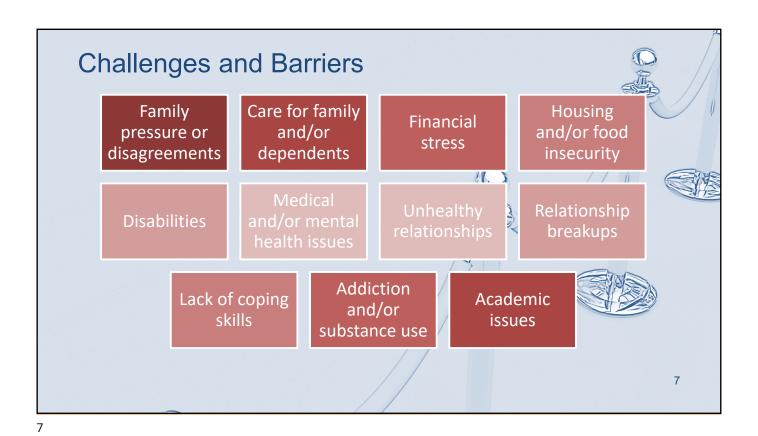
Creates overlapping and independent systems of discrimination and disadvantage.



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







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:

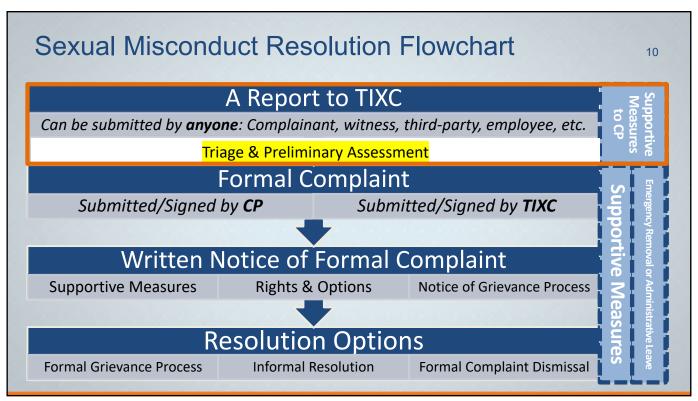
Tell someone or report an incident

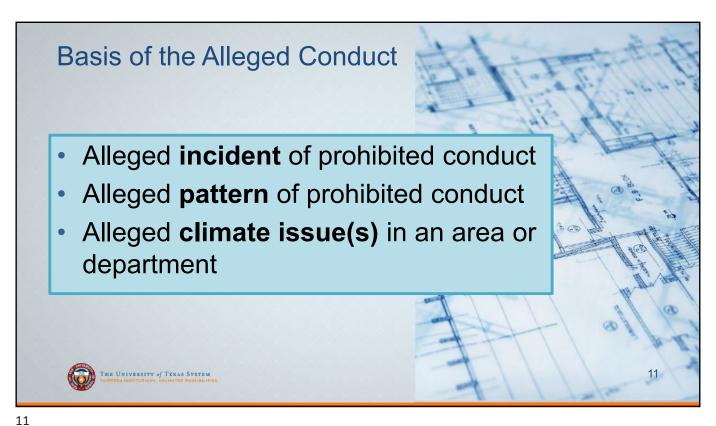
End or continue an unhealthy or abusive relationship

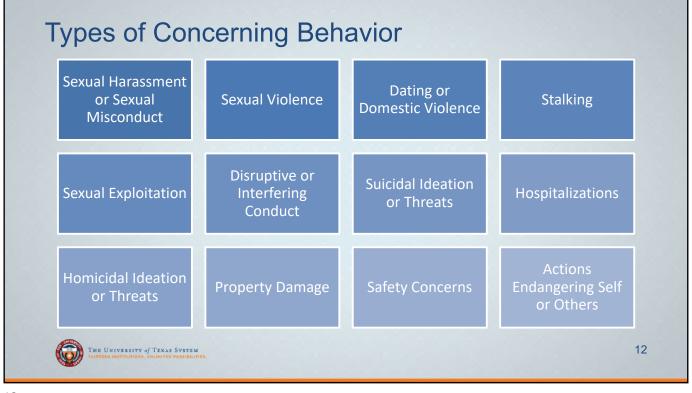
Get help or support

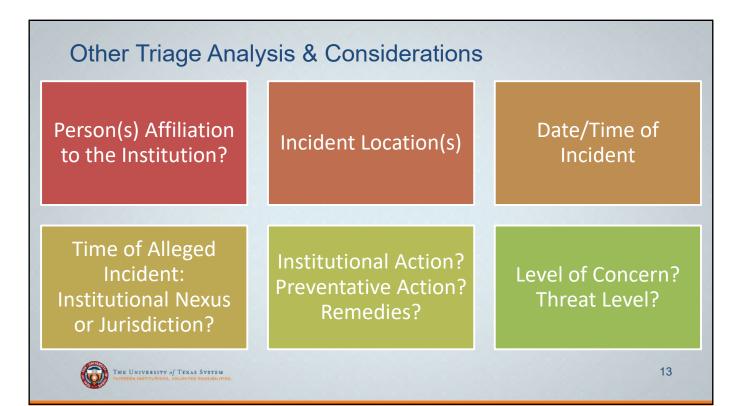
Has the person received support from family and friends throughout the process? What does "being supported" look like for each person?





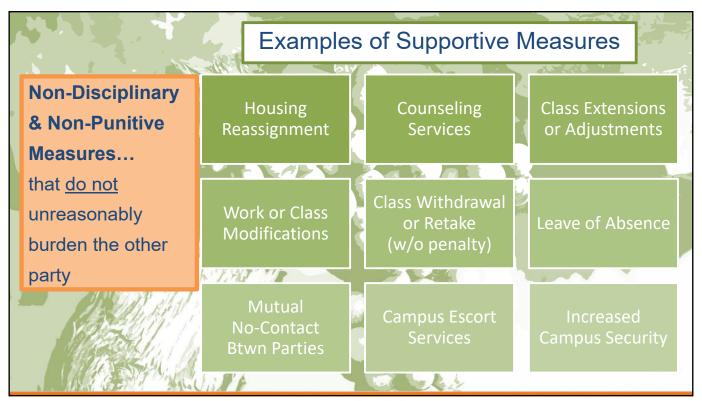


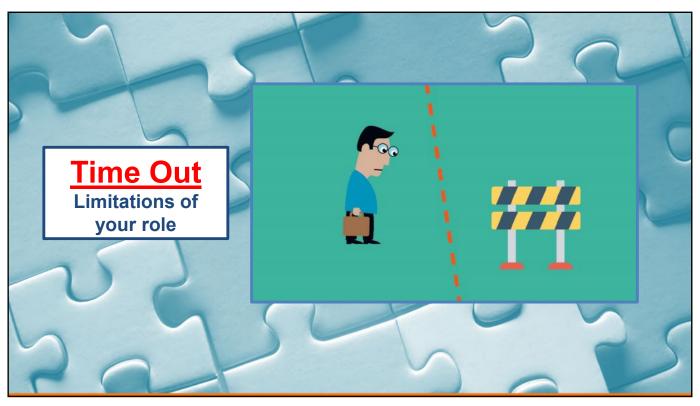




Other Required Action?	
Type of Concern	Action
Non-emergency behavioral or wellness issues(s)	Refer to Behavior Intervention Team (BIT) or campus equivalent
Immediate safety concerns (emergencies) or welfare check required	Report immediately to 911
Clery reportable crimes that meet Clery geography requirements and/or timely warning requirements	<u>Timely Warnings</u> : Report immediately to campus law enforcement <u>Clery Crime Reporting</u> : 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



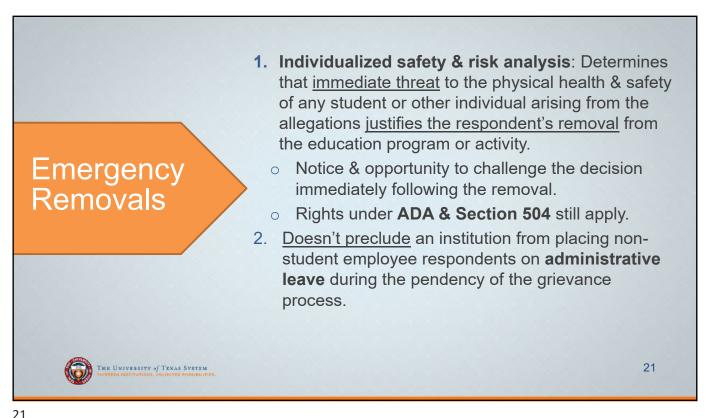




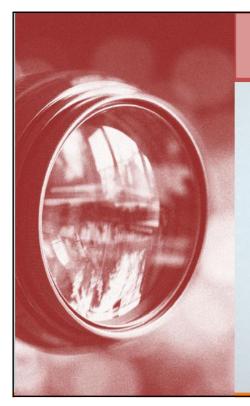




Sexual Misconduct Resolution Flowchart 20 A Report to TIXC Can be submitted by **anyone**: Complainant, witness, third-party, employee, etc. Triage & Preliminary Assessment **Formal Complaint** Submitted/Signed by CP Submitted/Signed by TIXC Written Notice of Formal Complaint **Rights & Options** Supportive Measures **Notice of Grievance Process Resolution Options Formal Grievance Process Informal Resolution** Formal Complaint Dismissal







## 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 <u>objective test</u> to denote a hypothetical person who exercises average care, skill, and judgment in conduct <u>under similar circumstances</u> 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

- Direct communicated threat?
- 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?

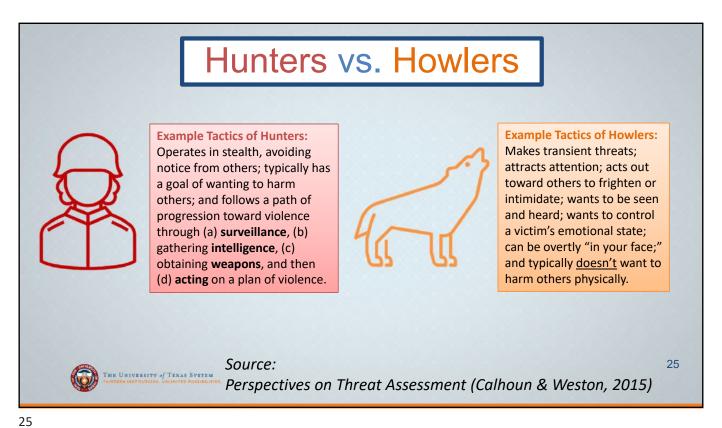
**Purpose**: Understand, contextualize, assess, examine, qualify... macro-analysis...

What is the level of concern/threat?

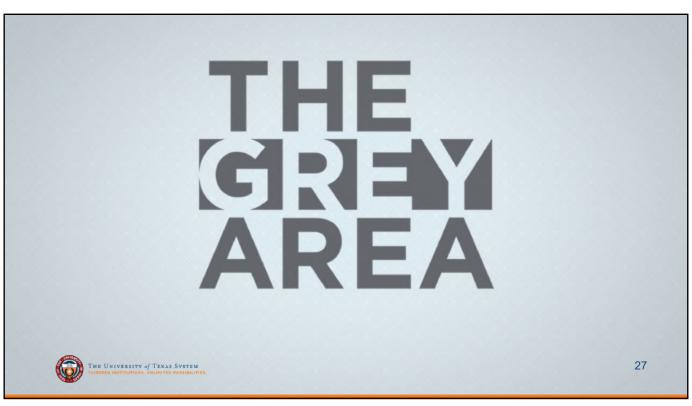


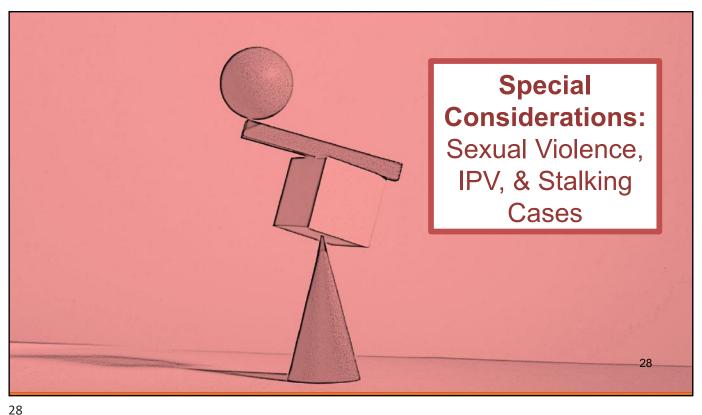
- 7. The specific target has been described negatively in writing by the person of concern?
- 8. "Leakage" concerning a potential action plan?
- 9. Current suicidal thoughts, ideations, and/or plan to die?
- 10. Talks about being persecuted or treated unjustly?
- 11. Engaged in "last acts" behaviors?
- 12. Confused, odd, or troubling thoughts; may hear voices or see things that are not there?

Source: SIVRA-35, NaBITA



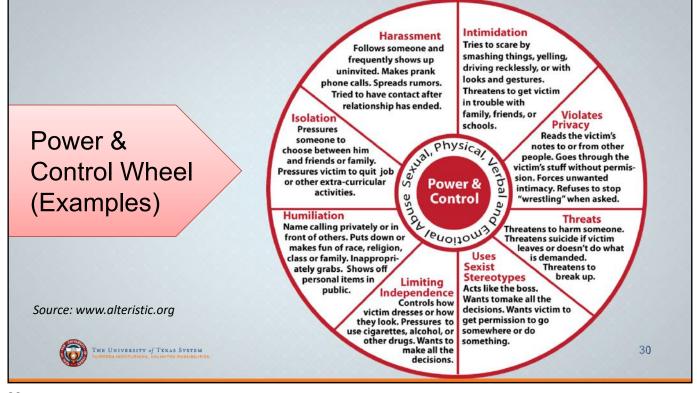
Transient vs. Substantive Threats **Transient Threat Substantive Threat** Statements that do not express Statements that express a credible and/or continuing threat to harm themselves or someone else. a lasting intent to harm themselves or someone else. Impulsive, reactive, Long-term feelings Figure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





#### **Common Considerations:** Indicators of power & control Presence or threat of a weapon History of dating or domestic violence **Determining** Aggressive or hostile body language **Predominant** Pre-existing protective orders or "no Aggressors contact" directives Comparative extent of injury (if both are injured) **Property** damage Elements of fear Source: 29 THE UNIVERSITY of TEXAS SYSTEM The National Center for Campus Public Safety

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## 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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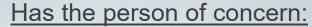
#### **Examples of Psychological Manipulation** 32 **Example Statements** Type of Response I <u>never</u> said/did that. That didn't happen. [or] That's not what happened. Dismissive Your memory is bad. I have no idea what you are talking about. I don't remember it that way. Minimizing It's only a joke. [or] It's not that bad. Nobody got hurt. We're just having fun. What's the big deal? This wasn't ever an issue before now. That's not how things used to be. Rationalizing No one else is saying anything. I said/did \_\_\_\_\_ because \_ or Making I didn't even know I did anything. Others, even you, do the same thing too. **Excuses** I didn't mean it like that. Attacking or You're too sensitive. [or] You're overreacting. It's your fault because \_ You're petty. [or] You're jealous. What about when you said/did \_\_\_\_? **Defensive** You are taking it the wrong way. Why are you so emotional? You think you are better than everyone else. You're letting your emotions get the better of you. You can't take a joke. Who told you that? What did they say? This is why nobody likes you. What do you have to back that up?



Has the person of concern: Prevented you from talking to others such as family or friends? Assessing Listened to your private phone calls or read your email? Acted jealous? **Danger** Humiliated you at home or in public? Broken your personal belongings or damaged your property? **Example Questions** Prevented you from leaving or held you against your will? for the Person Behaved violently or aggressively at home or in public? **Targeted** Assaulted your friends or family? Been arrested in the past for violence? Sources: National Center for Campus Public Safety; 34 Stalkingawareness.org

## Assessing Lethality

Example Questions for the Person Targeted



- 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?

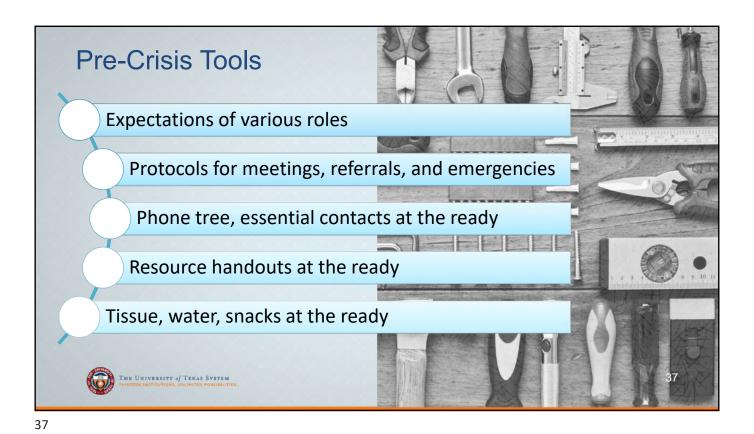


Sources: National Center for Campus Public Safety; Stalkingawareness.org

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Awareness of warning signs

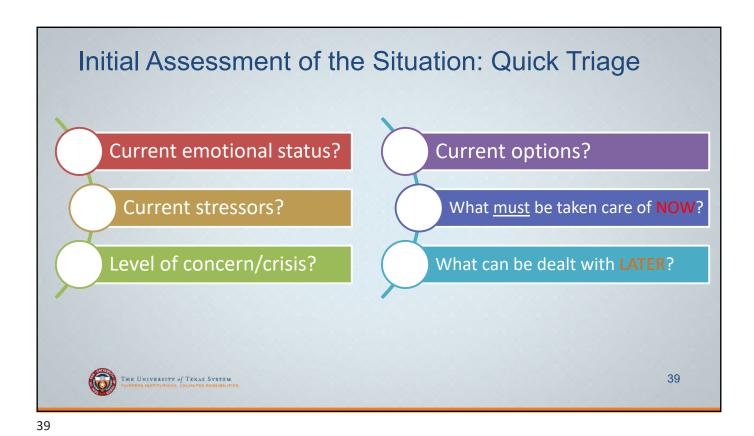
Strategies for de-escalation & communication "in the moment"

Role-playing & practice

Install an emergency "panic" button

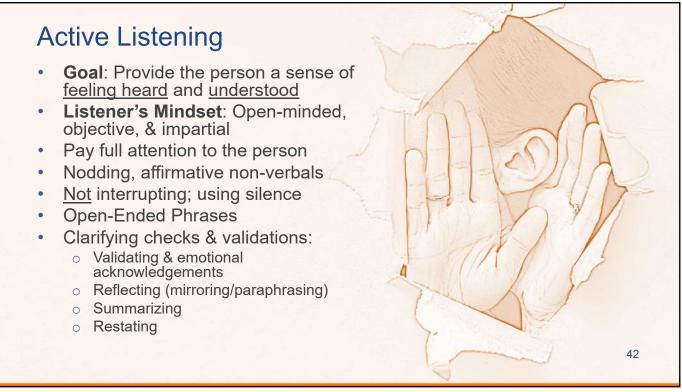
Set-up a close patrol before a meeting

Office safety walkthrough assessment with campus police



Crisis/Threat Continuum **LEVEL OF CONCERN** LOW **MODERATE** 1st time seeing a concern Any serious/severe incidents Makes you or others Multiple incidents in short time frame uncomfortable but nothing specific Multiple concerns (pervasive) or escalating from the "low" to "moderate" continuum No direct threats made Access to or potential to access weapons Clear direct and specific threat and/or plan **EXAMPLES OF BEHAVIORS** Excessive eye rolling · Apathy, lack of energy Interference in your or other's • Disrespectful, rude Threatening and posturing in learning or work duties • "You are incompetent & stupid" intimidating manner • Constant interruptions • Delayed responses • "I don't care if I live anymore" Seeking "revenge" · Violent statements · Distracted or difficulty Annoying behaviors concentrating Hate speech · Crying, sad, angry for this" · Feelings of hopelessness Impulsive · Physically violent Adapted from Student Emergency Services & 40 THE UNIVERSITY OF TEXAS SYSTEM the Behavior Concerns & COVID Advice Line (BCCAL), UT Austin





Active Listening: Examples 43		
Туре	Example Prompts	
Validating	• "That sounds difficult."	• "It's <u>okay</u> to feel upset."
Emotional Acknowledge- ments	• "You seem <u>disappointed</u> right now."	• "Having to consider different options can be <u>stressful</u> to navigate."
Reflecting	• "What I'm hearing is"	• "Sounds like you are saying"
Summarizing or Restating	<ul> <li>"Let me summarize to check my understanding [Repeat back] Did I get that right?</li> </ul>	<ul> <li>"[Repeat/rephrase what the other person said]Is this what you mean?"</li> </ul>
Open-Ended Phrases	<ul><li> "Tell me more about"</li><li> "Explain/describe"</li></ul>	<ul><li> "What do you mean when you say?"</li><li> "Help me understand"</li></ul>
Affirmative Comm	• "Yes" • "I see."	<ul><li> "Go on."</li><li> "Right."</li></ul>



# Motivational Interviewing: De-escalation Tool

- **Goal**: Provides an avenue for someone to take action for changing behavior
- · Conduct-specific focus
- The person is interested in the <u>need</u> for change
- Organize a <u>plan</u> & <u>actionable pathway</u> for change
- Facilitator uses <u>Active Listening</u> skills:
  - Validating & emotional acknowledgements
  - o Reflecting (mirroring/paraphrasing)
  - Summarizing
  - Restating
- Avoid conflicts and stay solution-focused

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## Motivational Interviewing: Crisis Mgt Example Prompts

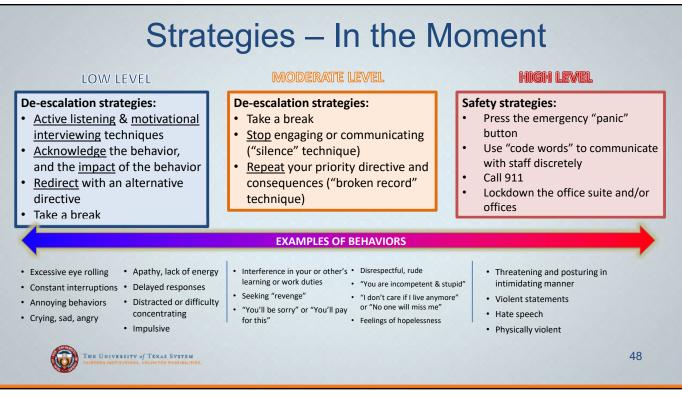
Purpose	Example Prompts
Draw out ideas	<ul> <li>"What are <u>your</u> thoughts/feelings about the situation?"</li> <li>"What was <u>your</u> thought process at the time?"</li> <li>"Who has been affected by <u>your</u> conduct?"</li> <li>"How did <u>your</u> actions impact others?"</li> <li>"What do <u>you</u> think about?"</li> </ul>
Be open to <u>all</u> types of responses	<ul> <li>"How would <u>you</u> like to proceed?"</li> <li>"What are some applicable takeaways that <u>you</u> can learn and grow from this experience?"</li> <li>"The decision to accept or not accept certain terms or remedies is up to <u>you</u>."</li> <li>"What do <u>you</u> think might be getting in the way of <u>you</u> doing things differently in the future?"</li> </ul>

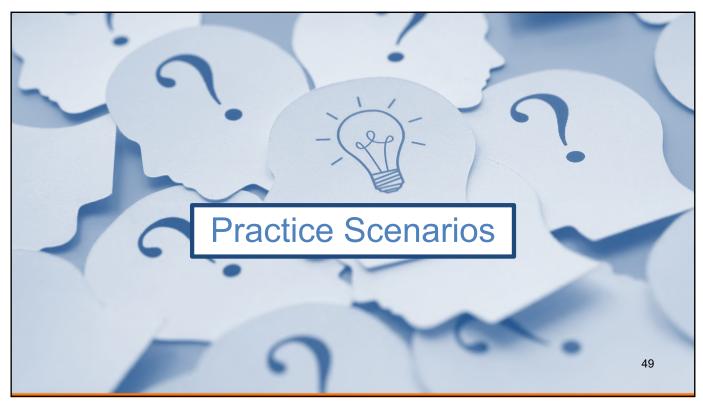
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## Motivational Interviewing: Other Considerations

- Be mindful of the person's <u>desire</u>, <u>ability</u>, <u>reasons</u>, and/or <u>needs</u> to change one's own behavior, mindset, or attitude on the subject matter.
- Tailor facilitation prompts or responses based on the person's <u>interest</u> to changing one's own behavior.
- Acknowledge the person's concerns, emotions, and needs.

#### Motivational Interviewing: Refocusing Conversations **Purpose Example Prompts** If the person doesn't Rephrase the prompt again. • Acknowledge the shift: "It seems like the discussion is evolving to respond to the \_\_\_\_\_, but we started off exploring \_\_\_\_\_." relevant prompts... • Acknowledge the concern & attempt to finish the initial discussion If the person makes first: "I want to talk about that, but let's first finish addressing an argument about a different topic... • It might be to vent or release some tension. If the person Prompt the person to discuss what's on their mind. attempts to change Then, use active listening to acknowledge the person's current the subject... concerns, emotions, and/or needs. • Try to <u>link</u> the person's concerns with the initial discussion topic. 47





#### Scenario 1:

You send a student/employee an email with information regarding official university business. Then, you receive an email response within 5 minutes of sending, and the person says "this is f\*cking ridiculos...i cant belive u spend uur tim harasssing ppl like this".

How would you potentially respond? (Select all that may apply.)



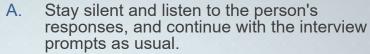
- A. Refer the person's behavior to the Student Conduct Office (if student) or Human Resources (if employee).
- B. Respond via email with professional tone, explaining the person's options for responding to the email, providing resources and "what to expect", and offering to answer questions.
- C. Call the person to check-in and attempt to deescalate through dialogue, listening, and adjusting strategy depending on the person's responses.
- D. None of the above

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#### Scenario 2:

You are meeting with a student/employee, and while you are asking a question, they interrupt you and starts answering. You ask another question; they jump in again. They are sitting on the edge of the chair, knee bouncing.

How would you potentially respond? (Select all that may apply.)



- B. End the meeting, and reschedule for another day.
- C. Ask if they are feeling nervous, and provide coping strategies for alleviating anxiety.
- D. Continue with the interview, but check-in with the person intermittently, acknowledge the nervous behaviors, and see if they would like to take a break.
- E. Provide campus and community resources to the person, and make referral directly to the applicable office(s), if appropriate.
- F. None of the above



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Scenario 3:

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During a meeting with a student/employee, they share that "nobody would notice if I didn't show up tomorrow," and is feeling "lost" and "confused." They have also talked about having depression.

How would you potentially respond? (Select all that may apply.)

- A. Ask if they are thinking about suicide.
- B. Wrap-up the meeting, and offer to walk the person to the Counseling Center (if student) or Employee Assistance Program (if employee) for a walk-in appointment.
- C. Call the Dean of Students (if student) or Human Resources (if employee) for a welfare (BIT) referral or case manager referral.
- D. Call the person's emergency contact.
- E. Call 911
- F. None of the above



#### Scenario 4:

During a meeting with a student/employee, after you ask a question, they raise their voice at you and start to answer defensively. Then, the person stands up toward you while continuing to talk loudly.

How would you potentially respond? (Select all that may apply.)

- A. Press the emergency "panic" button discretely.
- B. Excuse yourself from the meeting, walk out, and get the office manager or coworker for assistance.
- C. In a calm, steady tone, verbally direct the person to sit down and motion with our hand toward the person's chair. You remain seated. Repeat the directive, as needed.
- D. Answer C, but stand to make better eye contact with the person.
- E. None of the above



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#### Scenario 5:

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This student/employee has a known history of intimidation and disrespect. During a phone call, the person says you are "dumb," "sexist" and "bias in this process." The person says they are reporting you to OCR, EEOC, and UT System, and they will be filing a lawsuit against you.

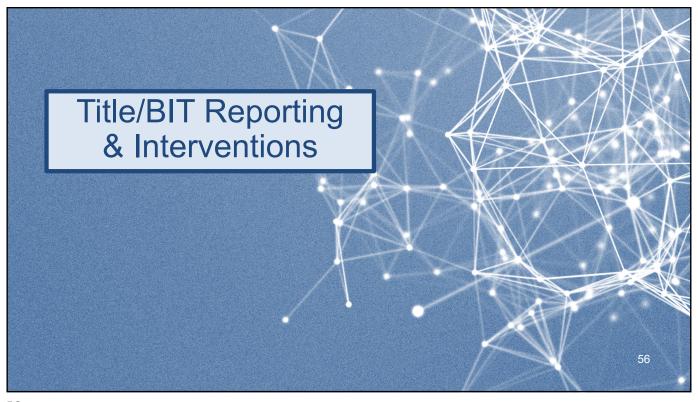
How do you potentially respond? (Select all that may apply.)

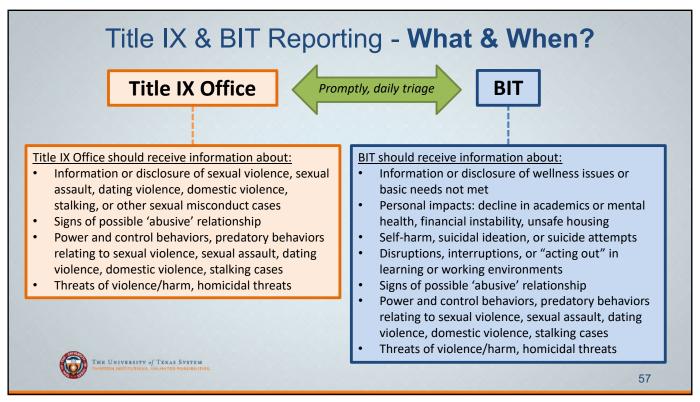


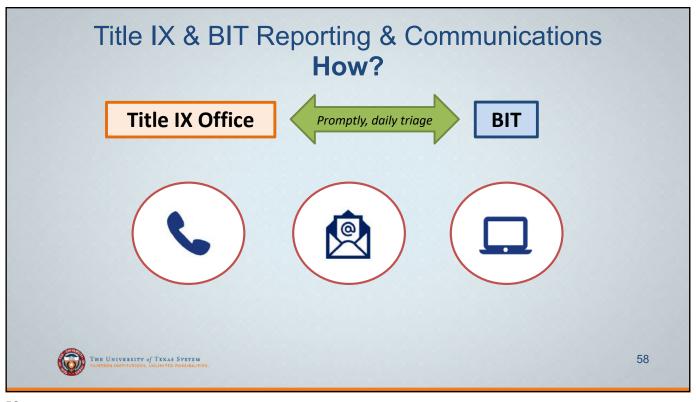
- A. End the phone call immediately.
- B. Repeat the original purpose and/or the substantive information that needs to be delivered via the phone call.
- C. Document the dialogue of the phone call, your responses, and any exact quotes of statements you can recall.
- D. Notify your supervisor of the phone call, and then Legal Affairs.
- E. None of the above

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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?

- 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
- Refer for a No Trespass Directive (non-affiliated visitors)
- Others?

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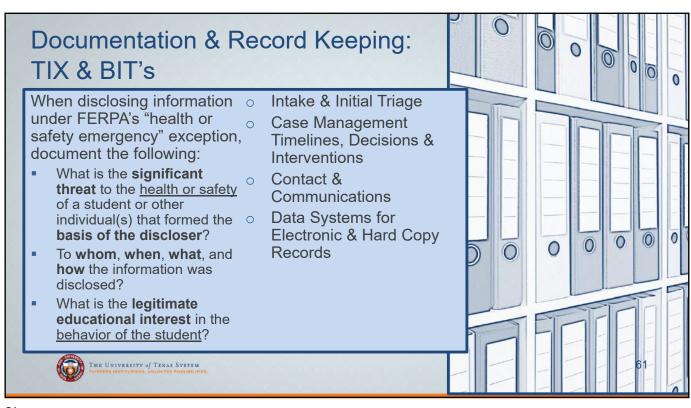
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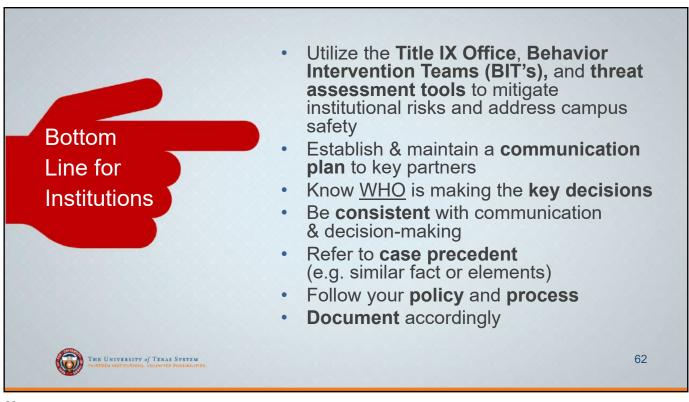
#### Best Practices for Title IX & BIT's

- 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









# Contact Information Krista Anderson Sean Flammer Systemwide Title IX Coordinator Assistant General Counsel

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